CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER

VOLUME: 39

ISSUES: 107-116
pages 19437-20950

DATE June 3-14, 1974
Reel 10 of 20

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Xerox University Microfilms, Ann Arbor, Michigan

MICROFILMED — 1975

VOL 39

federal register index

June 1974

Volume 39–Numbers 107–126

Pages 19437–24210

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1973 Annual List of Sections Affected before beginning with step 1 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
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Inquiries concerning this and other publications of the office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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19.2	*(o) amended	24000
19.3	*Amended	24000
19.4	*(a), (b), (d), (f), and (g) amended	24000
19.6	*(b) amended	24000
19.7	*Amended	24000
19.8	*Amended	24000
19.9	*Amended	24000
19.10	*Heading amended	23999
	*Introductory text, (a), (b) (1) and (2) amended	24000
19.11	*(a) amended	24000
19.12	*(a), (b), (c), and (d) amended	24000
19.13	*Introductory text, (a), (b), and (c) amended	24000
20.0	*Amended	24000
20.1	*(c) amended	24000
20.2	*(a), (b), and (d) amended	24000
20.3	*Amended	24000
20.4	*(j) amended	24000
20.5	*(a), (b), (c), (e) and (f) amended	24000
20.8	*(a) and (b) amended	24000
20.9	*(e)(1) and (3) amended	24000
20.11	*Heading, introductory text, (a), (b)(1) and (2) amended	24000
20.12	*(a) amended	24000
20.13	*Introductory text, (a), (b), and (c) amended	24000
20.14	*Introductory text, (b) and (c) amended	24000
21.0	*Amended	24000
21.1	*(b) amended	24000
21.2	*(a) and (b) amended	24000
21.3	*(j) amended	24000
21.4	*Amended	24000
21.5	*(a), (b), and (c) amended	24000
21.7	*Heading, introductory text, (a), (b)(1) and (2) amended	24000
21.8	*(a) amended	24000
21.9	*(a), (b), and (c) amended	24000
	*Amended	24001
21.10	*Introductory text and (b) amended	24000
	*(a) and (c) amended	24001
22.0	* Amended	24001
22.1	*(b) amended	24001
22.2	*(c) amended	24001
22.3	*(j) amended	24001
22.4	*Amended	24001
22.5	*(a), (b), (c) amended	24001
22.7	*(c) and (d) amended	24001
22.8	*Heading, introductory text, (a), and (b) amended	24001
22.9	*Amended	24001
22.10	*(a)(1) and (2), (b), (c), and (d) amended	24001
22.11	*Introductory text, (a), (b), and (c) amended	24001
23.1	*(b) amended	24001
23.2	*(a), (b), and (d) amended; (g) added	24001
23.3	*Amended	24001
23.4	*(g) amended	24001
23.5	*(a), (b), (c), (e), and (f) amended	24001

Note: Asterisk (*) identifies changes published in 1974.

		Page
23.7	*(e) amended	24001
23.9	*(e) amended	24001
23.10	*Heading, introductory text (a), and (b) amended	24001
23.11	* Amended	24001
23.12	* (a)(1) and (2), (b), and (c) amended	24001
23.13	*Amended	24001
23.14	*Introductory text, (a), (b), and (c) amended	24001
24.0	*(c) and (d) amended; (e) added	24001
24.1	*(i) amended	24001
24.2	*Amended	24002
24.3	*(f) amended	24001
	*(a), (b), (d), and (g) amended	24002
24.5	*Heading, introductory text, and (b) amended	24001
24.6	*Amended	24001
24.7	*(b) and (c) amended	24001
	*(a) amended	24002
24.8	*Amended	24001
24.9	*Introductory text, (b), and (c) amended	24001
	*(a) amended	24002
25.2	*(b) and (f) amended	24002
25.3	*Amended	24002
25.4	*(j) amended	24002
25.5	*Amended	24002
25.6	*(a) and (b) amended	24002
25.7	*(a), (d), and (l) amended	24002
25.9	*(a) amended	24002
25.10	*(a) and (c) amended	24002
25.11	* (a) and (b) amended	24002
25.12	*Introductory text and (b) amended	24002
25.13	*Amended	24002
25.21	*(a) amended	24002
25.26	*(a) amended	24002
26.2	*(b) and (c) amended; (p) revised	24002
26.3	*Amended	24002
26.5	*Amended	24002
26.6	*(k) revised	24002
26.7	*Amended	24002
26.8	*(a) and (b) amended	24002
26.9	*(a) and (b) amended	24002
26.13	*(a) amended	24002
26.14	*Amended	24002
26.15	*(a) and (b) amended	24002
26.16	*(a) and (b) amended	24002
26.17	*(a) and (b) amended	24002
26.18	*(a) amended	24002
26.19	* Introductory text and (b) amended	24002
26.20	*Amended	24002
27.2	*(a) revised; (h), (k), and (n) amended	24003
27.3	*Amended	24003
27.4	*(a), (c), (d), and (e) amended	24003
27.5	*(a) amended	24003
27.6	*Amended	24003
27.7	*Amended	24003
27.8	*(h) and closing text amended	24003
27.10	*Introductory text, (a), (b), and (c) amended	24003
27.11	*Introductory text, (b), and (c) amended	24003
27.12	*Amended	24003
27.20	*(a), (f), and (f) note amended	24003
27.21	*(d), (e), and (f) amended	24003
27.22	*(c) amended	24003
27.30	*Amended	24003
27.31	*Amended	24003
27.32	*(a)(1) footnote and (4) and (b) amended	24003
27.33	*Amended	24003
27.35	*Amended	24003
27.36	*Amended	24003
27.38	*Amended	24003
27.39	*Amended	24003
28.4	*(b) and (d) amended	24003
28.10	*(c) through (g) amended	24003
28.20	*(a) and (b) amended	24003
28.21	*(d) amended	24003
28.22	*(a) and (c) amended	24003
28.23	*(a), (b), (c), (e), (g), and (h) amended	24003
28.24	*Amended	24003
28.25	*(a) and (c) amended	24003
28.30	*Amended	24003
28.31	*(b) amended	24003
28.32	* Heading, (a), (b), and (c) amended	24003
28.33	*Heading, (a), and (b) amended	24003
28.40	*(a), (b), and (d) amended	24003
29.4	*(b) amended; (l) added	24003
29.10	*(a) amended	24003
	*(b), (c), and (d) amended	24004
29.12	*(c) and (d) amended	24003
	*(a) amended	24004
29.20	*Amended	24003
29.21	*(a), (b), (c), and (d) amended	24003

Note: Asterisk (*) identifies changes published in 1974.

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29.30	*(a) and (b) amended	24003
29.31	*(e) amended	24003
29.32	*(a) and (c) amended	24003
29.33	*(a), (c), (e), and (f) amended	24003
	*(b) amended	24004
29.34	*Amended	24003
29.35	*(a), (d), and (e) amended	24003
29.36	*Amended	24004
29.40	*Amended	24003
29.41	*(i) amended	24003
	*(b) amended	24004
29.42	*Heading, (a), (b), and (c) amended	24003
29.43	*Heading, (b), and (c) amended	24003
29.50	*(a) and (b) amended	24003
29.51	*Amended	24003
29.52	*(a) amended	24004
29.53	*(a), (b), and (c) amended	24003
29.54	*(b) and (c) amended	24003
29.55	*Heading, (b), (d), and (e) amended	24003
	*(a) and (c) amended	24004
29.56	*(a) and (b) amended	24003
29.61	*(e) and (f) amended	24003
29.70	*(c) and (d) amended	24003
31.2	*(a), (b), (d), (g), and (j) amended; (k) added	24004
31.3	*(b), (c) note, (d)(1) and (3), (e) through (h), and (j) amended	24004
31.4	*(a) and (i)(6)(i) and (7)(v) amended	24004
31.5	*(a) introductory text, (a)(4)(vi), (5)(vii), (6)(iii) and (iv), (b)(1), (2)(ii), (3), (4), and (5) amended	24004
31.6	*(a)(1), (2), and (4), (b)(1) and (2), and (c)(1) and (2) amended	24004
31.7	*Amended	24004
31.8	* Introductory text and (a), (b), and (c) amended	24004
31.9	*Introductory text and (b)(2)(ii) and (iv), (3)(i), and (4)(i) amended	24004
31.10	*Amended	24004
32.1	*(b) amended	24004
32.2	*(g), (h), (i), and (j) amended; (k) added	24004
32.3	*(a), (b), (c) note, (d)(1), and (3) (e), (f), (g), and (h)(1) amended	24004
	*(j) amended	24005
32.4	*(a) and (h)(4)(ii) amended	24005
32.5	*(b) and (c) amended	24004
	*(a)(1) amended	24005
32.6	*(a)(1), (2), and (4) and (c)(1) and (2) amended	24004
	*(b)(1) and (2) amended	24005
32.7	*Amended	24004
32.8	*Introductory text, (b), (c), (d), and (e) amended	24004
	*(a) amended	24005
32.9	*Introductory text and (b)(2)(ii) and (iv) amended	24004
32.10	*Amended	24004
33.2	*(c) and (d) amended; (i) added	24005
33.3	*Amended	24005
33.5	*(a) footnote 1 and (e) amended	24005
33.6	*(a), (c), (d)(1), (e), (h), and (i) amended	24005
33.8	*(a) and (b) amended	24005
33.9	*Amended	24005
33.10	*(a) amended	24005
33.11	*(a) and (c) amended	24005
33.12	*Introductory text and (b) amended	24005
33.13	*Amended	24005
33.20	*(a) amended	24005
33.21	*Amended	24005
33.30	*Revised	24005
33.36	*Amended	24005
33.37	*(d) amended	24005
35.2	*(b) revised; (c) amended	24005
35.3	*Amended	24005
35.4	*Amended	24005
35.5	*(b) and (d) item 4 amended	24005
35.6	*(a), (f), and (g) amended	24005
35.8	*Amended	24005
35.9	*(a) and (b) amended	24005
35.10	*(a) and (e) amended	24005
35.11	*Amended	24005
35.12	*Introductory text and (b) amended	24005
35.13	*Amended	24005
36.2	*(c) revised; (d) amended	24006
36.3	*Amended	24006
36.5	*Amended	24006
36.6	*(a), (b)(6), (c), (d), (f), and (g) amended	24006

Note: Asterisk (*) identifies changes published in 1974.

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36.7	*(a) item 16 and (b) amended	24006
36.9	*(a) and (b) amended	24006
36.10	*(a) amended	24006
36.11	*(a) and (b) amended	24006
36.12	*Introductory text and (b) amended	24006
36.13	*Amended	24006
36.20	*(a) amended	24006
36.21	*Amended	24006
36.23	*(d) amended	24006
36.24	*(a) amended	24006
36.25	*(b)(3), (c)(1) and (2), (d)(1), (e) and (f)(1) amended	24006
36.26	*(a), (b), and (c) amended	24006
36.27	*(c) amended	24006
36.29	*Amended	24006
36.33	*(a) (b), and (c) amended	24006
36.40	*Revised	24006
36.41	*Amended	24006
36.43	*(a) and (b) amended	24006
36.44	*(a) amended	24006
36.45	*(b) amended	24006
36.46	*(b) and (c) amended	24006
36.48	*(a) and note amended	24006
36.49	*Amended	24006
*Subchapter K of Chapter I (Parts 40–42) redesignated as Subchapter K of Chapter VI (Parts 640–642)		23997
*Subchapter L heading removed		23997
45	*Removed	23997
*Subchapter M of Chapter I (Part 51) redesignated as Subchapter M of Chapter VI (Part 651)		23997
55.2	Amended	18666
55.3	Amended	18665
55.4	Amended	18665, 23380
55.5	Amended	18665
55.6	Amended	18665
55.12	Amended	18665
55.13	Amended	18665
55.18	Amended	23380
55.24	Amended	18666
55.26	Added	23380
56.2	Amended	18666
56.3	Amended	18666
56.4	Amended	18666, 23381
56.5	Amended	18666
56.6	Amended	18666
56.12	Amended	18666
56.13	Amended	18666
56.18	Amended	23381
56.24	Amended	18666
56.26	Added	23381
57.2	Amended	18666
57.3	Amended	18666
57.4	Amended	18666, 23382
	Corrected	23781
57.4	*Amended	9653
57.5	Amended	18666
57.6	Amended	18666
57.11	Amended	23382
57.11	*Amended	9653
57.12	Amended	18666
57.13	Amended	18666
57.15	*Amended	9653
57.18	Amended	23382
57.18	*Amended	13969
57.21	Amended	18666
57.24	Amended	18666
57.25	Amended	18666
57.26	Added	23382
58.1	Amended	18666
58.2	(k) amended	18666
58.10	Amended	18666
58.12	Amended	18666
58.20	Amended	18666
58.21	Amended	18666
58.22	(a)(1) amended	18666
58.30	Amended	18666
58.31	Amended	18666
58.32	Amended	18666
58.33	Amended	18666
70.204	Removed	18666
70.223	Amended	18666
70.260	(a) amended	18666
70.261	Amended	18666
70.271	Amended	18666
70.272	Revised	18667
70.305-1	Amended	18667
70.400-1	Amended	18667
70.504	Amended	18667
70.504-1	Amended	18667
70.504-2	Amended	18666
70.505	Amended	18667
70.507	Amended	18667
70.508	Amended	18667
70.509	Amended	18667
70.510	(b)(2) amended	18666
	(b)(3) amended	18667
71.110-1	*Added	17101
71.111	Amended	18667
71.200	Amended	18667
71.200	*(a) revised	17101
71.302	*Added	17102
71.303	*Added	17102
71.304	*Added	17102

Note: Asterisk (*) identifies changes published in 1974.

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71.305	*Added	17102
71.402	Amended	18667
71.500	Amended	18667
74.3	*(a)(8)(ii) amended	3677
75.100	(c)(1) amended	18667
75.150	(b)(2) amended	18667
75.151	Amended	18667
75.153	(e) amended	18667
75.155	(c) amended	18667
75.301-7	(c)(2) amended	18667
75.301-8	(c)(1) amended	18667
75.303-2	(c) amended	18667
75.503-1	Amended	18667
75.506	(a) amended	18667
75.517-2	(d) amended	18667
75.523-1	(c) amended	18667
	(a)(1) and (2) compliance dates suspended and postponed indefinitely	34810
75.523-3	(a)(1) and (2) compliance dates suspended and postponed indefinitely	34810
75.524	Added	29998
75.803-3	Removed	18667
75.902-3	Removed	18667
75.1001-1	Revised	29998
75.1003-2	Added	29998
75.1101-23	Added	29999
	Interpretation	33397, 34873
75.1103-2	(b) amended	18667
75.1107-17	Amended	18667
75.1600-1	Added	29999
75.1600-2	Added	29999
75.1703-1	Amended	18667
75.1704-2	Added	30000
75.1710-1	(f) amended	18667
75.1712-6	Amended	18667
75.1714-1	Amended	18667
75.1720	*(d) revised	7175
75.1720-1	*Added	7175
75.1721	(b)(1) amended	18667
75.1800	Amended	18667
75.1801	Amended	18667
75.1802	Amended	18667
75.1803	Amended	18667
75.1804	Amended	18667
75.1805	Amended	18667
77.100	(b)(2) amended	18667
77.101	(b)(2) amended	18667
77.102	Amended	18667
77.103	(e) amended	18667
77.105	(b) amended	18667
77.403	*Revised	24007
77.403a	*Added	24007
77.403b	*Added	24007
77.413	Amended	18667
77.1000-1	Amended	18667
77.1108	(b)(4) amended	18667
77.1303	(m) amended	18667
77.1710	*Introductory text and (d) revised	7176
77.1710-1	*Added	7176
77.1806	Amended	18667
77.1807	Amended	18667
77.1900	Amended	18667
77.1902-1	Amended	18667
77.1914	(c) amended	18667
80.10	Amended	18667
80.11	Amended	18667
80.12	Amended	18667
80.23	Amended	18667
80.24	Amended	18667
80.31	Amended	18667
80.32	Amended	18667
80.33	Amended	18667
81	Technical amendment	18668
82	Technical amendment	18668
90	Subpart E heading amended	18668
90.1	Amended	18668
90.2	(b) revised	18668
90.10	Amended	18668
90.20	Amended	18668
90.30	Amended	18668
90.31	(a) amended	18668
90.32	Amended	18668
90.33	(b) amended	18668
90	Figure 1 amended	18668

Chapter II—Geological Survey, Department of the Interior

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270	Added	35068
271	Added	35073

Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

		Page
504	Added	29292
504.1	Corrected	29881
505.10	Revised	29076
505.12	Revised	30259
505.53	Revised	29076

Chapter VI—Bureau of Mines, Department of the Interior

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	*Chapter established	23997
	*Subchapter A (Parts 601, 602, 609, and 610) redesignated from Subchapter A (Parts 1, 2, 9, and 10)	23997
601.3	*(c) amended	23997
601.6	*(a) and (e) amended	23997
601.10	*(c) amended	23997
601.15	*Amended	23997
602.4	*(g) amended	23997
602.5	*Amended	23997
610.3	*(b) amended	23997
	*Subchapter K (Parts 640–642) redesignated from Subchapter K (Parts 40–42)	23997
640	*Removed	23997
	*Subchapter M (Part 651) redesignated from Subchapter M (Part 51)	23997
651.4-3	*Amended	23997
651.5	*(b), (c), (d) introductory text, and (d)(7) amended	23997
651.6-1	*Heading and text amended	23997
651.6-2	*Heading and (a) amended	23997
651.7	*(a) amended	23997
651.8	*(c), (d), (e) introductory text, and (e)(2) amended	23997
651.9	*Heading amended	23997
651.13-1	*Heading amended	23997
651.13-2	*Heading amended	23997
651.15	*(d) amended	23997
651.16	*Heading amended	23997
651.22	*Heading amended	23997

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55	23383
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Note: Asterisk (*) identifies changes published in 1974.

TITLE 31—MONEY AND FINANCE: TREASURY

		Page
0	*Appendix A amended	19470
2	Added	19322
3.7	*(c) amended	19470
9	*Added (provisions derived from 32A CFR EPO Reg. 4)	10898
	*Authority citation corrected	11882
9.6	*Corrected	11882

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51.3	Revised	18668
	(b) corrected	19801
51.5	Amended	18668
51.11	(b) amended	18668
51.22	*(a) revised	8324
51.24	(a) revised	18668
51.24	*(a) amended; (b) and (c) redesignated as (c) and (d); new (b) added	8324
51.25	(a) and (b) amended	18669
51.25	*(b) heading revised and text amended	8324
51.26	(a) amended	18669
51.27	*(a) amended	8324
51.33	*(a) and (b) revised	8324
51.40	*(b) amended	8325
91.1	Revised	24897
91.2	Revised	24897
91.8	Revised	24898
94	*Added	13881

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202—290	(Subchapter A) *Heading revised	20964
202	*Footnote 1 amended	20964
202.3	*(a) and (b)(1)(ii) and (iii) and (2) amended	20964
202.4	Revised	31295, 34181
202.6	*(c)(2) and (d) amended	20964
203.4	Revised	31295, 34181
203.7	*(a)(2) amended	20964
205.5	*(c) amended	20964
205.10	*Amended	20964
205.11	*Amended	20964
208	*Removed	20964
209	Revised	27521
	Heading corrected	30438
209.10	*(a) amended	20964
209.12	*Amended	20964
211.3	*(a) and (b) amended	20965
211.4	*Amended	20965
214.5	(c) and (d) revised	31295
223.2	*Amended	20965
223.3	*Amended	20965
223.6	Revised	22779
223.12	*(a) and (c) amended	20965
223.17	Redesignated as 223.18; redesignated from 223.18	22779

Note: Asterisk (*) identifies changes published in 1974.

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223.18	Redesignated as 223.17; redesignated from 223.17 and heading revised	22779
223.19	Added	22779
223.20	Added	22779
223.21	Added	22779
223.22	*Revised	20965
225	*Footnote 1 amended	20965
225.8	*Amended	20965
235	*Redesignated from Part 359 and heading revised	20967
235.0	*Amended	20967
235.1	*Amended	20967
235.2	*Introductory text and (b) amended	20967
235.3	*Amended	20967
240	*Redesignated from 360 and heading revised	20967
	*Footnote 1 amended	20967
240.1	*Amended	20967
240.2	*Revised	20967
240.3	*Revised	20967
240.4	*Revised	20967
240.5	*Revised	20967
240.6	*Revised	20967
240.8	*(b) amended	20968
240.9	*(a) revised	20968
240.10	*(a) amended	20968
240.12	*(d) amended	20968
240	*Appendix amended	20968
245	*Redesignated from 365 and heading revised	20968
245.1	*Amended	20968
245.2	*Revised	20968
245.3	*Revised	20968
245.4	*Amended	20969
245.5	*Revised	20969
245.6	*Revised	20969
245.7	*Revised	20969
248	*Redesignated from Part 368	20969
248.2	*Revised	20969
250.2	*Amended	20965
250.3	*(a) amended	20965
250.4	*(b)(1) and (f) amended	20965
250.5	*Amended	20965
250.6	*Amended	20965
251.1	*Amended	20965
251.4	*Amended	20965
254.1	*(b) amended	20965
254.3	*(b) and (c) amended	20965
254.4	*Amended	20965

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256.2	*Amended	20965
257.2	*(a) and footnote 1 amended	20965
257.3	Added	29218
260	Removed	18372
261.2	Removed; new 261.2 added	18372
261.7	*(a) amended	20965
270.1	*Amended	20965
270.2	*(a) Introductory text and (a)(1) and (3) amended	20965
270.3	*(a) and (b) amended	20965
270.4	*Amended	20965
281.4	*Amended	20965
281.5	*(c) amended	20965
281.6	*Introductory text amended	20965
290.3	*Amended	20965
290.6	*Amended	20965
300	*Removed (redesignated as Part 601)	17839
306.1	*(a) and (b) amended	20965
306.2	*(r) removed; (s) redesignated as (r)	20965
306.12	*Amended	20965
306.25	*(a) amended	20965
306.26	*(a) amended	20965
306.28	*(a) footnote 5 amended	20965
306.37	*(a), (c), and (d) amended	20965
306.38	*Amended	20965
306.40	*(a) amended	20965
306.43	*Amended	20965
306.45	*(d) amended	20965
306.122	*Revised	20965
308.2	*Amended	20966
309.2	*Amended	20966
309.4	*Amended	20966
309.5	*(b) amended	20966
315	Revised	24762
315.1	*(b) amended; (c) removed	20966
315.2	(e) revised	26189
315.2	*(l) amended	20966
315.7	*(f) amended	20966
315.10	*Revised	5313
315.30	*Revised	5314
315.32	*(a) revised	5314
	*(g) amended	20966
315.38	*(a) amended	20966
315.42	*(h) amended	20966
315.45	*(a)(3) removed	20966
315.46	*Amended	20966
315.47	*(c) removed	20966
315.61	*(a)(4) amended	20966
315.66	*(e) amended	20966

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316.10	*(b) heading revised	20966
316	*Revised	14412
316	Table 9-A added	19178
	Table 34-A added	19178
	Table 35-A added	19179
	Table 79-A added	19179
321.11	*Amended	20966
321	*Memorandum Instructions amended	20966
322.0	*Revised	20966
322.1	*Revised	20966
322.3	*Amended	20966
322.4	*Amended	20966
328.2	*(a) and (b) amended	20966
328.6	*(a) amended	20966
328.7	*Amended	20966
330	*Memorandum Instructions amended	20966
332	*Revised	14062
332	Table 26-A corrected	22549
332.10	*(c) amended	20966
337.1	*Amended	20966
337.3	*Amended	20966
337.6	*Amended	20966
339	*Footnotes 4 and 5 amended	20966
340.2	*Amended	20966
341.1	*(a) revised	4661
341.3	*(a) and (b) amended	20966
341.8	*(b), (c)(1) and (2) amended	20966
341.9	*(a) and (b)(2) amended	20966
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341.15	*(a) amended	20967
342.2	*(c)(1) revised	13508
	*(e) amended	20967
342.2a	*Revised	13508
342.3	*(a) amended	20967
342.6	*(a) amended	20967
342	*Appendix revised	13509
343.1	*(c) amended	20967
343.2	*(a) and (b) amended	20967
343.3	*Amended	20967
343.5	*(a) amended	20967
343.6	*(a) amended	20967
345	Added	35306
351—368	(Subchapter C) *Heading removed	20967
351	*Removed	20967
359	*Redesignated as Part 235	20967
360	*Redesignated as Part 240	20967
360.12	*(b)(2) revised	2481
365	*Redesignated as Part 245	20968
365.3	(b)(4) revised	35306
368	*Redesignated as Part 248	20969

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407	Authority citation revised	31975
407.1	Revised	31975

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601	*Added; transferred from Part 300	17839
605	Authority citation revised	24898
605.1	Revised	24898

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TITLE 32—NATIONAL DEFENSE

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214	*Revised	14699
290.6	Revised	28936
295	Added	31007
300.3	Amended	17959
300.4	(b)(1)(iii), (iv), (v), and (vi) redesignated as (b)(1)(iv), (v), (vi), and (vii); new (b)(1)(iii) and (viii) added; (b)(4) redesignated as (b)(6) and revised; new (b)(4) and (5) added	17959
300.6	(a)(1) and (b) amended; (a)(2) revised; (d) added	17960
300.7	(b) amended	17960
300.8	(b) amended	17960
300.11	(g) added	17960
301	Revised	26720

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518	Revised	31520
641.4	*(h) revised	10124

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700	*Added	7135, 7220
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719.101	*(b)(3), (c), (d), and (e)(2) revised; (f)(8) added	18434
719.103	*(d)(2) revised	18436
719.107	*(c) revised	18436
719.112	*(a), (b), (d)(7), and (f) revised	18436
719.120	*(e)(5) revised	18436
719.122	*(b) revised	18437
719.125	(b) (1) and (2) revised	18437
719.128	*Revised	18437
719.141	*(a) revised	18437
719.144	*(c) and (d) revised	18437
719.145	*(a) revised	18437
719.151	*Added	18437
725.300—725.315	(Subpart C) *Revised	18438
725.519	*Heading revised	18441
736.1	*Introductory text and (c) revised	18442
736.3	*Revised	18442
736.5	*(d), (e), and (h) revised	18442
750.1	*Revised	20681
750.4	*(a) revised	20681
750.24	*(a)(7) and (8), (b), and (c) revised	20681
750.32	*(b) revised	20681
750.53	*(c) revised	20681
750.55	*(d)(4) revised	20681
751.3	*(h), (i), (j)(2), and (k) revised	22420
751.4	*(f), (i), (o), (r) introductory text and (r)(2) revised	22420
751.8	*(c), (d), (e), and (f) revised	22420
751.16	*(a) revised	22421
751.21	*Heading and (f) revised	22421
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751.28	*(b) revised	22422
751.30	*Added	22422
752	*Revised	9962
753.6	*Revised	20682
753.18	*Heading and (b) revised	20682
753.19	*(a) revised	20682
753.21	*Revised	20682
753.25	*Revised	20682
753.27	*Revised	20682
753.28	*Revised	20683
753.29	*Revised	20683
757.2	*(c), (f), and (g) revised; (h) and (i) added	22262
757.3	*(a), (b), (d), and (f)(1) revised	22262
757.5	*(e), (f), and (g) revised; (h) added	22262
757.8	*Introductory and closing text revised	22263
757.13	*Revised	22263
757.14	*Revised	22263
757.15	*(a)(4) revised	22263
757.16	*(c) added	22263
757.19	*Revised	22263
757.20	*Revised	22263

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802	Removed	26190
806.15	Amended	26190
809.4	(f)(6)(ii) note removed; (h) revised; (1) (2), (3), and (4) added	23946
809.7	Table amended	23946
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809.10	(a) and (g) revised; (h) and (i) added	23946
809.11	(d)(2)(iii)(*f*) added; (d)(6) revised	23947
809.13	(d)(5) revised	23947
809.14	Introductory text and (a) revised	23947
809.15	(b) (3) and (4) revised; (b) (5) and (6) added	23947
809.16	(a) revised	23947
809.61	(b) revised	23947
809.62	(a) and (c) revised; (b) added	23947
809c	*Revised	10560
818b	Added	26801
855	*Revised	10124
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870	Revised	21147
870.38	b)(3)(iv) corrected	21746
870.40	Corrected	21746
870.86	Corrected	21746
872.2	*(a) and heading of (h) revised	5485
872.3	*Amended	5485
872.7	*Introductory text amended	5485

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872.8	*Introductory text and (b) amended; (c), (d), and (h) revised	5485
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872.11	*Revised	5486
872.12	*(b) revised	5486
872.14	*Heading and introductory text revised; (d) added	5486
872.17	*(a)(2)(ii) revised; (b) amended	5486
872.19	*Revised	5486
872.20	*Heading revised	5486
872.24	*Revised	5486
872.26	*Revised	5486
872.28	*Redesignated as 872.29; new 872.28 added	5487
872.29	*Redesignated from 872.28	5487
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881	Revised	26891
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881.34	Table corrected	28936
881.50	(c) corrected	28936
881.53	(d) corrected	28936
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883	Added	26802
883.3	(a)(3) corrected	27523
886.1	Existing text designated as (a); (b) added	20325
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886.11	Added	20326
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886.13	Revised	20326
886.14	Revised	20326
888	Revised	31421
888.5	*Amended	6607
888.6	*(a)(4)(i) amended; (d)(3) removed; (d)(4) redesignated as (d)(3)	6607
888d.6	*Amended	4477
888d.12	*Revised	4477
888d.14	*(b) and (c) revised	4477
888d.16	*Added	4477
888d.18	*Added	4478
888d.20	*Added	4478
901	Redesignated from 901a	22471
901.6b	Added	22471
901.13	(a)(2) added	22471
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901b	Removed	22471
903	Added	22471
920.0	*Revised	22264
920.5	*(e) added	22264
920.8	*(a) amended	22264
920.9	*(b) and (c) amended	22264
920.10	*Introductory text revised	22264
920.13	*(c) amended	22264
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920.20	*(b)(1) revised	22264
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1285	Added	24206

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1455.4	*(b)(1) amended	3677
1464.7	(b) amended	28259
1464.26	*(a) CFR correction	12865
1466.1	*(c)(1) amended	4571
1466.2	*Amended	4571
1472.2	*(c) amended	13649
1472.3	*(h), (k)(4) (i) and (iii), and (m) (1) and (3) amended	13649
1472.4	*(c) (1) and (3) amended	13649
1472.5	*(d) amended	13650
1472.6	(e)(2) amended	29466
1472.6	*(e)(2) amended	4571
1473.2	*(a) and (b) amended	13650
1473.3	*Amended	13650
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1475.2	*Amended	13650
1475.3	*Amended	13650
1475.4	*Amended	13650
1477.3	*Revised	13650
1480.5	*(a) (16), (17), and (18) added; closing text of (a) revised	13650
1499.2–8	*(d)(2)(iii) and (iv) redesignated as (d)(2) (iv) and (v); new (d)(2)(iii) added; (g)(1) revised	3677

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1628.6 (c) added	35463
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1709 *Recodified as 24 CFR Part 2200	6697
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1808.3 Removed; new 1808.3 added	31526
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BDC Notice 3 Delegation 5 removed	33472
BCABP Notice 1 added	25175
DMS Reg. 1	
*Revised	23008
*Direction 1 revised	23019
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*Redesignated from Direction 3 and revised	23020
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DPS Reg. 1 *List A amended	4478
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*(f) added	12344
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*(a) compliance date extended	14598
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Sec. 8 *Republished	10243
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Sec. 9A (a)(1) amended	19819
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Sec. 22 (g)(2), (4), and (9), (h)(1), (p)(2)(iii), and (j) revised; (q) and (r) added	19820
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(a)(1), (b)(5), (g)(1), and (i) revised; (a)(2)(x) added; (e)(4) removed; (e)(5) redesignated as (e)(4)	28066
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2.01–10 *(b) amended	19473
3.01–1 *(b) revised	2581
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3.04–3 *(b) revised	2581
3.25–10 *Revised	8613
3.25–15 *Revised	8614
3.25–20 *Revised	8614
*(b) corrected	12007
3.25–55 *Removed	8614
3.25–60 *Removed	8614
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26.08 *(b) amended	9176
40.4 *(a) revised	8614
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62.01–25 Revised	33472
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74.05 Subpart heading revised	33472
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74.05–5 Added	33472
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80.18 *Note preceding section removed	11541
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96.01–10 *(b) amended	19473
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110.5 (d) revised	33473
110.5 *(c–1) added	11544
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110.60 (u–2) added	30000
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110.157 *(a)(1) revised	18279
110.158 (a)(6) revised	30740
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110.168 (d)(1) revised	18373
110.178 *Removed	4478
110.183 (a)(1) and (2) removed	33474
115.60 *(e) revised	2361
117.75 *(a)(5) revised; (h)(4) added	1582
*(g)(3) added	19942
117.105 *Revised	13775
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117.190 *(f)(11) removed	2094
117.220 *(p) added	14200
117.225 (f)(9) removed	21631
117.225 *(f)(6) removed	4479
*(f)(17–a)(i) revised	12865

Note: Asterisk (*) identifies changes published in 1974.

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117.245 *(i)(12–b) added	4479
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*(f)(16–b), (16–c), and (18), (g)(3–a), and (j)(25) removed; (g)(3) revised	9662
*(h)(4) added	14201
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117.540 *Added	18766
117.560 *(f)(2), (2–a), (3), (4), (5), (6), and (7) removed; new (f)(2) added	4479
*(g)(7)(ii) redesignated as (g)(7)(iv); new (g)(7)(ii) added; (g)(7)(i) and (iii) revised	6110
*(g)(2) revised; (g)(3) removed	20969
117.644a *Added	14505
117.660 *Revised	14201
*(a)(2) amended	16231
117.712 *(e) revised	14202
117.716 (c)(1) revised	26115
117.760 (f) revised	25438
117.785 *(f)(2) revised	5314
117.795 *(b)(1)(i) and (iii) revised	20970
127.202 Added	19379
127.302 Removed	24898
127.303 Added	17441
127.304 Added	17441
127.305 Added	20831, 31428
127.306 Added	22123
127.309 Added	22778
127.310 Added	28065
127.312 *Added	9662
127.501 Added	35307
127.501 *Revised	11258
127.502 *Added	6608
*Effective date changed	6608
127.503 *Added	12988
127.504 *Added	12988
128.301 *Added	18279
177.07 *(f) added	2583
*(f)(2) corrected	5488
*(g) added	10131
177.08 *Added	2583
183.25 *(b)(1) table CFR correction	10899
183.33 *(a) and (b) CFR correction	10899
183.37 *(a) and (b)(2) CFR correction	10899
183.67 *(b) and (c)(1) CFR correction	10899
199 *CFR effective date note correctly added	10899

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204.86 Removed	21495
207.11 Removed	25176
207.127 *Added	19478
207.162 *Removed	2362
207.170d Added	21404
207.611 Removed	30741
209.120 *Revised	12118
Appendices A through G added	12132
209.132 *Added	12256
209.410 *Added	12737
213 *Added	17312

Chapter IV—Saint Lawrence Seaway Development Corporation

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401 *Revised	10900
401.2 (g) revised	22031
401.101—401.102 (Subpart B) *Added	12747
401.104–9 Revised	9667, 15508, 22627
401.201—401.206 (Subpart C) Added	21922
401.201—401.206 (Subpart C) *Revised	18443
401.201 (a) revised	24210

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90	20467
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117	18563, 19412, 21649, 21650, 22491, 24912–24914, 25455, 26938, 27414, 28298, 31315
117*	2609, 3291, 4485, 6618, 6619, 7948, 9454, 9455, 11095, 11560, 11561, 12033, 12870, 13005, 14216, 14217, 14724, 14725, 17977, 18286, 18800, 19502, 20702
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127	22980, 23804
128	34778, 35486
144*	1360, 2106, 3686
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TITLE 34—GOVERNMENT MANAGEMENT

Title established	33769

Chapter II—Office of Federal Management Policy, General Services Administration

Chapter established	33769
200 Added	33769
211 Added	34731
231 Added	35464
232 *Added	2606
232 *Appendix B amended	10132
*Appendix C amended	10132
251 Added	33770
252 *Added	1582
253 *Added	797
254 *Added	1014
271 Added	34733
281 *Added	8615

TITLE 35—PANAMA CANAL

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5.28 (a) amended	25438
5.28 *(a) amended	4880
51.122 (c) and (d) revised	26722
61.1 *(a) amended	13970
67.91 *Revised	7783
67.93 *Revised	7783
67.111 *Revised	7783
67.112 *Revised	7783
67.113 *Revised	7783
67.114 *Revised	7783
67.115 *Removed	7783
67.121 *(a) revised	7783
67.131 *Introductory text and (a) revised	7783
67.141 *Introductory text, (c), and (d) revised	7783
67.161 *(a)(2) revised	7783
67.163 *(b) (1), (2), and (3) revised	7783
67.591 *(b) and (c) revised	7783

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70 Added	31177
105.1 (d) added	27386
(d) removed	34734
119.103 (c) amended; (d) added	27386
119.141 Revised	27386
133.1 *Revised	15033
253.2 *(o) added	12345
253.113 *Revised	12345
253.135 *(b) revised	13650
253.154 *(a) and (b) revised	12345
253.155 *Revised	12346
253.156 *Revised	12346

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133	35333
133*	4931, 13288

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Title heading revised	27049

Chapter I—National Park Service, Department of the Interior

2.23 *(f) revised	11882
2.27 *Revised	11882
2.30 *Heading revised; (b) removed	11882
2.34 *(c) and (d)(1) revised	11882
2.35 Added	31511
4.3 *(c) and (d) revised	11882
4.19 *Revised	11883
4.21 *Added	11883
6.5 *Added	19208
7.6 *(b) removed	14338
7.7 Revised	20831
7.13 *(h) and (l)(1)(i) revised	9964
7.15 (f) added	27595
7.15 *(b), (c), and (d) added	9963
7.20 *(a)(1)(ii), (2)(iv) and (4)(i) revised; (a)(4)(iv) and (v) removed	11883
7.58 (c) added	33081
7.67 *(c) revised	11883
7.71 *(b) removed	11883
7.93 Added	21264
7.97 Added	32931
50.19 (g)(2) and (3) amended; effective date changed	24218

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200.1—200.2 (Subpart A) *Revised	23057
212.20 Added	33474

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212.21 Added	33474
214 Added	35307
221.2 Revised	20326
221.17 (a)(4) revised; authority citation added	23403
Revised	23948
221.25 *Revised	9663
231.11 Added	22000
261.17 *Added	17103
292.14—292.16 (Subpart C) *Added	11544
295 Added	26723
295.3 *Amended	10431
295.6 *Added	10431

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510 *Removed	22145

Chapter VII—Library of Congress

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701 Added; provisions transferred from 44 CFR Ch. V (Part 501) and amended	27049
701.10 *Revised	20203
702 Added; provisions transferred from 44 CFR Ch. V (Part 502) and amended	27049

Chapter VIII—Advisory Council on Historic Preservation

*Chapter established	3366
800 *Added	3366

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5*	11904
7	20071, 20896, 22633, 22634, 22968, 23796, 24912, 25185
7*	13, 1777, 7942, 9982, 11904, 14950, 16150, 17851, 18658, 20489
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TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

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1.84 *(b), (d)(1), (f), (j) and (l) revised	12247
1.253 *(e) and (f) revised	12247
2.31 *Revised	12247
2.47 Revised	18876
2.52 *(c) and (d) revised	12247
2.56 *Revised	12248
2.57 Revised	18876
2.57 *Revised	12248
2.85 *(b) corrected	16885

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1*	19786, 22158

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

1.13 *Undesignated center heading and section added	12248
1.218—1.220 Undesignated center heading added	24364
1.218 Added	24364
1.219 Added	24365
1.220 Added	24366
1.512 *Revised	12248
1.513a *Added	7929
1.526 *(g) and (i)(2), (4), and (6)(i) revised	3938
1.600 *Undesignated center heading and section added	1024
1.666 Added	34734
1.772 *(a) revised	20061
2.6 (a)(8) revised	24366
2.6 *(b)(1) revised	12747
2.6 *(e)(1), (2), (3), (e)(4) introductory text, and (5) revised; (e)(1)(iii) and (7) added; (f) removed	20788
2.93 *Revised	1839
3 *Cross reference added	5315
3.4 (d) revised	21923
3.7 (w) added	28826
3.105 *(d) through (f) revised	17222
3.106 *(a) revised	17222
3.261 (a)(17) revised	26804
(a)(33) added	28826

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3.262 (f) revised	26804
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3.311 Heading, (b), and cross reference revised	21923
3.321 *(b)(2) revised	5315
3.323 (a)(2) and (b)(2) revised	21923
3.324 Revised	21923
3.342 *(b) (3) and (5) revised	14944
3.343 *(c) revised	14944
3.350 Introductory text of (i) revised	20832
Introductory text and introductory text of (a) revised	21923
3.351 Introductory text of (d) revised	20832
3.400 *(w) heading revised	17222
*(t) removed; (u), (v), (w), and (x) redesignated (t), (u), (v), and (w) and revised	20204
3.401 *(b), (c), and (d) note revised	17222
3.402 *Heading, introductory text, (a), and (b) revised	20204
3.403 *Introductory text revised; (e) removed; (f) redesignated (e) and revised	20204
3.500 (r) revised	21923
*Introductory text revised; (s) removed; (t), (u), (v), and (w) redesignated as (s), (t), (u), and (v)	20204
3.501 (i)(1) and (3) revised	34115
3.551 (b) revised	34115
3.552 (d), (f), and introductory text of (g) revised	34115
3.556 (a) revised	34115
3.557 (d) revised	34115
3.558 (a) revised	34116
3.656 *(d) revised	20204
3.657 *Revised	20204
3.658 *Revised	20205
3.661 (b) revised	28826
3.702 *(c), (d), (e), and (f) revised	20205
3.703 *(a) and (c) revised	20205
3.704 *(b) removed; (c) redesignated (b) and revised	20205
3.705 *Removed	20205
3.706 *Removed	20205
*Cross reference removed	20206
3.708 *Revised	18099
3.711 *Revised	18099
3.800 (b) revised	21923

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3.810 *(c) added	2362
*(a)(1) revised	9541
3.811 *Added	9542
3.850 (c) revised	29076
3.850 *(a) revised	12100
3.851 *Revised	12100
3.852 (a) and (b)(2) revised	29076
3.852 *(a) introductory text and (b) introductory text and (b)(2) and (3) revised	12100
3.855 Revised	29076
3.855 *(b) revised	12100
3.857 *Revised	12100
3.903 (b)(1) revised	30106
3.904 (b) and (c) revised	30106
3.904 *(c) revised	13970
3.905 *(a) and (b) revised; cross reference removed	13970
3.1000 *(f) revised; (h) added	15125
3.1001 *(a)(1), (2), and (3) and (c) revised	15126
3.1002 *Revised	15126
3.1600 (a) and (b)(4) revised; (f) added	30106
3.1601 Revised	30106
3.1602 (a), (b), and (d) revised	30107
3.1603 Revised	30107
3.1604 (c) added	30107
3.1605 Introductory text, (a), and introductory text of (b) revised	30107
3.1606 (a)(3) revised	27354
3.1609 Revised	30107
3.1800—3.1822 (Subpart C) *Removed	20206
3.1850—3.1853 (Subpart D) *Removed	11884
14.501 *(b) revised	2094
14.639 *Revised	13775
14.641 *Revised	13776
14.644 *Revised	13776
14.648 *Removed	13776
17.30 *(l) and (m) revised	1840
17.36 *Undesignated center heading and section revised	1840
17.37 *Revised	1840
17.38 *Heading, introductory text, (a), (b)(2), and (c) revised; (d) and (e) added	1840
17.39 *Revised	1841
17.40 *Revised	1841
17.46b *Heading, introductory text, (a), and (c) revised	1841
17.47 *(a), (b), (c)(1), (d), and (f) revised	1841

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17.48 *(c)(2) and (f) revised	1841
17.49 *Heading (a)(3)(vi) through (ix) revised; (a)(3)(x) and (c) added	1842
17.50 *Revised	1842
17.50b *(a), (d), (e), and (f) revised	1842
*(i) amended; (j) added	20376
17.50c *Revised	17223
17.51 *Revised	1842
17.51a *Revised	1843
17.51b *Revised	1843
17.54 *Undesignated center heading and section added	1843
17.60 *Heading, (e), (f), and (h) revised	1843
17.66 Revised	24366
17.70—17.71 Undesignated center heading revised	24366
17.70 Removed	24367
17.75 *Undesignated center heading and section revised	1843
17.76 *Revised	1843
17.77 *Revised	1843
17.78 *Introductory text of (a) revised	1843
17.80 *Undesignated center heading and section revised	1844
17.82 *Revised	1844
17.83 *Introductory text revised	1844
17.84 *Introductory text and (d) revised; (f) removed	1844
17.85 *Introductory text and (b) revised; (c) added	1844
17.86 *Revised	1844
17.88 *Revised	1844
17.89 *Revised	1844
17.95 *Revised	1844
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17.98 *Revised	1844
17.100 *(a)(1) revised	1845
17.115d Added	31007
17.135 *Undesignated center heading and section added	9542
17.166 *(a) revised	1845
17.166a *Introductory text of (a) revised	1845
17.166b *(a) revised	1845
17.166c *Revised	1845
17.170—17.176 *Note revised	1845
17.170 *(f) added	1845
17.171 *(a) revised	1845
17.173 *(a)(1), (c), and (d) revised; (a)(4) added	1845
17.175 *Revised	1845

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17.176 Appendix A revised	28827
17.180 *(e) added	1845
17.181 *Revised	1845
17.182 *(b)(7) and (c)(5) amended; (b)(8) and (c)(6) added; (c)(2) and (d) revised	1846
17.200—17.206 *Undesignated center heading and sections removed	1024
17.210 *Introductory text revised	1846
17.352 *Revised	1846
17.353 *Revised	1846
17.360 *Revised	1846
17.361 *Revised	1846
17.362 *Revised	1846
17.365 *Revised	1846
17.400—17.416 Undesignated center heading added	26190
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18.10 (a) through (e) revised; (g) added	17966
18.12 (a) and (c) revised	17967
18.13 (c), (f), and (h) revised; (i) added	17967
18 Appendix B added; provisions derived from 18.5	17968
21.42 Revised	33303

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21.43 (b) revised	33303
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21.226 (a)(1) revised	32578
21.261 (b)(4) added	32578
(b)(1) revised	34116
21.261 *(b)(1) revised	5315
21.1045 (a)(6) added	23948
21.3041 *(d) introductory text, (d)(8), and (e)(3) revised	2362
21.3044 *(a) and (c) revised	2362
21.3046 *(c) revised	2362
21.4131 (b) revised	32578
21.4136 (a) revised	32578
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21.4205 *(c)(1) revised	20595
21.4206 *(c) revised	20595
21.4207 *(a) revised	1592
21.4253 (e)(3) revised	32579
21.4270 (c) and (d) revised	32579
21.4274 (a) revised	19371
21.4275 *(c)(1) revised; (d) added	7784
21.4280 Added	32579
25 Added	22779
36.4212 (a)(2) and (3) revised	20615
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36.4212 *(a) introductory text and (a)(2) and (3) revised	3258, 14505
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36.4222 *Revised	7784
36.4310 Revised	25678
36.4311 (a) revised	18373, 20616, 23519
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36.4326 *Revised	7785
36.4402 *(f) added	7785
36.4502 Revised	33772
36.4503 (a) revised	18373, 20616, 23519, 33772
36.4503 *(a) revised	3258, 14505, 17441
36.4509 (b) revised	33772
36.4511 (a) revised	33772
36.4512 *(b) revised	7785
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TITLE 39—POSTAL SERVICE

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111 *Added	20595
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121 Revised	19030
122.4 *(c)(4) revised	5488
124.3 (c)(1)(xiv) added	21496
124.6 (b) removed; (c) and (d) redesignated as (b) and (c)	19123
125.6 *(e) amended; (f)(1) and (3), (g), (h), and (i) revised	14202
125.7 *(d)(1) and (3) amended; (d)(2) revised	14203
126.1 (f)(1)(ii) revised	18373
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126.1 *(f)(1)(ii) revised	7579
126.2 Revised	18655
131.1 *Revised	14203
132.1 *(b)(2)(iii) revised	7580
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132.4 *(g)(3)(v) revised; (g)(3)(vi) and (vii) added; (h)(2) removed; (h)(3) through (7) redesignated as (h)(2) through (6)	8617
*(g)(3)(v), (vi), and (vii) effective date postponed	17949
133.1 *Revised	14204
133.2 *(a) and (b) revised	14204
134.1 *Revised	14204
135.1 *Revised	14205
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141.2 (b) amended; (c)(1) and (2), (d)(1), and (e)(1) revised: (e)(2) redesignated as (e)(4) and amended; (f) redesignated as (g) and revised; (g) redesignated as (h); new (e)(2) and (3) and (f) added	22384
142.1 (a) revised	22384
143.2 (f)(1) and (2) and (g) revised	20076
144 Revised	19033
144.3 (d)(4)(i) amended	22385
144.3 *(d)(8) amended; (e)(1)(iii) revised	20970
144.4 *(i) revised	7580
144.6 (b) redesignated as (c); new (b) added	22385
145.1 (b) added	18548
148 Removed	17841
154.1 (d)(4) and (5) added	20076
154.1 *(g) amended	20970
154.2 (a)(2) revised	22385
156.5 (a)(5) amended	18877, 33082
(a)(6) added	19041
158.4 *Amended	20970
*Corrected	24008
159.1 *(a)(2)(ii)(*b*), (*h*), and (*j*) removed; (a)(2)(ii)(*c*) through (*g*), (*i*), and (*k*) through (*q*) redesignated as (a)(2)(ii)(*b*) through (*f*), (*g*), and (*h*) through (*n*) respectively; redesignated (a)(2)(ii)(*n*) and (iii) revised	20971
159.2 *(g)(1) revised	20971
159.7 *(b)(2)(iii), (3), and (9)(ii) revised; (e) and (f) removed	7580
161.1 *(b) amended; (e)(2) and (3) revised	20971
161.3 *(e) amended	20971
161.4 *(e) revised	20971
162.1 (c)(4) amended	21496
162.3 *Revised	20971
162.3 *(a) corrected	24008
162.4 *(c)(2) amended	20971
163.4 *(a) and (b) revised	20971
164 Revised	19041
164.1 (b)(2) corrected	19911
164.1 *Revised	10132
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164.3 *Revised	10134
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164.5 *Revised	10134
165 *Revised	20971
165.2 *(d)(1)(i) corrected	24008
165.3 *(c) corrected	24009
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168.5 *(e) revised	20973
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223 Provisions transferred to Part 225; revised (provisions derived from Part 213)	20406
224 Provisions transferred to Part 226; revised (provisions derived from Part 222)	20406
225 Added (provisions derived from Part 223)	20410
226 Added (provisions derived from Part 224)	20414
Authority citation corrected	21265
226.4 Corrected	21265
232.2 *(y) amended	20973
232.4 (g) revised	19911
232.5 (b) revised	19124
232.6 (h)(2) and (3) revised	27824
235 Revised	20415, 26193
243.2 *(g)(6) added (provisions derived from 743.5)	1989
244.1 Removed; redesignated from 244.2	20327
244.2 Redesignated as 244.1	20327
256 Removed	17841
257.1 *(b) and (c)(2) amended; (c)(3) revised; (c)(4) added	20973
257.4 *(d) amended	20973
257.5 *Amended	20974
257.6 *Amended	20974
263.1 *(g) added	20974
281 *Added	20974
447 *Redesignated from 742 and revised	1990
447.22 *Introductory text of (b) corrected; (b)(6) and (7) added	3677

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447.25 *(f) note corrected	3677
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743 *Removed	1989
743.5 *Redesignated as 243.2 (g)(6)	1989
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952.17 (a) amended	20263
953.11 Amended	20263
954.14 (a) amended	20263
958.7 Amended	20263

Chapter III—Postal Rate Commission

	Page
3000.735-501 Revised	24899
3000.735-502 Amended	24899
3001.7 (a) revised	24899
3001.10 (c) revised	19045
3002.2 *(e) revised	11523, 20376
3002.12 *Added	2481

Proposed Rules:

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123*	9203, 13563, 13788, 19958
124*	19958
132	27304
152	17512
152*	3968
310	17512
310*	3968
320	17512
320*	3968
777*	10449

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

	Page
2.107a Revised	22473
4 *Revised	10362
5 Revised	32806
7 Added	17968
8 *Added	3258
14 *Added	9664
15 Added	35311
*Subchapter B heading revised	20789
35.400—35.560-2 (Subpart B)	
*Interim regulations	7785
*Effective date corrected	9439
35.505 *(c) corrected	9439
35.850—35.895 (Subpart D) Added	26882
35.850—35.895 (Subpart D) *Revised	3678
35.900—35.960 (Subpart E) *Revised	5253
35.910-1 *Revised	1847
35.910-2 *Revised	1847
35.910-3 *Added	1847
*(b) table corrected	15760
*(c) table corrected	15761
35.910-4 *Added	1847
*(b) table and (c) corrected	15761
35.917-7 *Corrected	15761
35.935-12 *Heading correctly added	15761
35.935-13 *(b)(1) corrected	15761
35.938-5 *(g) corrected	15761
35.1050—35.1080 (Subpart F) *Added	17202
35 Appendix A added	24639
35 *Appendix A revised	5269
*Appendix B added	5270
39 *Added	20789
50.5 Revised	25681
51.5 *(a)(1) note added	16122
51.7 Revised	20834
51.12 *(e)(2), (f), and (g) revised	16344
51.14 *(c)(2) revised; (c)(3) removed	16122
51.16 (c) removed; (f) amended	20835
51.33 Added	22026
(a)(2) and (6), (b)(2)(iv), (c)(1), (4), and (5), (d)(2), and (u)(2) revised	27286
52.01 *(f) removed	7276
52.09 (c) added	30877
52.22 *Revised	7276
52.23 Added	30633
52.50 *(c) revised	7279
*(c)(2) amended	14338
52.53 *Revised	7279
52.54 *Table amended	16345
52.56 *Added	7279
52.70 (c) revised	22738
52.74 *(b) added	7279
52.78 *Added	7279
52.81 Table amended	32659
52.82 (b) added	32659
52.83 Removed	32659
52.84 (b), (c), and (d) added	22738
(b)(9) revised	24342
*Corrected	20061
52.85 Added	32659
52.86 Added	32659

Note: Asterisk (*) identifies changes published in 1974.

	Page
52.86 *(c), (d), and (h) amended	1849
52.87 Added	32660
52.88 Added	32660
52.89 Added	32661
52.90 Added	32681
52.91 Added	32662
52.92 Added	32662
52.93 Added	32662
52.120 (c) revised	33373
52.121 *Table amended	16346
52.122 (d) added	33373
52.122 *(e) added	10583
52.123 Revised	33373
52.125 *(c) revised	10584
52.127 *Removed	16346
52.129 *(e) and (f) added	7279
52.131 Table amended	33373
52.131 *Amended	10584
*Table amended	16346
*Corrected	20061
52.132 Removed; new 52.132 added	33373
52.134 *(a)(2) amended; (b) added	10584
52.136 Revised	33374
52.137 Added	33374
52.138 Added	33375
52.139 Added	33375
52.139 *(c), (d), (h), and (k) amended	1849
52.140 Added	33376
52.171 *Table amended	16346
52.176 *Table amended	16348
52.177 *Added	7280
52.221 *Table amended	16346
52.222 (b) and (c) added	31244
52.233 *(h) and (i) added	7280
52.237 Removed	31245
52.238 Amended	31245
52.239 Removed	31245
52.240 (d)(1)(i)(*f*) revised	33973
52.241 Added	31245
52.242 Added	31245
52.243 Added	31245
52.244 Added	31246
52.245 Added	31246
52.246 Added	31246
52.247 Added	31246
52.248 Added	31247
52.248 *Removed	1849
52.249 Added	31247
52.249 *Removed	1849
52.250 Added	31247
52.250 *Removed	1849
52.251 Added	31248
52.251 *Revised	1025
*(c), (d), (g), and (j) amended	1849
52.252 Added	31248
52.253 Added	31248
52.254 Added	31249
52.255 Added	31251
52.255 *(d)(2), (e)(1), and (f)(1) and (3) amended	4881
*(c)(3)(iii) revised	16888
52.256 Added	31251
52.256 *(g) (1) and (2) and (h) (1) and (3) amended	4881
*(g)(1), (2), and (3) and (h) (1) amended	21053
52.257 Added	31252
52.258 Added	31252
52.259 Added	31253
52.260 Added	31253
52.261 Added	31253
(d) amended	35467
52.262 Added	31254
52.263 Added	31254
52.264 Added	31254
52.265 Added	31254
52.266 Added	31255
52.320 (c) revised	30820
52.321 *Table amended	16346
52.322 (b) added	30820
52.325 Table amended	30820
52.325 *Table amended	16346
52.326 (a) revised	30820
52.327 (b) added	22739
(b)(5) revised	24342
(38 FR 16564) redesignated as 52.328	30821
52.328 Redesignated from 52.327 (38 FR 16564) and revised	30821
52.329 Added	20754, 30821
52.330 Added	20755, 30821
52.331 Added	20755, 30821
52.332 Added	20755, 30821
52.333 Added	20756, 30821
52.334 Added	20756, 30822
52.335 Added	20756, 30823
52.336 Added	20757, 30823
52.336 *(e) (1), (2) and (3) and (f) (1) and (3) amended	4881
52.337 Added	20757, 30824
52.337 *(g) (1) and (2) and (h) (1) and (3) amended	4881
*(g)(1), (2), and (3) and (h) (1) amended	21053
52.338 Added	20757, 30824
52.339 Added	30824

Note: Asterisk (*) identifies changes published in 1974.

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Chapter I—Continued

Page
52.340 *Added 7280
52.370 *(c) revised 7280
52.371 *Table amended 16346
52.373 *Revised 7280
52.374 *Table amended 16346
52.375 *Added 7280
*Table amended 13651
52.421 *Table amended 16346
52.422 *Revised 7280
52.426 *Added 7280
52.428 *Table amended 16346
52.470 (d) added 29296
(c)(2) and (3) revised 33709
52.471 *Table amended 16346
52.472 Revised 33709
52.474 Revised 33709
52.476 (b) added 22740
(b)(5) revised 24342
(c) through (h) added 33709
52.476 *(d)(3) removed 1849
52.478 *Added 7280
52.479 (b) and (c) added 33710
52.481 Table amended 33711
52.481 *Table amended 16346
52.482 Revised 33711
52.483 Revised 33711
52.484 Removed 33711
52.485 Removed 33711
52.486 Added 33711
52.486a Added (appears as 52.486) 33711
52.487 Added 33711
52.487 *(e) (1) and (2) and (f) (1) and (3) amended 4881
52.488 Added 33712
52.488 *(g) (1) and (2) and (h) (1) and (3) amended 4881
*(g)(1), (2), and (3) and (h) (1) amended 21053
52.489 Added 33713
52.490 Added 33713
52.491 Added 33713
52.492 Added 33714
52.493 Added 31536
52.493 *(c) and (d) amended 1849
52.494 Added 33715
52.495 Added 33715
52.496 Added 33716
52.520 (c) revised 22740
52.520 *(c) revised 7280
52.521 *Table amended 16346
52.523 *Table amended 16346
52.524 (b) added 22740
(c) added 24333

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(b)(6) revised 24342
(c) tables revised 26325
52.571 *Table amended 16346
52.572 *Revised 7280
52.574 *Added 7280
52.575 *Table amended 16346
52.620 (c)(2) revised 30877
52.620 *(c) revised 22947
52.623 *Amended 7280
52.626 *Added 16348
52.628 *Table amended 22947
52.629 *Added 7280
52.670 (c) revised 22741, 29296
52.670 *(c) revised 7280
52.677 Revised 22741
(d)(5) revised 24342
52.679 *Added 7280
52.720 (c) revised 29296
52.721 *Table amended 16346
52.723 Removed 29297
52.726 (a) revised 17726
52.727 Table amended 33561
Table corrected 29297
52.727 *Table amended 16346
52.728 Removed 33561
52.730 (b) added 22742
(b)(3) revised 24342
52.731 Added 33561
52.732 Added 33562
52.733 Added 33562
52.734 Added 33562
52.736 *Added 7281
52.770 *(c)(3) added 4663
*(c) revised 12348
52.771 *Table amended 16346
52.772 *(b) added 12348
52.780 *(a) and (d) (1) and (2) revised; (b), (c), and (d)(9) removed 4663
*(e) and (f) added 7281
52.783 *Table amended 16346
52.786 *Revised 12348
52.787 *Added 12349
52.791 *Added 4663
52.821 *Table amended 16346
52.824 *(b) added 7281
52.827 *Table amended 16346
52.828 Added 30877
52.829 Added 30877
52.830 *Added 7281
52.870 (c) revised; (d) added 30877
52.873 Tables amended 17682
52.874 *(c) added 7281
52.875 Removed 30877
52.876 (b)(1) amended 30877
52.877 Removed 30878

Note: Asterisk (*) identifies changes published in 1974.

Page
52.878 Removed 30878
52.878 *Added 7281
52.880 Removed 17682
52.881 Removed 17682
52.920 *(c) revised 7281
52.921 *Table amended 16346
52.926 *Table amended 16346
52.928 *Added 7281
52.970 (c) revised 17682, 18652
52.973 Removed 17682
52.976 Removed 18652
52.976 *(c) and (d) added 7281
*(39 FR 7281) (c) and (d) correctly designated as (a) and (b) 21053
52.979 Table amended 17682
52.980 Removed 17682
52.1020 (d) added 22474
52.1020 *(c) revised 7281
52.1022 *Revised 7281
52.1023 Added 22474
52.1025 Added 22474
52.1026 *Added 7281
52.1070 (c) revised 33716
52.1070 *(c) revised 22947
52.1071 *Table amended 16346
*Corrected 20061
52.1072 (b) revised 33716, 34247
52.1073 Revised 33716
(d) and (e) added 34247
52.1074 Revised 33716
(a) and (b) revised 34248
52.1075 *Removed 16346
52.1076 *Added 7281
52.1077 (b) amended; (c) added 33716
(c)(2) and (3) amended 34248
52.1078 Table amended 33717, 34248
52.1078 *Table amended 16346, 22947
*Corrected 20061
52.1079 Removed 33717
52.1080 (b) added 22743
(b)(5) revised 24342
(c) through (h) added 33717
(38 FR 16566) Correctly designated as 52.1081 33718
(i), (j), and (k) added 34248
52.1080 *(d)(3) removed 1849
52.1081 Correctly designated from 52.1080 (38 FR 16566) and revised 33718
(c) and (d) added 34248
52.1082 Added 33718
(b) added 34249
52.1084 Revised 33718
52.1085 Added 33718

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52.1086 Added 33719
52.1086 *(e) (1) and (2) and (f) (1) and (3) amended 4881
52.1087 Added 33719
52.1087 *(g) (1) and (2) and (h) (1) and (3) amended 4881
*(g)(1), (2), and (3) and (h) (1) amended 21053
52.1088 Added 33720
52.1089 Added 33720
52.1090 Added 33721
52.1091 Added 33721
52.1092 Added 33722
52.1093 Added 33722
52.1094 Added 33723
52.1095 Added 34249
52.1096 Added 34249
52.1097 Added 34250
52.1098 Added 34250
52.1099 Added 34251
52.1100 Added 34251
52.1101 Added 34252
52.1101 *(e) (1) and (2), (f) (1) and (3), and (g) (1) and (2) amended 4881
*(39 FR 4881) correctly designated as 52.1102 21053
52.1102 Added 34253
52.1102 *(h) (1) and (3) amended 4881
*(39 FR 4881) correctly designated from 52.1101 21053
*(g)(1), (2), and (3), and (h) (1) amended 21053
52.1103 Added 31537
52.1103 *(c) and (d) amended 1849
52.1104 Added 34253
52.1105 Added 34253
52.1106 Added 34254
52.1107 Added 34255
52.1108 Added 34255
52.1109 Added 34256
52.1110 Added 34256
52.1111 Added 34256
52.1111 *(c), (d), and (j) amended 1849
52.1112 Added 34257
52.1121 *Table amended 16346
52.1122 (b) added 30963
52.1124 *Added 7281
*Removed 16346
52.1125 (a) revised; (b) table amended 20835
(a) and (b) tables amended 21919
(b) table amended 32808, 34116

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.1125	*(b) table amended	3823, 15272, 17442, 17443, 17840
	*(a) and (b) tables amended	14339
52.1127	Table amended	30964
52.1127	*Table amended	16346
52.1128	Revised	30964
52.1129	Added	18879
	(38 FR 18879) redesignated as 52.1133	30878
52.1130	Added	18879
	(b) added	18880
52.1131	Added	18879
	(b) added	18880
52.1132	Added	18880
52.1133	Redesignated from 52.1129 (38 FR 18879)	30878, 30964
52.1134	Added	30964
52.1135	Added	30964
52.1135	*(d) amended	1849
52.1136	Added	30966
52.1136	*(b), (c), and (d) removed; (e), (f), and (g) redesignated as (b), (c), and (d)	1849
52.1137	Added	30966
52.1137	*Removed	1849
52.1138	Added	30966
52.1139	Added	30967
52.1140	Added	30967
52.1141	Added	30968
52.1142	Added	30968
52.1143	Added	30968
52.1144	Added	30969
52.1145	Added	30969
52.1146	Added	30969
52.1147	Added	30970
52.1147	*(a) (1), (2), and (3) and (c)(3) revised; (b) (1) and (2), (c)(1), and (d) (1) and (3) amended; (c)(4) added	4881
	*(b)(1), (2), and (3) and (d) (1) amended	21053
52.1148	Added	30830
52.1149	Added	30830
52.1150	Added	30830
52.1150	*Removed	1849
52.1151	Added	30830
52.1152	Added	30831
52.1153	Added	30831
52.1154	Added	30831
52.1155	Added	30831
52.1160	Added	30971
52.1171	*Table amended	16346
52.1174	*Removed	16346
52.1175	(d) added	22743
	(d)(3) revised	24342
52.1175	*(d)(3)(i) revised	9177
52.1176	*(c) and (d) added	7282
52.1177	*Table amended	16346
52.1220	(c) revised	30833
52.1221	*Table amended	16346
52.1225	*Added	7282
52.1226	*Table amended	16347
52.1227	(a)(1) revised; (a)(2) and (3) removed	30833
52.1228	Removed	30833
52.1271	*Table amended	16347
52.1272	*Revised	7282
52.1273	*Table amended	16347
52.1275	*Added	7282
52.1276	*Added	7282
52.1320	(c) revised	30878
52.1321	*Table amended	16347
52.1325	*(c) added	7282
52.1326	*Removed	16347
52.1328	*Added	7282
52.1332	Table amended	17682
52.1332	*Table amended	16347
52.1333	Removed	17682
52.1334	Removed	17682
52.1374	*Added	7282
52.1421	*Table amended	16347
52.1428	*(f) and (g) added	7282
52.1431	*Table amended	16347
52.1433	*Removed	16347
52.1471	*Table amended	16347
52.1478	*(c) and (d) added	7282
52.1482	*(b) and (c) added	14209
52.1520—52.1525	(Subpart EE) *See FR Doc. 74–7887	12350
52.1520	*(c) revised	7282
52.1524	(d) added	22744
52.1525	*Added	7282
52.1570	*(c)(4) added	1439
52.1571	*Table revised	16347
52.1572	(b) added	31392
52.1576	*Amended	16347
52.1578	*Added	7282
52.1580	Revised	31392
52.1580	*Table amended	16347
52.1581	Removed	31393
52.1583	Added	31393
52.1583	*(c) and (f) amended	12101
52.1584	Added	31393
52.1584	*(c) and (g) amended	12101
52.1585	Added	31394
52.1585	*(c) and (f) revised	12101

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.1586	Added	31394
52.1587	Added	31394
52.1587	*(b), (c), (d), and (e) (2) amended	12101
52.1588	Added	31395
52.1588	*(c), (d), and (g) amended	1849
52.1589	Added	31395
52.1589	*(d) and (i) amended	12101
52.1590	Added	31396
52.1590	*Removed	1849
	*Revised	19780
52.1591	Added	31397
52.1591	*(c) and (d) amended	12101
52.1592	Added	31397
52.1593	Added	31397
52.1593	*(c) amended	12101
52.1594	Added	31397
52.1595	Added	31398
52.1596	Added	31398
52.1597	Added	31399
52.1597	*(b)(1), (2), and (3) and (c)(1) and (3) revised	12101
	*(b)(1), (2), and (3) and (c) (1) and (3) amended	12865
52.1598	Added	31399
52.1598	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1599	Added	31400
52.1599	*(f) (1) and (2) amended	4881
	*(g) (1) and (3) amended	4882
	*(b) and (d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	12102
	*(f)(1), (2), and (3) and (g)(1) amended	21053
52.1600	Added	31400
52.1600	*(c)(1) and (3) amended	12102
52.1601	*Added	1439
52.1621	*Table amended	16347
52.1624	(c)(1) revised	29296
52.1624	*(c) revised	10584
52.1626	*(c)(3) amended	10585
52.1628	*Added	7282
52.1630	*Amended	10585
52.1631	*(a) revised	10585
52.1670	*(c)(3) added	1441, 9666
	*(c)(2) revised	7283
52.1671	*Table amended	16347
52.1675	*(f) revised	1441, 9666
52.1676	*Amended	16347
52.1677	(d) added	22744
	(d)(12) revised	24342
52.1680	*Added	7283
52.1682	*Table amended	16347
52.1770	*(c) revised	7283
52.1775	*Added	7283
52.1822	*Revised	7283
52.1824	*Added	7283
52.1870	(c) revised	30974
52.1870	*(c)(4) added	13542
52.1871	*Table amended	16347
52.1873	*Revised	7283, 13542
52.1875	Footnote f removed	30974
52.1875	*Table amended	16347
52.1876	Removed	30974
52.1877	(a) revised; (b) and (c) removed	30974
52.1877	*Amended	13542
52.1878	Added	30974
52.1879	*Added	7283
	*(c) and (d) added	13542
52.1880	*Added	13542
52.1881	*Added	13542
52.1922	*Revised	7283
52.1924	*Added	7283
52.1970	(c) revised	22746, 30827
52.1970	*(c) revised	7283
52.1973	Table amended	30827
52.1973	*Table amended	16347
52.1974	Revised	30827
52.1975	(b) and (c) added	22746
	(c)(11) revised	24342
52.1976	Removed	30827
52.1977	Removed	30827
52.1978	Removed	30827
52.1981	Added	30827
52.1982	*Added	7283
52.2021	*Table amended	16347
52.2022	(b) added	32893
52.2023	Revised	32893
52.2027	*Removed	16347
52.2034	Table amended	32893
52.2034	*Table amended	16347
52.2036	Revised	32893
52.2036	*(38 FR 16568, 32893) Correctly designated as 52.2037	2483
	*(a) table amended	12102, 16123
52.2037	*Correctly designated from 52.2036 (38 FR 16568, 32893)	2483
52.2038	Added	32893
52.2039	Added	32894
52.2040	Added	32894
52.2040	*(c), (d), and (h) amended	1849

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.2041	Added	32895
52.2042	Added	32896
52.2042	*(e) (1) and (2) and (f) (1) and (3) amended	4882
	*(c) (2) and (3) (ii) revised	13543
52.2043	Added	32897
52.2044	Added	32897
52.2045	Added	32897
52.2046	Added	32898
52.2047	Added	32898
52.2048	Added	32899
52.2049	Added	32900
52.2050	Added	32900
52.2051	Added	32901
52.2052	Added	32901
52.2053	Added	32902
52.2055	*Added	7283
52.2070—52.2076	(Subpart 00) Effective date revised	32257
52.2070	(d) revised	29297
52.2071	Table amended	34325
52.2071	*Table amended	16347
52.2074	*(c) added	7283
	*Correctly removed	12350
52.2076	*Table amended	16347
52.2077	Added	18879
	(b) added	18880
	(b) table amended; (c) and (d) added	22747
	(38 FR 18879) redesignated as 52.2080	30878
	(b) (38 FR 18880) redesignated as 52.2080 (b)	30878
52.2077	*(c) table amended	3824
52.2078	Added	18879
	(b) added	18880
52.2079	Added	18879
	(b) added	18880
52.2080	Redesignated from 52.2077 (38 FR 18879)	30878
	(b) redesignated from 52.2077 (b) (38 FR 18880)	30878
52.2081	*Added	7283
52.2120	*(c) revised	4082
52.2123	(b) table amended; (c) added	22747
	(c)(14) revised	24342
52.2123	*(a) and (c) removed	4082
52.2124	*(d) added	7284
52.2125	*Added	7284
52.2175	*Added	7284
52.2220	(c)(4) added	22748

		Page
52.2220	*(c) revised	9668
52.2221	*Table amended	16347
52.2223	(a) and (e) added	22748
	(a)(1) and (2) revised; (a)(4), (5), and (6) redesignated as (a)(5), (6), and (7); new (a)(4) added	24341
	(a)(5) and (e)(16) revised	24342
52.2224	*(b) added	7284
52.2228	*Added	7284
52.2230	*Table amended	16347
52.2271	*Table amended	16347
52.2272	Added	30642
52.2275	Added	30642
52.2276	*Removed	16347
52.2278	Removed	30642
52.2279	Table amended	30642
52.2279	*Table amended	16347
52.2280	Removed	30642
52.2283	Added	30643
52.2284	Added	30643
52.2285	Added	30643
52.2285	*(f) (1) and (3) amended	4882
52.2286	Added	30644
52.2286	*(e) (1), (2), and (3) and (f) (1) and (3) amended	4882
52.2287	Added	30645
52.2288	Added	30645
52.2288	*(c)(2) and (d) revised; (g) (1), (2), and (3), (h)(3), (i) (1) and (3), and (k) amended; (e) through (k) redesignated as (f) through (l); new (e) added	4882
52.2289	Added	30646
52.2289	*(g) (1) and (3) and (i) amended	4882
	*(d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	4883
52.2290	Added	30647
52.2291	Added	30647
52.2292	Added	30647
52.2293	Added	30647
52.2294	Added	30647
52.2295	Added	30648
52.2295	*(c), (d), and (l) amended	1849
52.2296	Added	30649
52.2297	Added	30650
52.2297	*(b) revised; (f) amended	4884
52.2298	Added	30650
52.2299	*Added	7284

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.2320	(c) revised	32666
52.2321	*Table amended	16347
52.2322	(e) added	32666
52.2322	*(d) removed	20485
52.2325	*(c) removed	20485
52.2327	*(b) revised	20485
52.2328	*Added	7284
52.2329	*Added	20596
52.2331	Table amended	32666
52.2331	*Table amended	16347, 20485
52.2332	Removed	32666
52.2337	Added	32666
52.2338	Added	32667
52.2339	Added	32667
52.2340	Added	32667
52.2341	Added	32668
52.2342	Added	32668
52.2343	Added	32668
52.2370	*(c) revised	7284
52.2376	Added	20836
52.2377	*Added	7284
52.2420	(c) revised	33723
52.2420	*(c)(2) revised	7284
	*(c) revised	22947
52.2421	*Table amended	16347
52.2422	Existing text designated as (a); (b) added	33723
52.2423	Revised	33724
52.2424	(b) corrected	33724
52.2426	*Removed	16347
52.2427	(c) amended; (d) added	33724
52.2429	Table amended	33724
52.2429	*Table amended	16347, 22947
52.2430	Revised	33724
52.2431	Revised	33724
52.2432	Removed	33724
52.2434	Removed	33724
52.2435	Added	33724
52.2435	*(b)(3) removed	1849
52.2436	Added	33725
52.2437	Added	33725
52.2438	Added	33726
52.2438	*(e)(1) and (2) and (f) (1) and (3) amended	4882
	(38 FR 33726) *Redesignated as 52.2439	4882
52.2439	*Redesignated from 52.2438 (38 FR 33726) and (g) (1) and (2) and (h) (1) and (3) amended	4882
52.2440	Added	33727
52.2441	Added	33727
52.2442	Added	33728
52.2443	Added	31538
52.2443	*(c) and (d) amended	1849

		Page
52.2444	Added	33729
52.2445	Added	33729
52.2446	Added	33729
52.2447	Added	33730
52.2448	*Added	7284
52.2460	(c) revised	22750
	(38 FR 22750) Correctly designated as 52.2470	32674
52.2470	Correctly designated from 52.2460 (38 FR 22750) and (c) revised	32674
52.2470	*(c) revised	7284
52.2471	*Table amended	16347
52.2472	Added	32674
52.2473	Revised	32674
52.2475	Added	32674
52.2477	Revised	32674
52.2478	Table amended	32675
52.2478	*Table amended	16347
52.2479	Removed	32675
52.2481	(a) and (b) revised; (c) removed; (d) added	22751
	(d)(3) revised	24342
	(38 FR 16569) Correctly designated as 52.2484	32675
52.2484	Correctly designated from 52.2481 (38 FR 16569) and heading amended and text revised	32675
52.2485	Added	32675
52.2486	Added	32675
52.2486	*(c), (d), and (h) amended	1849
52.2488	Added	32677
52.2488	*Removed	1849
52.2489	Added	32677
52.2490	Added	32677
52.2491	Added	32678
52.2492	Added	32678
52.2493	Added	32679
52.2494	Added	32679
52.2495	*Added	7284
52.2524	(b) added	22751
	(b)(9)(i), (ii), and (iii) revised	24342
52.2525	*Added	7284
52.2570	(c)(2) amended	30878
52.2571	*Table amended	16348
52.2577	*Table amended	16348
52.2578	(a) redesignated as (b); (c) added	22752
	(c)(3) revised (appears as 52.2758)	24342
52.2579	*Added	7285
52.2620	(c) revised; (d) added	29297
52.2625	*(c) and (d) added	7285
52.2627	Removed	29297

Note: Asterisk (*) identifies changes published in 1974.

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	Page
52.2670 *(c) added	7285
52.2722 *Revised	7285
52.2724 *Added	7285
52.2775 *(c) and (d) added	7285
52.2822 *Correctly revised	8617
52.2824 *Correctly added	8617
60.1 *Revised	20791
60.2 (p), (q), and (r) added	28565
60.2 *(i) and (1) revised; (s) through (w) added	9313
*(s) and (v) revised	20791
60.3 *Revised	9313
60.4 *Revised	9313
60.6 *(b) revised	9314
60.7 (c) added	28565
60.7 *(d) added	9314
60.8 (c) revised	28565
60.8 *(b) and (f) revised; (d) amended	9314
60.11 Added	28565
60.12 *Added	9314
60.40 *Revised	20791
60.41 *Revised	20791
60.42 *Revised	20792
60.43 *Revised	20792
60.44 *Revised	20792
60.45 (g) added	28566
60.45 *(f) removed	20792
60.46 *Revised	20792
60.50 *Revised	20792
60.51 *(a) amended; (d) removed	20792
60.52 *Revised	20792
60.53 *Revised	20792
60.54 *Revised	20793
60.61 *(b) removed	20793
60.62 *Revised	20793
60.63 *Revised	20793
60.64 *Revised	20793
60.72 *Revised	20794
60.73 (e) added	28566
60.73 *(d) removed	20794
60.74 *Revised	20794
60.81 *(b) revised	20794
60.82 *Revised	20794
60.83 *Revised	20794
60.84 (e) added	28566
60.84 *(d) removed	20794
60.85 *Revised	20794
60.90—60.93 (Subpart I) *Added	9314
60.100—60.106 (Subpart J) *Added	9315

	Page
60.110—60.112 (Subpart K) *Added	9317
*(b) amended	20794
60.111 *(e) corrected	13776
*(b), (d), (g), and (h) revised	20794
60.112 *Correctly designated from 61.112	13776
60.120—60.122 (Subpart L) *Added	9317
60.121 *(c) corrected	13776
60.130—60.133 (Subpart M) *Added	9318
60.140—60.144 (Subpart N) *Added	9318
60.150—60.154 (Subpart O) *Added	9319
60.154 *(c)(3)(i) and (ii) and (d) corrected	13776
*(d) corrected	15396
60 *Appendix amended	9319
*Appendix corrected	13776
*Appendix designated as A and heading revised	20794
61.02 *(c) revised	15398
61.21 *(g), (h), (i), and (j) added	15398
61.22 *(a) and (d)(1), (2)(i), and (4) revised; (g) added	15398
61.112 *Correctly designated as 60.112	13776
80.1 Amended	33741
80.1 *Effective date corrected	2267
80.2 (m) added	33741
80.2 *(m) effective date corrected	2267
80.20 Added	33741
80.20 *Effective date corrected	2267
80.22 *(c) revised; (h) added	16125
80.24 Revised	26450
80.25 Added	33741
80.25 *Effective date corrected	2267
80.26 Added	33741
80.26 *Effective date corrected	2267
85.002 (a)(5) revised	21363
85.002 *(a) (28), (29), and (30) added	7548
85.005 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7549
85.006 *(a) and (c) revised	7549
85.073-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.074-2 *(b)(1) revised; (c) added	7551
85.074-3 *Revised	7551

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	Page
85.074-4 (c) revised	32258
85.074-12 (c) revised	30080
85.074-13 *Introductory text amended; (b)(1) revised, (d) added	18076
85.074-14 *(b) revised	18076
85.074-15 *(j) revised	18076
85.074-19 (d), (e), and (f) redesignated (e), (f), and (g); new (d) added	30080
85.074-20 Corrected	19683
85.074-20 *(b)(1) and (2) revised	18076
85.074-22 (f) revised	30080
85.074-22 *(g) and (j) revised	18076
85.074-23 (a)(3) and (6)(vii) revised	30080
(a)(6)(vii) corrected	31428
85.074-23 *(a)(6) revised, Figure A74-8 added	18076
85.074-26 (c) amended	30080
85.074-29 *(b)(2) amended	7552
85.074-30 (b)(1)(ii) revised	30080
85.074-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.075-1 (a) revised	17441
85.075-2 *(b)(1) revised; (c) added	7550
85.075-3 *Revised	7550
85.075-4 (c) revised	32258
85.075-10 *(a) and (b) revised	2364
85.075-11 (a)(1) revised	30080
85.075-12 (c) revised	30080
85.075-13 *Introductory text amended; (b)(1) revised; (d) added	18077
85.075-14 *(b) revised	18077
85.075-15 *(a) and (j) revised	18078
85.075-19 (e) and (f) redesignated as (f) and (g)	30080
85.075-20 *(a), (b)(1) and (2), (c), and Figure A75-2 revised	18078
85.075-21 *(b)(2)(iii) revised	18079
85.075-22 (f) revised	30081
85.075-22 *(g), (j), and (n) revised	18079
85.075-23 (a)(2) and (6)(vii) revised	30081
85.075-23 *(a) revised; Figure A75-8 added	18079
85.075-24 (b)(14), (15), (16), and (17) revised	30081
85.075-26 (c) amended	30081
85.075-26 *(c) revised	18080

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85.075-28 (c)(1)(i)(*a*) revised	30081
85.075-29 *(b)(2) amended	7550
85.075-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7551
*(b)(1)(iii) corrected	18080
85.075-38 (b) and (b)(3) removed	30081
85.076-1 Revised	22474
85.101—85.176-1 (Subpart B) Revised	21348
85.102 *(a)(21), (22), and (23) added	7553
85.105 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7553
85.106 *(a) and (c) revised	7553
85.175-2 *(b)(1) revised; (c) added	7555
85.175-3 *Revised	7555
85.175-4 (c) revised	32258
85.175-6 (a)(1)(i) revised	30081
85.175-12 *(b) revised	18080
85.175-13 *(a) and (j) revised	18080
85.175-18 *(a), (b)(1) and (2); (c), (d), and Figures B175-2 and B175-3 revised	18081
85.175-19 (f) revised	30081
85.175-19 *(g), (j), and (m) revised	18082
85.175-20 *(a) revised; Figure B175-8 added	18082
85.175-21 *(b)(15) revised; (b) (16) removed; (b)(17)-(21) redesignated as (b)(16)-(20)	18083
85.175-23 *(c) revised	18083
85.175-29 *(b)(2) amended	7555
85.175-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7555
85.201—85.276-1 (Subpart C) Added	21363
85.202 *(a) (26), (27), and (28) added	7556
85.205 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7556
85.206 *(a) and (c) revised	7556
85.275-2 *(b)(1) revised; (c) added	7558
85.275-3 *Revised	7558
85.275-4 (c) revised	32258
85.275-5 *(b)(2) amended	18084
85.275-10 *(a) and (b) revised	2364
85.275-11 (a)(1) revised	30081
85.275-12 (c) revised	30081

Note: Asterisk (*) identifies changes published in 1974.

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85.275-13 *Introductory text amended; (b)(1) revised; (d) added	18084
85.275-14 *(b) revised	18084
85.275-15 (d) table corrected	30439
85.275-15 *(a) and (j) revised	18084
85.275-19 (e) and (f) redesignated as (f) and (g)	30081
85.275-20 *(a), (b)(1) and (2), (c), and Figure C75-2 revised	18085
85.275-21 *(b)(2)(iii) revised	18086
85.275-22 (f) revised	30081
85.275-22 *(g), (j), and (n) revised	18086
85.275-23 (a)(2) and (6)(vii) revised	30082
(a)(6)(vii) corrected	31428
85.275-23 *(a) revised; Figure C75-8 added	18086
85.275-24 (b)(14), (15), (16), and (17) revised	30082
85.275-26 (c) amended	30082, 31428
85.275-26 *(c) revised	18087
85.275-28 (c)(1)(i)(*a*) revised	30082
85.275-29 *(b)(2) amended	7558
85.275-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7558
*(b)(1)(ii) amended	18087
85.275-38 (b) and (b)(3) removed	30082
85.702 *(a) (20), (21), and (22) added	7559
85.705 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7559
85.706 *(a) and (c) revised	7559
85.773-4 (c) revised	32258
85.773-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.774-2 *(b)(1) revised; (c) added	7560
85.774-3 *Revised	7560
85.774-4 (c) revised	32258
85.774-5 *(c)(2) removed	18087
85.774-9 (b) revised	30082
85.774-29 *(b)(2) amended	7561
85.774-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.775-10 *(a) and (b) revised	2364

	Page
85.802 *(a) (25), (26), and (27) added	7562
85.805 *(a) (1) and (3) and (b) (1) revised (a)(4) added	7562
85.806 *(a) and (c) revised	7562
85.873-4 (c) revised	32258
85.873-30 *(a) (1) and (3) revised; (b)(3) amended; (c) added	7565
85.874-2 *(b)(1) revised; (c) added	7564
85.874-3 *Revised	7564
85.874-4 (c) revised	32258
85.874-5 *(b)(2) and (c)(1) revised; (b)(3) added	18087
85.874-7 Heading amended; (e) added; (i) removed	30082
85.874-29 *(b)(2) amended	7564
85.874-30 (b)(1)(ii) redesignated as (b)(1)(i) and revised	30082
85.874-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7564
*(b)(1)(i) and (ii) revised	18088
vised	18088
85.902 (a)(23) revised	30082
85.902 *(a) (25), (26), and (27) added	7565
85.905 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7566
85.906 *(a) and (c) revised	7566
85.974-2 *(b)(1) revised; (c) added	7567
85.974-3 *Revised	7567
85.974-4 (c) revised	32258
85.974-16 (b)(6) [revised] redesignated as (c)(6)	30082
85.974-18 (c) revised	30082
(c) corrected	32138
85.974-28 (c)(1)(i)(*a*) and (*b*) revised	30082
85.974-29 *(b)(2) amended	7567
85.974-30 (b)(1)(i), (ii), and (iii) revised	30082
85.974-30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7567
*(b)(1)(i) and (ii) revised	18088
85 Appendix III amended	30083
*Appendix V and schematic removed	18088
87 Added	19090
87.11 *(a) revised	4884
87.64 (c)(1)(2)(c) revised	34734

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	Page
87.66 (a)(6)(i) and (vi) revised	34734
87.70 (a)(2) and (3), (b)(4), and (d) table corrected; (e) (4)(iii) revised	34734
87.93 (d) corrected	34734
87.96 (a) corrected	34734
87.99 (e)(2)(ii) and (5)(i) revised	34734
87.101–87.102 (Subpart J) Added	35001
87 Appendix A corrected	34734, 34735
104 Removed	31174
104 *Added	1027
104.5 *Amended	8325
104.10 *(f) revised; (g) removed	8326
105 Added	22757
106 Removed	31174
107 Removed	31174
108 *Added	12866, 15398
112 Added	34165
113 Added	25440
120.10 Amended	26359
122 Removed	22893
124.1 (u) and (v) added	18002
(h) removed; new (h), (i), and (j) added	19895
124.10—124.11 (Subpart B) Revised	18002
124.21 Added	19895
125.1 (ii) and (jj) added	18003
(g) through (gg) redesignated as (h) through (hh); new (g) added	19895
125.4 (j) added	18003
125.12 (b), (h)(1) introductory text, (h)(1)(iii)(C) and (D), (h)(2) introductory text, (h) (2) (i) and (iii), (h)(3), and (i)(5) amended; (h)(2)(ii) removed; (h)(2)(iii) redesignated as (h)(2)(ii) and amended	19896
126 Added	25681
128 Added	30983
129 Added	24344
130 *Added	19635
131 *Added	19639
133 Added	22298
136 Added	28758
162.14 (a)(5) revised	26360
162.19 *Added	3939
164 Revised	19371
164.20 (c) revised	34117

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164.40 (e) revised	34117
164.50 *(d)(4) corrected	11884
165 *Added	15237
166 Added	33305
167 Added	30558
168 Added	26361
170 *Added	16890
180.1 (j)(8) added	31174
180.3 (e)(6) amended	27523
(e)(5) amended	28664, 33398
180.3 *(e)(5) amended	13971, 19208
180.120 Amended	28663
180.121 Amended	26450
180.133 *Amended	13776
180.140 *Revised	13776
180.142 (a) revised	29589
180.144 *Amended	13260
180.150 *Amended	9177
180.153 Heading revised; text amended	23781
Corrected	26913
180.169 Amended	18548
180.185 Heading revised; text amended	34117
180.198 Amended	31174
180.200 Amended	23404
180.206 *Amended	7421
180.213 Amended	28664
180.215 *Amended	22423
180.221 *Amended	3679, 7929
180.223 *Amended	5765
180.224 Revised	22475
180.227 *Amended	15126
180.234 *Amended	2585
180.242 Amended	35467
180.245 Revised	31539
180.246 Amended	28937
180.249 Revised	32909
180.249 *Amended	7422
180.253 *Amended	22146
180.254 *Revised	20597
180.254a *Added	6608
*Effective date corrected	7929
*Removed	20597
180.259 Revised	22124
180.263 *Amended	3679, 17443
180.269 *Amended	13259
180.285 *Amended	7930
180.292 *(b) added	22146
180.294 Amended	26450
Corrected	29589
180.294 *Amended	7422, 16888, 22145
180.298 Heading revised; text amended	23404
180.298 *Amended	22423
180.300 Amended	18442

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180.301 *Revised	7568
180.303 *Removed	11268
180.304 Added	27524
180.315 Amended	35314
180.317 Revised	27524
Amended	33973
180.317 *Amended	18280
180.319 Table amended	18548, 22894, 28663, 31539, 33974
180.319 *Table amended	12008, 13971, 22146
180.319a Added	21783
Amended	32909
180.319a *Removed	12866
180.320 Revised	23403
180.326 *Revised	9965
*Corrected	13073
180.327 *Revised	9965
180.337 Added	29589
180.340 Added	22894
180.341 Added	22894
180.342 Added	28664
180.343 Added	33398
180.344 *Added	12008
180.345 *Added	19208
180.346 *Added	9177
180.347 *Added	13971
180.348 *Added	13260
*Corrected	16888
180.350 *Added	19943
180.1001 (d) table amended	22124
180.1001 *(c) table, (d) table, and (e) table amended	799, 2758
*(c) table and (e) table corrected	4683, 6518
*(d) table amended	11080
*(c) table and (d) table amended	22265
180.1011 (a)(4) added	19045
180.1020 Amended	28938
Revised	29590
180.1020 *Revised	6705
180.1021 (c) added	25440
180.1023 *Revised	11268
180.1028 *Added	9965
180.1029 *Added	11268
203 *Added	6670
*Effective date corrected	7930
220 Revised	28613
221 Revised	28614
222 Revised	28615
223 Revised	28616
224 Revised	28617
225 Revised	28617
226 Revised	28617
227 Revised (except Approved Interim Dumping Sites)	28618
227 *Approved Interim Dumping Sites List amended	20206
Subchapter N added	4532
401 *Added	4532
405 *Added	18597
406 *Added	10513
407 *Added	10864
408 *Added	23140
409 *Added	4037
409.13 *Introductory text of (a) corrected	17841
409.20—409.26 (Subpart B) *Added	10524
409.30—409.36 (Subpart C) *Added	10526
411 *Added	6590
412 *Added	5706
413 *Added	11512
414 *Added	14678
414.20 *Table amended	20597
414.22 *(b) amended	20597
414.23 *(b) amended	20597
414.25 *(b) amended	20598
414.35 *(a) table amended	20598
415 *Added	9616
415.152 *Corrected	20376
415.153 *Corrected	20376
416 *Added	12505
417 *Added	13372
417.32 *Table corrected	17841
417.42 *Corrected	17540
417.106 *Corrected	17841
417.162 *(a) table corrected	17841
418 *Added	12836
419 *Added	16563
420 *Added	24119
421 *Added	12825
422 *Added	6582
424 *Added	6809
424.22 *(b) amended	17841
424.23 *Amended	17841
424.25 *Amended	17841
425 *Added	12960
426 *Added	2565
426.12 *Table corrected	4760
426.20—426.26 (Subpart B) *Added	5714
426.30—426.36 (Subpart C) *Added	5714
426.40—426.46 (Subpart D) *Added	5714

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114-38.605—114-38.607 (Subpart 114-38.6) *Revised	12989
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57.1501—57.1517 (Subpart P) Added	31836
57.1701—57.1717 (Subpart R) *Added	4778
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121.8 Removed	30659
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121.10 Removed	30659
121.11 Removed	30659
121.12 Removed	30659
121.56 Removed	30659
121.57 Removed	30659
121.58 Removed	30659
121.59 Removed	30659
121.60 Removed	30659
121.80 Removed	30659
121.82 Removed	30659
121.83 Removed	30659
121.84 Removed	30659
121.90 Removed	30659
121.99 Removed	30659
121.102 (d) and (g) removed	30659
121.106 (e) removed	30659
121.110 Removed	30659
121.127 (c) and (d) removed	30659
121.128 (d) removed	30659
121.131 Removed	30659
121.132 Removed	30659

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121.133 Removed	30659
123.1 (d), (h), (i), (n), (p), (q), and (r) removed	30659
123 *Revised	17965
123.2 Removed	30659
123.3 Removed	30659
123.6 Removed	30659
123.14 Removed	30649
123.21 Removed	30659
123.23 Removed	30659
123.24 Removed	30659
123.25 Removed	30659
123.26 Removed	30659
123.27 Removed	30659
123.28 Removed	30659
123.29 Removed	30659
123.35—123.38 (Subpart E) Removed	30659
123.44 (Subpart F) Removed	30659
124 *Revised	13652
124.1 (b), (c), (e), (f), (i), (j), and (k) removed	30659
124.4 Removed	30659
124.5 Removed	30659
124.6 Removed	30659
124.7 Removed	30659
124.8 Amended	30659
124.15 (a), (c), and (d) removed	30659
124.16 Removed	30659
124.20—124.28 (Subpart D), Removed	30659
124.33 Removed	30659
124.34 Removed	30659
125.1 (c) removed	30659
129.1 (b), (e), (f), (h), (i) and (m) removed	30659
129.3 Amended	30659
129.6 (a) removed	30659
129.9 Removed	30659
129.10 Removed	30659
129.11 Removed	30659
129.12 Removed	30659
129.13 Removed	30659
129.14 Removed	30659
129.15 Removed	30659
129.16 Removed	30659
129.17 Removed	30659
129.18 Removed	30659
129.19 Removed	30659
130.2 Removed	30659
130.3 (b), (d), (f), and (g) removed	30659
130.5 (b)(1) through (6) and (8) through (16) removed	30659
130.22 (c) removed	30659

Note: Asterisk (*) identifies changes published in 1974.

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130.33	Removed	30659
130.34	Removed	30659
130.35	Removed	30659
130.36	Removed	30659
130.37	Removed	30659
130.38	Removed	30659
130.39	Removed	30659
130.40	Removed	30659
130.41	Removed	30659
130.43	Removed	30659
130.44	Removed	30659
130.52	Removed	30659
130.53	Removed	30659
130.55	Removed	30659
131.1	Revised	30659
131.2	(e), (f) and (n) removed	30660
131.6	Removed	30660
131.10	Removed	30660
131.12	Removed	30660
131.13	Removed	30660
131.14	Removed	30660
131.15	Removed	30660
131.16	Removed	30660
131.17	Removed	30660
132	*Revised	17540
132.1	Revised	30660
132.2	(b), (c), (d), and (e) removed	30660
132.5	Removed	30660
132.6	Removed	30660
132.7	Removed	30660
132.8	Removed	30660
132.9	Removed	30660
132.10	Removed	30660
132.11	Removed	30660
132.12	Removed	30660
132.14	Removed	30660
132.16	Removed	30660
132.17	Removed	30660
132.18	Removed	30660
132.19	Removed	30660
132.20	Removed	30660
132.21	Removed	30660
132.22	Removed	30660
132.23	Removed	30660
132.24	Removed	30660
132.25	Removed	30660
132.26	Removed	30660
132.27	Removed	30660
133	*Added	17546

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141.1	(e), (f), (g), (h), and (k) removed	30660
141.8	Removed	30660
141.11	(d)(4) removed	30660
141.12	Removed	30660
141.13	Removed	30660
141.14	Removed	30660
141.15	Removed	30660
141.16	Removed	30660
141.17	Removed	30660
141.18	Removed	30660
141.21—141.23	(Subpart E) Removed	30660
142.2	(c), (e), (f), (g), (j), (k), (l), (m), (n), and (p) removed	30660
144.2	(d), (e), (f), (v), (w), and (y) removed	30660
145.1	(d), (e), and (i) removed	30660
147.2	(e) and (f) removed	30660
150.1	(f) removed	30660
151	*Revised	22147
151.2	(b), (d), (h), (j), (k), and (n) removed	30660
151.4	Removed	30660
151.5	(b) removed	30660
151.7	Removed	30660
151.8	Removed	30660
151.9	Removed	30660
151.11	Removed	30660
151.13	Removed	30660
151.14	Removed	30660
151.15	Removed	30660
151.16	Removed	30660
151.18	Removed	30660
151.19	Removed	30660
151.20	Removed	30660
151.21	Removed	30660
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151.23	Removed	30660
151.31	Removed	30660
151.32	Removed	30660
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151.39	Removed	30660
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151.42	Removed	30660
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151.46	Removed	30660
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154	*Added	14945
155.2	(b), (d), and (g) removed	30660
155.3	Removed	30660
155.7	(c) and (f) removed	30660
155.7	*Revised	19216
155.9	(a) removed	30660
155.11	Removed	30660
155.12	Removed	30660
155.13	Removed	30660
155.14	Removed	30660
158	*Revised	22343
160.2	(f), (q), (r), and (u) removed	30660
160.10	(a), (b), (f), and (g) removed	30660
160.11	Removed	30660
160.12	Removed	30660
160.13	Removed	30660
160.14	Removed	30660
160.16	Removed	36060
160.17	Removed	30660
160.19	Removed	30660
160.20	Removed	30660
160.21	Removed	30660
160.22	Removed	30660
160	Appendix amended	30660
166.2	Removed	30660
166.3	(f), (g), (h), and (k) removed	30660
166.11	*(a) revised	18074
166.16	(a) removed	36060
166.21	(a) removed	30660
166.22	Removed	30660
166.23	Removed	30660
166.24	Removed	30660
166.25	Removed	30660
166.26	Removed	30660
166.27	Removed	30660
166.28	Removed	30660
166.29	Removed	30660
166.30	Removed	30660
166.31	Removed	30660
166.33	Removed	30660
166.34	Removed	30660
166.35	Removed	30660
166.36	Removed	30660
166.43	Removed	30660
166.44	Removed	30660, *17104
166.46	Removed	30660
166.47	Removed	30660
167	*Revised	18390
167.2	Removed	30660
167.3	(f), (g), (h), (k), and (l) removed	30660, *17104
167.7	(a) removed	30660

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167.8	Removed	30660
167.9	Removed	30660
167.10	Removed	30660
167.11	(a) and (b) removed	30660
167.12	Removed	30660
167.13	Removed	30660
167.15	Removed	30660
167.17	Removed	30660
167.18	Removed	30660
167.19	Removed	30660
167.20	Removed	30660
167.24	Removed	30660
167.25	Removed	30660
167.26	Removed	30660
167.27	Removed	30660
167	Appendix A added	34560
169	*Added	18650
170.1	(f) and (l) removed	30660
170.2	Removed	30660
170.3	Removed	30660
170.4	Removed	30660
170.5	(b) removed	30660
170.6	(b)(1) and (2) and (c) removed	30660, *17104
170.8	Removed	30660, *17104
170.13	(a)(4) removed	30660
170.14	(b) amended	30660
170.18	(a) and (c) removed	30660
170.19	Removed	30660
170.45	Removed	30660
171	*Revised	12950
171.1	(h), (j), (p), and (q) removed	30660
171.4	(b) amended	30660
171.7	(b) removed	30660
171.8	Removed	30660
171.10	Removed	30660
171.11	Removed	30660
171.12	Removed	30660
173.1	(b), (d), (e), (g), and (i) removed	30660
173.14	Revised	30660
173.16	Removed	30660
173.23	Removed	30660
173.24	Removed	30660
173.25	Removed	30660
173.26	Removed	30660
173.27	Removed	30660
173.28	Removed	30660
173.29	Removed	30660
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173.33	Removed	30660
173.37	Removed	30660

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174 *Added	10567
175.2 (d), (h), and (s) removed	30660
175.3a *Revised	17547
175.15 Removed	30660
175.16 (b) and (c) removed	30660
175.17 Removed	30660
177.1 (d) and (i) removed	30661
177.4 (c)(3)(xvii) added	27935
177.4 *(c)(3)(xviii) added	1849
*(c)(3)(xix) added	17104
178.1 (d) and (i) removed	30661
180.02 (a), (h), and (k) removed	30661
180.03 Removed	30661
180.04 Removed	30661
190.05 Removed	30661
180.06 Removed	30661
180.13 *(a) revised	16886
180.22 *(b)(1) revised	16887
180.23 *(a) revised	16887
180.24 *(a) revised	16887
181.1 (a), (e), and (h) removed	30661
181.13 Removed	30061
181.14 Removed	30661
181.16 Removed	30661
181 Appendix A removed	30661
183 *Added	17842
185.02 (b), (c), (h), (l), and (m) removed	30661
185.03 Revised	30661
185.71 *Revised	13268
185.72 *Revised	13268
185.73 *Revised	13269
185.74 *Amended	13269
185.75 *Revised	13270
185.76 *Revised	13270
185.91 *(a) revised	13270
185.91-1 *Added	17547
185.92 *(b)(4) added	13270
185.92-1 *Added	17548
185.93-1 *Added	17548
185.94-1 *Added	17549
185.95 *(b)(1) and (3) revised	13270
185 Appendix A removed	30661
186.2 Amended	30661
186.22 *Removed	22424
186.31—186.34 (Subpart D) Removed	30661
186.31—186.33 *(Subpart D) Added	22424
187.2 Amended	30661
187.3 Added	30661

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187.21 Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661, *17104
187.31—187.34 (Subpart D) Removed	30661
188.3 Added	30661
188.15 Introductory text revised; (c), (d), (e), and (f) removed	30661
188.21—188.24 (Subpart D) Removed	30661
189 Added	27825
189 *Revised	15481
192 *Added	19213

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

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201.0 *Added	8326
205.10 *(a)(4)(i)(A), (5)(v), and (11) revised; (a)(4)(iv) added	12009
205.25 Added	34324
205.25 *Effective date changed to 7-1-74	3824
205.35 *Added	4733
*Effective date changed	5315, 9178, 10432
*Revised	13887
205.100 *Revised	9513
205.101 *Revised	16970
205.120 *Revised	16971
205.190 *(a) introductory text and (a)(1) and (2) revised	2254
206.10 (a)(6) revised	33380
206.10 *(a)(6) revised	1443
*(a)(2) revised	12009
220 *Reinstated until 1-1-75 and amended	1443
220.60 Removed; provisions transferred to Part 221	30072
220.61 (a) through (f) removed; provisions transferred to Part 221	10782, 30072
220.65 (a) removed; provisions transferred to Part 221	30072
221 *Effective date postponed to 1-1-75	1443
222 Removed; provisions transferred to Part 221	30072
222 *Reinstated until 1-1-75 and amended	1443
226 Removed; provisions transferred to Part 221	30072

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226 *Reinstated until 1-1-75 and amended	1443
233.20 *(a)(12) revised	22268
233.50 Revised	30259
Effective date corrected	31174
233.120 *(b)(2) revised	5316
233.145 (c) added	32912
234.130 *(a) introductory text and (c) revised	2220
237.50 Revised	32913
248.1 *Added	9513
248.2 *Added	9515
248.3 *Added	9516
248.4 *Added	9517
248.10 (a)(1), (b)(2)(ii) and (iv), and (d)(1) and (2) revised; (b)(3) and (4) redesignated as (b)(5) and (6); (b)(5) redesignated as (b)(7) and revised; new (b)(3) and (4) added	33380
248.10 *Introductory text added	9518
*(b)(4) revised	16971
248.11 *Existing text designated as (b); (a) added	9518
248.21 (a) revised; (b) redesignated as (c) and revised; new (b) added	33382
248.21 *(a) revised	5552
*Introductory text added	9518
248.30 (b)(1) revised	33382
248.30 *Revised	9518
248.50 Revised	30259
248.50 *Revised	9518
248.60 (a)(1), (2), and (3)(iv) revised	33383
Effective date corrected	31174
248.60 *(a)(1) revised; (b)(9) and (10) added	2221
248.70 *Revised	9518
248.80 *Revised	9518
*(c) corrected	10253
249.10 *(b)(14) and (c) revised; (b)(15) redesignated as (b)(17), new (b)(15) added; (b)(16) reserved; (d)(1)(iv), (v), and (vi) added	2221
*(b)(4)(i) revised	2257
*(b)(15)(i)(*e*), (ii) introductory text, (ii)(*a*), (iii)(*b*) and (d)(1)(vi) corrected	8918
*(a)(1), (2), (5), and (6) and (b)(7), (11), and (17) revised; (a)(9) removed; new (a)(9) and (10) added	16971

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249.11 *Redesignated as 249.20	2223
249.12 *Added	2223
*(a)(1)(ii)(B) and (9)(iii) and (c)(2) and (3)(v) corrected	8918
249.13 *Added	2226
*(c)(6)(ii)(C)(*1*) and (12)(ii)(E) corrected; (h)(i) through (x) correctly designated as (h)(1) through (10); (h)(10) revised	8918
249.20 *Redesignated from 249.11 and revised	2223
249.31 *Added	12866
249.32 *Revised	16972
249.33 *Revised	2254
*(a)(1)(i), (iii), (2), (4)(iii)(B), and (8)(i)(B) corrected	8918
*(a)(3)(i) revised	16972
249.40 *Revised	5553
249.41 *Revised	16972
249.81 * Revised	33383
250.24 *Added	2234
*(a)(1) and (3)(v)(B) corrected	8918
250.30 *(a)(6) revised; (b)(3)(iii) added	2235
*(b) and (d) revised	21135
250.70 *Added	16973
250.80 *Revised	7930
250.90 *Added	17763
*(b)(2)(ii) corrected	22269
250.100 *Added	2256
250.120 *Revised	16973
270 *Removed	11886

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401 *Revised	898
401.116 *(b)(2) added	7931
402 *Removed	898
403 *Revised	914
404 *Revised	918
405 *Revised	926
406 *Revised	929
407 *Revised	932
408 *Revised	933

Chapter VI—National Science Foundation

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602 *Added	4664
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Chapter VII—Commission on Civil Rights

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801 *Appendix A amended	19780

Chapter IX—Administration on Aging, Department of Health, Education, and Welfare

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901.5 *Revised	17912
903 Revised	28042
903.0 *Correctly promulgated	7790
903.16 *Revised	17912
903.34 Corrected	29809
910 Added	30878
910 *Revised	17912
910.6 Corrected	31680

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1060 *Revised	17969
1062 *Added	8856
1068.9-1—1068.9-5 (Subpart 1068.9) *Added	10253
1069.3-4 *(a)(2) amended	12109
1069.3-5 *Revised	17549
1069.3-6 *Revised	17550
1069.3-7 *Removed	17550
1070.3-1—1070.3-3 (Subpart) *Superseded by Part 71	13882
1071 *Added	13882

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1204 Added	34118
1205 *Added	1037
1206 *Added	1996
1207 *Added	5770

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

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*Chapter heading revised	11886
1350 *Added	11886

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

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Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

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TITLE 46—SHIPPING

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1.20 (c)(1)(ii) and (e)(2) amended	32448
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(e)(2) [amended] correctly designated as (c)(2) [amended]	34644
1.23 (b) amended	32448
1.25 (b) revised	32449
2.40-20 *Note added	19481
2.50-1—2.50-40 (Subpart 2.50) *Removed	19481
10.05-33 (a)(3)(ii) revised	29320
10.05-39 (b)(1a) added	29320
10.16-71 *Amended	17970
25.05-15 *(b) and (c) removed; (d) revised	3270
26.03-1 *Removed	8919
26.05-1—26.05-5 (Subpart 26.05) *Removed	8919
26.10-5 *(b) amended	19481
30 *Authority citation revised	22949
30.01-5 *(a)(1)(i) and (ii), (2)(i) and (ii), and 3(i) revised; (a)(3)(ii) and (iii) added	22950
30.01-6 Revised	29320
30.10-36 Removed	29320
33.60-1 (Subpart 33.60) *Added	10138
34.20-15 *(c) revised	7790
34.20-20 *(b) revised; (c) added	7790
35.01-40 *Revised	18767
35.10-25 *Added	10139
35.30-20 Revised	27354
35.40-40 *(a) amended	10139
54.05-30 *Added	9179
54.25-10 *(c) revised	9178
54.25-15 *(c) revised	9178
54.25-20 *(e) revised	9179
56.50-50 *(n) revised	18767
64 *Added	22950
70.05-10 Revised	29320
70.05-30 *(a)(1) and (2) revised	22953
70.10-21 Removed	29320
74.15-10 *(b) amended	18767
75.60-1 (Subpart 75.60) *Added	10139
77.35-5 (c) revised	33475
78.17-85 *Added	10139
78.47-72 *Added	10139
78.85-1 *Revised	18767
90.05-10 Revised	29320
90.05-35 *(a)(1)(i) and (ii) and (2)(i) revised; (a)(1)(iii) removed; (a)(2)(ii) and (iii) added	22953
90.10-17 Removed	29320
93.13-10 *(b) revised	18767
94.60-1 (Subpart 94.60) *Added	10139
96.35-5 (c) revised	33475
97.15-65 *Added	10139
97.37-55 *Added	10139
97.75-1 *Revised	18767
98.30-1—98.30-39 (Subpart 98.30) *Added	22954
98.35-1—98.35-50 (Subpart 98.35) *Heading revised	22955
98.35-1 *(a) and (c) amended; (f) added	22955
98.35-3 *(a) amended	22956
98.35-10 *(e) removed	22956
98.35-25 *Revised	22956
98.35-30 *Revised	22956
98.35-35 *Removed	22956
98.35-40 *Removed	22956
111.80-5 (a)(7) table corrected	32914
137.01-5 (d) added	32449
137.02-1 Revised	32449
137.30-1 *(g) corrected	10432
146.02-12 *(e) redesignated from 146.02-13 (a)	14709
146.02-13 *Removed and (a) redesignated as 146.02-12 (e)	14709
146.02-14 *(d) revised; (e) removed	14709
146.02-15 *(b) amended; (d) added	14709
146.02-35 *(c) added	14709
146.04-5 *Table amended	13277, 14708
146.05-3 *(a) and (b) revised	14708
146.05-5 *(b) and (c) revised	14708
146.05-10 *Revised	14708
146.05-10a *Added	14708
146.07-1—146.07-40 (Subpart 146.07) *Heading amended	14709
146.07-1 *(a) amended	14709
146.07-40 *(b) revised	14709
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146.19-12 *(h) added	14710
146.20-35 *(b) amended	14709
146.20-51 *(c) and (d) removed	14709

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146.22-100	*Table E amended	14709
146.22-200	*Table E amended	14709
146.23-1	*Heading and (a)(1) revised; Notes 1 and 2 added	13279
146.23-10	*(c) removed	14709
146.23-30	*(a)(2) revised	13279
146.23-100	*Table amended	13278, 13279
146.24-20	*(c)(4) removed; (c)(5) redesignated as (c)(4)	14709
146.24-75	*Removed	14709
146.24-100	*Table G amended	14709
146.26-100	*Table J amended	14709
146.27-1	*(b) amended	14709
146.27-32	*(a) amended	14709
146.27-100	*Table K amended	13277, 14709
154	*Effective date changed	1596
	*Annex A amended	24011
160.015-3	*(j)(1) removed; (l) amended	11273
160.035-5	*Introductory text of (a)(3) revised	12747
160.047-3	*(g) removed	20684
160.047-3a	*Added	20684
160.051-1	*(c) added	9669
160.051-5	*(c)(4) amended; (e)(11) revised	9669
160.051-7	(b)(5) revised	31297
160.052-3	*(e) removed	20684
160.052-3a	*Added	20684
160.060-3	*(e) removed	20684
160.060-3a	*Added	20684
161.011-1—161.011-10	(Subpart 161.011 *Added	10139
162.028-3	(j)(1) removed	27354
162.039-3	(h) removed	27354
166.01	(b) revised	29320
167.35-72	*Added	10139
167.55-5	*(j)(1) amended	10139
167.65-1	*(c)(3) added	10140
180.05-1	*(b)(10) added	10140
180.40-1	(Subpart 180-40) *Added	10140
184.15-15	*(b) and (c) removed; (d) revised	3270
185.25-20	*Added	10140
185.30-30	*Added	10140
188.05-10	Revised	29320
188.05-37	Removed	29321
191.25-10	*(b) revised	18768
192.65-1	(Subpart 192.65) *Added	10140
195.35-5	(c) revised	33475
196.15-65	*Added	10140
196.37-49	*Added	10140
196.75-1	*Revised	18768

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221.4	*(a), (b), (c), and (d) revised	10572
221.7	*Appendix amended	10573
221.14	*Revised	22425
282	*Revised	16445
294.3	*(c)(1) amended	19481
294.8	(b)(1) revised	30880
294.9	(a)(3)(i) and (ii) revised	30879
	(b)(2)(iii) revised	30880
294.12	*(b)(3) revised	19481
308.6	Amended	27525
308.6	*Amended	9669
308.106	Amended	27525
308.106	*Amended	9669
308.206	Amended	27525
308.206	*Amended	9669
308.305	Amended	27525
308.305	*Amended	9669
309.1	*Revised	3952
309.2	*Revised	3952
309.3	*Revised	3952
309.4	*Revised	3953
309.5	*Revised	3953
309.6	*Revised	3953
309.7	*Revised	3953
309.8	*Revised	3953
309.101	*Revised	3953
310.52	*(c) revised	2760
310.53	Revised	27525
310.53	*(a) amended	2760
310.58	(c) amended	34118
310.60	(b) revised	34118
310.64	*(c)(1) revised	2760
350	Revised	27525
390	*See 26 CFR 3.1	12

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Section	Change	Page
531.26	*(c) revised	22956
542	Revised	28829
542	*Amended	9542
542.5	*(a)(3) revised	23262
542.10	*Added	9542

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Chapter I—Federal Communications Commission

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0.34	*Revised	24012
0.35	*Revised	24012
0.36	*Revised	24012
0.37	*Removed	24012
0.84	Redesignated from 0.85 and revised	33598
0.85	Redesignated as 0.84; redesignated from 0.86 and revised	33598
0.86	Redesignated as 0.85; new 0.86 added	33598
0.87	Added	33598
0.88	Added	33598
0.89	Added	33598
0.90	Added	33598
0.93	*Revised	10432
0.111	Introductory text revised	31298
0.111	*Revised	13543
0.112	Revised	31298
0.112	*Revised	13543
0.113	Revised	31298
0.113	*Revised	13543
0.114	Revised	31298
0.114	*Revised	13544
0.115	Revised	31298
0.115	*Revised	13544
0.116	Revised	31298
0.116	*Revised	13544
0.117	*Added	13545
0.121	*(c) amended	20376
0.281	Revised	31175
0.282	Added	31176
0.311	Heading, (a) introductory text, (a)(1) and (b) revised	31298
0.311	*(a)(13) removed	7423
0.314	*(b) revised	10574
0.351	(h) added	30559
0.371	*(g) added	4571
0.403	*Revised	14593
0.457	*(d) revised	5918
0.465	*(a) revised	19216
0.485	(c) revised	33974
1.4	*(c) and (d) revised	14593
1.83	*(a) (1) and (2) revised; (a)(3) removed	7423
	*(a)(1) corrected	8617
1.294	*(c)(2) removed	10909
1.516	(e)(1) amended	28788
1.526	(a) introductory text and (e) introductory text revised; (a) (6), (7), (8), and (9) added	28788
	(a)(6) effective stayed; (a)(9) and introductory text of (e) amended	35411
1.526	*(a)(10) added	1767
1.539	(a) revised	28789
1.547	*(a) and (c)(4) revised; (d) removed	10574
1.550	(c)(1) corrected	27595
1.573	*Note 1 revised	12990
1.580	(c) and (i) amended; (d), (j) introductory text, and (m) revised	28789
	(d) introductory text and (d)(2) and (3)(iii) revised; (d)(5) redesignated as (d)(6); new (d)(5) added	35411
1.804	Revised	33475
1.912	(d) amended	33302

Note: Asterisk (*) identifies changes published in 1974.

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1.922 Amended	33302
1.926 (b)(10) amended	33302
1.993 (b) revised	35320
1.1113 *Amended	2765
1.1207 *Introductory text revised	18280
2.1 *Amended	2765
2.106 Table amended	29081, 30742
Footnote revised	32449
Footnote amended	30001
2.106 *Table amended	2765, 6706, 10142, 16843
*Footnote revised	10145
2.551—2.593 (Subpart F) *Removed	5919
2.601 *Revised	7130
2.603 *(a) and (b) revised	7130
*(a) table and (b) table corrected	13781
2.901—2.1065 (Subpart J *Added	5919
2.903 *(a) and (b) corrected	8617
2.905 *(a) and (b) corrected	8617
2.925 *Effective date stayed until 6/25/74	12351, 12867
2.969 *Effective date stayed until 6/25/74	12351, 12867
2.1003 *Effective date stayed until 6/25/74	12351, 12867
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5.55 (d) and (f) revised	32138
13.4 *(c) revised	7424
13.11 *(b)(1)(iii), (2), and (3) revised	7424
13.21 *(b) added	7580
13.28 *Revised	7424
13.61 *(d)(2), (f)(6), and (g)(1) and (3) revised	3553
*(e)(2) and (f)(7) removed; (h)(4) revised	15129
13.62 *(c) introductory text and (c)(1), (2), and (3) revised	3553
15.66 *(b) revised	14347
15.68 (b)(3) and (d)(3) revised	29813
(d)(4) added	30265
15.71 *(b) removed	14347
15.201 *(e) added	12748
15.214 *(c) revised	1768
15.216 *(a), (b), and (c) revised	12748
15.307 *Revised	1768
15.309 Revised	27822
15.309 *(a) and (c) revised	1768
17.7 *Revised	7581
17.14 *(c) revised	7581
17.57 *Revised	7581
18.13 *Revised	1769
18.14 *Revised	1769
18.141 *(a) revised	1769
18.144 *Note revised	1769
21.1 *Amended	2765, 20601
21.15 (r)(2) corrected	27218
21.35 *(a) revised	2765
21.107 *(b) amended	2765
21.108 *(b) amended	2765
21.501 *(e) revised	2765
21.509 *(e) designated as (e)(1); new (e)(2) added	20601
21.701 *(a) table amended	2766
21.703 *(g) table amended	2766
21.900—21.908 (Subpart K) *Added	2766
21.901 *(c) corrected	7134
23.16 Corrected	27386
23.20 (d)(2) corrected	27218
43.72 *Added	2768
64.202—64.298 (Subpart B) Revised	33475
73.18 (c)(2) corrected	27218
73.52 *(a) revised	10574
73.60 (a) revised	30266
73.63 (g) revised	30266
73.71 *(b) revised	10574
73.93 *(h)(4)(iv) revised	10575
73.98 *(b) and (g) revised	3901
73.113 *(e) revised	10575
73.114 *(b) revised	10575
73.202 (b) table amended	28833, 32450, 33602, 34119
(a) amended	28834
73.202 *(b) table amended	804, 1474, 1478, 1772, 1851, 4885, 7791, 10578, 11082, 13548, 14506, 19216, 20378, 20379
73.204 *(a) revised	12990
73.207 *(a) note amended	12990
*(b) table corrected	2768
*(a) Note corrected	20485
73.215 (c)(2) corrected	27218
73.252 (a) revised	30266
73.255 (f) revised	30266
73.261 *(b) revised	10575
73.265 *(d)(5)(iv) revised	10575
73.267 *(c) revised	10575
73.283 *(e) revised	10575
73.284 *(b) revised	10575

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73.295 (g) revised	30266
73.297 (b) revised	30266
73.298 *(b) and (f) revised	3901
73.310 *(a) amended	10575
73.501 (c) added	28834
73.504 *Note added	12990
73.507 Added	28834
73.515 (c)(3) corrected	27218
73.552 (a) revised	30266
73.555 (f) revised	30266
73.565 *(d)(5)(iv) revised	10575
73.567 *(c) revised	10576
73.583 *(e) revised	10576
73.595 (g) revised	30266
73.596 (b) revised	30266
73.597 *(b) and (f) revised	3901
73.603 *(a) table amended	10576
73.606 *(b) table amended	10433, 16467
73.623 (c)(2) corrected	27218
73.644 *(a)(10) removed	5775
73.651 *(a)(3) revised	10576
73.658 Heading revised; (m) added	27218
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73.658 *(k) revised	5611, 12748
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73.674 *Existing text designated as (a); (b) and (c) added	1767
73.675 *(b) and (f) revised	3901
73.682 *(a)(22) revised	802
73.689 *(b)(3) revised	10576
73.690 (a) revised	30266
73.698 *Table I revised	20377
73.712 (c)(2) corrected	27218
73.901—73.962 (Subpart G) *Revised	3901
73.911 *(a), (b), and (c) revised	14710
*Republished	17443
73.931 *(a)(3) corrected	6610
73.1201 *(c) revised	6707
*(c) corrected	9442
73.1202 Added	28790
(a), (d)(1)(ii) and (iii) and (2)(ii) and (iii), and (e) revised	35412
74.12 (c)(2) corrected	27218
74.533 *(b)(4) revised	10576
74.635 *(a)(4) revised	10576
74.1202 *Note added	12990
76.7 *(b) and (d) revised	6707
*(i)(3) note added	20380
76.11 (a) revised	33398
76.13 *(a)(6), (b)(6) and (c)(4) revised	6707
*Note designated as 1; note 2 added	20380
76.95 *(c) added	12993
76.306 *Added	9443
76.601 (e) revised	29085
78.15 (a) revised; (b) removed	29321
78.15 *Note designated as 1; note 2 added	20380
78.19 (e)(2) corrected	27218
78.23 (a) revised	29321
78.25 (a) revised	29321
81.3 (t) added	29815
81.132 *(a)(2)(ii) amended	2001
*(a)(3) revised	12749
81.134 *(e) revised	12749
81.193 *Revised	2586
81.194 *(d) added	2586
81.330 Added	29815
81.361 *(b)(1) removed	11082
81.708 (b)(20) revised	29323
81.708 *(a) table amended	5488
83.3 *(q) added	10142
83.7 *(l) added	10142
83.39 *(b)(3) revised	2267
83.68 *Revised	10142
83.131 *Introductory text of (c) revised; (c)(3) added	10142
83.132 *(a)(1)(iii) and (iv) added; (a)(2)(ii) revised	10142
83.133 *(a) table amended	10142
83.134 (f) footnote 3 added	28941
83.134 *(f) revised	4578
*(i) added	10142
83.137 *(i) added	10142
83.139 *(b) revised	10142
83.141 *(a)(4) and (b) revised; (d) added	10142
83.144 *Added	10142
83.145 *Added	10143
83.164 *(b) revised	10143
83.178 *(e) added	10143
83.233 *Table revised	10144
83.252 *Added	10144
83.322 *(c) revised; (d) added	10144
83.326 *(c) added	10144
83.351 *(a) table amended	5489
83.352 *(b) revised; (c) added	10144
83.354 (b) table heading amended	28053
(b)(7) removed	28053
83.360 *(b)(1) and (3) removed	11082
83.401 *(c) revised	10144
*(c) corrected	13781

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83.517 (c)(2) revised	31008
83.518 Revised	28941
83.542 (d)(2) revised	31008
87.29 *(a)(5) added	5316
87.31 (f)(2) corrected	27218
87.65 (a)(5) and footnote 1 revised; footnote 2 added	29081
87.65 *(c) revised	14210
87.67 (b)(1) footnotes 5, 6, and 7 revised	29081
87.67 *(b)(1) footnote 7 revised	6706
87.79 (a) revised	29081
87.115 *(e)(1)(iii) revised	11083
87.183 (i) revised	29081
87.201 (b) revised	29082
87.295 (b) amended; (c) added	29082
87.331 (a) and (b) amended; (a) footnote 3 removed	29082
87.331 *(a) and (b) revised; (d) added	6706
*(a) corrected	10909
87.341 (a) revised	29082
87.401 (a) and (c) revised	29082
87.431 Revised	29083
87.431 *Revised	6707
87.501 (h) (5) and (8) revised; footnote 3 added	33975
89.3 (b) amended	27823
89.12 (e) added	27823
89.15 (e)(2) corrected	27218
89.103 *(a) table amended	16843
89.105 *(a) revised; (e) added	16843
89.107 *(b)(2) table amended	16843
89.109 *(d) and (i) revised	16843
89.111 *(b) table revised	16843
89.117 *(b) revised	7134
89.123 Introductory text of (c) revised; (e) and (f) added	32929
89.156 Revised	28835
89.307 (f) removed	27823
89.357 (e) removed	27823
89.459 (d) table amended; (e)(17) added	30742
89.511 *(a) and (d) revised	15129
89.601—89.804 (Subpart S) *Added	16843
89.751 *(g) table corrected	18461
91.3 Amended	27823
91.7 (e) added	27823
91.8 (m)(2) corrected	27218
91.102 *(a) table amended	16848
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91.114 Introductory texts of (c), (d), (e), and (f) revised; (h) and (i) added	32929
91.116 *Added	16849
91.162 Revised	28835
91.504 (a) table amended; (b)(37) and (38) added	30742
91.554 (b)(32) and (41) revised	27823
91.604 *(a) table amended; (b)(19) added	10145
93.7 Amended	27823
93.9 (c)(2) corrected	27218
93.10 Added	27824
93.102 *(a) table amended	16849
93.103 *(a) revised; (c) added	16849
93.104 *(b)(2) table amended	16849
93.105 *(f) and (h) revised	16849
93.106 *(b) table revised	16849
93.109 *(b) revised	7134
93.114 (c) introductory text and (d) introductory text revised; (c) footnote 2 and (d) footnote 2 amended; (*f*) and (g) added	32930
93.116 *Added	16850
93.164 Revised	28836
95.3 (b) and (c) amended	29325
95.5 (a) amended	33302
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95.13 (a) and (c) amended	33302
95.15 (b) amended; (b) footnote removed	33302
95.19 (a) introductory text and (a)(3) amended	33302
95.35 Heading, introductory text, and (c) revised; (d) and (e) added	29325
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95.37 (c) amended	33302
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95.43 Revised	29326
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95.49 (c) and (d) revised	29326
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95.55 Revised	29326
95.57 Heading, (a), and (b) revised; (d) added	29327

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95.59 Revised	29327
95.63 Introductory text revised	29327
95.69 Removed	29327
95.83 (a)(7) note amended	33302
95.97 Introductory text of (c) revised	29327
Introductory text of (c) amended	34325
95.101 (a) amended	33302
95.117 (c) amended	33302
95.119 (d) amended	33302
97.41 *(f) removed	2002
97.61 *(a) table and (b) (8), (9), and (10) revised; (b) (11) and (12) added	12995
97.88 *Added	21054
97.108 *(a)(4) revised	2002
*Removed	21054
97.111 *(c) revised; (f) added	2002
97.112 *Existing text designated as (a); (b) added	9444
97 Appendix 1 amended	33974

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1.24 (f) revised	29881
1.41 Revised	29881
1.46 *(l) and (m) revised	4083
*(o)(6) and (r) added	10585
*(o)(7) added	17847
1.48 (b), (c), and (n) revised	31497
1.48 *(b)(33) and (c)(1) amended	3680
*(c)(15) added	5767
*(p) added	7791
*(q) added	10585
*(b)(1) revised	13781
1.49 *(p) added	7791
*(q) added	8919
*(r) added	10585
1.50 (f) and (g) added	31498
1.50 *(g) amended	3680
*(f)(2) revised	13781
1.50a *Revised	10585
1.51 (b) revised; (g) added	31498
1.53 *(m) added	7425
1.57 *(j) added	7791
1.58 *Heading revised; (g) added	10585
*(d)(1) revised	11423

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7.85 (g)(2) revised	32580
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85 *Appendix amended	4085
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171.7 *(c)(18) and (d)(13) added; (d) (1) and (7)(iv) revised	10910
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172 Compliance date amended	28292
172.4 *(a) amended	2770
172.5 (a) table amended	35469
172.5 *(a) table corrected	1851
*(a) table amended	2770, 12750, 15034, 17314, 18462
*(39 FR 17314) (a) effective date corrected	17970
173 Compliance date amended	28292
173.28 Introductory text of (m) revised	35470
173.31 *(c) (7) and (10) revised	15034
173.32 *(a)(3) added	17315
173.33 (e) introductory text, (e)(1), (g) introductory text, (g)(1), (2), (3), (4), and (8), and (i) exception, (i)(1), (2), and (3) revised; (e)(5), (g)(5), and (i)(3) note 1 removed; (e)(6) through (10) redesignated as (e)(5) through (9); (g)(6) through (11) redesignated as (g)(5) through (10)	27596
173.60 *(a)(1) removed	17315
*Effective date corrected	17970
173.64 *(a)(3) removed	17315
*Effective date corrected	17970
173.65 *(a)(3) and (e)(1) removed	17315
*Effective date corrected	17970
173.70 *(b) introductory text and (d) revised	17315
*(d) corrected	17847
*Effective date corrected	17970
173.71 *(b) and (d) revised	17315
*(d) corrected	17847
*Effective date corrected	17970
173.72 *(b) and (d) revised	17315
*Effective date corrected	17970
173.73 *(b) and (d) revised	17315
*Effective date corrected	17970
173.74 *(b) and (d) revised	17315
*Effective date corrected	17970
173.75 *(b) introductory text and (d) revised	17316
*Effective date corrected	17970
173.76 *(b) and (c) revised	17316
*Effective date corrected	17970
173.77 *(b) and (d) revised	17316
*Effective date corrected	17970
173.78 *(b) and (d) revised	17316
*Effective date corrected	17970
173.91 *(a)(1) removed	17316
*Effective date corrected	17970
173.93 *(a)(1), (b)(2), and (d)(2) removed	17316
*Effective date corrected	17970
173.108 *(a)(1) removed	17316
*Effective date corrected	17970
173.115 *Heading, (a), and (c) revised	2770
173.118 *Heading revised; (a)(3), (b), (c), and (d) added	2770
173.119 (m)(16) and (17) added	35470
173.119 *(b) introductory text and (l) introductory text revised	2770
*(a)(12) amended; (e)(2), (f)(3) and (4), and (h) revised	15035
*(a)(5) and (6) removed; (b)(3) and (e)(1) and (3) revised	17316
*Effective date corrected	17970
*(e)(2) amended	22426
*Effective date corrected	17970
173.121 *(a)(1) removed	17317
173.123 *(a)(5) revised	15035
*(a)(5) corrected	16887
173.128 *(b)(1) removed	17317
*Effective date corrected	17970
173.131 *(a)(2) removed	17317
*Effective date corrected	17970
173.132 *(a)(1) revised; (a)(1) note 1 removed	17317
*Effective date corrected	17970

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173.141 *(a)(7) revised	15035
*(a)(10) added	17317
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173.145 *(a)(6) revised	15035
173.154 *(a)(15) added	15035
*(a)(3), (4), and (5) removed	17317
*Effective date corrected	17970
173.155 *(a)(2) removed	17317
*Effective date corrected	17970
173.163 *(a)(4) amended	17317
*Effective date corrected	17970
173.182 *(a) introductory text, (b) introductory text, and (b)(3), (4), (5), and (6) revised; (b)(7) added	12751
173.184 *(a)(1) removed	17317
*Effective date corrected	17970
173.187 *(a)(1) revised	17317
*Effective date corrected	17970
173.188 *(a)(1) revised	17317
*Effective date corrected	17970
173.191 *(a)(1) revised; (a)(3) removed	17317
*Effective date corrected	17970
173.195 *(a)(3) removed	17317
*Effective date corrected	17970
173.201 *(a)(3) removed	17317
*Effective date corrected	17970
173.204 *(a)(1) revised; (a)(8) added	17317
*Effective date corrected	17970
173.205 *(a)(2) removed	17317
*Effective date corrected	17970
173.206 *(a)(1) and (c)(4) revised; (a)(11) added	17317
*Effective date corrected	17970
173.214 *(a)(2) and (c)(2) removed; (c)(4) added	17318
*Effective date corrected	17970
173.216 *(a)(2) removed	17318
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173.217 *Heading and introductory text of (a) revised; (a)(6) added	12751
173.240 (a) revised	35470
173.245 (a)(4) revised; (a)(34) added	35470
173.245 *(a)(5) and (6) removed	17318
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173.245a *(a) table amended	15035
173.246 *Heading and (a) revised	17318
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173.247 Heading and (a) introductory text revised	35471
173.247 *Heading, (a) introductory text, and (a) (13) and (14) revised	15037
*(a)(2) removed	17318
*Effective date corrected	17970
*Heading and text amended	18462
173.248 *(a)(4) revised	15036
173.249 Heading and (a) introductory text revised	35471
173.249 *(a)(5) revised	15036
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173.252 *(a)(3) and (4) revised; (a)(5) removed	17318
*Effective date corrected	17970
173.253 *(a)(7) revised	15036
173.254 *(a)(4) revised	15036
*(a)(3) removed	17318
*Effective date corrected	17970
173.262 *(a)(6) revised	15036
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*Effective date corrected	17970
173.263 *(a) (9) and (12) revised	15036
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173.264 Heading and (a) introductory text revised	35471
173.264 *(a) (8) and (11) and (b)(2) revised	15036
173.265 *(b)(3) revised	15036
*(a)(2) and (3) removed	17319
*Effective date corrected	17970
173.266 *(f)(1) revised	15036
*(d)(1) removed	17319
*Effective date corrected	17970
173.267 *(a)(3) revised	15036
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173.268 *(b)(1) and (c)(2) revised	15036
*(d)(1) and (e)(1) revised	17319
*Effective date corrected	17970
173.270 *(a)(2) removed	17319
*Effective date corrected	17970
173.271 *(a) (9) and (11) revised	15037
*(a)(3) removed	17319
*Effective date corrected	17970
173.272 *(i) (22), (26), and (27) revised	15037
173.273 *(a)(4) revised	15037

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173.276 *(a) (4) and (5) revised	15037
173.280 Heading and (a) introductory text revised	35471
173.280 *(a)(7) revised	15037
173.283 *Removed	17319
*Effective date corrected	17970
173.284 Heading and (a) introductory text revised	35471
173.284 *Removed	17319
*Effective date corrected	17970
173.285 *Removed	17319
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173.289 *(a)(3) removed	17319
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173.291 *(a)(8) revised	15037
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173.294 *(a)(2) and (b) revised	15037
173.295 *(a) (11) and (12) revised	15037
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*(d)(3)(ii) table amended	17319
173.296 *(a)(3) revised	15037
173.297 *(a)(4) added	12751
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173.304 *(a)(2) table amended	12751
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173.306 *(d)(3) and (f) added; heading of (e) revised; (e)(2) removed	12752
*(b)(6) and (c) revised	17319
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173.314 *(c) table amended	15037,
*Effective date corrected	17970
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173.315 (a)(1) table notes 2 and 4, (h) introductory text, (h)(2), (3), and (4) and (i) revised; (h)(2) table transferred to follow introductory text of (h)	27597
173.337 (b)(2)(i) revised	35471
173.346 *(a)(10) revised	15038
*(a)(5) and (6) removed	17320
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173.347 *(a)(2) revised	15038
173.351 *(a)(2) removed	17320
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173.360 *(a)(1) removed	17320
*Effective date corrected	17970
173.365 *(a)(13) revised	15038
*(a)(4), (a)(4) note 1, and (a)(5) removed	17320
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173.366 *(a)(2) removed	17320
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173.367 *(a)(1) and (a)(1) note 1 removed	17320
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173.369 *(a)(13) amended	15038
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*Effective date corrected	17970
173.370 *(a)(2) removed	17320
*Effective date corrected	17970
173.371 *(a)(2) removed	17320
*Effective date corrected	17970
173.373 *(a)(2) removed	17320
*Effective date corrected	17970
173.392 *(d)(2)(i) revised	15038
173.401 *(a)(2) added	2771
174 Compliance date amended	28292
174.534 *(b) added	12752
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174.541 *(a)(2) and (3) revised	2771
174.584 *(a) table amended	2771
174.588 *(c)(2) revised	10910
174.600 *(a) revised	10910
175 Compliance date amended	28292
175.655 *(j)(3) note 2 revised	10910
177 Compliance date amended	28292
177.823 *(a)(1) table amended	2771
177.824 (a)(1), (e), (f), (h), and (i) revised	27597
177.840 (g) added	27598
177.861 *(a) note 2 revised	10910
178 Compliance date amended	28292
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178.116–6 *(a) table amended	10910, 11891
178.155 (178.155–1—178.155–13) *Removed	17320
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178.157 (178.157–1—178.157–13) *Removed	17320
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178.160 (178.160–1—178.160–13) *Removed	17320
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178.245–1 *(c) Revised	17320
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178.337–1 (e) revised	27598
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178.337–4 (b) revised	27598
178.337–8 (b) revised	27598
178.337–9 (a) and (b) revised	27598
178.337–11 (a)(2) and (3), (b), (c) introductory text, and (c)(5) revised; (a)(4) and (b) note 1 removed; (c)(6) added	27598
178.337–11 *(c) effective date changed	11423
178.337–13 (a) and (b) revised	27598
178.337–14 (a), (b), and (c) revised	27599
178.337–15 (a) revised	27599
178.343–5 (b)(2) amended	35471
178 *Appendix B Table I amended	12752
179.100–8 *(b) added	15038
179.202–16 *Existing text designated as (a), (b) added	15038
179.302 *(a) table amended; footnote 7 added	17320
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192.625 (g)(1) revised	35472
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212.53 *(a) amended	1772
213.9 (a) introductory text revised; (c) added	23405
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213 *Appendix B added	12351
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253 *Added	9179
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391.35 *(e) revised	20795
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*(a)(1) corrected	17233
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501.8 *(h)(4) added	7791
553 *Appendix revised	14593
555.5 *(b) (5) and (6) revised; (b)(7) added	5489
555.6 *(a)(1) (iv) and (v) revised	5489
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570.5 *Introductory text added; (e) revised	12868
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570.10 *(b) revised	12868
571.3 (b) amended	32580
571.3 *(b) amended	15039
571.105–75 *Std. No. 105–75 redesignated from 571.105a Std. No. 105a and amended; eff. 9–1–75	6709–6711
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571.108	Std. No. 108 amended; eff. 1–1–74	33085
571.108	*Std. No. 108 (38 FR 38085) petitions for reconsideration denied	14210
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571.110	Std. No. 110 Appendix A amended; eff. 11–9–73	28570
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571.117	*Std. No. 117 amended; eff. 1–9–74	1443, 1444
	*Std. No. 117 amended; eff. 2–1–74	3553
571.119	Std. No. 119 added; eff. 9–1–74	31301
571.119	*Std. No. 119 (38 FR 31299) effective date changed to 3–1–74	4087
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	*Std. No. 119 Table III corrected	19481
571.121	*Std. No. 121 amended; eff. 9–1–74	806
	*Std. No. 121 amended; eff. 9–1–74 and 3–1–75	17554
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571.208	*Std. No. 208 amended; eff. 1–10–74	1513
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571.209	*Std. No. 209 amended; eff. 1–24–74	2771
571.217	*Std. No. 217 amended; eff. 6–3–74	15274
571.218	*Std. No. 218 amended; eff. 3–1–74	3555
571.301	*Std. No. 301 revised; eff. 9–1–75	10588
571.301–75	*Std. No. 301–75 added; eff. 9–1–75, 9–1–76, and 9–1–77	10589
573.4	*(c)(2) revised	4579
573.5	*(c)(9) added; (e) revised	4579
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574.7	*Revised	19482
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574.109	*Std. No. 109 amended	5192
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1033.1083	(e) revised	29590
1033.1083	*(e) revised	14595
1033.1084	*(e) revised	3827
1033.1100	Removed	29472
1033.1102	(d) revised	33086, 33302
1033.1102	*(d) revised	18655
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1033.1153	Added	28054
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1033.1155	Added	29220
1033.1156	Added	29220
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1033.1156	*Revised	7792
1033.1157	Added	29590
1033.1158	Added	30001
1033.1158	*(e) revised	15130
1033.1159	Added	30559
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1056.10 *(b)(9) corrected 11191
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1065.1 *(d)(1)(iii) amended 17444
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Chapter I—United States Fish and Wildlife Service, Department of the Interior

*Heading revised 21055
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10 *Authority citation amended 1445
10.4 *(a) revised 1159
10.13 Corrected 27387
10.22 Corrected 27387
11 *Revised 1159
  *Authority citation amended 1445
11.2 Amended 1445
12 *Revised 1160
  *Authority citation amended 1445
12.2 *(a) amended 1445
13 *Revised 1161
  *Authority citation amended 1445
14 *Revised 1163
  *Authority citation amended 1445
15 *Revised 1168
16 *Revised 1169
17 *Revised 1171
  *Authority citation amended 1445
17.1 *Amended 1445
17.13 *Removed 1445
18 *Revised 7262
  *Effective date corrected 7794
18.51—18.53 (Subpart F) *Removed 1159
19 *Added 1177
20.105 (e) and (f) amended 27613
  (h) and (j) amended 27614
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20.105 *(e) footnote 3 revised 1269
21 *Added 1178
21.104 Amended 27613
22 *Added 1183
28.7 29815
28.7 *(i) and (j) added 7176
28.28 29085
28.28 *Amended 2002, 2103, 2772, 3940–3942, 4665, 5316, 5634, 6111, 6526–6528, 6713, 6714, 9543, 9669, 9966, 10433, 15274, 18769, 20380, 22149, 23262
29.21 *(b), (c), (d), and (g) revised 5490
29.21–1 *Introductory text revised 5490
29.21–2 *(c) revised 5490
32.12 Amended 27219, 27526, 27527, 27930, 29472, 30002, 32789, 34326
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33.5 *Amended 10, 11, 1269, 1597, 1598, 1772, 1773, 2003, 2587, 2772, 3681, 3829, 3943, 4886, 5317, 5634, 5635, 6527, 6528, 6714, 6715, 7795, 8327, 9670, 9832, 9966, 10591, 11548, 12859, 12995, 13159, 13160, 13549, 13882, 14947, 15276, 16126, 16231, 16469, 17321, 17444, 17445, 18098, 19218

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216.24 *Revised 2482
  *(b), (d)(2), and (f) amended 5635
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217 *Added 10146
  *Table of contents corrected 11892

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219 *Added	10149
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222 *Added	10151
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259 *See 26 CFR 3.1	11
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Area Code 202 Phone 523–5240

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Title 3—The President

EXECUTIVE ORDER 11784

Delegating to the Administrator of General Services Certain Authority To Issue Regulations Relating to Joint Funding

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. (a) Subject to the provisions of subsection (b) of this section, the Administrator of General Services is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President to issue regulations with respect to joint funding under:

(1) Section 5 of the Rehabilitation Act of 1973 (Public Law 93–112), and

(2) Section 408 of the Domestic Volunteer Service Act of 1973 (Public Law 93–113).

(b) The functions delegated to the Administrator of General Services by subsection (a) of this section shall be performed subject to the general oversight of the Director of the Office of Management and Budget.

Sec. 2. Section 1 of Executive Order No. 11758 of January 15, 1974, is amended by deleting:

"(1) under section 5 of the Rehabilitation Act of 1973 (Public Law 93–112) to issue regulations with respect to joint funding, and (2)".

The White House,
May 30, 1974.

[FR Doc.74-12733 Filed 5-30-74;2:35 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	$1.10
2 [Reserved]	
3	3.15
4	1.75
5	3.55
6 (Rev. Feb. 1, 1974)	4.45
7 Parts:	
0–45	4.65
46–51	3.45
52	4.80
53–209	5.10
210–699	4.10
700–749	3.55
750–899	2.35
900–944	3.60
945–980	1.80
981–999	2.00
1000–1059	3.55
1060–1119	3.65
1120–1199	2.80
1500–end	5.00
8	2.05
9	4.75
10 Parts 0–199	3.90
11	1.10
12 Parts:	
1–299	5.10
60–199	4.95
200–end	5.90
13	2.50
14 Parts:	
1–59	4.80
15	3.90
16 Parts:	
0–149	5.05
150–end	4.45
200–end	4.95

CFR Unit (Rev. as of April 1, 1974):

Title	Price
20 Parts:	
01–399	$1.95
26 Parts:	
1 (§§ 1.301–1.400)	2.35

1973 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1973):

Title	Price
28 (Rev. July 10, 1973)	$1.70
29 Parts:	
0–499	4.00
500–1899	4.95
1900–end	6.05
30	4.15
31	4.75
32 Parts:	
1–8	5.45
9–39	3.70
40–399	4.35
400–589	4.50
590–699	2.05
700–799	5.90
800–999	4.05
1000–1399	1.60
1400–1599	3.25
1600–end	1.65
32A	2.80
33 Parts:	
1–199	4.35
200–end	3.05
34 [Reserved]	
35	3.40
36	2.50
37	1.75
38	5.25
39 (Rev. Aug. 1, 1973)	3.40
40	7.30
41 Chapters:	
1–2	4.50
3–5D	3.90
6–9	4.10
10–17	2.55
18	5.70
19–100	2.30
101–end	4.55
General Index Supplement	1.35

CFR Unit (Rev. as of Oct. 1, 1973):

Title	Price
42	2.85
43 Parts:	
1–999	2.85
1000–end	4.20
44 [Reserved]	
45 Parts:	
1–99	2.15
100–199	3.55
200–499	2.40
500–end	2.35
46 Parts:	
1–65	4.00
66–145	$4.10
146–149	5.80
150–199	4.05
200–end	4.70
47 Parts:	
0–19	3.40
20–69	4.05
70–79	4.35
80–end	4.55
48 [Reserved]	
49 Parts:	
1–99	1.30
100–199	5.60
200–999	4.30
1000–1199	2.50
1200–1299	5.60
1300–end	2.20
50	2.55

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Secretary to the President, Uniformed Services University of the Health Sciences, is excepted under Schedule C.

Effective on June 3, 1974, § 213.3306 (a) (63) is added as set out below.

§ 213.3306 Department of Defense

(a) *Office of the Secretary.* * * *

(63) One Secretary to the President, Uniformed Services University of the Health Sciences.

* * * * *

5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–12634 Filed 5–31–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316(n) is amended to reflect the following headnote change: from Office of the Assistant Secretary for Community and Field Services to Office of the Assistant Secretary for Human Development. Section 213.3316(n) (2) is amended to reflect the following title change: from Special Assistant to the Assistant Secretary for Community and Field Services to Director, Plan-

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ning and Evaluation. Section 213.3316 (n) (4) is added to show that the position of Confidential Assistant to the Assistant Secretary for Human Development is excepted under Schedule C.

Effective June 3, 1974, § 213.3316(n) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Human Development.* * * *

(2) Director, Planning and Evaluation.

* * * * *

(4) One Confidential Assistant to the Assistant Secretary.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12636 Filed 5-31-74;8:45 am]

PART 213—EXCEPTED SERVICE

Securities and Exchange Commission

Section 213.3330 is amended to show that one position of Administrative Aide to the Executive Director is excepted under Schedule C.

Effective June 3, 1974, § 213.3330(e) is amended as set out below.

§ 213.3330 Securities and Exchange Commission.

* * * * *

(e) Two Administrative Aides to the Executive Director.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12635 Filed 5-31-74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 12, 1974 (39 FR 5303), which were designated for barley crop insurance for the 1975 crop year.

CALIFORNIA

Fresno
Kern
Kings
Madera
Merced
Tulare

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12560 Filed 5-31-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1975 crop year.

ALABAMA

Blount
Cherokee
Chilton
Colbert
Conecuh
Covington
Cullman
Dallas
De Kalb
Escambia
Etowah
Hale
Jackson
Lauderdale
Lawrence
Limestone
Madison
Marshall
Morgan
Pickens
Shelby
Talladega
Tuscaloosa

ARIZONA

Maricopa
Pinal
Yuma

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence
Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
Woodruff

CALIFORNIA

Fresno
Imperial
Kern
Kings
Madera
Merced
Riverside
Tulare

GEORGIA

Ben Hill
Brooks
Clay
Colquitt
Cook
Crisp
Decatur
Dooly
Early
Irwin
Lee
Miller
Mitchell
Randolph
Sumter
Terrell
Thomas
Tift
Turner
Worth

KENTUCKY

Fulton

LOUISIANA

Acadia
Avoyelles
Bossier
Caddo
Caldwell
Catahoula
Concordia
East Carroll

LOUISIANA—Continued

Evangeline
Franklin
Madison
Morehouse
Natchitoches
Pointe Coupee
Rapides
Red River
Richland
St. Landry
Tensas
West Carroll

MISSISSIPPI

Alcorn
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

MISSOURI

Butler
Dunklin
Mississippi
New Madrid
Pemiscot
Scott
Stoddard

NEW MEXICO

Chaves
Dona Ana
Eddy
Lea

NORTH CAROLINA

Anson
Cleveland
Edgecombe
Halifax
Hoke
Lincoln
Nash
Northampton
Robeson
Scotland
Union

OKLAHOMA

Beckham
Caddo
Grady
Harmon
Jackson
Kiowa
Tillman
Washita

SOUTH CAROLINA

Aiken
Allendale
Anderson
Bamberg
Barnwell
Calhoun
Chester
Chesterfield
Clarendon
Darlington
Dillon
Dorchester
Edgefield
Florence
Hampton
Kershaw
Laurens
Lee
Lexington
Marion
Marlboro
Orangeburg
Saluda
Spartanburg
Sumter
Williamsburg
York

TENNESSEE

Carroll
Chester
Crockett
Dyer
Fayette
Franklin
Gibson
Giles
Hardeman
Haywood
Henderson
Lake
Lauderdale
Lawrence
Lincoln
McNairy
Madison
Obion
Shelby
Tipton
Weakley

TEXAS

Austin
Bailey
Bell
Bosque
Brazos
Brisco
Burleson
Calhoun
Cameron
Castro
Childress
Cochran

TEXAS—Continued

Collin
Crosby
Culberson
Dawson
Deaf Smith
Denton
Ellis
El Paso
Falls
Fannin
Floyd
Fort Bend
Garza
Grayson
Hale
Hall
Haskell
Hidalgo
Hill
Hockley
Hudspeth
Hunt
Knox
Lamar
Lamb
Limestone
Lubbock
Lynn
Matagorda
McLennan
Milam
Navarro
Nueces
Parmer
Pecos
Presidio
Reeves
Refugio
Robertson
San Patricio
Swisher
Terry
Travis
Victoria
Wharton
Wilbarger
Willacy
Williamson

VIRGINIA

Southampton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12572 Filed 5-31-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1975 crop year.

ARIZONA

Maricopa
Pinal
Yuma

COLORADO

Kit Carson

KANSAS

Allen
Anderson
Atchison
Barton
Bourbon
Brown
Butler
Chase
Clay
Cloud
Coffey
Cowley
Crawford
Dickinson
Doniphan
Douglas
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Grant
Gray
Greenwood
Harvey
Haskell
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Labette
Lincoln
Linn
Lyon
Marion
Marshall
McPherson
Meade
Miami
Mitchell
Montgomery
Morris
Morton
Nemaha
Neosho
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline

KANSAS—Continued

Scott
Sedgwick
Seward
Shawnee
Smith
Stafford
Stanton
Stevens
Sumner
Wabaunsee
Washington
Wichita
Wilson
Woodson

MISSOURI

Atchison
Bates
Henry
Vernon

NEBRASKA

Adams
Boone
Butler
Cass
Clay
Colfax
Dodge
Fillmore
Franklin
Gage
Hall
Hamilton
Jefferson
Johnson
Kearney
Lancaster
Madison
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Platte
Polk
Richardson
Saline
Saunders
Seward
Thayer
Webster
York

NEW MEXICO

Curry
Lea

OKLAHOMA

Caddo
Craig
Delaware
Kay
Mayes
Nowata
Ottawa
Texas
Washita

SOUTH DAKOTA

Bon Homme
Charles Mix
Davison
Douglas
Hanson
Hutchinson
Sanborn

TEXAS

Bailey
Bell
Bosque
Briscoe
Calhoun
Camerson
Carson
Castro
Collin
Crosby
Dallam
Deaf Smith
Denton
Ellis
Falls
Floyd
Fort Bend
Grayson
Guadalupe
Hidalgo
Hale
Hansford
Hartley
Hill
Hunt
Hutchinson
Lamb
Lubbock
Matagorda
McLennan
Milam
Moore
Navarro
Nueces
Ochiltree
Oldham
Parmer
Randall
Refugio
San Patricio
Sherman
Swisher
Travis
Victoria
Willacy
Wharton
Williamson

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12562 Filed 5-31-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1975 crop year.

LOUISIANA

Ascension
Assumption
Iberia
Iberville
Lefourche
Pointe Coupee
St. James
St. John the Baptist
St. Martin
St. Mary
Terrebonne
West Baton Rouge

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12564 Filed 5-31-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 12, 1974, (39 FR 5303), which were designated for wheat crop insurance for the 1975 crop year.

CALIFORNIA

Fresno
Kern
Kings
Madera
Merced
Tulare

ILLINOIS

Lawrence
Marion

INDIANA

Greene
Posey

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12561 Filed 5-31-74;8:45 am]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1975 crop year.

NEW YORK

Chautauqua
Niagara
Ontario
Schuyler
Seneca
Steuben
Yates

PENNSYLVANIA

Erie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-12563 Filed 5-31-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 466, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 24–30, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 466 (39 FR 18090). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.766 (Valencia Orange Regulation 466 (39 FR 18090)) are hereby amended to read as follows:

§ 908.766 Valencia Orange Regulation 466.

* * * * *

(b) (1) * * *

(i) District 1: 451,000 cartons;
(ii) District 2: 396,000 cartons;
(iii) District 3: 253,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 29, 1974.

Charles R. Brader,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12670 Filed 5–31–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1974 Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 74–11383 appearing at page 17834 in the issue of Tuesday, May 21, 1974, make the following changes:

1. In the third column on page 17835:

a. Under the heading "Basis strict low middling white $1\frac{1}{16}$ *4134* loan rate", the ninth and tenth entries now reading "27.45 and 27.30" should read "27.40 and 27.35".

b. The fifteenth entry under the heading "County" should read "Sunflower".

2. In the table on page 17837:

a. The tenth entry under the heading "White", should read "SGO".

b. Under the heading "Light Spotted", the fourth entry should read "SLM".

c. Directly under the table, in the first line of the Grade Symbols, "CM" should read "GM".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–SW–25, Amdt. 39–1860]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B and 205A–1 Helicopters

There has been one inflight failure of the tail rotor pitch change chain on a Model 205A–1 and there have been several reports of broken individual link segments in the chain on the Model 205A–1 and 204B helicopters. Failure of the tail rotor pitch change chain could result in possible loss of directional control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the Model 204B and 205A–1 type design, an airworthiness directive is being issued to impose daily and 25 hour interval, repetitive inspections of the pitch change chains, P/N 205–001–721–1 and P/N 205–001–748–1.

As a matter of record all Model 205A helicopters have been converted to Model 205A–1 helicopters. Several of the early Model 205A helicopters were equipped with two pitch change chains, P/N 205–001–748–1 and 205–001–721–1, and later helicopters were equipped with only one chain, P/N 205–001–721–1. Both of these chains are subject to the same conditions. In addition Bell Model 205A–1 helicopters may be equipped with, or are presently delivered with Tail Rotor Hub and Blade Assembly, P/N 212–010–701, and a recent change in the rigging procedure for this tail rotor was published in Bell Service Bulletin No. 205–05–74–1. Therefore this service bulletin procedure is incorporated by reference in this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Bell. Applies to Bell Model 204B and 205A–1 Helicopters, Certificated in all categories

To detect cracks in the tail rotor pitch change link segments and to prevent possible failure of the tail rotor pitch change chains accomplish the following repetitive inspections on chains, P/N 205–001–721–1 and 205–001–748–1.

(a) Within five hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 25 hours time in service from the last inspection, accomplish the following inspections:

(1) Remove the chain or chains from the helicopter in accordance with the applicable maintenance manual.

(2) Clean each chain with solvent and stiff bristle brush and air dry.

(3) Roll each chain into a tight flat disc and inspect the links' outer segments, both sides, for cracks using a light and a ten power or higher magnifying glass. Unroll the chain and with teeth up, inspect inner segments of the links at the radius between the teeth. Turn each chain over and inspect the opposite side of the link segments.

(4) Replace chains with cracked segments before further flight.

(5) Install chains with uncracked link segments in accordance with the pertinent maintenance manual and rig tail rotor controls in accordance with the pertinent maintenance manual. If 212–010–701 Tail Rotor Hub and Blade Assembly is installed on the Model 205A–1, rig the controls in accordance with the maintenance manual and as specified in Bell Helicopter Company Service Bulletin No. 205–05–74–1, dated March 1, 1974.

(b) Before the first flight of each day after the effective date of this A.D., accomplish the following reptitive inspections.

(1) Remove the cover from the chain assembly.

(2) Inspect each chain assembly for cracks in the link segments using a 3 power or higher magnifying glass. Particular attention should be placed on the portion of each chain that travels over each sprocket and that extends three inches each side of this area or portion.

(3) Remove chains with cracked segments before further flight in accordance with the applicable maintenance manual.

(4) Install chains with uncracked segments in accordance with the applicable maintenance manual and rig the controls as specified in paragraph (a) (5) of this A.D.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas. (Bell telefax message dated May 10, 1974 pertains to this subject.)

This amendment becomes effective June 7, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Fort Worth, Tex., on May 24, 1974.

Henry L. Newman,
Director, Southwest Region.

[FR Doc.74–12583 Filed 5–31–74;8:45 am]

[Airworthiness Docket No. 74–WE–27–AD, Amdt. 39–1858]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–8–61F, –62F, –63F Convertible Freighters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted May 10, 1974, and made effective immediately by telegram dated May 11, 1974, to all known United States operators or owners of McDonnell Douglas DC–8–61F, –62F, –63F convertible freighter airplanes. The airworthiness directive requires at or before the compliance times specified, inspection, test and/or deactivation of the passenger oxygen system and repairs or replacements as necessary. The telegraphic AD was required because inspection of several DC–8–61F/–62F/–63F convertible freighter aircraft has revealed that the passenger oxygen main supply piping supports are wearing and/or failing, permitting piping to rub on support bracket, Douglas P/N 3775154, wearing holes in these pipes.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of McDonnell Douglas DC–8–61F, –62F, –63F convertible freighter aircraft, certificated in all categories. These conditions still exist and the airworthiness directive is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons:

McDonnell Douglas Company. Applies to DC–8–61F, –62F, –63P Convertible Freighter Airplanes, Certificated in all Categories.

(1) For all aircraft in the passenger configuration, within twenty-four (24) hours of receipt of this telegram, or prior to further flight, whichever occurs later, unless already accomplished within the last 50 hours, perform the passenger oxygen system leak check per paragraph 1 (a) DACO Alert Service Bulletin A35–25 Revision A dated May 10, 1974, or later FAA-approved revisions. If the oxygen system does not pass the leak check, inspect, repair and replace worn piping as required, and replace broken and missing supports prior to next flight; repeat leak test per DACO A.S.B. A35–25 Revision A, paragraph 1(a). At intervals not to exceed 50 flight hours visually inspect for worn oxygen piping, replace as necessary, and conduct the leak test per DACO A.S.B. A35–25 Revision A, paragraph 1(a) until the modifications described by DACO A.S.B. A35–25 Revision A, paragraph 1(b) have been accomplished. Within 300 hours time in service after initial leak check, secure all oxygen piping, per DACO A.S.B. A35–25 Revision A, paragraph 1(b).

(2) For aircraft in the full freighter configuration, prior to further flight after receipt of this telegram, close the oxygen hand shutoff valve on the passenger system and placard system inoperative until (1), above, is accomplished. Prior to conversion to passenger configuration, perform checks, repair, and modifications of (1) above. Paragraph 2, DACO A.S.B. A35–25 Revision A covers this subject."

This amendment becomes effective June 6, 1974, for all persons except those to whom it was made effective immediately by telegram dated May 11, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 23, 1974.

Arvin O. Basnight,
Director, FAA Western Region.

[FR Doc.74–12584 Filed 5–31–74;8:45 am]

[Airspace Docket No. 74–AL–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 10, 1974, a notice of proposed rulemaking was published in the Federal Register (39 FR 13006) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Deadhorse, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received which objected to the rule as proposed.

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

1. Section 71.171 (39 FR 354), Deadhorse, Alaska, control zone is amended to read:

Deadhorse, Alaska

Within a 5-mile radius of the Deadhorse airport (latitude 70°11'40" N., longitude 148°28'05" W.); within a 5-mile radius of the Prudhoe Bay airport (latitude 70°15'05" N., longitude 148°20'13" W.); within 3.5 miles each side of the Deadhorse VOR 255° radial extending from the 5-mile radius zone to 9.5 miles W of the VOR; within 3.5 miles each side of the Deadhorse VOR 081° radial extending from the 5-mile radius zone to 8.5 miles E of the VOR; within 3 miles each side of the Prudhoe Bay NDB 075° bearing extending from the 5-mile radius zone to 8.5 miles E of the NDB; and within 3 miles each side of the Prudhoe Bay NDB 259° bearing extending from the 5-mile radius zone to 8.5 miles W of the NDB.

2. Section 71.181 (39 FR 440), Deadhorse, Alaska, transition area is amended to read:

Deadhorse, Alaska

That airspace extending upward from 700 feet above the surface within 6.5 miles S and 9.5 miles N of the Deadhorse VOR 075° radial extending from the VOR to 20 miles E of the VOR; within 6.5 miles S and 10 miles N of the Deadhorse VOR 255° radial extending from the VOR to 25.5 miles W; and within a 16.5 mile radius of the Deadhorse VOR extending from the 099° radial clockwise to the 231° radial. That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to 70°33'00" N., 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N.; longitude 146°00'00" W.; to 69°00'00" N., 148°00'00" W.; to 68°00'00" N., 148°00'00" W.; to 68°00'00" N., 153°00'00" W.; thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on May 23, 1974.

Quentin S. Taylor,
Acting Director,
Alaskan Region.

[FR Doc.74–12585 Filed 5–31–74;8:45 am]

[Airspace Docket No. 74–AL–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 28, 1974, a notice of proposed rulemaking was published in the

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FEDERAL REGISTER (39 FR 11432) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Fairbanks, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments.

Comments received from the military users indicated a need to review the departure of criteria for Eielson AFB. In light of that reevaluation, is was determined that a 1-mile width increase on the northeast side of the proposed control zone extension would be beneficial to military users. This action would not result in any adverse effect upon other airspace users.

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

1. Section 71.171 (39 FR 354), Fairbanks, Alaska, control zone is amended to read:

FAIRBANKS, ALASKA (EIELSON AFB)

Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N, longitude 147°05'55" W); within 2 miles each side of the Eielson localizer S course extending from the 5-mile radius zone to the Eielson outer marker; and within 2 miles SW and 3 miles NE of the Eielson Tacan 324° radial extending from the Eielson 5-mile radius zone to 6 miles NW of the Tacan.

FAIRBANKS, ALASKA (FAIRBANKS INTERNATIONAL/FORT WAINWRIGHT AAF)

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N, longitude 147°51'14" W); within a 5-mile radius of Fort Wainwright AAF (latitude 64°50'13" N, longitude 147°36'52" W); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 5 miles SW of the localizer antenna (latitude 64°48'11" N, longitude 147°53'01" W); and within 2 miles each side of the Fairbanks RR E course, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RR.

2. Section 71.181 (39 FR 440), Fairbanks, Alaska, transition area is amended to read:

FAIRBANKS, ALASKA

That airspace extending upward from 700 feet above the surface within 9.5 miles W and 4.5 miles E of the Eielson localizer S course extending from the Eielson VOR to 18.5 miles S of the VOR; within 2 miles NW and 4.5 miles SE of the Fairbanks localizer NE course, extending from the Fairbanks outer marker to Fox RBN; within 4.5 miles SE and 9.5 miles NW of the Fairbanks localizer NE course extending from Fox RBN to 18.5 miles NE of the RBN; within 4.5 miles NW and 9.5 miles SE of the Fairbanks localizer SW course, extending from 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W) to 18.5 miles SW of the localizer antenna; within 4.5 miles N and 9.5 miles S of the Fairbanks RR E course, extending from Fairbanks RR to 18.5 miles E of the RR; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 65°00'00" N., longitude 153°00'00" W.; to 65°00'00" N., 144°00'00" W.; to 63°10'00" N., 144°00'00" W.; to 62°38'00" N., 145°41'00" W.; to 62°45'00" N., 148°48'00" W.; to 62°59'00" N., 150°15'00" W.; to 63°00'00" N., 151°19'00" W.; to 64°00'00" N., 153°00'00" W.; to point of beginning, excluding the portion within Restricted Areas R2202B and R2205.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on May 23, 1974.

QUENTIN S. TAYLOR,
Acting Director,
Alaskan Region.

[FR Doc.74-12586 Filed 5-31-74;8:45 am]

[Airspace Docket No. 73-EA-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In FR Doc. 74-11574 appearing on page 17850 in the issue of Tuesday, May 21, 1974, in the third line from the bottom of the description of the Du Bois, Pa., control zone, "066°", should read "086°".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-276]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Hazard area identified	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Colorado	Fremont	Canon City, city of.	May 24, 1974			May 28, 1974. Emergency.
Delaware	Sussex	Millsboro, town of.				Do.
Do	do	Slaughter Beach, city of.				Do.
Do	New Castle	Newport, town of.				Do.
Florida	Volusia	Ponce Inlet, town of.				Do.
Do	Orahge	Winter Park, city of.				Do.
Do	Pinellas	Seminole, city of.				Do.
Idaho	Blaine	Hailey, city of.	Dec. 7, 1973			Do.
Illinois	Madison	Roxana, village of.				Do.
Maryland	Prince Georges	Berwyn Heights, town of.				Do.
Minnesota	Carlton	Moose Lake, city of.				Do.
New Jersey	Monmouth	Allentown, borough of.	Dec. 28, 1973			Do.
Do	Salem	Elsinboro, township of.				Do.
Tennessee	Sumner	Hendersonville, city of.				Do.
Texas	Dallas	Lancaster, city of.				Do.
Utah	Salt Lake	Salt Lake City, city of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-12373 Filed 5-31-74;8:45 am]

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[Docket No. FI-277]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Colorado	Boulder	Lyons, town of	May 29, 1974 emergency.	Dec. 28, 1973		
Connecticut	Hartford	Plainville, town of	do	May 31, 1974		
Florida	Seminole	Unincoproated areas	do			
Missouri	Jasper	Sarcoxie, city of	do	May 17, 1974		
Texas	Calhoun	Unincorporated areas	June 19, 1970. Emergency. Mar. 19, 1971. Regular. Sept. 15, 1972. Suspension. May 23, 1974. Reinstated.	June 16, 1970		
Washington	King	Aubrun, city of	May 29, 1974. Emergency.	May 24, 1974		
Do	Okanogan	Winthrop, town of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 22, 1974.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.74-12374 Filed 5-31-74;8:45 am]

[Docket No. FI-278]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
California	Los Angeles	Hidden Hills, city of	May 24, 1974. Emergency.	May 24, 1974		
Illinois	Lake	Zion, city of	do	Mar. 29, 1974		
Indiana	Allen	Fort Wayne, city of	do	Feb. 15, 1974		
Iowa	Dubuque	Unincorporated areas	do			
Michigan	Genesee	Gaines, village of	do			
Minnesota	Filmore	Rushford, city of	do	Feb. 8, 1974		
Do	Marshall	Grygla, city of	do			
Do	Murray	Unincorporated areas	do			
Missouri	Gasconade	Hermann, city of	Aug. 31, 1971. Emergency. Dec. 31, 1971. Suspension. May 20, 1974. Reinstated.	May 3, 1974		
New York	Herkimer	Ilion, village of	May 24, 1974. Emergency.	Feb. 8, 1974		
Pennsylvania	Lancaster	Ephrata, township of	May 20, 1974. Emergency.			
South Dakota	Beadle	Huron, city of	May 24, 1974. Emergency.			
Tennessee	Monroe	Sweetwater, city of	do	Feb. 15, 1974		
Do	Humphreys	Waverly, town of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 20, 1974.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.74-12375 Filed 5-31-74;8:45 am]

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[Docket No. FI-279]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Alabama	Baldwin	Fairhope, city of	H 01 0006 01 through H 01 0006 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mrs. Marie Moore, City Clerk, City Clerk's Office, City Hall, Fairhope, Ala. 36532.	May 24, 1974.
Do	do	Loxley, town of	H 01 0009 01	do	Mayor, Town Hall, P.O. Box 57, Loxley, Ala. 36551.	Do.
Do	Dale	Ozark, city of	H 01 0062 01 through H 01 0062 06	do	Mayor, City Hall, Ozark, Ala. 36360	Do.
Do	Geneva	Slocomb, town of	H 01 0089 01 through H 01 0089 04	do	Mayor, Slocomb, Ala. 36375	Do.
Do	Jefferson	Fultondale, city of.	H 01 0121 01 through H 01 0121 04	do	Mayor, City Hall, Fultondale, Ala. 35068.	Do.
Do	Mobile	Saraland, city of	H 01 0171 01 through H 01 0171 03	do	Mayor, City Hall, Saraland, Ala. 36751.	Do.
Do	St. Clair	Odenville, town of.	H 01 0188 01	do	Mayor, Odenville, Ala. 35120.	Do.
Do	do	Ragland, town of	H 01 0190 01 through H 01 0190 08	do	Mayor, First Ave., Ragland, Ala. 35131.	Do.
Do	Shelby	Alabaster, town of.	H 01 0192 01 through H 01 0192 02	do	Mayor, Box 277, City Hall, Alabaster, Ala. 35007.	Do.
Do	Jackson	Scottsboro, city of.	H 01 071 2720 01 through H 01 071 2720 08	do	Mayor, City Hall, Scottsboro, Ala. 35768.	May 10, 1974.
Do	Madison	Huntsville, city of.	H 01 089 1730 01 through H 01 089 1730 25	do	City Planner's Office, 5th floor, Municipal Bldg., Fountain Row, Huntsville, Ala. 35801.	May 24, 1974.
Do	Morgan	Decatur, city of	H 01 103 0890 01 through H 01 103 0890 32	do	Building Department, City Hall, 402 Lee St. NE., Decatur, Ala. 35601.	Do.
Do	do	Falkville, town of	H 01 103 1130 01 through H 01 103 1130 09	do	Mayor, City Hall, Falkville, Ala. 35622.	Do.
Alaska	Gateway Borough.	Ketchikan, city of.	H 02 130 1250 01 through H 02 130 1250 03	Department of Community and Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, P.O. Box 1110, Ketchikan, Alaska 99901.	Do.
Arizona	Apache	Springerville, town of.	H 04 001 0470 01 through H 04 001 0470 02	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mayor, City Hall, Springerville, Ariz. 85938.	Do.
Do	Cochise	Willcox, city of	H 04 0018 01 through H 04 0018 03	do	City Hall, 151 West Maley St., Willcox, Ariz. 85643.	Do.
Do	Gila	Globe, city of	H 04 0029 01 through H 04 0029 07	do	Mayor, city of Globe, 150 North Pine, St., Globe, Ariz. 85501.	Do.
Do	Cochise	Sierra Vista, city of.	H 04 003 0431 01 through H 04 003 0431 03	do	Mayor, City Hall, Sierra Vista, Ariz. 85635.	May 10, 1974.
Do	Santa Cruz	Nogales, city of	H 04 0091 01	do	Mayor, City Hall, 223 Grand Ave., Nogales, Ariz. 85621.	May 24, 1974.
Do	Graham	Pima, town of	H 04 009 0380 02	do	Mayor, Municipal Bldg., Pima, Ariz. 85543.	Do.
Do	Yuma	Parker, town of	H 04 027 0340	do	Mayor, City Hall, Parker, Ariz. 85344	May 17, 1974.
Arkansas	Benton	Rogers, city of	H 05 007 3390 01 through H 05 007 3390 07	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, mayor of Rogers, Rogers, Ark. 72756.	May 24, 1974.
Do	Miller	Texarkana, city of.	H 05 0137 01 through H 05 0137 05	do	City Inspection, Municipal Bldg., City Hall, Department of Public Works, Texarkana, Ark. 75501.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do	Ouachita	East Camden, town of.	H 05 0164 01	do	Mayor, 108 Busbee, East Camden, Ariz. 71701.	Do.
Do	Craighead	Lake City, town of.	H 05 031 2190 01	do	Mayor, Lake City, Ariz. 72437	Do.
Do	Dallas	Fordyce, city of	H 05 039 1340 02	do	Mayor, City Hall, Fordyce, Ariz. 71742.	Do.
Do	Mississippi	Leachville, city of.	H 05 093 2240 01	do	Mayor, Leachville, Ariz. 72438.	Do.
Do	Union	Huttig, town of	H 05 139 2000 01	do	Mayor, City Hall, Huttig, Ariz. 71747	Do.
California	Contra Costa	Pleasant Hill, city of.	H 06 00034 01 through H 06 00031 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	City Hall, 3300 North Main St., Pleasant Hill, Calif. 94523.	Do.
Do	Alameda	Alameda, city of	H 06 001 0010 01 through H 06 001 0010 08	do	Mayor, Santa Clara and Oak Sts., Alameda, Calif. 94612.	Do.
Do	Fresno	Selma, city of	H 06 0056 01	do	Mayor, City Hall, 1814 Tucker, Selma, Calif. 93662.	Do.
Do	Amador	Ione, city of	H 06 0016 01 through H 06 0016 02	do	Mayor, City Hall, Ione, Calif. 95640	Do.
Do	Butte	Gridley, city of	H 06 0019 01 through H 06 0019 02	do	Mayor, City Hall, 685 Kentucky St., Gridley, Calif. 95948.	Do.
Do	Fresno	Kingsburg, city of.	H 06 0050 01	do	Mayor, City Hall, 1401 Draper St., Kingsburg, Calif. 93631.	Do.
Do	Humboldt	Eureka, city of	H 06 0062 01 through H 06 0062 04	do	Mayor, City Hall, 531 K St., Eureka, Calif. 95501.	Do.
Do	Los Angeles	Hidden Hills, city of.	H 06 0125 01	do	Mayor, City Hall, 24549 Long Valley Rd., Hidden Hills, Calif. 91302.	Do.
Do	Contra Costa	Pinole, city of	H 06 013 2770 01 through H 06 013 2770 02	do	Mayor, City Hall, 2131 Pear St., Pinole, Calif. 94564.	Do.
Do	Monterey	Gonzales, city of	H 06 0196 01	do	Mayor, City of Gonzales, Gonzales, Calif. 93926.	Do.
Do	Orange	Brea, city of	H 06 0214 01 through H 06 0214 05	do	Mayor, City Hall, 401 South Brea Blvd., Brea, Calif. 92621.	Do.
Do	Humboldt	Rio Dell, city of	H 06 023 3030 01	do	Mayor, City Hall, Rio Dell, Calif. 95562.	Do.
Do	Placer	Lincoln, city of	H 06 0241 01	do	Mayor, City Hall, 517 G. St., Lincoln, Calif. 95648.	Do.
Do	Kern	Delano, city of	H 06 029 1000 01 through H 06 029 1000 02	do	Mayor, City Hall, 1122 Jefferson St., Delano, Calif. 93215.	Do.
Do	San Diego	San Marcos, city of.	H 06 0296 01 through H 06 0296 06	do	City of San Marcos, 105 West Richmar, P.O. Box 127, San Marcos, Calif. 92069.	Do.
Do	San Mateo	Brisbane, city of	H 06 0314 01 through H 06 0314 03	do	City Hall, 44 Visitation Ave., Brisbane, Calif. 94005.	Do.
Do	Santa Clara	Los Altos Hills, town of.	H 06 0341 01 through H 06 0341 03	do	Town Hall, 26379 Fremont Rd., Los Altos Hills, Calif. 94022.	Do.
Do	do	Monte Sereno, city of.	H 06 0345 01 through H 06 0345 02	do	Mayor, 18041 Saratoga-Los Gatos Rd., Monte Sereno, Calif. 95030.	Do.
Do	Stanislaus	Turlock, city of	H 06 0392 01 through H 06 0392 03		Mayor, City Hall, 900 North Palm, Turlock, Calif. 95380.	Do.
Do	do	Waterford, city of	H 06 0393 01 through H 06 0393 02	do	Mayor, City Hall, 320 E St., Waterford, Calif. 95386.	Do.
Do	Tehama	Corning, city of	H 06 0398 01	do	Mayor, City Hall, 3d and Solano Sts., Corning, Calif. 96021.	Do.
Do	Los Angeles	Claremont, city of.	H 06 037 0720 01 through H 06 037 0720 03	do	Mayor, city of Claremont, Claremont, Calif. 91711.	Do.
Do	Stanislaus	Hughson, city of	H 06 0386 01	do	Mayor, city of Hughson, P.O. Box 897, Hughson, Calif. 95326.	Do.
Do	Mendocino	Fort Bragg, city of	H 06 045 1320 01 through H 06 045 1320 03	do	Mayor, City Hall, 416 Franklin St., Fort Bragg, Calif. 95437.	May 10, 1974.
Do	Riverside	Desert Hot Springs, city of.	H 06 065 1003 01 through H 06 065 1003 04	do	Mayor, City Hall, 9900 Palm Dr., Desert Hot Springs, Calif. 92240.	May 24, 1974.
Do	do	Hemet, city of	H 06 065 1580 01 through H 06 065 1580 04	do	Mayor, City Offices, 450 East Latham Ave., Hemet, Calif. 92343.	Do.
Do	Sacramento	Folsom, city of	H 06 067 1300 01 through H 06 067 1300 06	do	Mayor, Folsom, Calif. 95630	Do.
Do	Siskiyou	Dunsmuir, city of	H 06 093 1050 01 through H 06 093 1050 02	do	Mayor, City Hall, Cedar St. and Dunsmuir Ave., Dunsmuir, Calif. 96097.	Do.
Do	Riverside	Corona, city of	H 06 065 0850 01 through H 06 065 0850 10	do	Mayor, City Hall, 815 West 6th St., Corona, Calif. 91720.	Do.
Do	Stanislaus	Riverbank, city of.	H 06 099 3060 01	do	Mayor, City Hall, 6707 3d St., Riverbank, Calif. 95367.	May 10, 1974.
Do	Ventura	Santa Paula, city of.	H 06 111 3480 01 through H 06 111 3480 03	do	Mayor, Santa Paula, Calif. 93060	May 24, 1974.
Do	Imperial	Westmorland, city of.	H 06 125 4150 01	do	Mayor, City Hall, South Center St., Westmorland, Calif. 92281.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Colorado	Alamosa	Alamosa, city of	H 08 0010 01 through H 08 0010 02	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Alamosa City Hall, 425 4th St., Alamosa, Colo. 81101.	Do.
Do.	Boulder	Lafayette, city of	H 08 0026 01 through H 08 0026 02	do	Mayor, City Hall, Lafayette, Colo. 80026.	Do.
Do.	Dolores	Dove Creek, town of.	H 08 0047 01	do	Mayor, Dove Creek, Colo. 81324	Do.
Do.	El Paso	Monument, town of.	H 08 0064 01	do	Mayor, Monument, Colo. 80132	Do.
Do.	Fremont	Canon City, city of.	H 08 0068 01 through H 08 0068 02	do	Mayor, City Hall, Canon City, 81212	Do.
Do.	Montrose	Nucla, town of	H 08 0127 01	do	Mayor, Nucla, Colo. 81424	Do.
Do.	Otero	Manzanola, town of.	H 08 0134 01	do	Mayor, City Hall, Manzanola, Colo. 81058.	Do.
Do.	Routt	Yampa, town of	H 08 0160 01	do	Mayor, Town Hall, Yampa, Colo. 80483.	Do.
Do.	Sedgwick	Julesburg, town of.	H 08 0169 01 through H 08 0169 03	do	Town Manager, Julesburg, Colo. 80737.	Do.
Do.	Summit	Breckenridge, town of.	H 08 0172 01	do	City Administrator, City Hall, Breckenridge, Colo. 80424.	Do.
Do.	Washington	Otis, town of	H 08 0178 01	do	Mayor, Town Hall, Otis, Colo. 80743	Do.
Do.	Costilla	San Luis, town of.	H 08 023 2230 01	do	Mayor, Town Hall, San Luis, Colo. 81152.	Do.
Do.	Delta	Delta, city of	H 08 029 0590 01	do	City Manager, City Hall, Delta, Colo. 81416.	Do.
Do.	do	Paonia, town of	H 08 029 1950 01	do	Mayor, City Hall, Paonia, Colo. 81428.	Do.
Do.	Ouray	Ouray, city of	H 08 091 1890 01	do	Mayor, Ouray, Colo. 81427	Do.
Connecticut	Fairfield	Shelton, city of	H 09 001 0650 01 through H 09 001 0650 10	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Shelton Municipal Bldg., 40 White St., Shelton, Conn. 06484.	Do.
Do.	Hartford	Manchester, town of.	H 09 003 0365 01 through H 09 003 0365 11	do	Mayor, town of Manchester, Manchester, Conn. 06040.	Do.
Do.	Martin	New Britain, city of.	H 09 003 0420 01 through H 09 003 0420 04	do	City of New Britain, 27 West Main St., New Britain, Conn. 06051.	Do.
Do.	New Haven	North Haven, town of.	H 09 009 0502 01 through H 09 009 0502 08	do	North Haven Memorial, Town Hall, 18 Church St., North Haven, Conn. 06473.	Do.
Delaware	Kent	Camden, town of	H 10 001 0070 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	President, Town Council, City Hall, Camden, Del. 19934.	Do.
Do.	do	Milford, city of	H 10 001 0320 01 through H 10 001 0320 02.	do	Mayor, City Hall, Milford, Del. 19963	Do.
Do.	do	Wyoming, town of.	H 00 001 0600 01	do	President, Town Council, Wyoming, Del. 19934.	Do.
Do.	Sussex	Greenwood, town of.	H 10 006 0210 01 through H 10 006 0210 02.	do	Mayor, Greenwood, Del. 19950	Do.
Florida	Calhoun	Blountstown, city of.	H 12 0060 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Manager, 125 West Central Ave., Blountstown, Fla. 32424.	Do.
Do.	Madison	Madison, city of	H 12 0152 01	do	City Manager, City Hall, Madison, Fla. 32340.	Do.
Do.	Martin	Jupiter Island, town of.	H 12 0162 01 through H 12 0162 04.	do	Town Manager, town of Jupiter Island, Hobe Sound, Fla. 33455.	Do.
Do.	Martin	Stuart, city of	H 12 0165 01 through H 12 0165 04	do	Building Inspector, Building Official, City Hall, Stuart, Fla. 33494.	Do.
Do.	Santa Rosa	Milton, city of	H 12 0276 01 through H 12 0276 02	do	Mayor, city of Milton Florida, Milton, Fla. 32570.	Do.
Do.	Lucie	Fort Pierce, city of.	H 12 0286 01 through H 12 0286 07	do	Director of Engineering, City Hall Annex, 315 Avenue A, P.O. Box 1480, Fort Pierce, Fla. 33450.	Do.
Georgia	Bibb	Macon, city of	H 13 0011 01 through H 13 0011 17	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Macon-Bibb County Planning and Zoning Commission, P.O. Box 247, Macon, Ga. 31202.	Do.
Do.	Clayton	Jonesboro, city of.	H 13 0043 01 through H 13 0043 02	do	Mayor City Hall, Jonesboro, Ga. 30236.	Do.
Do.	do	Morrow, city of	H 13 0045 01 through H 13 0045 02	do	Mayor, City Hall, 5347 Jonesboro Rd., Morrow, Ga. 30260.	Do.
Do.	Franklin	Carnesville, city of.	H 13 0082 01	do	Mayor, City Hall, Carnesville, Ga. 30521.	Do.
Do.	Glynn	Brunswick, city of.	H 13 0093 01 through H 13 0093 09	do	City of Brunswick, Engineering Department, Brunswick, Ga. 31520.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do.	Gwinnett	Duluth, city of	H 13 0098 01 through H 13 0098 02	do	Mayor, City Hall, Duluth, Ga. 30136	Do.
Do.	do	Norcross, city of	H 13 0101 01 through H 13 0101 02	do	Mayor, City Hall, Norcross, Ga. 30071.	Do.
Do.	Rabun	Clayton, town of	H 13 0157 01 through H 13 1157 02	do	Rabun County Commissioners, Courthouse, Clayton, Ga. 30525.	Do.
Do.	Richmond	Augusta, city of	H 13 0159 01 through H 13 0159 12	do	Mayor, city of Augusta, Augusta, Ga. 30901.	Do.
Do.	Ware	Waycross, city of	H 13 0186 01 through H 13 0186 04	do	Waycross City Hall, P.O. Box 198, Waycross, Ga. 31501.	Do.
Do.	Decatur	Bainbridge, city of.	H 13 0204 01 through H 13 0204 08	do	Mayor, City Hall, Bainbridge, Ga. 31717.	Do.
Do.	Carroll	Carrollton, city of.	H 13 0208 01 through H 13 0208 05	do	City Hall Bldg., City Hall Ave., Carrollton, Ga. 30117.	Do.
Do.	Troup	Hogansville, city of.	H 13 285 2760 01	do	Mayor, City Hall, Hogansville, Ga. 30230.	Do.
Idaho	Oneida	Malad City, city of.	H 16 0106 01	Dept. of Water Administration, State House—Annex 2, Boise, Idaho 83707. Idaho Dept. of Insurance, Rm. 206—Statehouse, Boise, Idaho 83707.	Mayor of Malad City, City Hall, Malad, Idaho 83252.	Do.
Do.	Power	American Falls, city of.	H 16 0109 01	do	Mayor, City Hall, American Falls, Idaho 83211.	Do.
Do.	Cassia	Burley, city of	H 16 031 0200 01 through H 16 31 0200 02	do	Chairman, Burley City Planning and Zoning Commission, City Bld., Burley, Idaho 83318.	Do.
Illinois	Adams	Quincy, city of	H 17 0003 01 through H 17 0003 06	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	City Engineer's Office, City Hall, 507 Vermont St., Quincy, Ill. 62301.	Do.
Do.	Bureau	DePue, village of	H 17 0012 01	do	Mayor, City Hall, DePue, Ill. 61332.	Do.
Do.	De Witt	Clinton, city of	H 17 0193 01	do	Mayor, City Hall, Clinton, Ill. 61727.	Do.
Do.	Du Page	Warrenville, city of.	H 17 0218 01 through H 17 0218 02	do	Mayor, 28 West 630 Stafford St., Warrenville, Ill. 60555.	Do.
Do.	Clinton	New Baden, village of.	H 17 027 6060 01	do	Mayor, City Hall, New Baden, Ill. 62265.	Do.
Do.	Cook	Tinley Park, village of.	H 17 031 8620 0 through H 17 031 8620 02	do	President, Village Hall, 6825 West 173d Pl., Tinley Park, Ill. 60477.	May 10, 1974.
Do.	Lake	Gurnee, village of.	H 17 0365 01 through H 17 0365 03	do	Mayor, 4573 Grand Ave., Gurnee, Ill. 60031.	May 24, 1974.
Do.	La Salle	Oglesby, city of	H 17 0404 01	do	Mayor, City Hall, Oglesby, Ill. 61348	Do.
Do.	Livingston	Fairbury, city of	H 17 0424 01	do	Mayor, City Hall, Fairbury, Ill. 61739	Do.
Do.	Macon	Decatur, city of	H 17 0429 01 through H 17 0429 07	do	City Council, 707 East Wood, Decatur, Ill. 62523.	Do.
Do.	Madison	Collinsville, city of.	H 17 0139 01 through H 17 0439 04	do	Office of the City Clerk, 125 South Center St., Collinsville, Ill. 62234.	Do.
Do.	McHenry	Harvard, city of	H 17 0479 01	do	Mayor, Harvard, Ill. 60033	Do.
Do.	Montgomery	Hillsboro, city of	H 17 0513 01	do	Mayor, City Hall, Hillsboro, Ill. 62049.	Do.
Do.	Peoria	Peoria, city of	H 17 0536 1 through H 17 0536 14	do	Mayor, City Hall, Peoria, Ill. 61602	Do.
Do.	Sangamon	Pawnee, village of.	H 17 0602 01	do	Mayor, Pawnee, Ill. 62558	Do.
Do.	Tazawell	Delavan, city of	H 17 0648 01	do	Mayor and City Council, Delavan, Ill. 61734.	Do.
Do.	Warren	Kirkwood, village of.	H 17 0675 01	do	Mayor, Kirkwood, Ill. 61447	Do.
Do.	do	Roseville, village of.	H 17 0677 01	do	Mayor, City Hall, Roseville, Ill. 61473.	Do.
Do.	Woodford	Washburn, village of.	H 17 0728 01	do	Mayor, City Bldg., Washburn, Ill. 61570.	Do.
Do.	Lake	Kildeer, village of.	H 17 097 4472 02	do	President, Route No. 2, Box 639, Buffalo Run, Long Grove, Ill. 60047.	May 17, 1974.
Do.	Lee	Nelson, village of	H 17 103 6014 01	do	Mayor, Village Hall, Nelson, Ill. 61058.	May 24, 1974.
Do.	Will	New Lenox, village of.	H 17 197 6140 02	do	Mayor, village of New Lenox, New Lenox, Ill. 60451.	Do.
Indiana	Carroll	Flora, town of	H 18 0021 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Flora Town Board, Flora, Ind. 46929.	Do.
Do.	Elkhart	Nappanee, city of.	H 18 0059 01 through H 18 0059 02	do	Mayor, City Bldg., Nappanee, Ind. 46550.	Do.
Do.	Grant	Fairmount, town of.	H 18 0074 01	do	President of Town Board, Town Hall, Fairmount, Ind. 46928.	Do.
Do.	Hamilton	Noblesville, city of.	H 18 0082 01 through H 18 0082 03	do	Chairman, City Council, Noblesville, Ind. 46060.	Do.
Do.	Madison	Summitville, town of.	H 18 0157 01	do	Town Board, Town Hall, Summitville, Ind. 46070.	Do.
Do.	Montgomery	Ladoga, town of	H 18 0172 01	do	Chairman, Town Board, 206 West Main, Ladoga, Ind. 47954.	Do.
Do.	do	Waveland, town of.	H 18 0174 01	do	Chairman, Town Board, 404 East Green, Waveland, Ind. 47989.	Do.
Do.	Newton	Kentland, town of.	H 18 0182 01	do	Town Board, Town Hall, Kentland, Ind. 47951.	Do.
Do.	Randolph	Union City, city of.	H 18 0219 01	do	Major, City Bldg., 115 North Columbia St., Union City, Ind. 47390.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Tippecanoe	Battle Ground, city of.	H 18 0252 01	do	Chairman, Town Board, City Bldg., Battle Ground, Ind. 47920.	Do.
Do	Wabash	Lagro, town of	H 18 0268 01	do	Director, Wabash County Plan Commission, Town of Lagro, Courthouse, Wabash, Ind. 46992.	Do.
Iowa	Butler	Dumont, town of	H 19 0036 01 through H 19 0036 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Major, City Hall, Dumont, Iowa 50625.	Do.
Do	Cerro Gordo	Clear Lake, city of.	H 19 0059 01 through H 19 0059 04	do	Mayor, City Hall, Clear Lake Iowa 50428.	Do.
Do	Fremont	Hamburg, city of	H 19 0133 01	do	City Hall, Hamburg, Iowa 51640	Do.
Do	Woodbury	Sloan, town of	H 19 0299 01	do	Mayor, City Hall, Sloan, Iowa 51055	Do.
Do	Chickasaw	Nashua, town of	H 19 037 5950 01 through H 19 037 5950 02	do	Mayor, City Hall, Nashua, Iowa 50658.	Do.
Do	Crawford	Denison, city of	H 19 047 2230 01 through H 19 047 2230 03	do	Enforcing Officer, City Hall, Denison, Iowa 51442.	May 10, 1974.
Do	Polk	Urbandale, city of.	H 19 153 8550 01 through H 19 153 8550 06	do	Mayor, 3315 70th, Urbandale, Iowa 50322.	May 24, 1974.
Do	Sioux	Hawarden, city of	H 19 167 3760 01 through H 19 167 3760 02	do	Mayor, Hawarden, Iowa 51023	Do.
Do	Washington	Wellman, town of	H 19 183 8900 01	do	Mayor, Municipal Bldg., Wellman, Iowa 52356.	Do.
Kansas	Cherokee	Baxter Springs, city of.	H 20 0045 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Baxter Springs, Kans. 66713.	Do.
Do	do	Galena, city of	H 20 0047 01	do	Mayor, City Hall, Galena, Kans. 66739.	Do.
Do	Clark	Ashland, city of	H 20 025 0240 02	do	Mayor, City Hall, Ashland, Kans. 67831.	May 17, 1974.
Do	Morton	Elkhart, city of	H 20 129 1580 01	do	Mayor, mayor of Elkhart, Elkhart, Kans. 67950.	May 24, 1974.
Do	Jefferson	Oskaloosa, city of.	H 20 0151 01	do	Mayor, City Hall, Oskaloosa, Kans 66066.	Do.
Do	Salina	Salina, city of	H 20 0319 01 through H 20 0319 08	do	City Manager, City-County Bldg., 300 West Ash, Salina, Kans. 67401.	Do.
Do	Edwards	Kinsley, city of	H 20 047 2860 01 through H 20 047 2860 02	do	City Manager, City Hall, Kinsley, Kans. 67547.	May 17, 1974.
Do	Nemaha	Centralia, city of	H 20 131 0860 01	do	Mayor, city of Centralia, Centralia, Kans. 66415.	May 24, 1974.
Do	Osage	Carbondale, city of.	H 20 138 0800 01	do	Mayor, City Hall, Carbondale, Kans. 66414.	Do.
Do	Stanton	Johnson City, city of.	H 20 187 2780 01	do	Mayor, City Hall, Johnson, Kans. 67855.	Do.
Kentucky	Ballard	Wickliffe, town of	H 21 0006 01 through H 21 0006 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office, Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, City Hall, Wickliffe, Ky. 42087.	Do.
Do	Barren	Glasgow, city of	H 21 0007 01 through H 21 0007 05	do	Mayor, City Hall, Glasgow, Ky. 42141.	Do.
Do	Bracken	Augusta, city of	H 21 0022 01 through H 21 0022 02	do	Mayor, City Hall, Augusta, Ky. 41002.	Do.
Do	Bullitt	Shepherdsville, city of.	H 21 0028 01	do	Adm. Official, Planning and Zoning Commission, Courthouse, Shepherdsville, Ky. 40165.	Do.
Do	Casey	Liberty, city of	H 21 0054 01 through H 21 0054 02	do	Mayor, City Hall, Liberty, Ky. 42539.	Do.
Do	Daviess	Owensboro, city of.	H 21 0063 01 through H 21 0063 06	do	Mayor, city of Owensboro, Owensboro, Ky. 42301.	Do.
Do	Floyd	Martin, town of	H 21 0071 01	do	Mayor, City Hall, Martin, Ky. 40649	Do.
Do	Leslie	Hyden, city of	H 21 0137 01	do	Chairman, City Commissioners, City Hall, Hyden, Ky. 41749.	Do.
Do	Letcher	Neon, town of	H 21 0139 01 through H 21 0139 02	do	Mayor, City Hall, Neon, Ky. 41840	Do.
Do	Muhlenberg	Greenville, city of.	H 21 0176 01 through H 21 0176 02	do	Mayor, City Bldg., Greenville, Ky. 42345.	Do.
Do	Nicholas	Carlisle, city of	H 21 0182 01 through H 21 0182 02	do	Mayor, Elm St., Carlisle, Ky. 40311	Do.
Do	Pendleton	Falmouth, city of.	H 21 0189 01 through H 21 0189 02	do	Mayor, City Bldg., Falmouth, Ky. 41040.	Do.
Do	Powell	Stanton, city of	H 21 0196 01 through H 21 0196 02	do	Mayor, Stanton, Ky. 40380	Do.
Do	Pulaski	Somerset, city of.	H 21 0199 01 through H 21 0199 03	do	Mayor, Somerset, Ky. 42501	Do.
Do	Scott	Georgetown, city of.	H 21 0208 01 through H 21 0208 02	do	Enforcement Officer, Land Use Planning, City Hall, Georgetown, Ky. 40324.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Taylor	Campbellsville city of.	H 21 0213 01 through H 21 0213 02	do	Mayor, West 2d St., Campbellsville, Ky. 42718.	Do.
Do	Wayne	Monticello, town of.	H 21 0221 01 through H 21 0221 02	do	Mayor, City Hall, Monticello, Ky. 42633.	Do.
Do	Carlisle	Arlington, town of.	H 21 039 011 01	do	Chairman of Town Board, Arlington, Ky. 42021.	Do.
Do	Hickman	Clinton, town of	H 21 105 0710 02	do	Mayor, City Hall, Clinton, Ky. 42031.	Do.
Do	Rock Castle	Brodhead, city of.	H 21 203 0380 02	do	Chairman, Board of Trustees, City Hall, Brodhead, Ky. 40409.	May 17, 1974.
Do	Rowan	Morehead, city of.	H 21 205 2270 04	do	Mayor, City Hall, Morehead, Ky. 40351.	Do.
Louisiana	Acadia Parish	Iota, town of	H 22 005 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Iota, La. 70543	Do.
Do	Calcasieu Parish	Vinton, town of	H 22 0042 01 through H 22 0042 02	do	Mayor, City Hall, Vinton, La. 70668	Do.
Do	Concordia Parish.	Ridgecrest, town of.	H 22 0056 01	do	Town Hall, Ridgecrest, La. 71334	Do
Do	Evangeline Parish.	Basile, town of	H 22 0065 01	do	Mayor of Basile, Basile, La. 70515	Do.
Do	Jefferson Davis Parish.	Welsh, town of	H 22 0100 01 through H 22 0100 02	do	Mayor, Town Hall, Welsh, La. 70591	Do.
Do	Beauregard Parish.	Merryville, town of.	H 22 011 1540 01 through H 22 011 1540 02	do	Mayor, City Hall, Merryville, La. 70653.	Do.
Do	Livingston Parish.	Walker, town of	H 22 0121 01	do	Mayor, Walker, La. 70785	Do.
Do	Natchitoches Parish.	Provencal, village of.	H 22 0132 01 through H 22 0132 02	do	Mayor, City Hall, Provencal, La. 71468.	Do.
Do	Calcasieu Parish	Iowa, town of	H 22 019 1100 01	do	Mayor City Hall, Iowa, La. 70647	Do.
Do	do	Sulphur, city of	H 22 019 2210 01 through H 22 019 2210 03	do	Mayor, City Hall, Sulphur, La. 70633	Do.
Do	St. Tammany Parish.	Pearl River, town of.	H 22 0203 01	do	Mayor, Town Hall, Pearl River, La. 70452.	Do.
Do	Tensas Parish	Waterproof, town of.	H 22 0218 01	do	Bank of St. Joseph & Trust Co., Waterproof, La. 71375.	Do.
Do	Franklin Parish	Baskin, village of.	H 22 041 0130 01	do	Town Hall, Highway 15, Baskin, La. 71219.	Do.
Do	Madison Parish	Tallulah, village of.	H 22 065 2230 04	do	City Clerk's Office, City Hall, Tallulah, La. 71282.	Do.
Do	Tangipahoa Parish.	Independence, town of.	H 22 105 1080 01	do	Mayor, Independence, La. 70443	Do.
Maine	York	Biddeford, city of.	H 23 031 0550 01 through H 23 031 0550 11	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Mayor, City Hall, Biddeford, Maine 04002.	Do.
Massachusetts	Essex	Swampscott, town of.	H 25 009 1267 01 through H 25 009 1267 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Swampscott Engineering Offices, Monument Ave., Swampscott, Mass. 01907.	Do.
Michigan	Alger	Munising, city of	H 26 0002 01 through H 26 0002 03	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	City Manager, Municipal Bldg., Munising, Mich. 49862.	Do.
Do	Bay	Bangor, township of.	H 26 0019 01 through H 26 0019 03	do	Supervisor, Office of Township Clerk, Bangor Township Hall, 3921 Wheeler Rd., Bay City, Mich. 48706.	Do.
Do	Berrien	Benton Harbor, city of.	H 26 0032 01 through H 26 0032 03	do	City Manager, city of Benton Harbor, Public Service Bldg., 2d and North Sts., Benton Harbor, Mich. 49022.	Do.
Do	do	St. Joseph, city of.	H 26 0044 01 through H 26 0044 02	do	City Manager, City Clerk's Office, City Hall, 616–620 Broad St., St. Joseph, Mich. 49085.	Do.
Do	Dickinson	Kingsford, city of.	H 26 0064 01 through H 26 0064 02	do	Mayor, Municipal Bldg., Kingsford, Mich. 49802.	Do.
Do	Eaton	Charlotte, city of	H 26 0065 01 through H 26 0065 02	do	Jack Clever, City Zoning and Building Officer, City Hall, 146 South Bostwick St., Charlotte, Mich. 48813.	Do.
Do	do	Eaton Rapids, city of.	H 26 0067 01	do	Neil Hart, Building Inspector, 147 South Main (Gambel Store), Eaton Rapids, Mich. 48827.	Do.
Do	Genesee	Genesee, Township of.	H 26 0078 01 through H 26 0078 11	do	Township Supervisor, 7244 North Genesee Rd., Genesee, Mich. 48437.	Do.
Do	Grand Traverse	Traverse City, city of.	H 26 0082 01 through H 26 0082 04	do	City Manager, City Hall, Traverse City, Mich. 49684.	Do.
Do	Ingham	East Lansing, city of.	H 26 0089 01 through H 26 0089 04	do	Mayor, City Hall, 410 Abbott Rd., East Lansing, Mich. 48823.	Do.
Do	Iosco	East Tawas, city of.	H 26 0100 01 through H 26 0100 02	do	Building Inspector, East Tawas City Hall, East Tawas, Mich. 48730.	Do.
Do	do	Iron River, city of.	H 26 0103 01 through H 26 0103 02	do	Mayor, Municipal Bldg., Iron River, Mich. 49935.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do.	Lenawee	Tecumseh, city of.	H 26 0117 01 through H 26 0117 04	do	City Manager, 309 East Chicago Blvd., Tecumseh, Mich. 49286.	Do.
Do.	Macomb	Fraser, city of.	H 26 0122 01 through H 26 0122 02	do	Building Inspector, City Hall, 33000 Garfield Rd., Fraser, Mich. 48026.	Do.
Do.	Manistee	Manistee, city of.	H 26 0131 01 through H 26 0131 02	do	City Mayor, City Bldg., Manistee, Mich. 49660.	Do.
Do.	Mecosta	Big Rapids, city of.	H 26 0136 01 through H 26 0136 02	do	Building Inspector, City Hall, Big Rapids, Mich. 49307.	Do.
Do.	Monroe	Milan, township of.	H 26 0151 01 through H 26 0151 12	do	Boyd Kanitz, 10672 Far, Milan, Mich. 48160.	Do.
Do.	Oakland	Keego Harbor, city of.	H 26 0173 01 through H 26 0173 02	do	Manager, 2025 Beachmont, Keego Harbor, Mich. 48033.	Do.
Do.	do	Madison Heights, city of.	H 26 0174 01 through H 26 0174 03	do	City Manager, City Hall, 300 West 13 Mile Rd., Madison Heights, Mich. 48071.	Do.
Do.	Wayne	Grosse Pointe Farms, city of.	H 26 0229	do	City Hall, 90 Kerby Rd., Grosse Pointe Farms, Mich. 48236.	Do.
Do.	Lenawee	Hudson, city of.	H 26 091 2390 01	do	City Manager, 121 North Church, Hudson, Mich. 49247.	Do.
Do.	Ontonagon	Ontonagon, city of.	H 26 131 3700 01 through H 26 131 3700 02	do	Mayor, City Hall, Ontonagon, Mich. 49953.	May 24, 1974.
Minnesota	Chisago	Taylors Falls, village of.	H 27 0075 01 through H 27 0075 02	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Taylors Falls, Minn. 55084.	Do.
Do.	do	Wyoming, village of.	H 27 0076 01 through H 27 0076 02	do	Mayor, Wyoming, Minn. 55092.	Do.
Do.	Dakota	Farmington, village of.	H 27 0104 01 through H 27 0104 05	do	Mayor, Village Hall, Farmington, Minn. 55024.	Do.
Do.	do	Inver Grove Heights, village of.	H 27 0106 01 through H 27 0106 09	do	Mayor, Village Hall, 8650 Courthouse Blvd., Inver Grove Heights, Minn. 55075.	Do.
Do.	Big Stone	Clinton, city of.	H 27 011 1340 01	do	Mayor, Clinton, Minn. 56225.	May 17, 1974.
Do.	Fillmore	Lanesboro, village of.	H 27 0126 01	do	Mayor, City Hall, Lanesboro, Minn. 55949.	May 24, 1974.
Do.	do	Rushford, city of.	H 27 0130 01	do	Mayor, City Hall, Rushford, Minn. 55971.	Do.
Do.	Goodhue	Cannon Falls, city of	H 27 0141 01 through H 27 0141 02	do	Mayor, City Hall, 302 West Hoffman, Cannon Falls, Minn. 55009.	Do.
Do.	do	Goodhue, village of.	H 27 0142 01	do	Mayor, Goodhue, Minn. 55027.	Do.
Do.	do	Kenyon, village of.	H 27 0143 01 through H 27 0143 02	do	Mayor, City Hall, Kenyon, Minn. 55946.	Do.
Do.	do	Pine Island, village of.	H 27 0145 01	do	Mayor, City Hall, Pine Island, Minn. 55963.	Do.
Do.	do	Zumbrota, village of.	H 27 0148 01 through H 27 0148 02	do	Mayor, City Hall, Zumbrota, Minn. 55992.	Do.
Do.	Carlton	Moose Lake, city of.	H 27 017 4890 01 through H 27 017 4890 02	do	Mayor, Village Hall, Moose Lake, Minn. 55767.	May 17, 1974.
Do.	Houston	Houston, village of.	H 27 0193 01	do	Mayor, Houston, Minn. 55943.	May 24, 1974.
Do.	Jackson	Heron Lake, village of.	H 27 0212 01	do	Mayor, City Hall, Heron Lake, Minn. 56137.	Do.
Do.	Clay	Dilworth, city of.	H 27 027 1830 01	do	City Hall, Dilworth, Minn. 56529.	May 17, 1974.
Do.	Norman	Halstad, village of.	H 27 0324 01	do	Mayor, Village Hall, Halstad, Minn. 56548.	May 24, 1974.
Do.	Roseau	Warroad, village of.	H 27 0415 01 through H 27 0415 02	do	Mayor, Warroad, Minn. 56763.	Do.
Do.	St. Louis	Mountain Iron, village of.	H 27 0424 01 through H 27 0424 05	do	Mayor, Village Hall, Mountain Iron, Minn. 55768.	Do.
Do.	Sibley	Henderson, city of.	H 27 0440 01	do	Mayor, Henderson, Minn. 56044.	Do.
Do.	Fillmore	Spring Valley, city of.	H 27 045 6680 01 through H 27 045 6680 02	do	Municipal Bldg., city of Spring Valley, 120 West Courtland St., Spring Valley, Minn. 55975.	May 17, 1974.
Do.	Washington	Oakdale, village of.	H 27 0511 01 through H 27 0511 05	do	Mayor, village of Oakdale, Village Hall, 1584 Hadley Ave. NW., St. Paul, Minn. 55119.	Do.
Do.	Wright	Cokato, village of.	H 27 0537 01	do	Mayor, City Hall, Cokato, Minn. 55321.	Do.
Do.	do	Delano, village of.	H 27 0539 01	do	Mayor, Delano, Minn. 55328.	Do.
Do.	Marshall	Stephen, city of.	H 27 089 6740 01	do	City of Stephen, Office of City Clerk, Box 300, Stephen, Minn. 56757.	Do.
Do.	Rice	Fairbault, city of.	H 27 131 2310 04	do	City Engineer's Office, City Hall, 208 Northwest 1st Ave., Fairbault, Minn. 55021.	May 24, 1974.
Do.	Winona	St. Charles, city of.	H 27 169 6230 02	do	Mayor, St. Charles, Minn. 55972.	Do.
Do.	Wright	Monticello, village of.	H 27 171 4860 01	do	Mayor, Monticello, Minn. 55362.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Mississippi	Bolivar	Benoit, town of.	H 28 0013 01	Mississippi Research and Development Center, P.O. Box Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	City Clerk, Town Hall, Benoit, Miss. 38725.	Do.
Do.	do	Boyle, town of.	H 28 0015 01	do	City Clerk, Town Hall, Boyle, Miss. 38730.	Do.
Do.	Sharkey	Rolling Fork, city of.	H 28 0155 01	do	Mayor, Building Inspector, City Hall, Rolling Fork, Miss. 39159.	Do.
Do.	Sunflower	Indianola, city of.	H 28 0164 01	do	City Clerk, City Hall, city of Indianola, Indianola, Miss. 38751.	Do.
Missouri	Lawrence	Monett, city of.	H 29 009 5310 01 through H 29 009 5310 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Zoning Inspector, City Hall, Monett, Mo. 65708.	Do.
Do.	Atchison	Rock Port, town of.	H 29 0012 01 through H 29 0012 02	do	Mayor, City Hall, Rock Port, Mo. 64482.	Do.
Do.	Audrain	Laddonia, city of.	H 29 0017 01	do	Mayor, Laddonia, Mo. 63352.	Do.
Do.	Clark	Kahoka, city of.	H 29 0081 01	do	Mayor, City Hall, Kahoka, Mo. 63445.	Do.
Do.	Clinton	Plattsburg, city of.	H 29 0106 01 through H 29 0106 04	do	City Clerk, City Hall, Plattsburg, Mo. 64477.	Do.
Do.	Lawrence	Mount Vernon, city of.	H 29 0202 01 through H 29 0202 02	do	Mayor and City Council, City Hall, Mount Vernon, Mo. 65712.	Do.
Do.	McDonald	Noel, town of.	H 29 0218 01 through H 29 0218 02	do	Mayor, City Hall, Noel, Mo. 64854.	Do.
Do.	New Madrid	Marston, city of.	H 29 0253 01	do	Mayor, City Hall, Marston, Mo. 63866.	Do.
Do.	Crawford	Bourbon, city of.	H 29 055 0920 01 through H 29 055 0920 02	do	Mayor, City Hall, Bourbon, Mo. 65441.	Do.
Do.	Cass	Belton, city of.	H 29 037 0600 01 through H 29 037 0600 04	do	Mayor, City Hall, Belton, Mo. 64012.	Do.
Do.	Jefferson	Herculaneum, city of.	H 29 079 3620 01 through H 29 079 3620 04	do	City Hall, county of Jefferson, Herculaneum, Mo. 63048.	Do.
Do.	Howell	Willow Springs, city of.	H 29 091 8410 01 through H 29 091 8410 03	do	Mayor and City Council, Willow Springs, Mo. 65793.	Do.
Do.	Lawrence	Pierce City town of.	H 29 109 6263 02	do	Mayor and City Council, City Hall, Pierce City, Mo. 65723.	May 17, 1974.
Do.	Pike	Clarksville, city of.	H 29 163 1650 01	do	City Hall, Building Inspector's Office, Clarksville, Mo. 63336.	May 24, 1974.
Montana	Carbon	Red Lodge, city of.	H 30 009 0970 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Red Lodge, Mont. 59068.	Do.
Do.	Meagher	White Sulphur Springs, city of.	H 30 059 1260 01	do	Mayor, 101 East Main, White Sulphur Springs, Mont. 59645.	Do.
Do.	Richland	Sidney, city of.	H 30 083 1070 01	do	Mayor, City Hall, Sidney, Mont. 59270.	Do.
Nebraska	Hall	Cairo, town of.	H 31 0101 01	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Cairo, Nebr. 68824.	Do.
Do.	Keith	Brule, village of.	H 31 0128 01	do	Chairman, Village Board, Brule, Nebr. 69127.	Do.
Do.	do	Paxton, village of.	H 31 0130 01	do	Mayor, village of Paxton, Paxton, Nebr. 69155.	Do.
Do.	Custer	Sargent, city of.	H 31 041 4300 01	do	Mayor, Sargent, Nebr. 68875.	Do.
Do.	Franklin	Franklin, city of.	H 31 062 01	do	Mayor, Franklin, Nebr. 68939.	Do.
Do.	Howard	St. Paul, city of.	H 31 093 4280 02	do	Mayor, city of St. Paul, St. Paul, Nebr. 68873.	Do.
Do.	York	York, city of.	H 31 185 5360 01 through H 31 185 5360 02	do	Mayor, City Auditorium, York, Nebr. 68467.	Do.
Nevada	Carson City	Carson City, city of.	H 32 0001 01 through H 32 0001 05	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	Carson City Manager, Courthouse, Carson City, Nev. 89701.	Do.
New Hampshire.	Cheshire	Walpole, town of.	H 33 005 0502 01 through H 33 005 0502 10	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Planning Board, Walpole, N.H. 03608.	Do.
New Jersey	Burlington	Bass River, township of.	H 34 005 0174 01 through H 34 005 0174 06	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Norman G. Mathis, Township Clerk, South Maple Ave., New Gretna, N.J. 08224.	May 10, 1974.
Do.	Sussex	Branchville, borough of.	H 34 037 0400 01 through H 34 037 0400 02	do	Mayor, Borough Hall, Branchville, N.J. 07826.	Do.
Do.	Union	Berkeley Heights, township of.	H 34 039 0276 01	do	Mayor, 29 Park Ave., Berkeley Heights, N.J. 07922.	May 24, 1974.
Do.	Warren	Allamuchy, township of.	H 34 041 0081 01 through H 34 041 0081 07	do	Mayor, Allamuchy, N.J. 07820.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•		•	• •	•	•
New Mexico	San Juan	Farmington, city of.	H 35 045 0310 01 through H 35 045 0310 11	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, 800 Municipal Dr., Farmington, N. Mex. 87401.	Do.
Do.	Taos	Taos, town of.	H35 055 0780 01	do	Mayor, town of Taos, Taos, N. Mex. 87571.	May 17, 1974.
New York	Albany	New Scotland, township of.	H 36 001 4123 01 through H 36 001 4123 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Rural Delivery, Slingerlands, N.Y. 12159	May 10, 1974.
Do.	Allegany	Bolivar, village of.	H 36 003 0600 01	do	Mayor, Bolivar, N.Y. 14715	May 17, 1974.
Do.	do	Cuba, village of.	H 36 003 1430 01	do	Mayor, Cuba, N.Y. 14727.	Do.
Do.	Cattaraugus	Ellicottville, village of.	H 36 009 1830 01	do	Mayor, village of Ellicottville, N.Y. 14731.	May 24, 1974.
Do.	Columbia	Copake, town of.	H 36 021 1327 01 through H 36 021 1327 03	do	Town Supervisor, Copake, N.Y. 12516.	Do.
Do.	do	Livingston, town of.	H 36 021 3313 01 through H 36 021 3313 03	do	Town Supervisor, Livingston, N.Y. 12541.	Do.
Do.	Delaware	Hobart, village of.	H 36 025 2720 01	do	Mayor, Hobart, N.Y. 13788	Do.
Do.	do	Walton, village of.	H 36 025 6360 01	do	Supervisor, Walton, N.Y. 13856	May 17, 1974.
Do.	Erie	Lancaster, town of.	H 36 029 3141 01 through H 36 029 3141 05	do	Supervisor, Town Hall, 21 Central Ave., Lancaster, N.Y. 14086.	May 24, 1974.
Do.	do	North Collins, village of.	H 36 029 4250 01	do	Supervisor, Town Hall, North Collins, N.Y. 14111.	May 17, 1974.
Do.	do	do	H 36 029 4251 01 through H 36 029 4251 09	do	do	May 24, 1974.
Do.	Jefferson	Cape Vincent, village of.	H 36 045 0890 01	do	Mayor, village of Cape Vincent, N.Y. 13618.	Do.
Do.	do	Evans Mills, village of.	H 36 045 1900 01	do	Mayor, village of Evans Mills, N.Y. 13637.	May 17, 1974.
Do.	Livingston	Avon, town of.	H 36 051 0351 01 through H 36 051 0351 12	do	Avon Town Hall, 70 Genesee St., Avon, N.Y. 14414.	May 24, 1974.
Do.	do	Nunda, village of.	H 36 051 4370 01	do	Mayor, Nunda, N.Y. 14517	Do.
Do.	Madison	De Ruyter, village of.	H 36 053 1530 01	do	Mayor, De Ruyter, N.Y. 13052	Do.
Do.	Montgomery	Root, town of.	H 36 057 5279 01 through H 36 057 5279 04	do	Supervisor, rural delivery No. 1, town of Root, Sprakers, N.Y. 12166.	Do.
Do.	Nassau	Atlantic Beach, village of.	H 36 059 0295 01 through H 36 059 0295 02	do	Village Office, 65 The Plaza, Atlantic Beach, N.Y. 11509.	May 10, 1974.
Do.	do	Latting Town, village of.	H 36 059 3160 02	do	Mayor, P.O. Box 237, Locust Valley, N.Y. 11560.	May 17, 1974.
Do.	Oneida	Clayville, village of.	H 36 065 1190 01	do	Mayor, Village Office, Clayville, N.Y. 13322.	May 24, 1974.
Do.	Orange	Mount Hope, town of.	H 36 071 3918 01 through H 36 071 3918 07	do	Supervisor, rural delivery No. 1, Grange Rd., town of Mount Hope, Otisville, N.Y. 10963.	Do.
Do.	do	Waywayanda, town of.	H 36 071 5193 01 through H 36 071 5193 03	do	Supervisor, town of Waywayanda, Box 32, Slate Hill, N.Y. 10973.	Do.
Do.	Orleans	Albion, village of.	H 36 073 0060 01 through H 36 073 0060 02	do	Mayor, Albion, N.Y. 14411	Do.
Do.	do	Medina, village of.	H 36 073 3660 01 through H 36 073 3660 02	do	Mayor, Medina, N.Y. 14103	Do.
Do.	Oswego	Central Square	H 36 075 1060 01	do	Mayor, Central Square, N.Y. 13036	May 17, 1974.
Do.	do	Oswego, town of.	H 36 075 4540 01 through H 36 075 4540 06	do	City Engineer's Office, City Hall, city of Oswego, N.Y. 13126.	May 10, 1974.
Do.	do	Sandy Creek, town of.	H 36 075 5450 01 through H 36 075 5450 12	do	Town Supervisor, Town Hall, Sandy Creek, N.Y. 13145.	May 24, 1974.
Do.	St. Lawrence	Gouverneur, village of.	H 36 089 2330 01	do	Mayor, 33 Clinton St., Gouverneur, N.Y. 13642.	Do.
Do.	do	Heuvelton, village of.	H 36 089 2640 01	do	Mayor, Town House, Heuvelton, N.Y. 13654.	Do.
Do.	Steuben	Wayne, town of.	H 36 101 6502 01 through H 36 101 6502 02	do	Town Clerk, town of Wayne, Wayne, N.Y. 14893.	Do.
Do.	Suffolk	Greenport, village of.	H 36 103 2430 01	do	Mayor, 236 3d St., Greenport, N.Y. 11944.	Do.
Do.	Ulster	Ellenville, village of.	H 36 111 1820 01 through H 36 111 1820 06	do	Building Inspector, village of Ellenville, Ulster County, N.Y. 12428.	Do.
Do.	Washington	Greenwich, village of.	H 36 115 2440 01	do	Mayor, Greenwich, N.Y. 12834	May 10, 1974.
Do.	Westchester	Croton-On-Hudson, village of.	H 36 119 1420 01 through H 36 119 1420 02	do	Mayor, Municipal Bldg., Van Wyck St., Croton-On-Hudson, N.Y. 10520.	Do.
Do.	do	Pound Ridge, town of.	H 36 119 5034 01 through H 36 119 5034 07	do	Supervisor, Town House, Pound Ridge, N.Y. 10576.	May 24, 1974.
Do.	do	Tuckahoe, village of.	H 36 119 6130 01	do	Mayor, Village Hall, Tuckahoe, N.Y. 10707.	May 10, 1974.
Do.	Wyoming	Attica, village of.	H 36 121 0300 01	do	Mayor, Village Office, 9 Water St., Attica, N.Y. 14011.	May 24, 1974.
Do.	do	Perry, village of.	H 36 121 4750 01	do	Mayor, Village Office, 46 North Main St., Perry, N.Y. 14530.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
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North Carolina	Brunswick	Shallotte, town of.	H 37 0027 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Shallotte, N.C. 28459	Do.
Do.	do	Southport, city of.	H 37 0028 01	do	City Manager, city of Southport, Southport, N.C. 78461.	Do.
Do.	Carteret	Carteret, town of.	H 37 0046 01	do	Carteret County Courthouse, Beaufort, N.C. 28516.	Do.
Do.	Columbus	Chadbourn, town of.	H 37 0065 01 through H 37 0065 06	do	City Manager, Chadbourn, N.C. 28431.	Do.
Do.	Pender	Surf City, town of.	H 37 0186 01 through H 37 0186 04	do	Building inspector, Office of the Town Clerk, corner of Goldsboro Ave. and New River Dr., Surf City, N.C. 28445.	Do.
Do.	Pitt	Ayden, town of.	H 37 0189 01	do	Mayor, Municipal Bldg., Ayden, N.C. 28513.	Do.
Do.	Edgecombe	Whitakers, town of.	H 37 065 5000 01	do	Mayor, Whitakers, N.C. 27891	Do.
North Dakota	Cass	Casselton, city of.	H 38 0020 01 through H 38 0020 02	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, Casselton, N. Dak. 58102	Do.
Do.	Pembina	Cavalier, city of.	H 38 0081 01 through H 38 0081 02	do	Mayor, Cavalier, N. Dak. 58220	Do.
Do.	Walsh	Park River, city of.	H 38 0139 01	do	Mayor, Park River, N. Dak. 58270	Do.
Do.	McLean	Underwood, city of.	H 38 055 3140 01	do	President, City Commission, Underwood, N. Dak. 58576.	Do.
Do.	McLean and Burleigh.	Wilton, city of.	H 38 055 3370 01	do	President, City Commission, Wilton, N. Dak. 58579.	Do.
Do.	Morton	Glen Ullin, city of.	H 38 059 1230 01	do	Mayor, City Hall, Glen Ullin, N. Dak. 58631.	Do.
Do.	Pembina	Drayton, city of.	H 38 067 0850 01	do	City of Drayton, City Hall, 705 Almeron, Drayton, N. Dak. 58225.	Do.
Do.	Stark	Belfield, city of.	H 38 089 0270 01	do	Mayor, Belfield, N. Dak. 58622	Do.
Ohio	Montgomery	Englewood, city of.	H 39 0410 01 through H 39 0410 02	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Englewood, Ohio 45322	Do.
Do.	Summit	Barberton, city of.	H 39 0524 01 through H 39 0524 04	do	Mayor, City Hall, 576 Park West, Barberton, Ohio 44203.	Do.
Do.	Warren	Morrow, village of.	H 39 0561 01	do	Mayor, 150 Pike St., Morrow, Ohio 45152.	Do.
Do.	do	South Lebanon, village of.	H 39 0563 01	do	Mayor, South Lebanon, Ohio 45065	Do.
Do.	Hancock	Arlington, village of.	H 39 0630 200	do	Mayor, Town Hall, Arlington, Ohio 45814.	Do.
Do.	Harrison	Jewett, village of.	H 39 067 3830 02	do	Mayor, Jewett, Ohio 43986	Do.
Do.	Pauding	Grover Hill, village of.	H 39 125 3220 01	do	Mayor, Grover Hill, Ohio 45849	Do.
Do.	Shelby	Sidney, city of.	H 39 149 7550 01 through H 39 149 7550 05	do	City Manager, Municipal Bldg., Sidney, Ohio 45365.	Do.
Do.	Stark	Minervia, village of.	H 39 151 5180 01	do	Mayor, Village Hall, 209 West Market, Minervia, Ohio 44657.	Do.
Do.	Wyandot	Sycamore, village of.	H 39 175 7970 01	do	Mayor, village of Sycamore, Sycamore, Ohio 44882.	May 17, 1974.
Oklahoma	Beckham	Elk City, city of.	H 40 0010 01 through H 40 0010 04	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Water Superintendent, Municipal Bldg., Elk City, Okla. 73644.	May 24, 1974.
Do.	Canadian	Yukon, city of	H 40 0028 01 through H 40 0028 08	do	City Hall, 532 Main St., Yukon, Okla. 73099.	Do.
Do.	Craig	Vinita, city of.	H 40 0050 01	do	Mayor, Vinita, Okla. 74301	Do.
Do.	Ellis	Shattuck, town of.	H 40 0061 01	do	Mayor, City Hall, Shattuck, Okla. 73858.	Do.
Do.	Le Flore	Heavener, city of.	H 40 0090 01 through H 40 0090 02	do	City Manager, City Hall, Heavener, Okla. 74937.	Do.
Do.	Major	Fairview, city of.	H 40 0112 01 through H 40 0112 04	do	Mayor, city of Fairview, Fairview, Okla. 73737.	Do.
Do.	Stephens	Duncan, city of.	H 40 0202 01 through H 40 0202 09	do	City Hall, 8th and Willow, Duncan, Okla. 73533.	Do.
Do.	Woods	Waynoka, city of.	H 40 0228 01	do	Mayor, Waynoka, Okla. 73860	Do.
Do.	Grady	Chickasha, city of.	H 40 0234 01 through H 40 0234 03	do	Office of the City Clerk, City Hall, 6th and Chickasha, Chickasha, Okla. 73018.	Do. Do.
Do.	Dewey	Seiling, city of.	H 40 043 4230 01	do	Mayor, City Hall, Seiling, Okla. 73663.	Do.
Do.	Mayes	Chouteau, town of.	H 40 097 0980 01	do	Chairman, Board of Trustees, Chouteau, Okla. 74337.	Do.
Do.	Woodward	Fort Supply, town of.	H 40 153 1700 01	do	Mayor, city of Fort Supply, Fort Supply, Okla. 73841.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
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Oregon	Clackamas	Molalla, city of	H 41 0020 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Molalla, Oreg. 97038.	Do.
Do	Columbia	Rainier, city of	H 41 0038 01 through H 41 0038 03	do	Mayor, City Hall, Rainier, Oreg. 97048.	Do.
Do	Hood River	Cascade Locks, city of.	H 41 0087 01	do	Mayor, Elain Esselrtyn, Cascade Locks, Oreg. 97014.	Do.
Do	do	Hood River, city of.	H 41 0088 01	do	Mayor, City Hall, Hood River, Oreg. 97301.	Do.
Do	Columbia	Scappoose, city of.	H 41 009 1840 01	do	Mayor, City Hall, Scappoose, Oreg. 97056.	May 17, 1974.
Do	Marion	Woodburn, city of.	H 41 0172 01 through H 41 0172 02	do	Mayor, City Hall, Woodburn, Oreg., 97071.	May 24, 1974.
Do	Gilliam	Condon, city of	H 41 021 0380 01	do	Mayor, City Hall, Condon, Oreg. 97823.	Do.
Do	Wasco	The Dalles, city of.	H 41 0237 01 through H 41 0237 02	do	Mayor, City Hall, The Dalles, Oreg., 97058.	Do.
Do	Wallowa	Joseph, city of	H 41 0226 01	do	Mayor, Joseph, Oreg. 97846	Do.
Do	Lake	Lakeview, city of.	H 41 037 1200 01	do	Mayor, Lakeview, Oreg. 97630	Do.
Do	Lincoln	Newport, city of	H 41 041 1500 01 through H 41 041 1500 02	do	Mayor, City Hall, Newport, Oreg. 97365.	Do.
Do	Polk	Monmouth, city of.	H 41 053 1890 01	do	Mayor, City Hall, Monmouth, Oreg. 97361.	Do.
Pennsylvania	Allegheny	Springdale, township of.	H 42 003 0841 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120	Mayor, 924 Pittsburgh St., Springdale, Pa. 15144.	Do.
Do	Berks	Leesport, borough of.	H 42 011 4363 01 through H 42 011 4363 02	do	Leesport Borough Hall, 222 Spring Garden St., Leesport, Pa. 19533.	Do
Do	do	Womelsdorf, borough of.	H 42 011 9461 01	do	Mayor, 16 North Front St., Womelsdorf, Pa. 19567.	Do.
Do	do	Lower Makefield, township of.	H 42 017 3948 01 through H 42 017 3948 05	do	Lower Makefield Township Bldg., 1100 Yardley Rd., Yardley, Pa. 19067.	May 10, 1974.
Do	Butler	Butler, city of	H 42 019 1020 01 through H 42 019 1020 06	do	City Hall, 140 West North St., Butler, Pa. 16001.	May 24, 1974.
Do	Lancaster	Upper Leacock, township of.	H 42 071 6124 01 through H 42 071 6124 06	do	Chairman, Board of Supervisors, 174 East Main St., township of Upper Leacock, Leola, Pa. 17540.	Do.
Do	Lycoming	Lewis, township of.	H 42 081 4409 01 through H 42 081 4409 06	do	Secretary, township of Lewis, Trout Run, Pa. 17771 (star route).	Do.
Do	Monroe	East Stroudsburg, borough of.	H 42 089 2330 01 through H 42 089 2330 02	do	Municipal Bldg., 24 Analomink St., East Stroudsburg, Pa. 18301.	Do.
Do	Perry	Liverpool, borough of.	H 42 099 4540 01	do	Kenneth W. Billow, Sr., 208 Market St., Liverpool, Pa. 17045.	May 10, 1974.
Do	Westmoreland	Rostraver, town of.	H 42 129 7188 01 through H 42 129 7188 05	do	Chairman, Board of Commissioners, rural delivery No. 2, township of Rostraver, Belle Vernon, Pa. 15012.	May 24, 1974.
Rhode Island	Newport	Tiverton, town of.	H 44 005 0212 03	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Town Clerk's Office, Town Hall, Highland Rd., Tiverton, R.I. 02878.	Do.
South Carolina	Allendale	Allendale, town of.	H 45 0009 01 through H 45 0009 02	South Carolina Resources, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Dr. Richard E. Boyles, Mayor, P.O. Box 551, Allendale, S.C. 29810.	Do.
Do	Anderson	Belton, town of	H 45 0015 01 through H 45 0015 02	do	Jones Ellison, Mayor, Town Hall, Belton, S.C. 29627.	Do.
Do	Berkeley	Moncks Corner, town of.	H 45 0031 01	do	W. W. Williams, Mayor, P.O. Box 276, Moncks Corner, S.C. 29461.	Do.
Do	Clarendon	Summerton, town of.	H 45 0054 01	do	W. R. DuBose, Mayor, Main St., Summerton, S.C. 29148.	Do.
Do	Dillon	Lake View, town of.	H 45 0006 01	do	Robert T. Smith, Mayor, Lake View, S.C. 29563.	Do.
Do	Dorchester	Harleyville, town of.	H 45 0070 01	do	Burrell Martin, Mayor, Harleyville, S.C. 29448.	Do.
Do	do	St. George, town of.	H 45 0072 01	do	D. C. Sojourner, Mayor, St. George, S.C. 29477.	Do.
Do	Edgefield	Edgefield, town of.	H 45 0074 01 through H 45 0074 02	do	L. E. Rearden, Mayor, Municipal Bldg., Edgefield, S.C. 29824.	Do.
Do	Florence	Olanta, town of	H 45 0080 01	do	J. Kelton Floyd, Mayor, P.O. Box 396, Olanta, S.C. 29114.	Do.
Do	do	Scranton, town of.	H 45 0083 01	do	A. L. Smiley, Mayor, P.O. Box 2778, Scranton, S.C. 29591.	Do.
Do	do	Timmonsville, town of.	H 45 0084 01	do	Kenneth Emerson, Mayor, P.O. Box 447, Timmonsillville, S.C. 29161.	Do.
Do	Georgetown	Andrews, town of.	H 45 0086 01	do	W. W. Moody, City Clerk, City Hall, Andrews, S.C. 29510.	Do.
Do	Hampton	Hampton, town of.	H 45 0100 01 through H 45 0100 02	do	Mayor, City Hall, Hampton, S.C. 29924.	Do.
Do	do	Varnville, town of.	H 45 0102 01 through H 45 0102 02	do	Frank A. McClure, Jr., Mayor, P.O. Box 308, Varnville, S.C. 29944.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
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Do	Kershaw	Camden, city of	H 45 0117 01 through H 45 0117 04	do	James Anderson, Mayor, City Hall, Camden, S.C. 29020.	Do.
Do	Lancaster	Lancaster, city of.	H 45 0121 01 through H 45 0121 04	do	City Hall, 201 West Gay St., Lancaster, S.C. 29720.	Do.
Do	York	Clover, town of	H 45 0194 01	do	C. B. Stokes, Mayor, P.O. Box 181, Clover, S.C. 29710.	Do.
Do	Dillion	Dillion, town of	H 45 033 0620 01	do	Cary Smith, City Manager, Dillion, S.C. 29536.	Do.
South Dakota	Custer	Custer, city of	H 46 0019 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Pierre, S. Dak. 57501.	Custer City Hall, 622 Crook St., Custer, S. Dak. 57730.	Do.
Tennessee	Chester	Henderson, town of.	H 47 0029 01 through H 47 0029 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Paul McAdams, Mayor, City Hall, Henderson, Tenn. 38340.	Do.
Do	Gibson	Milan, town of	H 47 0060 01 through H 47 0060 03	do	Cecil Bryant, Mayor, Milan, Tenn. 38358.	Do.
Do	Overton	Livingston, city of.	H 47 0143 01 through H 47 0143 02	do	Mayor, City Hall, Livingston, Tenn. 38570.	Do.
Do	Putnam	Cookeville, city of.	H 47 0150 01 through H 47 0150 06	do	Mayor, City Hall, Cookeville, Tenn. 38501.	Do.
Do	Sumner	Portland, town of.	H 47 0187 01 through H 47 0187 02	do	Portland City Council, Russell St., Portland, Tenn. 37148.	Do.
Do	Coffee	Manchester, city of.	H 47 031 1550 01 through H 47 031 1550 02	do	City Hall, 200 West Fort St., Manchester, Tenn. 37355.	Do.
Do	do	Tullahoma, city of.	H 47 031 2470 01 through H 47 031 2470 23	do	City Hall, Power Bldg. on Jackson St., Tullahoma, Tenn. 37388.	Do.
Do	Giles	Pulaski, city of	H 47 055 1980 01 through H 47 055 1980 06	do	Mayor, City Hall, Pulaski, Tenn. 38478.	Do.
Do	Sequatchie	Dunlap, city of	H 47 153 0690 01 through H 47 153 0690 05	do	Mayor, City Hall, Dunlap, Tenn. 37327.	Do.
Texas	Austin	Wallis, city of	H 48 0018 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Wallis, Tex. 77485	Do.
Do	Bell	Harker Heights, city of.	H 48 0029 01 through H 48 0029 02	do	Mayor, City Hall, 110 Harley Dr., Harker Heights, Tex. 76541.	Do.
Do	do	Nolanville, city of.	H 48 0032 01 through H 48 0032 02	do	Mayor, City Hall, Main and Avenue G, Nolanville, Tex. 76559.	Do.
Do	Bexar	Live Oak, city of	H 48 0043 01 through H 48 0043 03	do	City of Live Oak, 7906 Village Oak, San Antonio, Tex. 78233.	Do.
Do	Bowie	DeKalb, town of	H 48 0055 01 through H 48 0055 02	do	Mayor, City Hall, DeKalb, Tex. 75559.	Do.
Do	Brazoria	Jones Creek, village of.	H 48 0072 01 through H 48 0072 02	do	Office of the Mayor, village of Jones Creek, State Highway 36, Route 3, Freeport, Tex. 77541.	Do.
Do	Collin	McKinney, city of.	H 48 0135 01 through H 48 0135 07	do	Mayor, 117 West Lane, McKinney, Tex. 75069.	Do.
Do	Bailey	Muleshoe, town of.	H 48 017 4780 01 through H 48 017 4780 02	do	City Manager, City Hall, Muleshoe, Tex. 79347.	Do.
Do	Gaines	Seagraves, city of.	H 48 0239 01	do	Mayor, City Hall, Seagraves, Tex. 79359.	Do.
Do	do	Seminole, city of	H 48 0240 01	do	Mayor, City Hall, Seminole, Tex. 79360.	Do.
Do	Gregg and Rusk	Kilgore, city of	H 48 0263 01 through H 48 0263 05	do	City Manager, Kilgore, Tex. 75662	Do.
Do	Bexar	Castle Hills, city of.	H 48 029 1209 01	do	Mayor, city of Castle Hills, San Antonio, Tex. 78213.	Do.
Do	Harris	Pasadena, city of	H 48 0307 01 through H 48 0307 22	do	Mayor, P.O. Box 672, Pasadena, Tex. 77501.	Do.
Do	Brazoria	Danbury, city of	H 48 039 1745 01	do	Mayor, city of Danbury, Danbury, Tex. 77534.	Do.
Do	Booker	Ochiltree and Lipscomb.	H 48 0444 01	do	Mayor, Booker, Tex. 79005	Do.
Do	Brown	Brownwood, city of.	H 48 049 0950 01 through H 48 049 0950 08	do	Mayor, City Hall, P.O. Box 1389, Brownwood, Tex. 76801.	Do.
Do	Roberts	Miami, city of	H 48 0541 01	do	Mayor, Miami, Tex. 79059	Do.
Do	Caldwell	Luling, city of	H 48 055 4170 01 through H 48 055 4170 02	do	Mayor, Luling, Tex. 78648	Do.
Do	Calhoun	Point Comfort, city of.	H 48 057 5412 01	do	Mayor, city of Point Comfort, Point Comfort, Tex. 77978.	Do.
Do	Sterling	Sterling City, town of.	H 48 0579 01	do	Mayor, city of Sterling City, Sterling City, Tex. 76951.	Do.
Do	Cameron	Brownsville, city of.	H 48 061 0940 01 through H 48 061 0940 08	do	Office of the City Engineer, City Hall, P O Box 911, Brownsville, Tex. 78520	Do.
Do	Tarrant	White Settlement, city of.	H 48 0617 01 through H 48 0617 10	do	Mayor, city of White Settlement, 214 Meadow Park Dr., Fort Worth, Tex. 76108.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Upshur	Gilmer, city of	H 48 0625 01 through H 48 0625 02	do	City Manager, Gilmer, Tex 75644	Do.
Do	Washington	Brenham, city of	H 48 0648 01 through H 48 0648 04	do	Mayor, City Hall, Brenham, Tex. 77833.	
Do	Wilson	Poth, city of	H 48 0672 01 through H 48 0672 02	do	Mayor, City Hall, Poth, Tex. 78147	Do.
Do	Yoakum	Plains, city of	H 48 0683 01	do	Mayor, City Hall, Plains, Tex. 79355	Do.
Do	Castro	Dimmitt, city of	H 48 069 1940 01 through H 48 069 1940 03	do	City Manager, City Hall, Dimmitt, Tex. 79027.	May 10, 1974.
Do	Cherokee	Jacksonville, city of.	H 48 073 3470 01	do	Mayor, city of Jacksonville, Jacksonville, Tex. 75766.	May 24, 1974.
Do	Crosby	Crosbyton, city of.	H 48 107 1630 01	do	Mayor, City Offices, Crosbyton, Tex. Tex. 79322.	May 10, 9741
Do	Dallas and Collin	Richardson, city of.	H 48 113 5730 01 through H 48 113 5730 09	do	Mayor, P.O. Box 309, Richardson, Tex. 75080.	May 24, 1974.
Do	Dallas	University Park, city of.	H 48 113 7090 04	do	Mayor, P.O. Box 8005, city of University Park, Dallas, Tex. 75205.	Do.
Do	Gonzales	Gonzales, city of	H 48 177 2720 01 through H 48 177 2720 03	do	Mayor, city of Gonzales, Gonzales, Tex. 78626.	Do.
Do	Karnes	Karnes City, city of.	H 48 255 3570 01	do	Mayor, City Hall, Karnes City, Tex. 78118.	May 10, 1974.
Do	Leon	Oakwood, town of.	H 48 289 5000 01	do	Mayor, Bank Bldg., Oakwood, Tex. 75855.	May 24, 1974.
Do	Mason	Mason, city of	H 48 319 4380 01 through H 48 319 4380 03	do	Mayor, Mason, Tex. 76856	May 10, 1974.
Do	Maverick	Eagle Pass, city of.	H 48 323 2060 02	do	Mayor, City Hall, Eagle Pass, Tex. 78852.	May 24, 1974.
Do	Moore	Sunray, city of	H 48 341 6690 01 through H 48 341 6690 02	do	Mayor, City Hall, Sunray, Tex. 79086	Do.
Do	Orange	Bridge City, city of.	H 48 361 0885 01 through H 48 361 0885 02	do	City Hall, 220 Nitsche St., Bridge City, Tex. 77611.	Do.
Do	Parker	Springtown, city of.	H 48 367 6555 01 through H 48 367 6555 02	do	Mayor, Springtown, Tex. 76082	Do
Do	Pecos	Fort Stockton, city of.	H 48 371 2440 02	do	City Manager, Fort Stockton, Tex. 79735.	Do
Do	Polk	Corrigan, city of	H 48 373 1560 01	do	Mayor, Corrigan, Tex. 75939	Do
Do	Val Verde	Del Rio, city of	H 48 465 1820 01 through H 48 465 1820 12	do	City of Del Rio, Office of the Inspector, Del Rio, Tex. 78840.	Do
Do	Walker	Huntsville, city of.	H 48 471 3340 01 through H 48 471 3340 05	do	City Manager, P.O. Drawer 831, Huntsville, Tex. 77340.	Do
Do	Winkler	Kermit, city of	H 48 495 3660 01 through H 48 495 3660 04	do	Mayor, Kermit, Tex. 79745	Do
Do	Yoakum	Denver City, town of.	H 48 501 1850 01	do	Mayor, City Hall, Denver City, Tex. 79323.	Do
Utah	Cache	Hyrum, city of	H 49 005 0780 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 434, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, Reece D. Nielson, 105 South 6 East, Hyrum, Utah 84319.	Do.
Do	Emery	Ferron, town of	H 49 0060 01	do	Mayor, City Hall, Ferron, Utah 84523	Do.
Do	do	Huntington, city of.	H 49 0063 01	do	Mayor, City Bldg., Huntington, Utah 84528.	Do.
Do	Sevier	Richfield, city of.	H 49 0131 01 through H 49 0131 02	do	Mayor, City Hall, Richfield, Utah 84701.	Do.
Virginia	Independent	Charlottesville, city of.	H 51 000 0440 01 through H 51 000 0440 03	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, City Hall, Charlottesville, Va. 23923.	Do.
Do	Brunswick	Lawrenceville, town of.	H 51 025 1420 01 through H 51 025 1420 02	do	E. N. Doyle, Jr., Mayor, Town Council, 101 East Church St., Lawrenceville, Va. 23868.	Do.
Do	Buchanan	Grundy, town of	H 51 027 1150 01 through H 51 027 1150 02	do	Mayor, Town Hall, Grundy, Va. 24614.	Do.
Do	Hanover	Ashland, town of.	H 51 085 0110 01	do	Town Manager, P.O. Box 271, Ashland, Va. 23005.	Do.
Do	Tazewell	Richlands, town of.	H 51 185 2050 01 through H 51 185 2050 04	do	Town Manager, 217 Railroad Ave., Richlands, Va. 24641.	Do.
Washington	Chelan	Leavenworth, city of.	H 53 0020 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City Hall, 815 Front St., Leavenworth, Wash. 98826.	Do.
Do	Douglas	Waterville, town of.	H 53 0040 01	do	Mayor, Waterville, Wash. 98858	Do.
Do	Grant	Coulee City, town of.	H 53 0050 01	do	City Council, Coulee City, Wash. 99115.	Do.
Do	Lincoln	Davenport, city of.	H 53 0109 01	do	Mayor, City Hall, Davenport, Wash. 99122.	Do.
Do	do	Sprague, city of	H 53 0113 01	do	Mayor, City Hall, Sprague, Wash. 99032.	Do.
Do	Okanogan	Oroville, town of	H 53 0121 01	do	Town of Oroville, Town Hall, 1310 Ironwood, Oroville, Wash. 98844.	Do

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	
Do	Pacific	Ilwaco, town of	H 53 0127 01	do	Mayor, City Hall, Ilwaco, Wash. 98624.	Do.
Do	do	Long Beach, town of.	H 53 0128 01 through H 53 0128 02	do	Mayor, City Hall, Long Beach, Wash. 98631.	Do.
Do	Pend Oreille	Newport, town of.	H 53 0137 01	do	Mayor, City Hall, Newport, Wash. 99156.	Do.
Do	Pierce	Fife, city of	H 53 0140 01 through H 53 0140 02	do	Mayor, city of Fife, Fife, Wash. 98424	Do.
Do	Skagit	Burlington, city of.	H 53 0153 01	do	Chairman, Board of Skagit County, Commissioners, Skagit County Courthouse, city of Burlington, Mount Vernon, Wash. 98273.	Do.
Do	do	La Conner, town of.	H 53 0156 01	do	Chairman, Board of Skagit County, Commissioners, Skagit County Courthouse, town of La Conner, Mount Vernon, Wash. 98273.	Do.
Do	Spokane	Spokane, city of	H 53 0183 01 through H 53 0183 25	do	Office of the Bldg., Director, City Hall, North 221 Wall St., Spokane, Wash. 99201.	Do.
Do	Walla Walla	College Place, city of.	H 53 0195 01 through H 53 0195 02	do	City Council, City Hall, College Place, Wash. 99324.	Do.
Do	Whitman	Albion, town of	H 53 0206 01	do	Mayor, City Hall, Albion, Wash. 99102.	Do.
Do	do	Palouse, city of	H 53 0211 01	do	Mayor, City Hall, Palouse, Wash. 99161.	Do.
Do	do	Rosalia, town of	H 53 0213 01	do	Mayor, City Hall, Rosalia, Wash. 99170.	Do.
Do	Yakima	Mabton, town of	H 53 0221 01	do	County Commissioners, Yakima Courthouse, town of Mabton, Yakima, Wash. 98902.	Do.
Do	Clark	Battle Ground, town of.	H 53 0025 01	do	City Council, City Hall, Battle Ground, Wash. 98604.	Do.
Do	Island	Oak Harbor city of.	H 53 0068 01 through H 53 0068 04	do	Mayor, City Hall, Oak Harbor, Wash. 98277.	Do.
Do	King	Auburn, city of	H 53 0073 01 through H 53 0073 08	do	Mayor, City Hall, 20 A St. NW., Auburn, Wash. 98022.	Do.
Do	Klickitat	Goldendale, city of.	H 53 0101 01	do	Mayor, City Hall or, County Commissioners, Courthouse, Goldendale, Wash. 98620.	Do.
Do	Pierce	Puyallup, city of	H 52 0144 01 through H 53 0144 04	do	City Manager, city of Puyallup, Puyallup, Wash. 98371.	Do.
Do	Yakima	Wapato, city of	H 53 0230 01	do	Mayor, City Hall, Wapato, Wash. 98951.	Do.
Do	Grays Harbor	Cosmopolis, town of.	H 53 027 0450 01	do	Mayor, City Hall, Cosmopolis, Wash. 98537.	Do.
Do	King	Bothell, city of	H 53 033 0170 01 through H 53 033 0170 04	do	Mayor, City Hall, Bothell, Wash. 98011.	Do.
Do	do	Tukwila, city of	H 53 033 2310 01 through H 53 033 2310 08	do	Mayor, City Hall, 14475 59th Ave. South, Tukwila, Wash. 98067.	Do.
Do	Lewis	Morton, city of	H 53 041 1380 01	do	Mayor, City Hall, Morton, Wash. 98356.	Do.
Do	Okanogan	Tonasket, town of.	H 53 047 2290 01	do	Mayor, City Hall, Tonasket, Wash. 98855.	Do.
Do	Whatcom	Everson, town of	H 53 073 0700 01	do	Mayor, City Hall, Everson, Wash. 98247.	Do.
Do	do	St. John, town of.	H 53 075 1950 01	do	Mayor, St. John, Wash. 99171	Do.
West Virginia	Brooke	Follansbee, city of.	H 54 009 0930 01	Office of Federal-State Relations, Room West 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Bldg., Follansbee, W. Va. 26073.	Do.
Do	Fayette and Kanawha.	Montgomery, city of.	H 54 019 1810 01	do	Mayor, town of Montgomery, Montgomery, W. Va. 25136.	Do.
Do	McDowell	Iaeger, town of	H 54 047 1300 01 through H 54 047 1300 03	do	Mayor, Town Hall, Iaeger, W. Va. 24844.	Do.
Do	do	Northfork, town of.	H 54 047 1950 01	do	Mayor, Town Hall, Northfork, W. Va. 24868.	Do.
Do	Mercer	Bramwell, town of.	H 54 055 0300 01 through H 54 055 0300 02	do	Mayor, Town Hall, Bramwell, W. Va. 24715.	Do.
Do	Tyler	Middlebourne, town of.	H 54 095 1740 01	do	Mayor, City Bldg., Middlebourne, W. Va. 26149.	Do.
Do	Tyler and Wetzel.	Paden City, city of.	H 54 103 2010 01 through H 54 103 2010 02	do	Mayor, City Bldg., Paden City, W. Va. 26159.	Do.
Do	Wetzel	Pine Grove, town of.	H 54 103 2130 01	do	Wetzel County Court, town of Pine Grove, New Martinsville, W. Va. 26155.	Do.
Wisconsin	Brown	Pulaski, village of.	H 55 0024 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Village Hall, Pulaski, Wis. 54162.	Do.
Do	Chippewa	Bloomer, city of	H 55 0042 01	do	Mayor, City Hall, Bloomer, Wis. 54724.	Do.
Do	Clark	Thorp, city of	H 55 0065 01	do	Mayor, Thorp, Wis. 54771	Do.
Do	Dane	Oregon, village of.	H 55 0089 01	do	Village President, Oregon, Wis. 53575	Do.
Do	Dodge	Fox Lake, city of.	H 55 0097 01	do	Mayor, City Hall, Fox Lake, Wis. 53933.	Do.
Do	Eau Claire	Fall Creek, village of.	H 55 0130 01	do	Village President, Village Hall, Fall Creek, Wis. 54742.	Do.
Do	Fond du Lac	Campbellsport, village of.	H 55 0133 01	do	President, Village Hall, Campbellsport, Wis. 53010.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do	do	Oakfield, village of.	H 55 0139 01	do	President, Village Hall, Oakfield, Wis. 53065.	Do.
Do	do	Ripon, city of	H 55 0140 01 through H 55 0140 02	do	Mayor, City Hall, Ripon, Wis. 54971	Do.
Do	Green	New Glarus, village of.	H 55 0164 01	do	President, New Glarus, Wis. 53574	Do.
Do	Juneau	Lyndon Station, village of.	H 55 0208 01	do	Village President, Village Hall, Lyndon Station, Wis. 53944.	Do.
Do	Maintowoc	Valders, village of.	H 55 0244 01	do	Village President, Village Hall, Valders, Wis. 54245.	Do.
Do	Marinette	Wausaukee, village of.	H 55 0264 01	do	Village President, Village Hall, Wausaukee, Wis. 54177.	Do.
Do	Marquette	Westfield, village of.	H 55 0269 01	do	Village President, Westfield, Wis. 53964.	Do.
Do	Oconto	Lena, village of	H 55 0296 01	do	Village President, Village Hall, Lena Wis. 54139.	Do.
Do	Ozaukee	Thiensville, village of.	H 55 0318 01	do	Village Hall, Thiensville, Wis. 53092	Do.
Do	Polk	Luck, village of	H 55 0335 01	do	Mayor, Luck, Wis. 54853	Do.
Do	do	St. Croix Falls, city of.	H 55 0337 01 through H 55 0337 02	do	Mayor, City Hall, St. Croix Falls, Wis. 54024.	Do.
Do	Racine	Sturtevant, village of.	H 55 0353 01	do	Village President, 3111 91 St., Sturtevant, Wis. 53177.	Do.
Do	Rusk	Bruce, village of	H 55 0370 01	do	President, Village Board, Bruce, Wis. 54819.	Do.
Do	St. Croix	Woodville, village of.	H 55 0390 01	do	President, Woodville, Wis. 54028	Do.
Do	Rock	Orfordville, village of.	H 55 0399 01	do	Village President, Orfordville, Wis. 53576.	Do.
Do	Shawano	Bonduel, village of.	H 55 0414 01	do	Village President, Village Hall, Bonduel, Wis. 54107.	Do.
Do	do	Tigerton, village of.	H 55 0422 01	do	Village President, Village Hall, Tigerton, Wis. 54486.	Do.
Do	do	Wittenberg, village of.	H 55 0423 01	do	Village President, Village Hall, Wittenberg, Wis. 54499.	Do.
Do	Taylor	Rib Lake, village of.	H 55 0436 01	do	President, Village Board, Rib Lake, Wis. 54470.	Do.
Do	Walworth	East Troy, village of.	H 55 0464 01	do	Village President, East Troy, Wis. 53120.	Do.
Do	Wood	Nekoosa, city of	H 55 0516 01	do	Mayor, City Hall, Nekoosa, Wis. 54457.	Do.
Wyoming	Carbon	Rawlins, city of	H 56 007 0690 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Rawlins, Wyo. 82301	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–12376 Filed 5–31–74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Miscellaneous Amendments; Correction

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; (29 U.S.C. 655, 657)) and in Secretary of Labor's Order No. 12–71 (36 FR 8754), Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

A number of typographical and clerical errors appeared in Part 1910 of Title 29 of the Code of Federal Regulations (37 FR 22103). The purpose of this amendment is to correct the errors in the standards text.

Since the corrections make no substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under either section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553.

Effective June 3, 1974, Part 1910 of Title 29 is amended as follows:

1. Section 1910.21(f)(31) is amended by correcting the heading *"Toe board"* to read *"Toeboard"*.

2. Section 1910.21(g)(16) is amended by correcting the heading *"Toe board"* to read *"Toeboard"*.

3. Section 1910.25(c)(1)(iii)(c) is amended by correcting "B_1D_1" to read "B_1, D_1" and "B_2D_2" to "B_2, D_2".

4. Section 1910.25(c)(2)(iv)(c)(*1*) is amended by correcting "slates" to read "slats".

5. Section 1910.28(b)(12) is amended by correcting "from" to read "form".

6. Section 1910.31 is amended by correcting the last item in the list of sources of standards to read as follows:

§ 1910.30(c)	ANSI O1.1–1954 (R-1961), Safety Code for Woodworking Machinery.

7. Section 1910.37(q)(6) is amended by correcting "5-foot candles" to read "5 foot-candles".

8. Section 1910.66 is amended by correcting the heading "Power" to read "Powered".

9. Section 1910.94(b)(5)(i)(*a*) is amended by correcting the reference "American National Standards Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1970" to read "American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1970".

10. Section 1910.94(d)(9)(vi) is amended by correcting the reference to "subparagraph (2)(ii)" in the sixth line to read "subparagraph (2)(iii)".

11. Figure G–9 in § 1910.95 is amended by correcting the reference to "Table I.G–16" in the last sentence to read "Table G–16".

12. Figure G–9 in § 1910.95 is amended by correcting the "30" on the Octave Band Sound Pressure Level in Decibels axis to read "80".

13. Table G–16 in § 1910.95 is amended by correcting "C1/T1+C2/T2 Cn/Tn" to read $C_1/T_1+C_2/T_2+ \ldots C_n/T_n$".

14. Section 1910.96(b)(2)(iii) is amended by correcting the second sentence to read "As used in this subparagraph "Dose to the whole body" shall be deemed to include any dose to the whole body, bonad, active bloodforming organs, head and trunk, or lens of the eye".

15. Section 1910.103(c)(3)(ii)(*d*) is amended by correcting the reference "subparagraph (i)(ix)(b)" in the fourth line to read "subparagraph (1)(ix)(b)".

16. Section 1910.107(a)(5) is amended by correcting the reference "subparagraph (3)" to read "subparagraph (4)".

17. Section 1910.109(i)(2)(iii)(c) is amended by correcting the word "manual" to read "Manual".

18. Section 1910.109(i)(6)(i)(*a*) is amended by correcting the paragraph designations to read as follows:

§ 1910.109 Explosives and blasting agents.

* * * * *

(i) * * *

(6) *General precautions.* (i) Electrical installations shall conform to the requirements of Subpart S of this part, for ordinary locations. They shall be designed to minimize damage from corrosion.

(ii) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78–1968.)

(iii) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

19. Section 1910.110(b)(14)(xvi) is amended by correcting the paragraph designated (b)(14)(xvi) to read (b)(14)(xiv).

20. Section 1910.115 is amended by correcting the fifth and eighth items in the list of sources of standards to read as follows:

§ 1910.105–106	NFPA No. 30–1969, Flammable and Combustible Liquids Code.
§ 1910.109	NFPA No. 495–1970, Code for the Manufacture, Transportation, Storage, and Use of Explosives and Blasting Agents.

21. Section 1910.147 is amended by correcting the fifth item in the list of sources of standards to read as follows:

§ 1910.145(a)–(e)	ANSI Z35.1–1968, Specifications for Accident Prevention Signs and ANSI B114.1–1971, Slow-Moving Vehicle Identification Emblem.

22. Section 1910.157(c)(4)(iii) is amended by correcting the reference to "Subparagraph (5)" to read "subparagraph (3)".

23. Table L–3 in § 1910.157(d)(4)(iii) is amended by correcting the third extinguisher type referenced "Storage-pressure water and/or antifreeze" to read "Stored-pressure water and/or antifreeze".

24. Section 1910.168(a)(15) is amended by inserting initial quotation marks before the word "Specifications" in eighth line.

25. Section 1910.178(c)(2) is amended by deleting the third sentence of the paragraph.

26. Section 1910.179(g)(3)(vii) is amended by correcting the word "related" to read "released".

27. Section 1910.180(f)(1) is amended by correcting the paragraph designation .180(f)(1) to .180(f).

28. Section 1910.213(p)(4) is amended by correcting the word "contract" in the second sentence to read "contact".

29. Table O–6 in § 1910.215 is amended by correcting the first minimum outside diameter of flanges in column B from "⅝" to "⅜".

30. Section 1910.217(b)(7)(vii) is amended by correcting the second paragraph designated as .217(b)(7)(vii) to .217(b)(7)(viii).

31. Section 1910.221 is amended by correcting the second, sixth, and seventh items in the list of sources of standards to read as follows:

§ 1910.213	ANSI O1.1–1954 (R-1971), Safety Code for Woodworking Machinery.
§ 1910.217	ANSI B11.1–1971, Safety Standard for Construction, Care, and Use of Mechanical Power Presses.
§ 1910.218	ANSI B24.1–1971, Safety Standard for Forging.

32. Section 1910.246 is amended by correcting the eighth, ninth, and tenth items in the list of sources of standards to read as follows:

1910.243(c)	ANSI B7.1–1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels.
1910.243(d)	ANSI A10.3–1970, Explosive Actuated Fastening Tools.
1910.243(e)	ANSI B71.1–1968, Safety Specifications for Power Lawn Mowers.

33. Section 1910.252(a)(6)(vi)(*a*)(*6*) is amended by correcting *"Provided, however,* That" in the fourth line to read "provided, however, that".

34. Section 1910.252(b)(2)(iii)(*b*)(*2*) is amended by correcting the word *"Automatic"* to read "Automatic".

35. Section 1910.254 is amended by correcting the third, fifth, and sixth items in the list of standards organizations to read as follows:

(c) Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y. 10036

(e) American Welding Society, 345 East 47th Street, New York, N.Y. 10017

(f) Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022

36. Section 1910.261(e)(11) is amended by correcting the word "marker" to read "barker".

37. Section 1910.262(b)(22) is amended by correcting the word "calendar" to read "calender".

38. Section 1910.262(m) is amended by correcting the heading *"Silver and ribbon lappers (cotton)"* to read *"Sliver and ribbon lappers (cotton)"*.

39. Section 1910.263(1)(9)(ix) is amended by correcting the heading *"Flues and dampers"* to read "Flues and dampers".

40. Section 1910.265(a)(2) is amended by correcting the reference "1910.05" in the last sentence to read "1910.5".

41. Section 1910.266(a)(2) is amended by correcting the reference "1910.05" to read "1910.5".

42. Section 1910.266(c)(2)(vii) is amended by correcting "Hands tools" to read "Handtools".

43. Section 1910.268 is amended by correcting the last item in the lists of sources of standards to read as follows:

1910.266	ANSI O3.1–1971, Pulpwood Logging Safety Standards.

44. Section 1910.309(a) is amended by correcting the sixteenth and twentieth items in the list of sections to read as follows:

110–17 (a), (b), and (c)	Guarding of Live Parts.
240–16 (a), (b), (c), and (d)	Location in Premises (for Overcurrent Protection Devices).

45. The following sections are amended by correcting the reference "National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968)" to read "National Electrical Code, NFPA No. 70–1971; ANSI C1–1971 (Rev. of C1–1968)":

§ 1910.66(c)(22)(i)
§ 1910.66(c)(22)(vii)
§ 1910.68(b)(4)
§ 1910.68(c)(5)(iv)(c)
§ 1910.94(a)(2)(iii)
§ 1910.103(b)(3)(iii)(*e*)
§ 1910.178(c)(2)
§ 1910.308(a)
§ 1910.308(d)
§ 1910.309(a)
§ 1910.309(b)

Signed at Washington, D.C., this 23 day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12643 Filed 5–31–74;8:45 am]

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PART 1926—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR CONSTRUCTION

Miscellaneous Amendments; Corrections

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; (29 U.S.C. 655, 657)), in Secretary of Labor's Order No. 12–71 (36 FR 8754), and section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96: 40 U.S.C. 333), Part 1926 of Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

A number of typographical and clerical errors appeared in Part 1926 of Title 29 of the Code of Federal Regulations (37 FR 27503). The purpose of this amendment is to correct the errors in the standards text.

Since the corrections make no substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or section 107 of the Contract Work Hours and Safety Standards Act or 5 U.S.C. 553.

Effective June 3, 1974, Part 1926 of Title 29 is amended as follows:

1. Section 1926.451(d)(8) is amended by correcting the word "or" to read "of".

2. Section 1926.500(d)(1) is amended by correcting the reference "paragraph (f)(i)" in the first sentence to read "paragraph (f)(1)".

3. Section 1926.914(e) is amended by correcting the word "furnished" in the seventh line to read "finished".

Signed at Washington, D.C., this 28th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12644 Filed 5–31–74;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 0—STANDARDS OF CONDUCT

PART 3—CLAIMS REGULATIONS

Miscellaneous Amendments

The Department of the Treasury finds it necessary to amend its regulations in Part 0 and Part 3 in order to make them conform to the reorganization of the Fiscal Service as mandated by Treasury Department Orders No. 229 and 229–1, appearing at 39 FR 2280 and 39 FR 10454 respectively. In particular Part 0, Appendix A, is amended to change the reference therein from the Bureau of Accounts to the Bureau of Government Financial Operations and to amend the list of the officers and employees of such Bureau who are required to file statements of financial interests. Part 0, Appendix A, is further amended to delete the references to the Treasurer of the United States and to the Office of the Treasurer of the United States. In addition, Part 3, § 3.7(c), is amended to change the reference therein from the Bureau of Accounts to the Bureau of Government Financial Operations.

The Department finds that notice to the public, of these amendments, is not necessary under 5 U.S.C. 553 as the amendments are wholly intra-Departmental and have no public effect. Therefore, Title 31 of the Code of Federal Regulations, Subtitle A, is amended as follows:

1. Part 0, Appendix A, is amended by:

(a) Deleting the paragraph entitled *Bureau of Accounts.*

(b) Inserting after the paragraph entitled *Bureau of Engraving and Printing* the following:

Bureau of Government Financial Operations:

All officials GS–16 and above.
Director, Domestic Banking Staff.
Director, Foreign Banking Staff.
Director, Division of Facilities Management.
Assistant Comptroller, Audit Staff.
Chief, Procurement Branch.

(c) Deleting the paragraph entitled *Office of the Treasurer, United States.*

2. Part 3, § 3.7(c), is amended by substituting a reference to the "Bureau of Government Financial Operations" for the reference to the "Bureau of Accounts."

These amendments shall become effective on June 3, 1974, retroactive to February 1, 1974 and March 12, 1974, the effective dates of Treasury Department Orders No. 229 and 229–1.

(Treasury Department Orders No. 229 and 229–1)

Dated: May 28, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.74–12611 Filed 5–31–74;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DSA Reg. 5515.2]

PART 1280—INVESTIGATING AND PROCESSING CERTAIN NONCONTRACTUAL CLAIMS AND REPORTING RELATED LITIGATION

APRIL 3, 1974.

The Defense Supply Agency is revising Part 1280 of Title 32, Code of Federal Regulations. The purpose of this revision is to provide current citations to the Army regulations which have superseded those previously prescribed for the processing of some claims. It reflects new Army claims processing procedures effected upon the reorganization of the Army. Finally, it provides specific procedures for Air Force processed claims.

Part 1280 is added to Title 32 of the Code of Federal Regulations, reading as set forth below. (This publication supersedes Part 1280 published in Volume 35, No. 184, dated Tuesday, September 22, 1970.)

Sec.
1280.1 Purpose and scope.
1280.2 Definitions.
1280.3 Significant changes.
1280.4 Responsibilities.
1280.5 Procedures.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125; 28 U.S.C. 2672; and DoD Directive 5105.22 dated December 9, 1965.

§ 1280.1 Purpose and scope.

(a) This Part 1280 provides procedures for investigating and processing claims and related litigation:

(1) By civilian and military personnel of DSA for property lost or damaged incident to service (31 U.S.C. 240–243).

(2) Incident to use of Government vehicles and other property of the United States not cognizable under other law (10 U.S.C. 2737).

(3) Based on Negligence of Civilian and Military Employees under the Federal Tort Claims Act, 28 U.S.C. 1346(b), 2671 thru 2680.

(4) In favor of the United States, other than contractual, for loss, damage, or destruction of real or personal property in the possession, custody, or control of DSA.

(b) This Part 1280 is applicable to HQ DSA and DSA field activities, except nonappropriated funds and related activities established pursuant to DSAR 1330.2, Open Messes and Other Military Sundry Associations and Funds, and DSAR 1330.4, Civilian Nonappropriated Funds and Related Activities. Claims involving these activities are processed pursuant to the regulations referenced therein.

§ 1280.2 Definitions.

(a) *Claims Investigating Officer.* A military officer or civilian employee of DSA, appointed in accordance with this Part 1280, to investigate and process claims within the purview of this Part 1280.

(b) *Member of the Army, member of the Navy, member of the Marine Corps, member of the Air Force.* Officers and enlisted personnel of these Military Services.

§ 1280.3 Significant changes.

This revision provides current citations to the Army regulations which have superseded those previously prescribed for the processing of some claims. It reflects the new Army claims processing procedures effected upon the reorganization of the Army. Finally, it provides specific procedures for Air Force processed claims.

§ 1280.4 Responsibilities.

(a) *DSA field activities.* (1) Heads of DSA Primary Level Field Activities are responsible for:

(i) Designating a qualified individual under their command, preferably one experienced in the conduct of investigations, as the Claims Investigating Officer for the activity.

(ii) Authorizing Heads of subordinate activities to appoint Claims Investigating Officers where necessary.

(2) The Commander, DSA Administrative Support Center (DSASC) is responsible for designating a qualified individual, preferably one experienced in the conduct of investigations, as the Claims Investigating Officer for DSASC and HQ DSA.

(3) Claims Investigating Officers are responsible for the expeditious conduct of all investigations and the processing of reports in accordance with appropriate Departmental regulations as prescribed by this Part 1280. To ensure prompt investigation of every incident while witnesses are available, and before damage has been repaired, the duties of personnel as Claims Investigating Officers will ordinarily have priority over any other assignments they may have.

(4) The Counsel, DSA Field Activities are responsible for:

(i) Receiving claims reports and information about related litigation, and processing these reports and information in accordance with this Part 1280 and appropriate Departmental regulations.

(ii) Providing directions and guidance to Claims Investigating Officers in the investigation and processing of claims.

(b) The Counsel, DSA (DSAH–G) is responsible for:

(1) Providing guidance to Counsel at DSA field activities on all claims and litigation matters within the purview of this Part 1280.

(2) Receiving claims reports and information on related litigation forwarded to HQ DSA, Attention: DSAH–G, and processing these in accordance with this Part 1280 and appropriate Departmental regulations.

(3) Maintaining this Part 1280 in a current status and reviewing it annually.

§ 1280.5 Procedures.[1]

(a) *Claims by military and civilian personnel of DSA for property lost or damaged incident to service (31 U.S.C. 240–243).* (1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 27–20 where the claimant is a member of the Army or a DSA civilian employee; JAGINST 5800.7A where the claimant is a member of the Navy or Marine Corps; or AFM 112–1 where the claimant is a member of the Air Force.

(2) The completed report will be forwarded by the Claims Investigating Officer to one of the following activities for settlement:

(i) Where the claimant is a DSA civilian employee or a member of the Army; the Staff Judge Advocate designated in AR 27–20, Appendix F, as the Area Claims Authority where the claim arose.

(ii) Where the claimant is a member of the Navy or Marine Corps the cognizant adjudicating authority as listed in JAGINST 5800.7A, paragraph 2124.

(iii) Where the claimant is a member of the Air Force; the Base Staff Judge Advocate of the nearest Air Force Base.

(b) *Claims incident to the use of Government property not cognizable under any other law (10 U.S.C. 2737).* (1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 27–20 where the claimant is a member of the Army or a DSA civilian employee; JAGINST 5800.7A where the claimant is a member of the Navy or Marine Corps; or AFM 112–1 where the claimant is a member of the Air Force.

(2) The completed report will be forwarded by the Claims Investigating Officer to the Counsel for his activity or, if the activity has no Counsel, to the next higher echelon having such a position.

(3) The activity Counsel receiving the Claims Investigating Officer's report will review the report, and take all necessary action to assure that it is complete and in accordance with the appropriate regulation. He will forward the report together with his comments and recommendations to one of the following activities for settlement. Where the incident giving rise to the claim was occasioned by an act or omission of:

(i) *DSA civilian personnel.* Counsel, DSA.

(ii) *A member of the Army.* The Staff Judge Advocate designated in AR 27–20, Appendix F, as the Area Claims Authority where the claim arose.

(iii) *A member of the Navy or Marine Corps.* The Director of the Navy Law Center in the Naval District in which the incident giving rise to the claim occurred.

(iv) *A member of the Air Force.* The Base Staff Judge Advocate of the Air Force Base nearest the place where the incident giving rise to the claim occurred.

(c) *Claims under the Federal Tort Claims Act arising from negligence of DSA military or civilian personnel.* (1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 27–20 where the claim involves a member of the Army or a DSA civilian employee; JAGINST 5800.7A where the claim involves a member of the Navy or Marine Corps; or AFM 112–1 where the claim involves a member of the Air Force.

(2) The completed report of investigation will be forwarded by the Claims Investigating Officer to one of the following activities for settlement. Where the incident giving rise to the claim was occasioned by an act or omission of:

(i) *DSA civilian personnel or a member of the Army.* The Staff Judge Advocate designated in AR 27–20, Appendix F, as the Area Claims Authority where the incident giving rise to the claim occurred.

(ii) *A member of the Navy or Marine Corps.* The Director of the Navy Law Center in the Naval District in which the incident giving rise to the claim occurred.

(iii) *A member of the Air Force.* The Base Staff Judge Advocate of the Air Force Base nearest the place where the incident giving rise to the claim occurred.

(d) *Tort claims in favor of the United States for damage to or loss or destruction of DSA property, or property in its custody or control.* (1) These claims will be investigated and processed in accordance with the provisions of AR 27–40, Chapter 5, except:

(i) The duties of the claims officer will be performed by the Claims Investigating Officer.

(ii) The duties of the Staff Judge Advocate will be performed by Counsel, except where the property is a GSA motor pool system vehicle (see paragraph (e) of this section).

(iii) The reports of the Claims Investigating Officer will be furnished direct to Counsel for his activity or, if his activity has no Counsel, to the next higher echelon having such a position.

(iv) With respect to reports referred to them, Counsel are authorized to give receipts for any payments received and to execute releases where payment in full is received, except where the property is a GSA motor pool system vehicle (see paragraph (e) of this section). Offers of compromise will be processed pursuant to DSAM 7000.1, Chapter 12, Section V, paragraph 120502.

(v) Where payment in full is not received after reasonable efforts have been made to collect the claim administratively, Counsel will refer the case directly to the U.S. Attorney unless:

(*a*) The amount of the claim exceeds $10,000, in which event the case will be referred to Counsel, DSA.

(*b*) The amount of the debt is less than $250; or the record clearly shows that the debtor is unable to pay; or the debtor cannot be located; in which event the file may be closed and the debt treated as an uncollectable which does not have to be referred to the General Accounting Office.

(2) If, at any stage of the processing of a claim under paragraph (d), a claim is filed against the Government arising out of the same incident, or it becomes apparent that one will be filed, the claim under paragraph (d) will be treated as a counterclaim, and included under the report filed in accordance with the applicable paragraph of this Part 1280.

(e) *Claims involving GSA motor pool system vehicles.* (1) Where a motor pool system vehicle issued to a DSA activity is involved in an accident giving rise to a claim under the Federal Tort Claims Act, the claim will be handled pursuant to paragraph (c) of this section.

(2) In the event of damage to a motor pool system vehicle which is not due to the fault of the operator, Counsel receiving the report will submit the report to GSA's Regional Counsel for the region that issued the vehicle pursuant to the Federal Property Management Regulation, paragraph 101–39.805. Damages to motor pool system vehicles caused by the negligence of vehicle operator em-

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[1] Copies of the Military Department regulations mentioned herein may be obtained from the Departments of the Army and Navy, and the Superintendent of Documents, U.S. Government Printing Office.

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ployed by DSA or caused by the negligence or misconduct of any other officer or employee of DSA are reimbursed to General Services Administration (GSA). Determination affixing responsibility will be made by the Counsel to which the report is referred, after considering the views of GSA.

f. *Reporting legal proceedings.* (1) All process and pleadings served on any personnel or activity of DSA, and related to a claim covered by this Part 1280 or involving an incident which may give rise to a claim covered by this Part 1280, together with other immediately available data concerning the commencement of legal proceedings, will be promptly referred to Counsel for the activity involved, or, if the activity has no Counsel, to the next higher echelon having such a position.

(2) Any Military Service member or civilian employee of DSA (or his personal representative) against whom a domestic civil action or proceeding is brought for damage to property, or for personal injury or death, on account of his operation of a motor vehicle (Government- or privately-owned) in the scope of his employment (28 U.S.C. 2679) will:

(i) Upon receipt of process and pleadings or any other information regarding the commencement of such action or proceeding, immediately inform the Head of his activity and Counsel as specified in subparagraph (1) of this paragraph.

(ii) Promptly deliver all process and pleadings served upon him, or an attested true copy thereof, to Counsel.

(3) Upon receipt of information or process and pleadings pursuant to paragraph (f)(1) or (2) of this section, Counsel will promptly prepare and process reports in accordance with the appropriate portions of AR 27–40 except that:

(i) If the incident giving rise to the litigation was occasioned by an act or omission of a member of the Navy or Marine Corps, or a member of the Air Force, information and reports required to be furnished to The Judge Advocate General of the Army will be furnished instead to The Judge Advocate General of the Navy and Air Force respectively.

(ii) If the litigation is under the Federal Tort Claims Act and no administrative claim has been filed. Counsel will immediately advise the U.S. Attorney and furnish him a report of all information the activity has with respect to the claim and an affidavit by the Claims Investigating Officer to the effect that no administrative claim has been filed. Two copies of the foregoing will be provided to the appropriate Military Service Judge Advocate General. If an administrative claim has been filed and has been referred to a Military Service, a copy of the process and pleadings and any information not previously furnished will be sent to the appropriate Military Service Judge Advocate General.

By order of the Director, Defense Supply Agency.

George W. Johnson, Jr.,
Colonel, U.S. Air Force
Staff Director, Administration.

[FR Doc.74–11875 Filed 5–31–74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–40]

ENFORCEMENT; CIVIL AND CRIMINAL PENALTY PROCEDURES

This amendment revises the Coast Guard procedures for enforcement of the civil and criminal penalty provisions of all statutes that the Cost Guard is authorized to enforce.

Previously, civil and criminal penalty enforcement procedures appeared in 46 CFR, Subchapter 250. Subpart 250 is deleted in CGD 74–68 appearing at page 19481 of this issue of the Federal Register.

Since the adoption of the procedures in Subpart 2.50, the Coast Guard has been authorized to enforce new laws relating to environment, ports and waterways safety, and recreational boating, among others. These revised procedures apply to enforcement of the penalty provisions of the statutes to which Subpart 2.50 applied and the new statutes. As revised by this amendment the procedures appear in the general provisions of the Coast Guard regulations in Title 33.

The revised procedures implement the procedural requirements in recently enacted statutes such as The Federal Water Pollution Control Act (33 U.S.C. 1251). The revised procedures provide adequate notice as to violation and liabilities, and provide a fair and equitable system of penalty assessment consistent with all statutory safeguards including an opportunity for a hearing. The revised procedures permit the Coast Guard to pursue an effective law enforcement program with a fair and reasonable civil penalty program effectuated by District Commanders and their maritime safety, port safety, boating safety, and legal staffs.

Sections 2.01–10(b), 91.01–10(b), 96.01–10(b), 100.50(b), and 105.40 of Title 33 are amended by deleting the reference to Subpart 2.50 and substituting the reference to Title 33.

Since the regulations in this amendment prescribe procedures relating to the management of the Coast Guard administrative civil penalty procedures, further notice and public procedures are unnecessary and they may be made effective in less than 30 days after publication in the Federal Register.

In consideration of the foregoing, Parts 1, 2, 91, 96, 100, and 105 of Title 33, Code of Federal Regulations are amended as follows:

PART 1—GENERAL PROVISIONS

1. By adding a new Subpart 1.07 to read as follows:

Subpart 1.07—Enforcement; Civil and Criminal Penalty Procedures

Sec.
1.07–1 Purpose.
1.07–5 Reporting and investigating violations.
1.07–9 Civil penalty procedure.
1.07–13 Payment and collection of civil penalties.
1.07–15 Criminal penalties.
1.07–19 Civil and criminal penalties.
1.07–23 Final action; transfer of cases.
Appendix.

Authority: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 633.

Subpart 1.07—Enforcement; Civil and Criminal Penalty Procedures

§ 1.07–1 Purpose.

This part describes procedures for enforcement of penalty provisions of all statutes that the Coast Guard is authorized to enforce.

§ 1.07–5 Reporting and investigating violations.

(a) Any person may report an apparent violation of any law, regulation, or order that is enforced by the Coast Guard to any Coast Guard facility.

(b) When an apparent violation is detected by a Coast Guard Officer, he may inform the person believed to have committed the violation, in writing or orally, of the nature of the violation.

(c) Each report made under this section is investigated or evaluated by Coast Guard personnel. The result of the investigation or evaluation is the basis for determining the enforcement action the Coast Guard will take.

§ 1.07–9 Civil penalty procedure.

(a) When civil penalty action is appropriate for a violation, the person charged with the violation or a vessel's owner is notified in writing of—

(1) The charges against him;

(2) The law or regulation that he is charged with violating;

(3) The amount of the maximum penalty that may be assessed: and

(4) The procedures in this subpart for assessing and collecting the civil penalty.

(b) Within 15 days after the day he receives a notice of violation described in paragraph (a) of this section or within such longer period as may be allowed in the notice, the person charged with the violation may provide, in writing or in person, any information or material that denies, explains, or mitigates the violation.

(c) All information or material provided in writing or in person is considered in determining whether to assess a civil penalty, close the case without action, remit or mitigate the penalty, or take other action under the applicable statute. If it is determined to assess a civil penalty, the person charged with the violation is notified of the amount of the penalty accessed, and, if mitigation or remission is considered appropriate under the circumstances of a particular case, of the mitigated amount of the penalty or that the penalty is remitted.

(d) Within 30 days after the day he receives a notice of the assessment of a civil penalty or such longer period as may be allowed in the notice, the person charged with the violation may appeal the assessment of the penalty, in writing, to the Commandant via the Coast Guard official who signed the notice.

§ 107–13 Payment and collection of civil penalties.

(a) Authority for the collection of civil penalties is delegated to the Commander of each Coast Guard District.

(b) Payment of a civil penalty may be made by check or postal money order payable to the United States Coast Guard.

(c) If the assessed or mitigated amount of a civil penalty is not paid within 30 days of receipt of a notice of assessment or notice of the Commandant's final action on appeal or within such longer period as may be allowed in the notice, the Coast Guard may initiate appropriate legal proceedings to collect the penalty.

(d) When a civil penalty of not more than $200 has been assessed under the Federal Boat Safety Act of 1971, the matter may be referred for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of Title 28, United States Code.

§ 1.07–15 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is authorized to determine whether or not a violation of a statute carrying a criminal penalty is one which would justify referral of the case to the United States Attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or accidents resulting in death.

(2) Marine Boards (46 CFR Part 136).

(3) Violations of port security regulations (33 CFR Parts 6, 121 to 126 inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

§ 1.07–19 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is authorized to determine whether to initiate civil penalty proceedings or to refer the case to the United States Attorney for prosecution in accordance with § 1.07–15.

(b) When the United States Attorney declines to institute criminal proceedings, the District Commander decides whether to initiate civil penalty proceedings or to close the case.

§ 1.07–23 Transfer of cases.

The Commander of a Coast Guard District Commander or to the Commandant for action.

PART 2—GENERAL DUTIES AND JURISDICTION

2. By amending paragraph (b) of § 2.01–10 by deleting the words "46 CFR Subpart 2.50 (Subchapter A—Procedures Applicable to the Public)", and substituting "33 CFR, Subpart 1.07."

PART 91—INTERPRETIVE RULING

3. By amending paragraph (b) of § 91.01–10 by deleting the words "46 CFR 2.50–20 to 2.50–30, inclusive (Subchapter A—Procedures Applicable to the Public)", and substituting "33 CFR Subpart 1.07."

PART 96—INTERPRETIVE RULINGS

4. By amending paragraph (b) of § 96.01–10 by deleting the words "46 CFR 2.50–20 to 2.50–30, inclusive (Subchapter A—Procedures Applicable to the Public)", and substituting "33 CFR Subpart 1.07."

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

5. By amending paragraph (b) of § 100.50 by deleting the words "46 CFR 2.50–1 to 2.50–40; inclusive," and substituting "33 CFR Subpart 1.07."

PART 105—NORTH ATLANTIC PASSENGER ROUTES

6. By amending § 105.40 by deleting the words "46 CFR 2.50–20" and substituting "33 CFR 1.07–9."

Appendix

This appendix lists penalty provisions of statutes the Coast Guard is authorized to enforce. It includes penalty provisions of laws that the Coast Guard enforces and administers under this part. It also includes penalty provisions of laws that another agency administers, but the Coast Guard enforces when violations occur on the high seas and waters over which the United States has jurisdiction. Although this list is intended to be complete, the omission of any statute from the list has no effect upon the authority of the Coast Guard to enforce a statute not listed. It also states the penalty procedure for violation of each provision ("civil" or "criminal") used by the Coast Guard.

Title 8—Aliens and Nationality

CHAPTER 8—THE COOLY TRADE

8 U.S.C. 334—Punishment for engaging in cooly trade (criminal)

8 U.S.C. 338—Involuntary transportation of Chinese, Japanese, etc. for purpose of holding to service; penalty (criminal)

Title 14—Coast Guard

CHAPTER 5—FUNCTIONS AND POWERS

14 U.S.C. 83—Unauthorized aids to maritime navigation; penalty (criminal)

14 U.S.C. 84—Interference with aids to navigation; penalty (criminal)

14 U.S.C. 85—Failure to maintain lights; penalty (criminal)

CHAPTER 17—ADMINISTRATION

14 U.S.C. 638 Coast Guard ensigns and pennants (criminal)

14 U.S.C. 639—Penalty for unauthorized use of words "Coast Guard" (criminal)

CHAPTER 25—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

14 U.S.C. 892—Unauthorized use of Coast Guard Auxiliary flags, pennants, uniforms, insignia (criminal)

Title 15—Commerce and Trade

CHAPTER 24—TRANSPORTATION OF GAMBLING DEVICES

15 U.S.C. 1176—Penalties (criminal)

Title 16—Conservation

CHAPTER 5A—PROTECTION AND CONSERVATION OF WILDLIFE GAME, FUR-BEARING ANIMALS AND FISH

16 U.S.C. 668cc–4—Importation of endangered species; penalties for violations; civil penalties for nonwillful violations (civil and criminal)

CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

16 U.S.C. 772e—Penalties and forfeitures (criminal)

16 U.S.C. 772f—Penalties relative to records and reports (civil)

CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

16 U.S.C. 776c—Penalties and forfeitures (criminal)

CHAPTER 11—REGULATION OF LANDING, CURING AND SALE OF SPONGES TAKEN FROM GULF OF MEXICO AND STRAITS OF FLORIDA

16 U.S.C. 783—Punishment for violations of law; liability of vessels (criminal)

CHAPTER 13—REGULATIONS OF TRANSPORTATION IN INTERSTATE COMMERCE OF BLACK BASS AND OTHER FISH

16 U.S.C. 853—Penalty (criminal)

CHAPTER 14—REGULATION OF WHALING

16 U.S.C. 916f—Violations; fines and penalties (criminal)

CHAPTER 16—TUNA CONVENTIONS

16 U.S.C. 957—Violations; fines and forfeitures (criminal)

CHAPTER 17—NORTHWEST ATLANTIC FISHERIES

16 U.S.C. 989—Penalties (criminal)

CHAPTER 19—NORTH PACIFIC FISHERIES

16 U.S.C. 1030—Penalties (criminal)

CHAPTER 21—PROHIBITION OF FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

16 U.S.C. 1082—Violations and penalties (criminal)

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CHAPTER 21B—PROHIBITION OF CERTAIN FOREIGN VESSELS IN UNITED STATES FISHERIES

16 U.S.C. 1100a—Violations and penalties, separate violations (civil)

CHAPTER 24—CONSERVATION AND PROTECTION OF FUR SEALS, OTHER WILDLIFE, AND SEA OTTERS

SUBCHAPTER III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

16 U.S.C. 1184—Penalties for violations (criminal)

CHAPTER 31—MARINE MAMMAL PROTECTION

16 U.S.C. 1375—Penalties (civil and criminal)
16 U.S.C. 1376—Seizure and forfeiture of cargo; penalties (civil)

Title 18—Crimes and Criminal Procedure

CHAPTER 3—ANIMALS, BIRDS AND FISH

18 U.S.C. 43—Transportation of wildlife taken in violation of State, National, or foreign laws (criminal)

CHAPTER 7—ASSAULT

18 U.S.C. 111—Assaulting, resisting, or impeding certain officers or employees (criminal)
18 U.S.C. 113—Assault within maritime and territorial jurisdiction (criminal)
18 U.S.C. 114—Maiming within maritime and territorial jurisdiction (criminal)

CHAPTER 11—BRIBERY, GRAFT AND CONFLICTS OF INTEREST

18 U.S.C. 201—Bribery of public officials and witnesses (criminal)
18 U.S.C. 203—Compensation to members of Congress, officers, and others in matters affecting the Government (criminal)
18 U.S.C. 205—Activities of officers and employees in claims against and other matters affecting the Government (criminal)
18 U.S.C. 219—Officers and employees acting as agents of foreign principals (criminal)

CHAPTER 13—CIVIL RIGHTS

18 U.S.C. 241—Conspiracy against rights of citizens (criminal)
18 U.S.C. 242—Deprivation of rights under color of law (criminal)
18 U.S.C. 244—Discrimination against person wearing uniform of armed forces (criminal)
18 U.S.C. 286—Conspiracy to defraud the Government with respect to claims (criminal)
18 U.S.C. 287—False, fictitious, or fraudulent claims (criminal)

CHAPTER 19—CONSPIRACY

18 U.S.C. 371—Conspiracy to commit offense or to defraud United States (criminal)
18 U.S.C. 372—Conspiracy to impede or injure officer (criminal)

CHAPTER 25—COUNTERFEITING AND FORGERY

18 U.S.C. 496—Customs matters (criminal)
18 U.S.C. 498—Military or naval discharge certificates (criminal)
18 U.S.C. 499—Military, naval or official passes (criminal)

CHAPTER 27—CUSTOMS

18 U.S.C. 545—Smuggling goods into the United States (criminal)
18 U.S.C. 546—Smuggling goods into foreign countries (criminal)

CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

18 U.S.C. 592—Troops at polls (criminal)
18 U.S.C. 593—Interference at polls (criminal)
18 U.S.C. 594—Intimidation of voters (criminal)
18 U.S.C. 596—Polling armed forces (criminal)
18 U.S.C. 602—Solicitation of political contributions (criminal)
18 U.S.C. 603—Place of solicitation (criminal)
18 U.S.C. 607—Making political contributions (criminal)

CHAPTER 31—EMBEZZLEMENT AND THEFT

18 U.S.C. 641—Public money, property, or records (criminal)
18 U.S.C. 642—Tools and materials for counterfeiting purposes (criminal)
18 U.S.C. 643—Accounting generally for public money (criminal)
18 U.S.C. 651—Disbursing officer falsely certifying full payment (criminal)
18 U.S.C. 652—Disbursing officer paying lesser in lieu of lawful amounts (criminal)
18 U.S.C. 653—Disbursing officer misusing public funds (criminal)
18 U.S.C. 654—Officer or employee of United States converting property of another (criminal)
18 U.S.C. 659—Interstate or foreign baggage, express or freight; State prosecutions (criminal)
18 U.S.C. 661—Within special maritime and territorial jurisdiction (criminal)
18 U.S.C. 662—Receiving stolen property within special maritime and territorial jurisdiction (criminal)

CHAPTER 33—EMBLEMS, INSIGNIA AND NAMES

18 U.S.C. 701—Official badges, identification cards, other insignia (criminal)
18 U.S.C. 702—Uniform of armed forces and Public Health Service (criminal)
18 U.S.C. 704—Military medals or decorations (criminal)
18 U.S.C. 705—Badge or medal of veteran's organizations (criminal)

CHAPTER 35—ESCAPE AND RESCUE

18 U.S.C. 751—Prisoners in custody of institution or officer (criminal)
18 U.S.C. 752—Instigating or assisting escape (criminal)
18 U.S.C. 755—Officer permitting escape (criminal)
18 U.S.C. 756—Internee of belligerent nation (criminal)
18 U.S.C. 757—Prisoners of war or enemy aliens (criminal)

CHAPTER 37—ESPIONAGE AND CENSORSHIP

18 U.S.C. 793—Gathering, transmitting or losing defense information to aid foreign government (criminal)
18 U.S.C. 794—Gathering or delivering defense information to aid foreign government (criminal)
18 U.S.C. 795—Photographing and sketching defense installations (criminal)
18 U.S.C. 796—Use of aircraft for photographing defense installations (criminal)
18 U.S.C. 797—Publication and sale of photographs of defense installations (criminal)
18 U.S.C. 798—Disclosure of classified information (criminal)

CHAPTER 40—INFORMATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

18 U.S.C. 844—Penalties (criminal)

CHAPTER 41—EXTORTION AND THREATS

18 U.S.C. 872—Extortion by officers or employees of the United States (criminal)
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- 46 U.S.C. 662—Complaint as to provisions or water; examination (civil)
- 46 U.S.C. 664—Permission from master to enter complaint as to provisions or water (civil)
- 46 U.S.C. 667—Penalty for failure to keep medicines (civil)
- 46 U.S.C. 668—Weights and measures (civil)
- 46 U.S.C. 669—Clothing and heat (civil)
- 46 U.S.C. 670—Slop chests (civil)
- 46 U.S.C. 672—Requirements, qualifications, and regulations as to crews—officers and pilots (civil and criminal)
- 46 U.S.C. 672a—Nationality of crews—officers and pilots (civil)
- 46 U.S.C. 673—Requirements as to watches; duties of seamen; hours of work; penalty (civil)
- 46 U.S.C. 676—Rules as to list of crew (criminal)
- 46 U.S.C. 677—Production of copy of list on return of vessel; production of persons named (civil)
- 46 U.S.C. 684—Wages or discharge in case of sale (criminal)
- 46 U.S.C. 701—Merchant seamen; various offenses; penalties (criminal)
- 46 U.S.C. 710—Carrying sheath knives (civil)

CHAPTER 19—WRECKS AND SALVAGE

- 46 U.S.C. 728—Duty of master to assist persons in danger (criminal)
- 46 U.S.C. 738b—Operator of vessel to give notice of routes; avoidance of ice regions; penalty (civil)
- 46 U.S.C. 738c—Speed of vessel in ice region; penalty (civil)

CHAPTER 24—MERCHANT MARINE ACT, 1920

- 46 U.S.C. 882—Number of passengers cargo vessels may carry (civil)
- 46 U.S.C. 883–1—Corporation as citizen; fisheries and transportation of merchandise or passengers between points in United States (civil)
- 46 U.S.C. 883a—Reports required of United States vessels rebuilt abroad; penalty for failure to report (civil)

CHAPTER 25—SHIP MORTGAGES

- 46 U.S.C. 941—Failure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of customs (criminal)

CHAPTER 27—MERCHANT MARINE ACT, 1936

- 46 U.S.C. 1132—Citizenship of officers and crew vessels documented under laws of United States (criminal)

CHAPTER 29—NAUTICAL INSTRUCTION

- 46 U.S.C. 1333—Inspection of vessels (criminal)

CHAPTER 33—FEDERAL BOAT SAFETY ACT OF 1971

- 46 U.S.C. 1483—Criminal penalties (criminal)
- 46 U.S.C. 1484—Civil penalties (civil)

TITLE 47—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

CHAPTER 2—SUBMARINE CABLES

- 47 U.S.C. 21—Willful injury to; punishment (criminal)
- 47 U.S.C. 22—Negligent injury to; punishment (criminal)
- 47 U.S.C. 24—Vessels laying cables; signals; avoidance of buoys (criminal)
- 47 U.S.C. 25—Fishing vessels; duty to keep nets from cables (criminal)

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47 U.S.C. 27—Offending vessels to show nationality (criminal)
47 U.S.C. 37—Licenses for landing or operating cable connecting United States with foreign country; violations; punishment (criminal)

TITLE 50—WAR AND NATIONAL DEFENSE

CHAPTER 12—VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

50 U.S.C. 192—Seizure and forfeiture; fine and imprisonment (criminal)

Effective date. This amendment becomes effective on June 4, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-12624 Filed 5-31-74;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Anacostia River, Washington, D.C.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Sat. 266; (33 U.S.C. 1)), § 207.127 is hereby prescribed establishing and governing the use and navigation of a restricted area in Anacostia River at the U.S. Naval Administrative Unit, Washington Navy Yard, Washington, D.C. In the interest of national security notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 207.127 of Title 33 of the Code of Federal Regulations shall become effective July 3, 1974, as follows:

§ 207.127 Anacostia River, at U.S. Naval Administrative Unit, Washington Navy Yard, Washington, D.C.; U.S. Navy restricted area.

(a) *The area.* The waters in the Anacostia River included by a line beginning at latitude 38°52'19", longitude 76°59'45"; thence to latitude 38°52'17", longitude 76°59'47"; thence to latitude 38°52'15", longitude 76°59'41"; thence to latitude 38°52'17", longitude 76°59'39".

(b) *The regulations.* No person in the water, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(c) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Administrative Unit, and such agencies as he may designate.

[Regs., May 15, 1974, 1522-01 Anacostia River, Washington, D.C.—DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.74-12601 Filed 5-31-74;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 25—HEARING EXAMINERS-SUPPLEMENTAL SECURITY INCOME

Appointment, Pay, and Removal of Supplemental Security Income Hearing Examiners

The amendments to the regulations set forth herein add a new Part 25 setting forth the rules for appointment, pay, and removal of individuals appointed as Hearing Examiners, SSI, pursuant to section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) to conduct hearings under the Supplemental Security Income Program, as required by section 1631(c) of the Social Security Act (42 U.S.C. 1383(c)). Proposed regulations establishing the procedures for such hearings and which provide the due process protections to which claimants are entitled were published as interim regulations in 39 FR 5778, on February 15, 1974.

The regulations set forth herein guarantee the right of the public to a hearing conducted by an independent and impartial hearing officer. Because the Civil Service Commission has determined that it is not required to provide registers from which qualified individuals could be appointed to serve as administrative law judges to conduct hearings pursuant to section 1631(c) of the Social Security Act (42 U.S.C. 1383(c)), the hearing officers will be appointed to Schedule A, Excepted Service, Attorney-Examiner (General) positions. Within the limitations imposed by the laws and regulations applicable to appointments in the Excepted Service, the regulations create a special status for individuals appointed to these positions.

The regulations provide that an individual appointed to conduct hearings is to be designated as a hearing examiner, SSI. The qualification standards require that an applicant be duly licensed and authorized to practice as an attorney. The type and quality of experience an applicant must demonstrate closely parallels that now required for appointment to administrative law judge positions.

The selection and appointment procedures are to follow to the extent possible those employed by the Office of Administrative Law Judges of the Civil Service Commission, e.g., establishment of registers from which selections are to be made, qualification inquiries, written demonstrations, panel interviews, and other appropriate procedures. Appointments are to be made only with the prior approval of the Secretary.

The regulations further provide that individuals appointed to these positions may be removed only for good cause established and determined by the Secretary after opportunity for a hearing on the record. No hearing examiner may be reassigned without the prior approval of the Secretary. They may be detailed only in certain specified instances. Hearing examiners will be given performance ratings; however, no unsatisfactory rating may be given without the concurrence of the Secretary. The determination of whether work of a hearing examiner is of an acceptable level of competence for purposes of within-grade increases also shall be made with the proviso that the Secretary must approve a recommendation to withhold such within-grade increases.

Inasmuch as the regulations relate to agency management or personnel, the Secretary of Health, Education, and Welfare finds that publication with notice of proposed rule making, as well as publication at least 30 days prior to an effective date, are unnecessary.

For purpose of future amendment to our revision of these regulations, consideration will be given to any comments pertaining to this amendment which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before August 2, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1631(d)(2), of the Social Security Act, as amended, 49 Stat. 647, as amended 86 Stat. 1476, 42 U.S.C. 1302, 1383(d)(2))

Effective date. These regulations shall be effective June 3, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: May 29, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Subtitle A of Title 45 of the Code of Federal Regulations is amended by adding thereto a new Part 25 to read as follows:

Sec.
25.1 Coverage.
25.2 Status of persons and positions.
25.3 Definitions.
25.8 Basic qualification requirements.
25.9 Appointments.
25.11 Promotion.
25.12 Reassignment.
25.17 Reemployment.
25.18 Restoration.
25.19 Details to other duties.
25.20 Pay.
25.25 Performance rating.
25.26 Reduction-in-force.
25.27 Separation.

HEARINGS IN REMOVAL CASES: RULES OF PRACTICE

25.28 Letter of charges.
25.32 Service.
25.33 Answer.
25.34 Notice of hearing.
25.35 Appearance.
25.40 Hearing.
25.41 Burden of proof.
25.42 Motions.
25.43 Orders of appearance.
25.49 Proposed findings and conclusions before presiding officer.
25.50 Recommended decision.
25.52 Adjudication.
25.54 Report of action taken.
25.55 Finality of decision.

AUTHORITY: Sec. 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)).

§ 25.1 Coverage.

(a) This part applies to persons appointed pursuant to section 1631(d)(2) of the Social Security Act as amended, 42 U.S.C. 1383(d)(2) as Attorney-Examiner (General) to conduct hearings. The organizational title of these positions is Hearing Examiner—Supplemental Security Income, hereinafter referred to as hearing examiner.

(b) Except as otherwise provided in this part, the regulations and policies covering positions in the Excepted Service apply to hearing examiner positions.

§ 25.2 Status of persons and positions.

Positions of hearing examiner are in the Excepted Service. Appointees will not acquire a competitive civil service status by virtue of service in such positions.

§ 25.3 Definitions.

(a) Bureau means the Bureau of Hearings and Appeals, Social Security Administration, Department of Health, Education, and Welfare.

(b) Secretary means the Secretary of Health, Education, and Welfare, or his delegatee.

(c) Detail means the temporary assignment of an employee from one position to another position without change in civil service or pay status. The assignment to a hearing examiner of a case of the level of difficulty that would ordinarily be assigned to a hearing examiner of a different grade does not of itself constitute a detail within the meaning of this part.

(d) Hearing examiner position means a position in which any portion of the duties includes those which require the appointment of a hearing examiner under section 1631(d)(2) of the Social Security Act as amended, 42 U.S.C. 1383 (d)(2).

(e) Promotion means a change in grade from one position to a higher graded position. The position may be newly created, or left vacant because of the promotion, demotion, transfer, reassignment, or separation of the last incumbent.

(f) Reemployment means rehiring on the basis of the appointee's former position as a hearing examiner or as an administrative law judge after separation from such a position. An annuitant will not be reemployed in a hearing examiner position.

(g) Removal means an involuntary change in the status of a hearing examiner, including discharge, demotion, or suspension from the position of hearing examiner or demotion, reassignment, or promotion to a position other than that of hearing examiner.

§ 25.8 Basic qualification requirements.

(a) To qualify for the GS-14 grade level in the examination, an applicant must have been, for at least 6 years immediately preceding the date of filing the application, duly licensed and authorized to practice as an attorney under the laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution. To qualify for the GS-13 grade level in the examination, the applicant must have been an attorney for at least 4 years as herein described. In addition, the applicant must clearly establish, in the aggregate, at least 6 years of qualifying experience (for the GS-14 grade level) or 4 years of qualifying experience (for the GS-13 grade level) in one or more of the following categories:

(1) Experience as judge, master, or referee of a court of record; or

(2) Experience as the head (or one of the heads) of a governmental regulatory body, responsible for (i) conducting, or supervising the conduct of formal hearings and (ii) making decisions on the basis of the record of such hearings; or

(3) Experience in a governmental regulatory body as an officer or employee presiding over formal hearings and making or recommending decisions on the basis of the record of such hearings; or

(4) Experience in the preparation of cases for, or their presentation at, formal hearings conducted by governmental regulatory bodies or court proceedings relating thereto; or

(5) Experience in the preparation of cases for and their presentation at trial in courts of record of unlimited and original jurisdiction or the preparation and presentation of appeals therefrom; or

(6) Experience in the active professional supervision and direction of subordinates engaged in functions described in paragraph (a)(4) of this section; or

(7) Experience as a responsible official in a governmental regulatory body whose duties require him to (i) review, analyze, evaluate, and recommend action to be taken by the head (or heads) of the body on decisions or recommend decisions on cases made by hearing officers on the basis of the record of formal hearings, or (ii) render responsible assistance to the head (or heads) of the body in the preparation for, or hearing of, cases coming for a formal hearing before the head (or heads) of the body, or in the preparation of decisions by the head (or heads) of the body on such cases; or

(8) Experience in either a governmental body or in the private practice of law which involved the assimilation, analysis, and evaluation of complex facts; the interpretation and application of provisions of law, regulations, court decisions, and other precedents; the rendition of oral and written advice to employing officials or clients which demonstrates the ability to identify and effectively use pertinent precedents; recognize new and complex problems; propose fair and equitable solutions in accordance with applicable law and regulations, and write clear, cogent opinions; or

(9) Experience in the active professional supervision and direction of subordinates engaged in functions described in paragraph (a)(8) of this section.

(b) Level and recency of experience. An aggregate of 1 year of the applicant's experience must have been acquired within the 6-year period immediately preceding the date of filing of an application for the GS-14 grade level or an aggregate of 1 year of the applicant's qualifying experience must have been acquired within the 4-year period immediately preceding the date of filing of an application for the GS-13 grade level. This 1 year of qualifying experience must be of a level of difficulty, complexity, responsibility, and importance characteristic of the next lower grade in the Federal service. The quality or level of experience is determined by the nature, scope, degree of responsibility, importance, and complexity of cases handled. Experience in the handling of minor tort cases, routine divorce cases, traffic violation cases, and cases or matters of a similar nature will not be accepted as meeting the required level or quality of experience for either grade level.

(c) The Secretary shall prescribe such examination procedures as he deems necessary, including qualification inquiries, written demonstrations, and panel interviews, and shall provide for the assignment of numerical ratings and the establishment of registers of eligibles and such other procedures as are appropriate. To the maximum extent possible, these procedures shall follow those used by the Office of Administrative Law Judges of the Civil Service Commission.

§ 25.9 Appointments.

(a) Except as provided in these regulations, all appointments to hearing examiner positions shall be made from a register of eligibles established as a result of the examination prescribed by the Secretary.

(b) *Appointment and trial period.* Appointment shall be made on an excepted-career basis. Appointees will not be required to serve a trial period. No such appointment shall be made without the prior approval of the Secretary.

(c) *Emergency appointments.* In an emergency situation when the needs of the service require it, the Secretary may authorize the appointment of an applicant to the position of hearing examiner on a temporary basis pending final decision of the individual's eligibility for appointment from the register provided, however, that such appointment shall be for a period of no more than 6 months.

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§ 25.11 Promotion.

The Secretary may promote a hearing examiner covered by these procedures to another hearing examiner position provided he meets the requirements for appointment to the position and is within reach on the appropriate register.

§ 25.12 Reassignment.

All reassignments of a hearing examiner and change of permanent duty stations shall require prior approval of the Secretary.

§ 25.17 Reemployment.

An individual who has served as an administrative law judge or a hearing examiner for at least 6 months may be reappointed as a hearing examiner without regard to the register of eligibles provided the reappointment is to a position at a grade level that is no higher than the one in which he previously served as an administrative law judge or hearing examiner, and provided further that he meets the experience requirements in effect at the time of the reappointment.

§ 25.18 Restoration.

Statutory reemployment and restoration rights as prescribed under Title 5 U.S.C. apply to hearing examiner positions.

§ 25.19 Details to other duties.

(a) The Bureau may not detail an employee who is not a hearing examiner to a hearing examiner position.

(b) The Bureau may not detail a hearing examiner to a position in the competitive service.

(c) The Bureau may detail a hearing examiner to perform duties that are not duties of a hearing examiner only when:

(1) The other duties are not inconsistent with the duties and responsibilities of a hearing examiner;

(2) The assignment is to last no longer than 120 days; and

(3) The hearing examiner has not had an aggregate of more than 120 days of such assignments within the preceding 12 months.

§ 25.20 Pay.

(a) The Bureau shall classify hearing examiner positions in accordance with Civil Service regulations and procedures for classifications under Chapter 51 of Title 5, U.S.C.

(b) The provisions of subchapter III of Chapter 53 of Title 5, United States Code and regulations of the Civil Service Commission issued thereunder shall apply in determining the rate of pay for hearing examiners.

(c) A hearing examiner is entitled to a within-grade increase in accordance with Civil Service regulations and procedures for within-grade increases under Chapter 53 of Title 5, U.S.C. The determination of whether the work of a hearing examiner is of an acceptable level of competence will be made by the Bureau Director or his designatee. A decision to withhold the within-grade increase of a hearing examiner may not be made without the approval of the Secretary.

(d) The Bureau shall not grant a quality increase under section 5336 of Title 5, U.S.C. to a hearing examiner.

§ 25.25 Performance rating.

The performance of each hearing examiner shall be rated in accordance with the provisions of Chapter 43 of Title 5, U.S.C., and the Department's Performance Rating Plan: *Provided however*, That no unsatisfactory rating may be given without the approval of the Secretary.

§ 25.26 Reduction-in-force.

The reduction-in-force provisions, set forth in section 3502 of Title 5, U.S.C. apply to reduction-in-force of hearing examiners.

§ 25.27 Separation.

(a) *Removal.* The Bureau may remove a hearing examiner covered by these procedures only for good cause, established and determined by the Secretary, after opportunity for a hearing and on the record thereof as provided in § 25.28 through 25.55.

(b) *Status during removal proceedings.* In exceptional cases when there are circumstances by reason of which the retention of a hearing examiner in his position, pending adjudication of the existence of good cause for his removal, would be detrimental to the interests of the Government, the hearing examiner shall either be assigned to duties in which these conditions would not exist, or placed on annual leave for the period that will be covered by the annual leave to his credit, or placed on leave without pay.

(c) *Exceptions for procedures.* These removal proceedings do not apply in making dismissals required by the Civil Service Commission under §§ 5.2 and 5.4 of Civil Service Rule V, nor to dismissals made in the interest of national security, nor to hearing examiners covered by Part 752 of Civil Service Regulations.

HEARINGS IN REMOVAL CASES: RULES OF PRACTICE

§ 25.28 Letter of charges.

The Bureau Director shall initiate removal against a hearing examiner by filing with the Secretary a letter of charges which shall set forth specifically and in detail the reasons that are alleged to constitute good cause for the removal.

§ 25.32 Service.

The Secretary shall have a copy of the letter of charges served on the hearing examiner named therein. Service shall be personally delivered or forwarded by registered mail.

§ 25.33 Answer.

(a) When a respondent desires to contest the proposed action he shall file an answer in writing to the letter of charges with the Secretary within 15 calendar days of the service of the copy of the letter of charges.

(b) Failure of the respondent to file an answer within the time limit is deemed to authorize the Bureau without further notice to the respondent, to proceed in regular course on the reasons set forth in the letter of charges.

§ 25.34 Notice of hearing.

After the filing of answer, the Secretary shall fix a time and place for the hearing and shall notify the parties.

§ 25.35 Appearance.

A respondent may appear for himself or by representative of his choice. The respondent or his representative shall file a written notice of appearance.

§ 25.40 Hearing.

(a) A presiding officer designated by the Secretary, shall preside at any hearing under these procedures.

(b) Hearings are open to the public unless otherwise ordered by the presiding officer.

(c) The presiding officer shall designate an official reporter who shall record the hearing under the supervision of the presiding officer. The official reporter's transcript of the hearing is the sole official transcript of the hearing. The presiding officer shall make the official transcript a part of the record.

§ 25.41 Burden of proof.

(a) The Bureau has the general burden of proof, and the proponent of any factual proposition is required to sustain the burden of proof with reference thereto.

(b) Objections to evidence shall be stated briefly and shall include the grounds relied on. Rulings on objections shall appear in the record.

§ 25.42 Motions.

The presiding officer shall act on motions.

§ 25.43 Orders of appearance.

The presiding officer may issue orders for an employee of the Social Security Administration, or any agency or component of the Department, to testify as witness at the hearing. Application for such orders may be made to the presiding officer. Any party desiring the testimony of a person not an employee of the Social Security Administration or of the Department shall be responsible for assuring the attendance and testimony of such persons. A witness may appear voluntarily without order. Per diem and travel may be paid to witnesses in accordance with applicable regulations.

§ 25.49 Proposed findings and conclusions before presiding officer.

At the termination of a hearing, the presiding officer shall fix a time not to exceed 30 calendar days except for good cause shown within which parties may submit to him proposed findings, conclusions, and reasons therefor (or briefs which may contain the same). Each party shall furnish copies of proposals or briefs to other parties to the proceeding (certifying to the presiding officer that this has been done) and shall deliver to the presiding officer an original and two copies.

§ 25.50 Recommended decision.

(a) The presiding officer, within 60 calendar days after receipt of the transcript of the hearing and of proposed findings and conclusions, or briefs, shall make and file a recommended decision.

(b) The presiding officer shall send a copy of the recommended decision to each party to the proceeding. Any party, within 10 calendar days after receipt of the copy of the recommended decision, may submit:

(1) Exceptions to it or to any omission from it; and

(2) Additional proposals for findings and conclusions with reasons therefor. The party making the submission shall furnish copies to the other parties (certifying to the presiding officer that this has been done), and shall file the original and two copies with the presiding officer.

§ 25.52 Adjudication.

On receipt of exceptions and additional proposals, or expiration of time therefor, the presiding officer shall prepare the files of the proceedings and shall transmit them to the Secretary who shall consider the entire record and decide the issues in accordance with the applicable law and the weight of the evidence, and notify the parties of his decision.

§ 25.54 Report of action taken.

The Bureau shall take action in accordance with the Secretary's decision not later than 10 calendar days after receipt thereof, and shall report to the Secretary without delay, the action taken.

§ 25.55 Finality of decision.

The Secretary's decision is final and exhausts the administrative remedies of the hearing examiner.

[FR Doc.74-12564 Filed 5-31-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

SUBCHAPTER C—UNINSPECTED VESSELS

[CGD 74-68]

PART 2—VESSEL INSPECTIONS

PART 26—OPERATIONS

Assessment, Mitigation, or Remission of Penalties

At page 19472 of this issue of the FEDERAL REGISTER, the Coast Guard issues new procedures for enforcing civil and criminal penalty provisions of statutes that the Coast Guard is authorized to enforce. These new procedures appear in Title 33 of the Code of Federal Regulations and replace procedures presently in Subpart 2.50 of Title 46 of the Code of Federal Regulations. Accordingly, the procedures in Subpart 2.50 are deleted and a note with reference to the new procedures in Title 33 is inserted. Section 26.10-5(b) of Subchapter C of Title 46 is amended by deleting the reference to Subpart 2.50 and substituting the reference to Title 33.

Since these amendments concern a matter relating to agency procedure and make editorial changes, the notice of proposed rule making and public procedure requirements in 5 U.S.C. 553 do not apply and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 2, and Part 26 of Title 46 are amended as follows:

Subpart 2.50 [Deleted]

1. By deleting Subpart 2.50 and inserting the following note following § 2.40-20:

NOTE: Enforcement; civil, and criminal penalty procedures appear in 33 CFR Part 1.

2. By amending paragraph (b) of § 26.10-5 by deleting the words following "are set forth in" and substituting "33 CFR Part 1."

(Sec. 3, 60 Stat. 238, and sec. 638, 63 Stat. 545, sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 633)

Effective date. These amendments become effective on June 4, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard.
Commandant.

[FR Doc.74-12623 Filed 5-31-74;8:45 am]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Notice of Readiness

Part 294 of Title 46, CFR which prescribes regulations governing the payment of operating-differential subsidy to operators of bulk cargo vessels engaged in carrying bulk agricutural commodities from the United States to the Union of Soviet Socialist Republics, is hereby amended.

This amendment provides that henceforth a subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day that the vessel's Notice of Readiness is accepted by the Charterers or their agents or the vessel commences loading (provided such vessel has all certificates of inspection required by the terms of the charterparty), whichever occurs first.

Previously a subsidized voyage commenced at such time on the day that the vessel had been certified as clean and ready to load by the National Cargo Bureau, Inc. The purpose of this amendment is to make the subsidization of a vessel coincide with the Charterer's acceptance of the vessel as ready to load. Henceforth, subsidization of a vessel shall begin when the vessel is either accepted for loading by the Charterers or their agents or commences loading in accordance with the terms of the charterparty agreed to by the governments of the United States and Soviet Socialist Republics.

Since this amendment affects the operators of subsidized vessels and hence relates to public grants, this amendment is adopted without notice of proposed rulemaking (5 U.S.C. 553(a)(2)).

Part 294 of Title 46 is revised as follows:

(1) Amend paragraph (c)(1) of § 294.3 to read as follows:

§ 294.3 Definitions.

* * * * *

(c) *Subsidized voyage*—(1) *Commencement.* A subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day that:

(i) The vessel's Notice of Readiness is accepted by the Charterer or its agent pursuant to the terms of the charterparty; or

(ii) The vessel commences loading: (*Provided*, That the vessel has all certificates of inspection required by the terms of the charterparty).

(2) Amend paragraph (b)(3) of § 294.12 as follows:

§ 294.12 Final voyage reporting requirement.

* * * * *

(b) *Contents of report.* * * *

(3) A copy of the Notice of Readiness with the acceptance of the Charterer or its agent noted thereon.

* * * * *

Effective date. This amendment shall become effective on June 3, 1974.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973)).

Dated: May 28, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-12674 Filed 5-31-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-18; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Non-Passenger Car Tires; Correction

In FR Doc. 73-23941, appearing at page 31299 in the issue of Tuesday, November 13, 1973, an error in the last column of Table III has been discovered. The value "705.0", appearing on the sixth line of the last column of Table III is replaced by the value "510.0".

(Sec. 103, 112, 113, 114, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421); delegation of authority at 49 CFR 1.51.)

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Issued on May 28, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-12637 Filed 5-31-74;8:45 am]

[Docket No. 70-12; Notice 19]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Universal Registration Format

This notice amends the Tire Identification and Recordkeeping regulation, 49 CFR Part 574, to establish an optional universal registration format for tire registration forms. It also requires manufacturers of new tires to redirect registration forms of other manufacturers of new tires which have been forwarded to them in error.

On March 9, 1973, the NHTSA issued a notice of proposed rulemaking (38 FR 6398) proposing a universal registration form for tire identification and recordkeeping.[1] The notice was issued in response to requests from multi-brand tire dealers who were faced with a multiplicity of different forms and procedures for tire registration. Currently, the regulation merely requires manufacturers and retreaders to supply a "means" of registration. The proposed rule also envisioned that a copy of the form would be provided to the first purchaser and that manufacturers and retreaders would be required to redirect registration forms which had been forwarded to them in error.

All comments received in response to the notice were sympathetic to the problems faced by the multi-brand dealers, and the majority were willing to provide a "universal form" if requested by a dealer.

Most manufacturers, however, pointed out that their exclusive dealerships had received training in the use of the current form, as had their own personnel, and that a total change-over would work a hardship without a concomitant benefit for single-brand dealers. In view of these comments, NHTSA has decided to promulgate the universal registration format, which appears as Fig. 3, as an optional format to be followed if requested by a dealer and as a guide if a dealer prefers to supply his own forms.

The proposal to require tire manufacturers and retreaders to forward all misdirected registration forms within 30 days was universally opposed by new-tire manufacturers, who stated that they are currently participating in a voluntary but limited program for forwarding these misdirected forms. Furthermore, new-tire manufacturers believe they should not be responsible for misdirected retreaded tire registration forms, as there are over 5,000 tire retreaders in the country and such a task would be formidable. One new-tire manufacturer indicated that he had received over 15,000 misdirected retreaded tire registration forms during January 1973. The docket contained only one submission from the retreading industry, and it did not deal with the problem of misdirected forms.

It also appears from the comments received and other information available to NHTSA that new-tire manufacturers maintain a computer-based registration process, while only approximately 25 percent of the retreading industry utilizes computers for this purpose. Thus, the requirement for forwarding all misdirected forms would fall heavily on both segments of the industry, new-tire manufacturers in that most misdirected forms appear to be sent to them and retreaders in that a majority are ill-equipped to carry out the forwarding functions.

Therefore, rather than issue an all-inclusive forwarding requirement at this time, NHTSA has decided to require only that new-tire manufacturers redirect new tire registration forms erroneously forwarded to them. Further, the NHTSA has detemined that a 90-day forwarding period will be sufficient, rather than the 30 days originally proposed. It is expected that the use of the manufacturer's logo on the universal registration format and increased vigilance on the part of the industry will substantially curtail the number of misdirected forms. If it later appears that tire registrations are not being properly received, the NHTSA intends to take further action in this area.

The notice proposed that tire manufacturers furnish their dealers with duplicate copies of the registration form so that a copy could be given to consumers at the time of purchase. This provision was objected to by all new-tire manufacturers and the retreaders' association. In their view, the increased expense served no viable function as Part 574 currently requires all purchasers to be notified by certified mail of safety defects. They argued that the possession of a duplicate registration form would not aid the purchaser in the case of recall. The manufacturers also said that the completion of registration forms is often reserved until the end of the day or other slack time, and further that the consumer automatically receives a copy of his tire identification number on the guarantee if one is given.

The NHTSA finds these arguments to have merit, and the requirement to give the purchaser a copy of the registration form is deleted from the final rule.

In consideration of the foregoing, 49 CFR 574.7 is amended to read as follows:

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) Each tire manufacturer, brand name owner and retreader (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise), or his designee, shall provide forms to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers, by which the distributor or dealer may record the information appearing in paragraphs (a)(1), (a)(2) and (a)(3) of this section. Forms similar to Figure 3 shall be provided to those dealers who request them, or if a dealer prefers, he may supply his own form as long as it contains the required information as indicated in Figure 3.

(1) Name and address of the tire purchaser;

(2) Tire identification number;

(3) Name and address of the tire seller or other means by which the manufacturer can identify the tire seller.

(b) Each tire manufacturer shall record and maintain, or have recorded and maintained for him, the information specified in paragraph (a) of this section and shall not use this information for any commercial purpose detrimental to tire distributors or dealers. Any new-tire manufacturer to whom forms are mistakenly returned shall forward the new-tire registration forms to the proper new-tire manufacturer within 90 days from receipt of the form.

(c) Each tire manufacturer shall maintain, or have maintained for him, a record of each tire distributor or dealer who purchases tires directly from him and sells them to tire purchasers, the number of tires purchased by each such distributor or dealer, the number of tires for which reports have been received from each such distributor or dealer pursuant to paragraph (a) of § 574.8, the total number of tires sold by the tire manufacturer, and the total number of tires for which reports have been received.

(d) Information required by paragraph (a) of this section shall be maintained for a period of not less than 3 years from the date the tire manufacturer or his designee records the information submitted to him.

Effective date: September 3, 1974.

(Secs. 103, 112, 113, 119, 201, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1407, 1421; delegation of authority at 49 CFR 1.51.)

Issued on May 28, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-12638 Filed 5-31-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965........)

Subpart B—Supplementary Medical Insurance Benefits

INCREASE IN SUPPLEMENTARY MEDICAL INSURANCE DEDUCTIBLE AND ELIMINATION OF THE COINSURANCE FOR PART B HOME HEALTH SERVICES

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1453) a notice of proposed rulemaking with proposed amendments to Subpart B of Regulations No. 5. The proposed amendments revise and update the present regulations to reflect sections 204(a) and 299K of the Social Security Amendments of 1972 (Pub. L. 92-603) which increase the SMI deductible from $50 to $60 and eliminate the coinsurance for Part B home health services effective with expenses incurred after December 31, 1972.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. No comments have been received and the proposed amendments are adopted without change.

Effective date. These amendments shall be effective June 3, 1974.

(Sections 1102, 1833, 1871, 49 Stat. 647, as amended, 79 Stat. 302, as amended, 79 Stat. 331, as amended; 42 U.S.C. 1302, 1395l, 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: May 9, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 28, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Section 405.239 is revised to read as follows:

§ 405.239 Option available to patients under a home health plan who require physical therapy.

A patient under a home health plan may elect to receive required physical therapy service as a "medical and other health service" (see § 405.231(1)) rather than as a home health service (see § 405.236(b)) and thereby save home health visits for other covered home health services.

2. Section 405.240 is amended by revising paragraph (d) to read as follows:

§ 405.240 Payment of supplementary medical insurance benefits; amounts payable.

* * * * *

(d)(1) Eighty percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency for services furnished prior to January 1, 1973; and

(2) One hundred percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency for services furnished after December 31, 1972; and

* * * * *

3. Paragraph (b) of § 405.243 is amended by revising the example as follows:

§ 405.243 Psychiatric services limitation; expenses incurred for physician services.

* * * * *

(b) *Application of limitation.* * * *

Example: As a private patient, Mr. X's only medical expenses during the calendar year 1973 amounted to $750 for physicians' services in connection with the treatment of a mental disorder which did not require inpatient hospitalization. The statutory limit for any calendar year on the amount of these expenses that is covered under this Subpart B is $312.50 ($312.50 being lesser in amount than 62½ percent of $750). Mr. X is required to meet the first $60 as a deductible, and 20 percent of the balance. The remaining 80 percent is payable under this Subpart B.

Total covered expenses	Mr. X's payment	Payment under subpart B
$312.50	[2] $437.50	
−60.00 [1]	[1] 60.00	
252.50	[3] 50.50	[4] $202.00

[1] Deductible. (see § 405.245).
[2] In excess of $312.50.
[3] 20 percent of total covered expenses less deductible.
[4] 80 percent of total covered expenses less deductible.

If Mr. X had incurred $350 of the above expenses while an inpatient of an institution (see paragraph (b) of this section), and the remaining $400 while not an inpatient of an institution, payment would be computed as follows:

Total covered expenses	Mr. X's payment	Payment under subpart B
$250 [1]	[3] $150	
+350 [2]		
600	[4] 60	
−60 [4]		
540	[5] 106	[6] $432

[1] 62½ percent of $400.
[2] In excess of 62½ percent of $400.
[3] 100 percent of expenses incurred while an inpatient.
[4] Deductible.
[5] 20 percent of total covered expenses less deductible.
[6] 80 percent of total covered expenses less deductible.

4. Section 405.244 is amended by revising paragraph (c) to read as follows:

§ 405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductible.

* * * * *

(c) To the extent that an individual incurred expenses with respect to radiological and pathological services for which payment is made in an amount equal to 100 percent of the reasonable charges for such services (see § 405.240 (a)(2)), the costs or charges for such services are not considered as incurred expenses for purposes of §§ 405.245 and 405.246 and are not subject to the supplementary medical insurance benefits deductible.

5. Section 405.245 is revised to read as follows:

§ 405.245 The supplementary medical insurance benefits deductible.

Subject to the provisions of § 405.244, the total amount of expenses incurred by an individual during a calendar year is reduced, prior to applying the payment percentages in § 405.240, by a deductible in an amount equal to:

(a) $60 (except that with respect to expenses incurred prior to 1973 the deductible amount shall be $50); less

(b) The amount of any expenses incurred by such individual in the last three months of the preceding calendar year and applied toward such individual's deductible under this section for such preceding year.

Example: During 1973, Mr. Jones incurred total expenses of $350 for covered medical and other health services furnished to him. Ordinarily, a deductible of $60 would be imposed in determining the amount payable under the supplementary medical insurance plan. However, during November of 1972, Mr. Jones had incurred expenses of $35 for covered medical and other health services which had been applied toward his supplementary medical insurance deductible for 1972. Since any expenses incurred in the last quarter of the prior calendar year, and applied toward the supplementary medical insurance benefits deductible for such year, can be carried over to the following year and applied toward the deductible, Mr. Jones' 1973 supplementary medical insurance benefits deductible is only $25 ($60−$35).

[FR Doc.74-12654 Filed 5-31-74;8:45 am]

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[1] Filed as part of the original document.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

AVOCADOS

Proposed Importation Requirements

Consideration is being given to the proposal hereinafter set forth which would prescribe requirements for the importations of avocados into the United States pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944), during the period June 17, 1974, through April 30, 1975. The proposed import regulation would prescribe the same grade requirement for imported avocados as that applicable, pursuant to Order No. 915 (7 CFR Part 915), to avocados grown in South Florida. With respect to maturity the proposed regulation would apply the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados would be required to meet minimum size or weight requirements comparable to those effective for similar types grown in Florida as variations in characteristics make application of identical requirements impractical. This import regulation would be effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 6, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). As proposed, the domestic regulation under the marketing order for Florida avocados would become effective June 17, 1974. To prevent the import of immature avocados, the import regulation would be made effective on the same date. Hence, the time available does not permit preliminary notice beyond that herein provided.

Such proposal reads as follows:

§ 944.14 Avocado Regulation 22.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 17, 1974, through April 30, 1975, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 8, 1974; (ii) from July 8, 1974, through July 21, 1974, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3¹¹⁄₁₆ inches in diameter; and (iii) from July 22, 1974, through August 5, 1974, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3⁷⁄₁₆ inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 16, 1974; (ii) from September 16, 1974, through September 22, 1974, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 23, 1974, through October 7, 1974, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 19, 1974; (ii) from August 19, 1974, through September 1, 1974, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3¹⁰⁄₁₆ inches in diameter; and (iii) from September 2, 1974, through September 16, 1974, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3⁷⁄₁₆ inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 8, 1974; (ii) from July 8, 1974, through August 4, 1974, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from August 5, 1974, through September 8, 1974, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 9, 1974, through October 6, 1974, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 23, 1974; (ii) from September 23, 1974, through October 20, 1974, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 21, 1974, through December 22, 1974, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 806 South Nebraska St., San Juan, Tex. 78589, (Phone (512) 787-4091).	1 day.
	or Charles E. Parragon, 300 North Concepcion, El Paso, Tex. 79906, (Phone (915) 543-7723).	Do.
All New York points.	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone (212) 991-7068 and 7069).	Do.
	or Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone (716) 824-1585).	Do.
All Arizona points.	B. O. Morgan, 226 Terrace Ave., Nogales, Ariz. 85621 (Phone (602) 287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 NW. 12th Ave., Room [illegible], Miama, Fla. 33136 (Phone (305) 324-6116).	Do.
	or Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32814 (Phone (305) 894-9511).	Do.
	or Johnnie E. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32205 (Phone (904) 354-5983).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90012 (Phone (213) 622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone (504) 527-6741 and 6742).	1 day.
All other points	D. S. Matheson, F&V Div., AMS-USDA, Washington, D.C. 20250 (Phone (202) 447-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in South Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Bureau of Customs.

Dated: May 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12606 Filed 5-31-74;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Crediting for Paid Advertising

Notice is hereby given of a proposal to amend § 981.441 of Subpart-Administrative rules and regulations (7 CFR 981.441–981.481; 38 FR 9987, 27381) to (1) permit crediting a handler's assessment obligation for direct media expenditures in paid advertising which promotes the sale, consumption, or use of California almonds and almond products through the following: Any handler-owned retail store which sells almonds and almond products; any mail order catalog of almonds and almond products; and any mail order offer of almonds and almond products mentioning both a handler-owned retail store, which sells almonds and almond products, and a catalog; (2) require handler certification of information submitted for use in determining credit under these proposed provisions.

The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Almond Control Board unanimously recommended the proposal.

Section 981.41 of the order provides, in part, that the Almond Control Board may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing order promotion including paid advertising as may be authorized. Section 981.441 provides for a handler to receive such credit for advertising almonds, either separately or in conjunction with a complementary commodity or product. Any such crediting is subject to the stipulation in § 981.441(c) that the theme of each advertising shall promote the sale, consumption, or use of California almonds.

The proposals are based upon the Board's recognition that handler-owned retail stores and catalogs are important outlets for almonds. Even though such outlets may offer merchandise other than almonds, they still provide important benefits to the almond grower. Finally, the proposed rules are aimed at expanding the market for California almonds. The Board sees marketing expansion as essential, especially in anticipation of a sharp increase in California's almond production.

Section 981.441(d)(5) would allow a handler credit for his paid media advertising that promotes almonds and almond products through his own retail store.

The credit should be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his retail store in the previous crop year to the total of all his sales through that outlet in that crop year. So that a handler would be precluded from obtaining dual credit, media advertising of almonds and almond products through his retail store which includes an almond mail order offer should qualify only under this subparagraph.

Section 981.441(d)(6) would allow paid media advertising that promotes almonds and almond products through a handler's mail order catalog. The credit should be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his catalog in the previous crop year to the total of all his sales through that outlet in that crop year. Media advertising of almonds and almond products through a mail order catalog which includes an almond mail order offer should qualify only under this subparagraph.

Section 981.441(d)(7) would allow credit for paid media advertising that promotes almonds and almond products through a handler's mail order offer which also mentions the handler's retail

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store selling almonds and almond products and the handler's catalog.

The creditable portion of such expense should be based on the simple average of the proportions calculated for such handler pursuant to subparagraphs (5) and (6).

A proposed § 981.441(g) (5) would also be added to require handlers who submit claims under proposed § 981.441(d) (5), (6), or (7) to certify to the Secretary of Agriculture and the Control Board the applicable information to be used by the Control Board in determining the handler's credit for media advertising. This certification would be subject to audit pursuant to § 981.70.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 to be received by June 17, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 981.441 Subpart—Administrative rules and regulations (7 CFR 981.441–981.481; 38 FR 9987, 27381) by adding subparagraphs (5), (6), and (7) to paragraph (d), and subparagraph (5) to paragraph (g). The proposal is as follows:

§ 981.441 Crediting for paid advertising.

* * * * *

(d) * * *

(5) Subject to the other provisions of this section, paid media expenses for advertising that promotes almonds and almond products in a handler-owned retail store shall qualify for credit. The credit shall be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his retail store in the previous crop year to the total dollar volume of all his sales through that outlet in that crop year. Media advertising of almonds and almond products through his retail store which includes an almond mail order offer shall qualify only under this subparagraph.

(6) Subject to the other provisions of this section, allowable paid media expenses for advertising that promotes almonds and almond products through a handler's mail order catalog shall qualify for credit. The credit shall be computed by multiplying the handler's allowable media expense for such advertising by the proportion of the handler's dollar volume of almonds and almond products sold through his catalog in the previous crop year to the total of all his sales through that outlet in that crop year. Media advertising of almonds and almond products through a mail order catalog which includes an almond mail order offer shall qualify only under this subparagraph.

(7) Paid media advertising that promotes almonds and almond products through a handler's mail order offer, which also mentions the handler's retail store selling almonds and almond products and the handler's catalog, shall qualify for credit. The creditable portion of such expense shall be based on the simple average of the proportions calculated for such handler pursuant to subparagraphs (5) and (6) of this paragraph.

* * * * *

(g) * * *

(5) Handlers who submit claims under paragraph (d)(5), (6), or (7) of this section shall certify to the Secretary of Agriculture and the Control Board the applicable information to be used by the Control Board in determining the handler's credit for media advertising.

* * * * *

Dated: May 28, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-12604 Filed 5-31-74;8:45 am]

[7 CFR Part 984]

[Docket No. AO 192–A 5]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 38 FR 29717), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington (hereinafter referred to collectively as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on July 3, 1974. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment was formulated was held in San Francisco, CA, January 15–17, 1974. Notice of the hearing was published in the FEDERAL REGISTER on December 27, 1973 (38 FR 35321). The proposals in the notice of hearing were submitted by the Walnut Control Board, the agency established pursuant to the amended marketing agreement and order to administer the terms and provisions thereof.

Material issues. The material issues presented on the record of hearing involve amendatory action relating to:

(1) Revising the definitions of "area of production", "Board", "merchantable walnuts", "to handle", "to pack", "kernelweight", "handler carryover", "trade demand", "free walnuts" and "surplus walnuts"; deleting the definitions of "packer", "pack", "sheller", "restricted walnuts", "marketable walnuts", "allocation percentage", "diversion percentage", "control percentages", and "control obligations"; and adding definitions for "cooperative handler", "independent handler", "withholding factor", and "hold";

(2) Revising the provisions for representation on the Board, including addition of provisions for a nonvoting delegate and establishment of two grower districts for purposes of grower representation on the Board;

(3) Revising the nomination procedures for nominees to the Board;

(4) Changing the eligibility requirements for persons serving on the Board;

(5) Making certain provisions of the order applicable to the nonvoting delegate and his alternate;

(6) Changing the Board's procedures for voting by mail or telegram;

(7) Adding authority for production research projects;

(8) Revising the marketing policy provisions, including the deadline date for holding the marketing policy meeting;

(9) Deleting the inshell volume regulation provisions and providing authority for the establishment of free and surplus percentages and withholding factors;

(10) Revising the minimum grade standard for inshell walnuts, and deleting the authority for pack specifications and different grade and size regulations for each district;

(11) Revising inspection and certification requirements;

(12) Deleting provisions on restricted obligation and providing for the control and disposition of surplus walnuts, including deletion of provisions on deferment of time for withholding surplus, providing new provisions for declaration privileges, and providing for surplus disposition credits;

(13) Making conforming changes in the provisions on interhandler transfers;

(14) Deleting provisions authorizing the Board to rent and operate storage facilities; revising the provisions on disposition of substandard walnuts; revising the provisions on assistance of the Board in meeting certain obligations; and deleting the provisions on exemptions;

(15) Making minor changes in reporting requirements; and

(16) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based upon evidence adduced at the hearing and the record thereof, are as follows:

(1) The definition of "area of production" in § 984.4 should be revised to mean the States of California, Oregon and Washington. Currently, the definition means those States, but further divides the area into two districts—District 1 (California) and District 2 (Oregon and Washington)—for regulatory and reporting purposes. It was proposed in the notice of hearing that the State of California be designated Area 1 and the States of Oregon and Washington designated Area 2, and that the area of production also be divided into two districts for purposes of industry representation on the Board. The boundaries of Districts 1 and 2 would have differed from the boundaries for Areas 1 and 2. However, it was concluded that dividing the area of production into Areas 1 and 2 for one purpose, and Districts 1 and 2 for another, would be confusing. Therefore, the proposal to divide the area of production into Areas 1 and 2 was not supported at the hearing and is not recommended for adoption. Instead, it was proposed that the area of production be divided into Districts 1 and 2 for purposes of Board representation, as discussed in Material Issue (2), and that "California" be substituted for "District 1" and "Oregon and Washington" be substituted for "District 2" wherever these district references currently appear in the order. This proposal should be adopted.

The name of the administrative agency of the order should be changed from "Walnut Control Board" to "Walnut Marketing Board". Substituting the word "Marketing" for "Control" in the current name of the agency would more specifically identify the Board with the basic purpose of the marketing order program which is to establish and maintain orderly marketing conditions for walnuts.

The current definition of "merchantable inshell walnuts" in § 984.11(a) defines these walnuts to mean all inshell walnuts meeting the minimum grade and size regulations set forth in § 984.50. This definition should be revised to recognize that the grade and size regulations for inshell walnuts prescribed in § 984.50 may be modified and such modification would be set forth in administrative rules and regulations issued pursuant to the order. The change should be accomplished by substituting "effective pursuant to" for "set forth in".

The exception in the definition of the term "To handle" in § 984.13 should be revised by deleting the words "merchantable restricted" immediately after the words "authorized disposition of". Merchantable restricted walnuts are inshell walnuts withheld in satisfaction of a restricted obligation arising from the application of a restricted percentage. The words "merchantable restricted" would no longer be needed in this definition in view of the recommended deletion of the inshell volume regulation provisions. It was proposed in the notice of hearing that sales by a grower of walnuts of his own production to consumers at a roadside stand operated by him and located on his farm(s) not be considered handling and therefore should be added to the current exceptions to the definition of the term "To handle". The purpose of this proposal was to exempt growers, making such sales, from all program requirements and regulations and thus continue in effect, in a somewhat broader degree, similar provisions now contained in § 984.67. The notice of hearing also proposed to delete § 984.67 from the order. However, proponents did not support the proposal to except grower sales of walnuts at their roadside stands from the definition of "To handle", and did not support the proposal to delete § 984.67.

Section 984.17 currently defines the term "pack" to means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable inshell walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.50. Pack specification regulations have not been used for a number of years. Therefore, as discussed in Material Issue (10), the authority in § 984.50 to establish these regulations should be deleted.

Section 984.15 currently defines "to pack" to mean to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts. This definition was included in the order at the time the definition of "pack" was included. The recommended decision of June 23, 1948 (13 FR 3359), indicated that the verb "to pack" had a different meaning from the noun "pack", and covered the processes which were generally considered by the walnut industry as being applicable to packing operations. The deletion of the definition under § 984.17 would free the term "pack" for use in § 984.15 in place of the term "to pack". The term "pack" allows greater flexibility in using the various forms of the verb "pack" than does "to pack" or "packing". Moreover, the distinction between "to pack" and "pack" described in the 1948 recommended decision no longer exists.

The term "packer" in § 984.16 and the term "sheller" in § 984.18 should be deleted from the order. The terms are now used in § 984.35 which deals with representation on the Board. However, § 984.35 is proposed to be revised, as discussed in Material Issue (2), and these terms are not used in the proposed revision. Thus, the terms "packer" and "sheller" would become obsolete.

The definition of the term "kernelweight" in § 984.20 should be revised to mean the determined weight of the kernels in a quantity of walnuts regardless of their quality. The term "kernelweight" is currently used in connection with restricted and surplus obligations. The term should continue to be used in connection with surplus obligations, but should be revised because of a subsequent recommendation, discussed in Material Issue (11), to establish a shelling ratio in § 984.51(b) of 45 percent for inshell walnuts for the purpose of volume regulations. In determining whether a handler has satisfied his surplus obligation, the weight of walnuts withheld by the handler would be determined as follows: (1) For inshell walnuts, the kernelweight computed by the application of the shelling ratio to the weight of the inshell walnuts; (2) for shelled walnuts, their net weight; and (3) for nonmerchantable inshell walnuts, the inspection service should determine the weight of the kernels.

The definition of the term "handler carryover" in § 984.21 should be revised to reflect the deletion of the inshell volume regulation provisions, and simplified. As revised, "handler carryover" as of any date should mean all the merchantable walnuts (except those held in satisfaction of a surplus obligation) wherever located, then held by a handler or for his account (whether or not sold), plus (1) the estimate quantity of merchantable inshell walnuts in lots then held by that handler for packing as merchantable inshell walnuts, and (2) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by that handler. The definition should include material from which shelled walnuts are produced; i.e., shelling stock and unsorted material. Shelling stock is generally considered to be orchard-run inshell walnuts or inshell walnuts that are held by a handler for shelling. Unsorted material is the product that results from the shelling of walnuts. When walnuts are shelled, the kernels are separated from the shells. However, in the initial stages of shelling, the separation is not complete; that is, shells are commingled with kernels. The industry refers to this as unsorted material. It was proposed in the notice of hearing that the phrase "except those held in satisfaction of a surplus obligation" not be included in the definition. However, this phrase should be included in the definition of "handler carryover" because including this material in handler carryover figures could distort the industry's marketing policy computations.

The provisions giving the Board the option of including Canada or Cuba in its estimate of trade demand should be removed from the definition of the term "trade demand" in § 984.22. This would make these two markets permanent export outlets. The character of these two markets, especially Canada, has changed appreciably since the inclusion of this option in the definition in 1954. Because of the competition in these markets, special pricing is necessary to compete with foreign suppliers. The objective of this change is to enable the industry to expand export demand for walnuts.

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The definition of "free walnuts" in § 984.23 now applies to inshell walnuts which are included in a free percentage established by the Secretary. The recommendation to delete the inshell volume regulation provisions would enable the term "free walnuts" to be used to mean inshell and shelled walnuts which may be handled in normal markets. The term "free walnuts" is more descriptive than the term "marketable walnuts" currently used to describe those walnuts. Therefore, § 984.23 should be revised to mean walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

The term "restricted walnuts" is defined in § 984.24 to mean inshell walnuts which are withheld in satisfaction of a restricted obligation arising from application of a restricted percentage. This term is used in connection with the inshell volume regulation provisions. Since these provisions are rcommended to be deleted, the term "restricted walnuts" would no longer be needed, and therefore should be deleted. The definition of "marketable walnuts" in § 984.25 now applies to those walnuts, inshell or shelled, which are included in the marketable percentage establishd by the Secretary. Since it is recommended that the term "free walnuts" include both inshell and shelled walnuts, the term "marketable walnuts" would no longer be needed and therefore should be deleted.

The definition of the term "surplus walnuts" in § 984.26 should be revised to mean those walnuts which are held to meet a surplus obligation. Surplus walnuts would be those walnuts which may not be marketed in inshell and shelled normal trade channels, but may be exported or disposed of in other nonnormal outlets. The current definition of "surplus walnuts" means those inshell and shelled walnuts which are withheld in satisfaction of a surplus obligation arising from application of a surplus percentage. As discussed in Material Issue (12), holding requirements for surplus walnuts would replace setaside requirements for surplus walnuts and the definition of "surplus walnuts" should be revised to reflect this change.

The terms "allocation percentage", "diversion percentage", "control percentages", and "control obligations" in §§ 984.27, 984.28, 984.29, and 984.30, respectively, should be deleted from the order. An "allocation percentage" has been used in connection with the allocation of inshell walnuts between domestic inshell markets and the shelled and export markets under the inshell volume regulation provisions. Since the inshell volume regulation provisions should be deleted from the order, this term would not be needed and should also be deleted from the order. The term "control percentages" is defined to mean free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.49. The term "control obligations" is defined to mean the quantity of walnuts each handler must withhold to meet the restricted or surplus percentage established by the Secretary pursuant to § 984.49. These two terms facilitate reference to such percentages and obligations when used as a group rather than individually. Because the inshell volume regulation provisions should be deleted, these two terms would no longer be needed and therefore should be deleted.

The term "diversion percentage" has been used to refer to the ratio between the surplus percentage and the marketable percentage. The ratio has been used by handlers in determining their surplus obligation based on quantities handled and for accounting use by the Board. A "withholding factor" should be substituted for the "diversion percentage" to provide a formula which is readily adaptable to industry operations. The withholding factor should be calculated by dividing the surplus percentage by the free percentage. To provide ease in operations, the factor should be rounded to the nearest one-tenth of one percent. The withholding factor should be established by the Secretary when he establishes the free and surplus percentages. The purpose of the withholding factor is to enable a handler to readily determine his surplus obligation by applying the withholding factor to the weight of walnuts handled or declared for handling. Therefore, a new § 984.32, defining withholding factor to mean the quotient, expressed as a percentage rounded to the nearest one-tenth resulting from dividing the surplus percentage by the free percentage and established by the Secretary pursuant to § 984.49, should be added.

(2) The provisions of § 984.35 dealing with the establishment of, and representation on, the Walnut Control Board (recommended to be renamed the Walnut Marketing Board) should be revised to reflect the changes which have occurred in the industry since the current provisions of that section were made effective. Therefore, § 984.35 should provide for the establishment of a Walnut Marketing Board consisting of 10 members and one nonvoting delegate, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member or the nonvoting delegate. The members and nonvoting delegate and their alternates should be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups: (1) Two members to represent cooperative handlers in California; (2) two members to represent independent handlers in California; (3) two members to represent growers who market their walnuts through cooperative handlers in California; (4) one member to represent growers who market their walnuts through cooperative handlers or independent handlers in California whichever category of such handlers handled more than 50 percent of the walnuts handled by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers should be nominated at large in the State of California; (5) one member to represent growers from District 1 who market their walnuts through independent handlers in California, and those who market their walnuts through independent or cooperative handlers in Oregon and Washington; (6) one member to represent growers from District 2 who market their walnuts through independent handlers; and (7) one nonvoting delegate to represent independent and cooperative handlers whose plants are located in the States of Oregon and Washington.

For the purpose of nominating the two grower members representing Groups (5) and (6) on the Board, the area of production should be divided into two grower districts. The grower member for Group 5 represents growers in that part of the area of production which should be designated District 1 who market their walnuts through independent handlers in California, and those who market their walnuts through independent or cooperative handlers in Oregon and Washington. The grower member for Group (6) represents growers from that portion of the area of production which should be designated District 2 who market their walnuts through independent handlers. The production of walnuts extends from Hemet near the southern boundary of the State of California to a little north of the Columbia River in the State of Washington. Because of this large area of production, it is necessary to divide the area to facilitate nominations of those two members and so that growers in Oregon and Washington have a better opportunity to be represented on the revised Board. District 1 should encompass the States of Oregon and Washington and the counties in the State of California that lie north of a line drawn on the southern boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties. District 2 should consist of all other walnut producing counties in the State of California south of the boundary line delineated in District 1. The proposed districts are relatively equal in respect to walnut acreage and production and are divided along established boundary lines.

The Secretary should have authority to establish different boundaries between District 1 and District 2 upon a recommendation of the Board or other information. In the notice of hearing, it was proposed that the Board consider shifts in walnut acreage within and among the districts and other relevant information in recommending any change in the districts. This was discussed in detail at the hearing. It was also determined that there may be other criteria which should also be considered in determining whether a redistricting should take place. For example, the number of growers in each district could be a criterion. In order to enable the Board to exercise the greatest flexibility in determining and using the most appropriate criteria, any criteria should not be set forth in the order.

Section 984.35 currently provides representation for packers (both cooperative and independent), and shellers. "Packer" is defined in § 984.16 to mean any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as inshell walnuts. "Sheller" is defined in § 984.18 to mean any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts. As discussed in Material Issue (1), these terms should be deleted because the Board's membership provisions should no longer make a distinction between "packers" and "shellers". Most handlers now handle both inshell and shelled walnuts. Only about three percent of the shelled walnuts handled are handled by handlers who are exclusively shellers. Proponents testified that it is not essential that packers' views be submitted separately from shellers' views because their interests now are the same: Both sell in the same markets, market the same packs of shelled walnuts, and share the same problems. It is expected that shellers would receive adequate representation, not as shellers but as handlers, through the representation afforded handlers on the Board.

However, because of the difference in viewpoints between cooperative marketing associations of growers handling walnuts (cooperative handlers) and handlers which are not cooperative associations of growers (independent handlers), the handler members on the Board should be apportioned to represent cooperative handlers in California and independent handlers in California. Currently, § 984.35 provides representation for cooperative packers and independent packers.

These provisions should be limited to handlers in California because of the size of California's walnut production compared to walnut production in Oregon and Washington, and because of the changes recommended for the Oregon-Washington handler representation on the Board. Currently, handlers whose plants are located in Oregon and Washington are given a member and alternate member on the Board. Production and handling of walnuts in Oregon and Washington has declined appreciably since the beginning of the order. Because of this decline, the Oregon-Washington segment of the domestic walnut industry has a disproportionate share of the membership on the Board. These handlers should not be represented by a voting member and alternate member on the Board. However, their views on walnut marketing matters are still needed by the Board. Thus, the independent and cooperative handlers in Oregon and Washington should be represented on the Board by a nonvoting delegate. This would enable these handlers to present their views to the Board, exchange ideas and information with growers and handlers in California, and enable them to obtain production and marketing information and other statistical data distributed by the Board to assist them in making marketing decisions and plans. Handlers in Oregon and Washington should share in the benefits of the order and should continue to pay their pro rata share of the expenses incurred by the Board for its maintenance and functioning and such other purposes as the Secretary may deem to be appropriate.

It was proposed in the notice of hearing and at the hearing that § 984.35 should define "cooperative handler" to mean any handler which is a cooperative marketing association of growers, and "independent handler" to mean any handler which is not a cooperative marketing association of growers. However, for convenient reference, it is more appropriate that these definitions appear in that part of the order devoted to definitions. These definitions of "cooperative handler" and "independent handler" should be included in § 984.14 defining the term "handler".

Section 984.35 should also provide representation for growers marketing their walnuts through cooperative handlers, and growers marketing their walnuts through independent handlers. This would continue the current method of representation for growers marketing walnuts through cooperative or independent packers. Because of the various changes which have occurred, two members of the Board should represent growers who market their walnuts through cooperative handlers in California, one member should represent growers from District 1 who market their walnuts through independent handlers in California and those who market their walnuts through independent or cooperative handlers in Oregon and Washington, and one member should represent growers from District 2 who market their walnuts through independent handlers.

Currently, walnut growers whose orchards are in Oregon and Washington are represented by a member and alternate member on the Board. Walnut production in these two states now represents about 4 percent of the total United States commercial production and is not large enough to justify such representation. These growers should continue to be represented on the Board, but they should be included in a group which includes all independent and cooperative growers from the States of Oregon and Washington, and independent growers in the California Counties north of the southern boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties. This is the region previously defined as District 1. While there are minor differences between the Oregon-Washington segment of the walnut industry and the California segment, the walnut production and marketing practices in Oregon and Washington essentially are the same as in California. The major variety of walnuts grown in Oregon and Washington also is a major variety grown in California. Because of the decline in production in Oregon and Washington, it has been necessary for handlers in these states to handle walnuts grown in California. There are no major differences between the handling of walnuts in Oregon and Washington and California. Therefore, a grower in those California Counties in District 1 could represent growers in Oregon and Washington effectively.

Section 984.35 should also provide for a grower member and alternate member to represent either independent growers or cooperative growers depending upon the volume of walnuts handled by the independent or cooperative handlers in California during the two consecutive marketing years preceding the year of nomination. In this way, a definite means would be provided for maintaining approximate proportional representation between these two grower groups based on the handling of walnuts by independent and cooperative handlers in California. If over 50 percent of the walnuts handled in two consecutive years preceding the year of nomination is by the independent handlers in California, the position should be allocated to independent growers in California. If the California cooperative handlers handle over 50 percent in the two consecutive years, the position should be allocated to California growers marketing their walnuts through cooperative handlers. A period of two consecutive years should be used as a basis for the apportionment of this position. It affords the position more permanence, keeps the basis of adjustment consistent with the two-year term of office, and avoids the need for special elections before the incumbent member's term of office expires. Whenever the member position is allocated to California independent growers, the member and his alternate should be nominated at large. That is, the member and alternate should be from California, nominated by all independent growers in California, and should serve without regard to district affiliation.

Section 984.35 should continue to provide for a tenth member and alternate to be selected after the selection of the nine voting members and after the voting members have had an opportunity to nominate the tenth member and alternate. The tenth member and his alternate should be neither a walnut grower nor a handler. Historically, the walnut industry has selected the tenth member as Chairman of the Board. The industry believes that the Chairman should not be affiliated with growers or handlers because this gives him more impartiality in conducting Board meetings. Since the tenth member would be neither a walnut grower nor a handler, his views could be more reflective of consumer views.

(3) Section 984.37 should provide that the nomination for all handler members and the nonvoting delegate of the Board should be submitted on ballots mailed by the Board to all handlers in their respective group. Presently, packer votes are weighted by the quantity (rounded upward to the nearest whole ton) of merchantable inshell walnuts handled by each packer during the preceding marketing year. Sheller votes are weighted by the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. This should be continued. However, since packers and shellers no longer will have

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separate representation, all handlers' votes should be weighted by the quantity of the kernelweight of the merchantable walnuts handled by each handler during the preceding marketing year. This change in the weighting procedure is desirable so that the votes of handlers of inshell walnuts and handlers of shelled walnuts would be weighted on the same basis.

Each independent handler in California should vote for the two independent handler nominees and their alternates. However, no independent handler should have more than one person on the Board either as a member or an alternate member. Limiting independent handlers to one person on the Board, either as a member or an alternate member, would enable more handlers to serve and thus afford a wider cross-section of industry representation. The person receiving the highest number of votes for an independent and cooperative handler member position should be the nominee for that position.

Section 984.37 currently provides that nominations on behalf of the growers who market their walnuts through cooperative handlers shall be submitted on a ballot cast by each such handler for its growers. Historically, cooperative handlers have nominated their growers to serve on the Board. This should be continued. However, § 984.37 should provide for weighting the vote of each cooperative handler in California by the kernelweight of merchantable walnuts which it handled during the preceding marketing year. This would avoid the need for run-off votes in the event more than one cooperative handler cast a ballot for the grower members.

Section 984.37 should also provide that nominations on behalf of growers in Groups (5) and (6) and Group (4) whenever Group (4) is assigned to independent growers should be submitted after ballot by such growers pursuant to an announcement by press releases of the Board to the news media in the walnut producing areas. In the notice of hearing, it was specified that nominations shall be submitted after ballot by such growers pursuant to an announcement by press releases of the Board to the principal news media. Since the Board does not limit such announcements to "principal" news media, the term "principal" is not appropriate and should not be used.

Such releases should provide pertinent voting information including the names of the candidates and the location where ballots may be obtained. Ballots should be accompanied by full instructions as to their markings and mailing and should include the names of the incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board with the approval of the Secretary. This procedure for the distribution of ballots is the same as that currently followed under the marketing order.

Section 984.37 should provide that each grower in Groups (5) and (6) and Group (4) when assigned to independent growers should be entitled to cast one ballot and each vote should be given equal weight. If the independent grower has orchards in both grower districts he should advise the Board of the district in which he desires to vote. The individual receiving the highest number of votes for a position should be the nominee.

Section 984.37 should also specify that the tenth member and alternate should be nominated by not less than six votes cast by the nine voting members of the Board. This number of votes is desirable for the nomination of the tenth member and alternate so that both segments of the industry (i.e., growers and handlers) agree on who should be the nominee for this position.

As currently provided, § 984.37 should provide that nominations received by the Board should be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner prescribed by June 15 of each odd-numbered year, the Secretary may select members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination. These dates should be continued in effect as the appropriate final dates for the submission of such nominations because they would allow sufficient time to make selections.

Section 984.37 should also authorize the Board, with the approval of the Secretary, to change the nomination procedure by rule making should the need arise at a later date. The recommended procedures are designed to meet current needs, but changes in the industry could necessitate a revision of the procedures. Also, the Board may conclude on a different method of obtaining independent grower nominees. Proponents testified at the hearing that there are about 4,000 to 5,000 independent walnut growers in California. However, only about 500 to 600 independent grower ballots have been returned in prior grower nominations. Moreover, since membership positions of the Walnut Marketing Board would be different from the membership positions of the Walnut Control Board, it may be necessary to establish different procedures to obtain nominees for the initial members and alternates of the Walnut Marketing Board.

Section 984.37 should be revised to provide a transition from the membership of the Walnut Control Board to the membership of the Walnut Marketing Board. It is desirable that the initial members and nonvoting delegate and alternates of the Walnut Marketing Board be nominated and selected as soon as possible in the event the changes recommended herein are made effective. However, there will not be adequate time for the receiving of such nominations and reviewing these nominations in connection with selecting the persons to fill the positions on the Walnut Marketing Board, and for these persons to qualify, in time for the Board's September 1974 marketing policy meeting. Moreover, the persons recommending the initial marketing policy should also review it in light of updated supply and demand statistics and marketing conditions at the Board's marketing policy review meeting held the following February. Therefore, the members of the Walnut Control Board serving on the effective date of this subpart should, subject to the limitations described in § 984.38, continue serving on the Walnut Marketing Board until their terms expire June 30, 1975, and the new Board membership nominated, reported to the Secretary by June 15, 1975, selected by the Secretary for the term of office beginning July 1, 1975, and have qualified.

(4) Section 984.38 should be revised to provide that no person should be selected or continue to serve as a member, nonvoting delegate, or alternate, to represent one of the groups specified in § 984.35(a) (1) through (7), unless he is engaged in the business of the group he is to represent, or represents, either in his own behalf or as an officer or employee of a business unit engaged in such business. Also, each member or alternate member representing growers in District 1 or District 2 should be a grower, or officer or employee of a grower in the district he is to represent.

Section 984.38 now provides that no person, other than the tenth member and alternate, shall be selected or continue to serve on the Board more than 30 days after he ceases to be a member of or employed by a member of the group he represents. The recommended change would disqualify a person from further serving on the Board when he ceases to be a member of or employed by the handler or grower group he represents. In the event of a disqualification, there would be a vacancy, and the provisions of § 984.41 pertaining to vacancies would apply. Each person, except the tenth member and his alternate, selected by the Secretary to fill a position on the Board would be chosen as a representative of a certain grower or handler group (i.e., independent grower, independent handler, cooperative grower, cooperative handler) so that a good cross section of views on program matters may be obtained. Each of these person's views may vary from those of other industry representatives and such views need to be reflected in Board deliberations. When a person ceases to be a member of or employed by the group that nominated him, he no longer represents that group and may be unable to obtain the views of those he was chosen to represent.

Consistent with the intent that a member should be representative of the group which nominated him, § 984.38 should also provide that any person representing growers in District 1 or District 2 should be a grower, or officer or employee of a grower, in the district he is to represent.

In the notice of hearing § 984.38 was proposed to provide that no person shall be selected or continue to serve as a member or alternate or as a nonvoting delegate or his alternate, who is not actually engaged in the business of one of the groups in § 984.35(a), which he represents either in his own behalf or as an officer or employee of a business unit engaged in such business. Since all of the groups in § 948.35(a) are grower and handler groups, the proposed provisions would have required all members, nonvoting delegate, and their alternates, to be growers or handlers. This is not consistent with § 984.35(b) which specifies that the tenth member and his alternate should be neither a walnut grower nor a walnut handler. At the hearing, it was established that the eligibility provisions should not apply to the tenth member and his alternate, but only to the grower and handler members, nonvoting delegate, and their alternates.

(5) Certain provisions of the order applicable to Board members and their alternates should also be applicable to the nonvoting delegate and his alternate. Thus, provisions on the term of office of Board members (§ 984.36), eligibility (§ 984.38), qualification and acceptance (§ 984.39), functions of alternate members (§ 984.40), filling vacancies (§ 984.-41), members' expenses and compensation (§ 984.42), and personal liability (§ 984.84), should be revised to include the nonvoting delegate and his alternate. Because the nonvoting delegate and his alternate would not vote in Board meetings, the provisions of §§ 984.40(b) and 984.45 should not be applicable to the nonvoting delegate and his alternate.

(6) Paragraph (c) of § 984.45 should be revised to provide that the Board may vote by mail or telegram upon due notice to all members and alternate members. The revision should further provide that when any proposition is submitted to be voted on by any of these methods, one dissenting vote shall prevent its adoption. This would replace the current provisions for voting by mail or telegram which provide that when any proposition is submitted for voting by these methods, one dissenting vote or failure of a member or alternate to vote shall prevent its adoption until submitted to a meeting of the Board. Proponents indicated that any proposition to be voted on by mail or telegram should not be defeated if a member (or his alternate acting in his place) fails to vote.

Generally, the Board has used mail or telegram voting to obtain approval of the distribution of surplus pool proceeds to equity holders and establishment of minimum export prices. It has not used this method of voting for controversial matters requiring full discussion by Board members. However, a failure to vote when the Board has used these methods has delayed some of its actions. The purpose of the change is to rectify this situation. Paragraph (c) should continue to require the Board to give all members and alternates due notice of any proposition under consideration. It should be recognized, though, that any notice, however complete, may not answer all members' questions. Therefore, no proposition should be adopted unless it is unanimously approved by all members voting by one of these methods. The hearing record indicates that paragraph (c) should authorize a minimum voting requirement. In the absence of such a requirement, a proposition could be approved by a minority of Board members, so long as the voting was unanimous. It was also recognized at the hearing that it may be necessary to prescribe a time limit in the administrative rules and regulations for members to vote, after which the alternate should be given opportunity to vote.

(7) Section 984.46 should be revised to permit the Board to establish or provide for the establishment of production research projects. The purpose of such projects should be to assist, improve or promote the efficient production of walnuts. They should be financed from assessment funds collected from handlers.

There are many serious production problems in the walnut industry, and it should have means available to finance projects designed to find solutions to these problems. The record indicates that public funds are becoming increasingly difficult to obtain and that authority for the Board to establish, or provide for the establishment of, production research projects would give the industry opportunity to work on its own problems.

(8) Section 984.48 currently provides that each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. The notice of hearing proposed that this date be changed to October 1. For the reasons discussed in the succeeding paragraphs, the September 20 date should not be changed.

Proponents indicated that the primary reason for proposing the change in the date is to aid the Board in making marketing determinations. Proponents testified that the later date would give the Board additional time to gather the best possible and most up-to-date information on the size of the domestic walnut crop and competing nut supplies. While the Department's official crop estimate of September 1 is not released until the tenth or twelfth of the month, it is based on data collected in August. This is about two or three weeks before harvest of early crop walnuts begins. Proponents indicated that weather or other factors could influence the size and the quality of the crop after this data has been submitted. While adverse weather could influence the crop during this period, its development is sufficiently far advanced that the likelihood of substantial damage occurring during the period before harvest is small. Naturally, if unusually adverse weather sharply reduces the crop, § 984.48 permits the Board to use its own estimate of production in recommending its marketing policy.

Proponents stated that another important marketing policy consideration is the foreign market, and that in certain years a 10-day additional study, from September 20 to September 30, of this market may be necessary. However, the order provides a method for limiting the total quantity of walnuts that can be marketed in normal markets. The foreign market is one of the outlets for the disposition of excess walnuts and is of secondary importance to the normal markets. Hence, the need for additional time to study the foreign market should not be a basis for changing the marketing policy meeting date.

Proponents also testified that the marketing policy meeting should be held prior to October 1 because the Board's management needed more time than that afforded by the September 20 date to verify data needed at the meeting. This data includes the walnut carryover from the prior marketing year, the size of the new crop, competing nut supplies, prior years' shipments in the domestic market and dispositions in foreign markets, and prices for walnuts and competing tree nuts.

The September 20 deadline date gives the Board management about six weeks to collect and verify data used by the Board at its marketing policy meeting. The Board has been meeting prior to September 20 since 1954 and its management has been able to prepare this data in time for the meeting. While proponents testified that an additional three or four days would be helpful in verifying this data, they also indicated this was a minor consideration in proposing a change in the deadline date.

Establishment of free and surplus percentages would be subject to rule making procedures. Under normal rule making procedures, about 30 days would elapse between a Board's recommendations to the Secretary, and the Department's action establishing any percentages for a marketing year. Thus, if the Board's marketing policy meeting were held as late as September 30, establishment of free and surplus percentages would not occur until at least the latter part of October. By then, harvesting of walnuts has almost been completed, and handlers have actively been marketing walnuts, especially inshell walnuts, for at least four to six weeks. Because of this activity, any percentages should be established before the latter part of October so that growers, handlers, buyers, importers, and anyone else connected with the walnut industry can act accordingly.

Testimony in opposition to the October 1 date was presented by independent growers of the National Farmers' Organization. They testified that the meeting should be held prior to September 1. Opponents contended that firm independent grower prices are not set before the marketing policy meeting and that this meeting has normally been held on or about September 19. They testified that growers of early crop walnuts begin harvesting prior to this time and some are hesitant to deliver their walnuts until a firm field price is set. Opponents also contended that if a grower knew what his crop was worth before it was harvested he would be able to deliver his walnuts earlier. Early delivery to handlers reduces the chances of weather and insect damage which could occur if walnuts are left too long in the orchard following harvest, and enables growers and han-

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dlers to more efficiently utilize their harvesting and processing facilities.

The record indicates that independent grower prices are established by negotiations between independent growers and independent handlers and are based on other economic factors in addition to those discussed at the marketing policy meeting. Each handler has an idea of the price he is willing to pay, based on his evaluation of the market at a given time. He will determine this price based on what he believes he can receive in the marketplace and make a reasonable profit. It was also indicated that independent handlers and growers use the Board's marketing policy recommendation as a starting point for price bargaining. Therefore, the Board's estimates must be based on the best possible data and must be realistic. Otherwise, handlers and growers would be unable to rely on the Board's recommendation.

Moreover, the volume regulation provisions are designed to solve problems associated with total walnut supplies available for the entire marketing year. Accurate estimates are needed to enable the Board to recommend meaningful regulations for a marketing year. The initial volume regulation which is recommended and established by the Secretary can be adjusted. However, the quantity required to be disposed of in nonnormal outlets can only be decreased in making such an adjustment. Hence, the initial regulation must be accurate to keep excess walnuts out of the domestic market for the purpose of orderly marketing. Since the Department's estimate of the new walnut crop is not available until September 10 or 12 and other essential statistical data used by the Board is not available until at least mid-September, it would be impossible for the Board to make its marketing policy recommendation before September 1.

Section 984.48 should be revised to bring the estimates and recommendations now considered by the Board in making its marketing policy each year in line with the recommended deletion of the inshell volume regulation provisions. Some of these considerations are no longer needed in view of the recommended deletion of these provisions and some can be combined to shorten the section. Accordingly, the requirement to separately estimate the quantity of merchantable inshell walnuts and the quantity of merchantable shelled walnuts likely to be produced should be deleted. In place of the estimates of merchantable inshell and shelled walnuts likely to be produced the Board should estimate the total quantity of merchantable walnuts and the quantity of substandard walnuts in the production. The requirement for recommending merchantable free and restricted percentages for inshell walnuts should also be deleted in view of the recommended deletion of these volume regulation provisions.

Some of the Board recommendations and estimates for inshell and shelled walnuts are now listed separately in § 984.48; for example, the estimates of handler carryover of merchantable inshell walnuts and shelled walnuts on August 1, the recommendation for desirable handler carryover for inshell walnuts and shelled walnuts on July 31 of the marketing year, and the Board's estimate of merchantable trade demand for inshell walnuts and shelled walnuts. The Board has not recommended free and restricted percentages for several years. In recommending marketable and surplus percentages, the Board has considered these factors together in arriving at its marketing policy.

In the notice of hearing the second sentence of § 984.48(a) began with the words "Each such recommendation" which would imply that more than one marketing policy recommendation may be made by the Board. At the hearing, proponents indicated that they did not intend there be more than one recommendation by the Board, and that "Each" was intended to mean "Each year" rather than several recommendations in the same year. Accordingly, the second sentence of § 984.48(a) should be revised by substituting the words "Each year such recommendation" in place of "Such recommendation".

Section 984.48 should also require the Board to include in its recommendation to the Secretary on marketing policy its opinion as to whether grower prices are expected to exceed parity. The relation of grower returns to parity is an important guideline under the act. No actions can be taken which have as their purpose the maintaining of grower prices above the parity level. There are no published grower prices for that year's crop of walnuts when the Board holds its September marketing policy meeting. Because of their familiarity with walnut growing and marketing conditions at this time, members of the Board have the best information available on the likely level of the grower price. The notice of hearing provided for the Board to submit an estimate as to whether grower prices are likely to exceed parity. The word "opinion" instead of "estimate" better describes the Board's action in informing the Secretary of whether the grower price is likely to exceed parity and hence should be substituted for "estimate" in the provision.

Another proposed change in the factors to be considered by the Board in its marketing policy deliberations concerns the recommendation as to whether the grade and size regulations should be changed for the marketing year. Presently, the Board must make a recommendation as to grade and size regulations each year. This should be changed so that the Board is only required to make a recommendation whenever it determines that these regulations should be changed. Hence, grade and size regulations would continue in effect until a change is recommended by the Board and approved by the Secretary.

The notice of hearing proposed that the Board include, in its marketing policy recommendations, an estimate of the orchard-run production by the states in the production area. Historically, the Board has adopted the Department's official estimate of walnut production, as of September 1, which includes a breakdown of the production by states. Therefore, it is unnecessary for the Board to make this estimate by states. Also, in the notice of hearing, area designations were used to describe the states in the area of production. As discussed in Material Issue (1), the State of California and the States of Oregon and Washington should be named rather than described as Area 1 and Area 2, respectively.

(9) Section 984.49 should be revised to delete the inshell volume regulation provisions. The provisions have not been utilized since 1958 and now serve no useful purpose. Changes in walnut production and marketing over the years have made these provisions obsolete. The scope of their control was limited to the allocation of inshell walnuts in domestic markets. Utilization of domestic inshell walnuts has stabilized at about 50 million pounds and it may not change materially in the near future, whereas a trend toward greater utilization of shelled walnuts can be expected to continue. During the 1967–68 marketing year, almost 44 million pounds of shelled walnuts were sold, whereas a total of about 64 million pounds were sold during the 1972–73 marketing year. Currently, over 71 percent of the total United States commercial production is sold in the shelled form. Moreover, it is likely that the total walnut supply will continue to exceed the combined demand for inshell and shelled walnuts. Therefore, the inshell volume regulation provisions no longer serve any useful purpose and should be deleted.

The provisions in § 984.49 authorizing the control of walnuts (both inshell and shelled) should be retained to promote orderly marketing of walnuts. These provisions provide control for the quantity of inshell and shelled walnuts that can be marketed in normal markets. The excess supplies should continue to go into export, government purchases, charitable institutions, oil, feed, or other nonnormal outlets. The free percentage should prescribe the portion of the merchantable supply that may be handled in normal markets and the surplus percentage should prescribe the portion that must be withheld from such handling.

The current requirement that the surplus percentage for Oregon and Washington be one-half that of California should be continued in effect in recognition of production and marketing differences between these three states. California dominates the market with over 96 percent of the total United States' commercial production.

Provisions should also be included in § 984.49 for the establishment by the Secretary of withholding factors for California, and Oregon and Washington, when surplus percentages other than zero are established. When applied to the quantity of merchantable walnuts handled by a handler, the factors would serve as a ready means in determining handlers' surplus obligations.

To conform with the previous recommendations, § 984.49 should also be revised to provide that prior to February 15 of the marketing year the Board may recommend that the free percentage be increased, the surplus percentages be decreased, and the withholding factors modified. On the basis of the Board's recommendation or other information the Secretary may establish such revisions and modifications. Upon revision, all surplus obligations theretofore accrued on the walnuts handled or declared for handling during such year on the basis of previously effective percentages should be adjusted accordingly. Section 984.49 currently authorizes the revision of control percentages previously established for a marketing year.

(10) Paragraph (a) of § 984.50 should be revised by deleting "U.S. No. 3" in the first sentence and substituting instead "U.S. No. 2". The minimum standard for inshell walnuts which handlers are permitted to handle currently is U.S. No. 3. That grade is defined in the United States Standards for Grades of Walnuts (Juglans regia) in the Shell. The purpose of this change is to increase the quality level of inshell walnuts so as to maintain this market. U.S. No. 3 inshell walnuts are not satisfactory to consumers, both in domestic and export markets.

Walnuts which are below U.S. No. 2, as to external appearance and the condition of the shell, have a greater area of the shell affected by staining, perforations, and adhering dirt or other foreign matter. The only difference between U.S. No. 3 and U.S. No. 2 internally is the color of the kernels. U.S. No. 2 requires 60 percent of the kernels to be light amber or lighter and the remaining 40 percent amber or lighter, and free from grade defects such as shriveling, insect damage, rancidity and mold. Kernels of U.S. No. 3 must be amber or lighter, and free from grade defects.

Most handlers have been packing inshell walnuts of U.S. No. 2 quality to meet consumer demand in domestic and export outlets. This revision would benefit the industry and consumers by assuring that no handler would be able to sell U.S. No. 3 inshell walnuts. Such sales cause consumer dissatisfaction and therefore reduce purchases of inshell walnuts.

Only a small percentage of the United States' commercial production annually grades U.S. No. 3. In 1972, about 9.5 percent of the United States commercial production was U.S. No. 3, and 18.9 percent in 1973. Increasing the grade requirements will not short the inshell market. Also, since walnuts meeting U.S. No. 3 requirements can be shelled and marketed in shelled markets, the increased requirements will not reduce the overall supply of walnuts available for human consumption.

The provisions in § 984.50 authorizing additional grade and size regulations in the form of pack specification as to grades and sizes that may be handled, and provisions authorizing different grade and size regulations for each district (i.e., the State of California, and the States of Oregon and Washington) should be deleted. The United States Standards for Grades of Walnuts (Juglans regia) in the Shell have been used by the walnut industry since 1959. Since then, the Board has not recommended the establishment of pack specifications. Currently, there is no need for pack specifications and no likelihood that any would be established in the foreseeable future. The authority for different grade and size regulations for each district was included in the event growing conditions between these states created significant differences in quality during a marketing year. However, as discussed previously, walnut production in Oregon and Washington essentially is the same as in California. Moreover, commercial production of walnuts in the States of Oregon and Washington has declined to such an extent that some California walnuts are packed and handled by Oregon handlers and, in some cases, commingled with Oregon grown walnuts and marketed in the same pack.

(11) Section 984.51 should be revised to provide that before or upon handling any walnuts or disposing of any surplus walnuts each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations. Such inspections should be performed by the inspection service designated by the Board with the approval of the Secretary. Handlers should obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate should show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grade and size of such walnuts set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. Certificates covering surplus walnuts for export should also show the grade, size and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans regia). The Board should be authorized to prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of the order and all rules, regulations, and supplementary orders issued under the order.

Section 984.51 currently requires, in part, inspection and certification before or upon withholding any walnuts. This requirement places an unnecessary burden on handlers and should be eliminated. Instead, provision should be made for the inspection and certification of surplus walnuts before disposition by the handler in eligible surplus outlets for delivery to the Board upon its demand.

Section 984.51 should also be revised by the addition of provisions establishing a conversion percentage to determine the kernelweight of inshell walnuts handled or disposed of as surplus. These should provide that the weight of merchantable inshell walnuts handled or disposed of as surplus shall be converted to kernelweight equivalent at 45 percent of the inshell weight. To recognize changes which may occur from time to time, such as introduction of new varieties, the Board with the approval of the Secretary should be authorized to change the conversion percentage. The conversion percentage would be used to compute each handler's surplus obligation on inshell walnuts handled, and to determine the surplus credit on exports of merchantable inshell walnuts. This use should reduce the time and cost of inshell walnut inspections and accounting costs of the Board in years of volume regulation. The kernelweight of inshell walnuts in California has been quite uniform at about 45 percent of the weight of the walnut.

While there is a small difference in the kernelweight between walnuts produced in the State of California, and walnuts produced in the States of Oregon and Washington, it is not sufficiently large to cause any inequities among handlers in California and in Oregon and Washington. Production of walnuts in Oregon and Washington is predominately of the Franquette variety, whereas a number of varieties are grown in California. Not all varieties have the same crackout ratio. However, in the aggregate, the ratio of all varieties approximates 45 percent.

Section 984.51 also provides for identification of walnuts that have been inspected and certified. These walnuts are termed "certified walnuts" in §984.51. Identification of these walnuts is needed for the Board to determine compliance with the quality and size, and the minimum kernel content requirements of the program. However, the inspection service issues a certification to the handler when a lot also fails to meet the applicable requirements. For program purposes, it is not necessary that walnuts failing to meet these requirements be identified. It is necessary that merchantable walnuts, and surplus walnuts that have been inspected, be identified. Therefore, "certified" should be deleted from the identification requirements and "merchantable and surplus" substituted instead.

Section 984.51 also authorizes the Board to require a reinspection and recertification of any lot of walnuts when it determines that the length of time in storage or conditions of storage have caused, or would cause, the walnuts to deteriorate in quality. For purposes of clarification, this provision should be revised to apply only to merchantable walnuts previously inspected.

(12) The center heading immediately preceding § 984.54 should be changed from "Controlled Walnuts" to "Surplus Walnuts" to more accurately reflect the provisions which should appear under this heading. Section 984.54 should be amended by revoking certain provisions, by revising others, and by transferring others to different sections. Section 984.-54 currently contains provisions pertaining to the withholding obligation of handlers (restricted obligation or surplus obligation) whenever the applicable control percentages are in effect.

Deletion of the inshell volume regulation provisions should include deletion

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of the provisions on restricted obligation. With respect to surplus obligation, § 984.54 provides that no handler shall handle walnuts unless prior to or upon shipment thereof (or purchase if applicable) he has withheld a quantity of walnuts meeting the applicable grade requirements for surplus walnuts. Section 984.54 also requires walnuts withheld as surplus to be set aside and held for the account of the Board, held in proper storage, and identified. It is no longer essential to require handlers to set aside and identify walnuts as surplus following withholding. Instead, § 984.54 should be revised to provide that whenever free and surplus percentages are in effect for a marketing year each handler should withhold from handling the quantity of walnuts equal to the application of the withholding factor to the quantity of kernelweight handled or declared for handling. The quantity of walnuts required to be withheld from handling should constitute the "surplus obligation" of a handler. Section 984.54 should also provide that walnuts handled as free walnuts by any handler in accordance with the requirements of Part 984 should be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

A handler would satisfy his surplus obligation by holding sufficient walnuts in his inventory to meet his surplus obligation. Therefore, § 984.54 should also provide that each handler should, at all times, hold in his possession or under his control, in proper storage the quantity of walnuts necessary to meet his surplus obligation.

In the notice of hearing, it was proposed that such holding be for the account of the Board. That term currently is used in § 984.54 in connection with provisions requiring walnuts withheld as surplus by a handler to be set aside and held by him for the account of the Board. At the hearing, it was indicated that this term has special significance in connection with the current volume regulation provisions, but that the term would lose significance in connection with the changes proposed to be made in these provisions. Under the proposal and as recommended herein, handlers no longer would be required to set aside and identify walnuts withheld as surplus. Moreover, the term "account" may have a legal connotation insofar as title or control is concerned. Under the proposal, the handler would retain ownership and control of walnuts withheld from handling in satisfaction of his surplus obligation, but he would be accountable to the Board for sanction if he did not have them in the event the Board requested an accounting. Since other provisions would authorize the Board to request an accounting from handlers, requiring a holding "for the account of the Board" is not recommended for adoption.

Since a handler would be required to hold a quantity of walnuts to meet or satisfy his surplus obligation, the term "hold" should be defined to specify all the incidents of any holding. Therefore, a new § 984.33 should be included in the definitions defining the term "hold" to mean to maintain possession or keep control of, in proper storage, at all times, the quantity of walnuts necessary to meet a surplus obligation.

It should be recognized that, as the marketing season progresses, the quantity of walnuts required to be held by a handler as surplus would not equal his surplus obligation due to authorize disposal and other possible reductions. For the purposes of surplus management and handler compliance, § 984.54 should set forth the permissible reductions in the quantity of surplus walnuts a handler is required to hold. A handler's holding requirement should be reduced by any quantity disposed of by him in eligible surplus outlets, and by any quantity for which he is otherwise relieved by the Board of responsibility to hold. For example, the Board may relieve a handler from the holding requirement when he obtains credits for dispositions in excess of a surplus obligation from another handler, when the Board requires the handler to deliver surplus walnuts to the Board, or loss of walnuts through conditions beyond the handler's control, such as through fire, earthquake, or flood.

Section 984.54 currently provides that the control obligations applicable to the district of production shall apply to any walnuts transferred to the other district prior to handling. This provision should be deleted because a similar provision would be contained in the recommended revision of § 984.48.

Section 984.54 currently authorizes any handler, prior to the end of the marketing year, to satisfy his control obligation on certified merchantable walnuts which he declares for handling by withholding enough walnuts to meet the obligation on the declared walnuts. This should be deleted because new § 984.57, "Declaration privilege", as subsequently discussed, would include this authority.

Section 984.54 also contains provisions dealing with the release of any restricted or surplus walnuts from withholding in excess of the handler's withholding obligation. These provisions should be deleted because they are unnecessary and would be covered by recommended provisions in § 984.54 on handlers' holding requirements.

In the notice of hearing, a handler's holding requirement was proposed to be reduced by the quantity of walnuts for which he has a deferment of time for holding walnuts. The provisions for deferment of time for holding surplus were proposed to be included in § 984.55. This section was not supported at the hearing. Moreover, proponents proposed that the current provisions of § 984.56 providing for deferment be deleted. Currently, the major outlet for surplus walnuts is in the export market. It is expected that the export market would continue as the major outlet for surplus walnuts in the event the changes recommended herein are adopted. Most walnut exports occur during the first four months of the marketing year. Therefore, a substantial quantity of surplus credits are available early in the marketing year. Dispositions into export plus dispositions into oil outlets and authority for handlers to transfer excess disposition credits to other handlers enable handlers to meet their surplus obligations without resorting to the temporary deferment authorized in § 984.56. Moreover, the provisions of § 984.56 have not been used for many years. Accordingly, the provisions of § 984.56 should be deleted and proposed § 984.55 is not recommended for adoption.

Provisions currently in § 984.61 dealing with the exportation of merchantable surplus walnuts by the Board or by handlers acting as agents of the Board and the provisions in § 984.62 providing for the pooling of surplus walnuts not disposed of by handlers as agents of the Board should be revised and placed in a revised § 984.56. Revised § 984.56 should specifically provide for the crediting of surplus disposition by a handler against his surplus obligation established pursuant to § 984.54.

Section 984.56 should provide for the sale or shipment by the Board or handlers acting as agents of the Board of merchantable surplus walnuts (1) in export to destinations outside of the United States, Puerto Rico, and the Canal Zone, (2) to Government agencies, or (3) to charitable institutions. The Board should be obligated to dispose of only such quantities of walnuts for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for such sales or shipments. The Board, with the approval of the Secretary, may designate other outlets which are noncompetitive with normal market outlets for walnuts. The kernelweight of merchantable surplus walnuts disposed of in accordance with § 984.56 should be credited against the applicable handler's surplus obligation, so long as the disposition "intention" is filed with the Board by August 31 of the succeeding marketing year and shipment from the area of production is completed by the following September 15.

Donations of surplus walnuts in the foregoing outlets by handlers as agents of the Board should also be credited against the applicable handler's surplus obligation. All surplus dispositions by the Board or by handlers acting as agents of the Board should be made with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in normal markets.

Provisions should be included in § 984.56 specifically providing for the pooling by the Board during the marketing year of surplus walnuts. However, the Board should not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's surplus obligation which may be accepted for pooling and disposition prior to February 15 of such year. Pooled surplus walnuts should be disposed of by the Board upon the best terms and best prices obtainable consistent with the ultimate and complete disposition of

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surplus, subject to the following conditions: No surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be noncompetitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

Section 984.56 should authorize the Board to rent and operate or arrange for the use of facilities for storage and disposition of surplus walnuts delivered to it.

Any surplus walnuts remaining unsold as of August 31, or for which a handler is not relieved by the Board of the responsibility to hold should be pooled and disposed of by the Board as soon as practicable through the most readily available surplus outlets. Upon demand of the Board, surplus walnuts should be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board should not make such demand upon a handler with respect to surplus walnuts for which the handler has agreed to undertake disposition pursuant to Board authority.

Expenses incurred by the Board in receiving, holding, and disposing of pooled surplus walnuts should be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts should be distributed pro rata by the Board to each handler in proportion to his contribution thereto, measured in kernelweight, or such other basis as the Board may adopt with the approval of the Secretary.

Up to now, the Board has disposed of all pooled surplus walnuts in oil and feed outlets where the quality of walnuts makes little difference in the sales price. However, with larger crops expected, it is probable that better quality walnuts may be pooled and sold in outlets which pay a higher price than the oil and feed outlets. For example, some pooled walnuts could be sold in export at much higher prices than such diversion outlet returns. Hence, it would be desirable to treat each quality category as a separate pool, charge each pool the applicable expense, and distribute the remaining proceeds to the respective handlers whose walnuts were sold from each pool. Hence, different methods of distributing remaining proceeds may be required to insure equity. Section 984.56(d) should contain authority to permit the Board to distribute remaining proceeds on such other basis as the Board may adopt, with approval of the Secretary.

A new § 984.57 "Declaration privilege" should be added to the order providing that any handler may at any time prior to the end of the marketing year satisfy his surplus obligation with respect to a specified quantity of merchantable walnuts which he then owns and has on hand and on which he declares to the Board his intention to handle, by holding a quantity of walnuts sufficient to meet the surplus obligation on the walnuts so declared for handling. This permits a handler to satisfy his surplus obligation on walnuts declared for handling by holding a quantity of walnuts sufficient to meet the obligation on such walnuts. Physical disposal into surplus outlets is not required. Similar provisions currently are prescribed in § 984.54. In the notice of hearing, it was proposed that a handler must have satisfied his surplus obligation on all handlings to the date of declaration to declare walnuts in this manner. However, proponents indicated at the hearing that physical disposal into surplus outlets would be required to satisfy the surplus obligation on all handlings to the date of declaration. This provision is not recommended for adoption because the method of satisfying the surplus obligation is inconsistent with the method in the recommended provisions.

The notice of hearing also proposed that a quantity of walnuts held to meet the surplus obligation be merchantable walnuts. However, proponents indicated at the hearing that a handler should only be required to hold a quantity of walnuts with sufficient kernelweight to meet his obligation on walnuts declared for handling. Section 984.54 provides that if the declared quantity is not handled by the end of the marketing year the handler many cancel the applicable withhohlding prior to the end of the marketing year. This authority has not been used by handlers and the provision should be deleted. However, should a handler declare more walnuts for handling than he subsequently shipped or otherwise handled, he should, upon request to the Board, have any of such excess quantity removed from declaration and his surplus and assessment obligations adjusted accordingly.

The center heading "Disposition of Controlled Walnuts" together with § 984.60 dealing with shelling restricted walnuts, § 984.61 dealing with export of merchantable restricted and merchantable surplus walnuts, and § 984.62 dealing with surplus pool walnuts, should be deleted.

As indicated previously, the kernelweight of surplus walnuts disposed of by a handler in accordance with the applicable provisions of revised § 984.56 should be credited against the handler's surplus obligation. In the event a handler disposes of more walnuts than his surplus obligation, the order should make provisions for the excess surplus credits. Provisions for surplus credit currently are contained in §§ 984.61 and 984.62, which are recommended to be deleted. Therefore, a new § 984.58 "Excess surplus credits." should be added. New § 984.58 should consolidate these provisions in one section, and include additional provisions on surplus credits. Section 984.58 should provide that at any time during a marketing year, upon a handler's written request, the Board shall transfer part or all of the handler's credit for disposition of surplus walnuts in excess of his surplus obligation to any handler designated by the requesting handler. It may be that a handler's disposition of surplus walnuts in excess of his surplus obligation occurs too late in the marketing year to enable the Board to transfer the excess surplus credit to another handler before August 1, the beginning of the next marketing year. In the event a handler has excess surplus credit on August 1 carried over from the preceding marketing year, he should have until September 15 to transfer such excess surplus credit to other handlers. Therefore, § 984.58 should also provide that any excess surplus credit not transferred by August 1 should be transferred by the Board upon the handler's written request so long as the Board received the request no later than September 15. The transferred credit should be applied only to the transferee handler's surplus obligation of the marketing year just ended. It may be that a handler does not dispose of sufficient surplus walnuts during a marketing year to equal his surplus obligation. However, during the August 1 through September 15 period, he may dispose of sufficient surplus walnuts to equal or exceed that surplus obligation. In that event, he should be able to have such disposition credited retroactively to that surplus obligation. Therefore, § 984.58 should also provide that credit earned by a handler from the disposition of surplus walnuts during the period August 1 to September 15 may be applied by the Board to the handler's surplus obligation of the preceding marketing year. Section 984.58 should also enable a handler to have the Board apply all or part of such credit to his surplus obligation of the current marketing year, or to transfer such credit to another handler for application to that handler's surplus obligation also during the current marketing year.

(13) In order to improve order organization, the provisions of § 984.55 "Interhandler transfers" should be transferred to a new § 984.59. The notice of hearing also proposed that paragraphs (b) and (c) currently contained in § 984.55 be omitted from the interhandler provision. However, the record indicates that the provisions of these paragraphs are necessary for proper administration of the interhandler provisions and should therefore be included in new § 984.59. In view of other recommended changes, it is necessary to make conforming changes in the interhandler provisions. In paragraph (a) reference to "free walnuts" (those walnuts currently included in the free percentage of the inshell volume regulation provisions) and to "packers" and "shellers" should be deleted since the inshell volume regulation provisions and the terms "packers" and "shellers" are recommended to be deleted. In addition, the term "surplus obligation" should replace the term "control obligations" wherever it appears.

(14) The notice of hearing proposed to revise § 984.63 "Storage facilities". Section 984.63 authorizes the Board to rent and operate or arrange for the use of facilities for storage and disposition of surplus walnuts. Proponents did not sup-

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port the proposed revision at the hearing and proposed that current § 984.63 be deleted because authority for renting and operating storage facilities is included in new § 984.56. Therefore, the proposed revision of § 984.63 is not recommended for adoption and § 984.63 should be deleted.

The notice of hearing contained a proposal to revise § 984.64, "Disposition of substandard walnuts". This proposal is not recommended for adoption because it was withdrawn at the hearing and no testimony was offered to support it.

Current § 984.66, "Assistance of the Board in meeting control obligations" should be retitled "Assistance of the Board in meeting surplus obligation", and all references to "control obligations" should be changed to "surplus obligation" since "control obligations" are recommended to be deleted.

The notice of hearing contained a proposal to delete § 984.67, "Exemptions". However, proponents did not support this proposal and indicated that § 984.67 should not be deleted, but any conforming changes made be based on any recommended changes. Paragraph (a) of § 984.67 is entitled *Exemption from volume regulations*. and provides, in part, that control percentages shall not apply to lots of merchantable inshell walnuts which are of the mammoth size or larger. In view of the changes recommended in the volume regulation provisions, the heading of paragraph (a) should be changed to *Exemption from volume regulation*. and the term "Control percentages" changed to "Surplus percentages".

(15) The provisions of § 984.71, pertaining to reports of handler carryover, should be revised to provide that each handler shall submit to the Board in such form and at such dates as the Board may prescribe, reports showing his carryover of inshell and shelled walnuts. Currently, each handler, on or before August 15 and January 15 of each marketing year, is required to file with the Board a written report of his handler carryover of inshell and shelled walnuts as of August 1 and January 1 on such forms as the Board may prescribe. The changes recommended in the order may require such reports at different times than currently prescribed. Deletion of the dates from § 984.71 would give the Board an opportunity to study order operations under the new volume regulation provisions and determine when it needs these reports.

Section 984.73, "Reports of disposition of controlled walnuts" is no longer needed under the order recommended for amendment and should be deleted. Pursuant to the recommended changes, the only controlled walnuts would be surplus walnuts and other provisions would require handlers to report their dispositions of surplus walnuts to the Board.

Present § 984.74, "Reports of interdistrict shipments of walnuts" should be retitled, "Reports of intraproduction area shipments of walnuts". In the provisions, the words "State of California" and "States of Oregon and Washington" should be substituted in lieu of "District 1" and "District 2", respectively. This recommended revision would be consistent with the deletion of the district designation in § 984.4 discussed in Material Issue (1).

In the notice of hearing the words "interarea" were used in lieu of "interdistrict". However, the record indicates that the words "intraproduction area" would be more appropriate especially since the terms Area 1 and Area 2 were not supported at the hearing.

Section 984.76 should provide that upon request of the Board, with the approval of the Secretary, each handler should furnish such other reports and information as are needed to enable the Board to perform its duties and exercise its powers under this subpart.

In the notice of hearing, the provisions requiring approval by the Secretary of other needed reports and information were omitted. The record indicates that any other reports which are requested by the Board from handlers should be expressly provided for through rule making procedures and approval of the Secretary. Hence, the requirement for approval of the Secretary should be added to the provisions. The provisions included in the notice of hearing indicated that the purpose of such reports would enable the Board to perform its functions under the order. It would be more appropriate to indicate that the purpose of such reports would enable the Board to perform its duties and exercise its powers under the order.

In the notice of hearing, proposed § 984.76 provided for handler reports of receipts from growers. Reports of receipts from growers have been submitted to the Board by handlers on a voluntary basis. Under the changes recommended such reports are especially needed by the Board to check handler compliance under the new holding requirements. Therefore, these provisions should be specifically included in a revised § 984.73.

(16) Some of the amendatory actions herein cause the need to make certain conforming changes, as hereinafter set forth, in the provisions of the order, so that the order, as amended, will be in conformity with those actions. Such changes are discussed herein with the issues to which pertinent. All such changes should be incorporated herein.

Ruling on proposed findings and conclusions. The period during which interested persons might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the findings and conclusions to be drawn therefrom expired on March 1, 1974. No such briefs were filed.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 13 FR 4344; 19 FR 4214; 20 FR 5387; 22 FR 7885; 22 FR 8775; 27 FR 9094);

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulates the handling of walnuts grown in California, Oregon and Washington, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order, as amended, and as hereby proposed to be further amended, prescribes, so far as is practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of the walnuts covered thereby; and

(6) All handling of walnuts produced in the designated area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Revise § 984.4 to read:

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon and Washington.

2. Revise § 984.6 to read:

§ 984.6 Board.

"Board" means the Walnut Marketing Board established pursuant to § 984.35.

3. Revise paragraph (a) of § 984.11 to read:

§ 984.11 Merchantable walnuts.

(a) *Inshell*. "Merchantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

* * * * *

4. Revise § 984.13 to read:

§ 984.13 To handle.

"To handle" means to sell, consign, transport, or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include (a) sales and deliveries within the area of production by growers to handlers, or (b) the authorized disposition of surplus or substandard walnuts.

5. Revise § 984.14 to read:

§ 984.14 Handler.

"Handler" means any person who handles inshell or shelled walnuts, categorized as either:

(a) "Cooperative handler" meaning any handler who is a cooperative marketing association of growers; or

(b) "Independent handler" meaning any handler who is not a cooperative marketing association of growers.

6. Revise § 984.15 to read:

§ 984.15 Pack.

"Pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

§§ 984.16, 984.17 and 984.18 [Deleted]

7. Delete §§ 984.16, 984.17, and 984.18.

8. Revise § 984.20 to read:

§ 984.20 Kernelweight.

"Kernelweight" means the determined weight of the kernels in a quantity of walnuts regardless of their quality.

9. Revise § 984.21 to read:

§ 984.21 Handler carryover.

"Handler carryover" as of any date means all the merchantable walnuts (except those held in satisfaction of a surplus obligation) wherever located, then held by a handler or for his account (whether or not sold), plus (a) the estimated quantity of merchantable inshell walnuts in lots then held by that handler for packing as merchantable inshell walnuts, and (b) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by that handler.

§ 984.22 [Amended]

10. Revise § 984.22 by deleting paragraph (c).

11. Revise § 984.23 to read:

§ 984.23 Free walnuts.

"Free walnuts" means walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§§ 984.24 and 984.25 [Deleted]

12. Delete §§ 984.24 and 984.25.

13. Revise § 984.26 to read:

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those walnuts which are held to meet a surplus obligation.

§§ 984.27, 984.28, 984.29 and 984.30 [Deleted].

14. Delete §§ 984.27, 984.28, 984.29, and 984.30.

15. Add a new § 984.32 to read:

§ 984.32 Withholding factor.

"Withholding factor" means the quotient, expressed as a percentage rounded to the nearest one-tenth, resulting from dividing the surplus percentage by the free percentage and established by the Secretary pursuant to § 984.49.

16. Add a new § 984.33 to read:

§ 984.33 Hold.

"Hold" means to maintain possession or keep control of, in proper storage, at all times, the quantity of walnuts necessary to meet a surplus obligation.

17. Revise § 984.35 to read:

§ 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of ten members and one nonvoting delegate, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member or the nonvoting delegate. The members and nonvoting delegate and their alternates shall be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups:

(1) Two members to represent cooperative handlers in California;

(2) Two members to represent independent handlers in California;

(3) Two members to represent growers who market their walnuts through cooperative handlers in California;

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers in California whichever category of such handlers handled more than 50 percent of the walnuts handled by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California;

(5) One member to represent growers from District 1 who market their walnuts through independent handlers in California, and those who market their walnuts through independent or cooperative handlers in Oregon and Washington;

(6) One member to represent growers from District 2 who market their walnuts through independent handlers; and

(7) One nonvoting delegate to represent independent and cooperative handlers whose plants are located in the States of Oregon and Washington.

(b) The tenth member and alternate shall be selected after the selection of the nine voting members from the groups specified in paragraph (a) of this section and after opportunity for such voting members to nominate the tenth member and alternate. The tenth member and his alternate shall be neither a walnut grower nor a handler.

(c) Grower districts:

(1) *District 1*. District 1 encompasses the States of Oregon and Washington and counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2*. District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in subparagraph (1) of this paragraph.

(3) The Secretary on the basis of a recommendation of the Board or other information may establish different districts within the area of production.

18. Revise § 984.36 to read:

§ 984.36 Term of Office.

The term of office of Board members, nonvoting delegates, and their alternates shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

19. Revise § 984.37 to read:

§ 984.37 Nominations.

(a) Nominations on behalf of growers who market their walnuts through cooperative handlers in California shall be submitted on a ballot cast by each such handler for its growers. The vote of each such cooperative handler shall be weighted by the quantity of the kernelweight of the merchantable walnuts handled during the preceding marketing year by each such handler. The person receiving the highest number of votes for the cooperative grower position shall be the nominee.

(b) Nominations on behalf of independent growers in Group 4, whenever such group represents independent growers and Groups 5 and 6, shall be submitted after ballot by such growers pursuant to an announcement by press releases of the Board to the news media in the walnut producing areas. Such releases shall provide pertinent voting information, including the names of candidates and the location where ballots may be obtained. Ballots shall be accompanied by full instructions as to their markings and mailing and shall include the names of incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board with the approval of the Secretary. Each grower in Group 4, whenever such group represents independent growers, and Groups 5 and 6, regardless of the number and location of his walnut orchard(s) shall be entitled to cast only one ballot in the nomination and each vote shall be given equal

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weight. If the independent grower has orchard(s) in both grower districts he shall advise the Board of the district in which he desires to vote. The person receiving the highest number of votes for an independent grower position shall be the nominee.

(c) Nominations for all handler members and the nonvoting delegate shall be submitted on ballots mailed by the Board to all handlers in their respective groups. All handlers' votes shall be weighted by the quantity of the kernelweight of merchantable walnuts handled by each handler during the preceding marketing year. Each independent handler in California may vote for the independent handler member nominees and their alternates. However, no independent handler shall have more than one person on the Board either as member or alternate member. The person receiving the highest number of votes for an independent and cooperative handler member position shall be the nominee for that position.

(d) The nine voting members shall nominate one person as member and one person as alternate for the tenth member position. The tenth member and alternate shall be nominated by not less than 6 votes cast by the nine voting members of the Board.

(e) Nominations in the foregoing manner received by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of each odd-numbered year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

(f) The Board, with the approval of the Secretary, may change these nomination procedures should the Board determine that a revision is necessary.

(g) To provide a transition from the membership of the Walnut Control Board to the membership of the Walnut Marketing Board, the members of the Walnut Control Board serving on the effective date of this subpart shall, subject to the limitations described in § 984.38, continue serving on the Walnut Marketing Board until their terms expire June 30, 1975, and the new membership has been selected and qualified. The new grower and handler members and nonvoting delegate shall be nominated, reported to the Secretary by June 15, 1975, and selected by the Secretary to serve on the Walnut Marketing Board for the term of office beginning July 1, 1975.

20. Revise § 984.38 to read:

§ 984.38 Eligibility.

No person shall be selected or continue to serve as a member, nonvoting delegate, or alternate, to represent one of the groups specified in § 984.35(a) (1) through (7), unless he is engaged in the business he is to represent, or represents, either in his own behalf or as an officer or employee of the business unit engaged in such business. Also, each member or alternate member representing growers in District 1 or District 2 shall be a grower, or officer or employee of the group in the district he is to represent.

21. Revise § 984.39 to read:

§ 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member, nonvoting delegate, or alternate of the Board shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practical after being notified of such selection.

22. Revise § 984.40(a) to read:

§ 984.40 Alternate.

(a) An alternate for a member or an alternate for the nonvoting delegate of the Board shall act in the place and stead of such member or nonvoting delegate as the case may be in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

* * * * *

23. Revise § 984.41 to read:

§ 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, nonvoting delegate, or alternate, or any need to select a successor through failure of any person selected as a member, nonvoting delegate or alternate to qualify, shall be recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

24. Revise § 984.42 to read:

§ 984.42 Expenses.

The members, nonvoting delegate and their alternates of the Board shall serve without compensation, but shall be allowed their necessary expenses.

25. Revise paragraph (c) of § 984.45 to read:

§ 984.45 Procedure.

* * * * *

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is to be voted on by either of these methods, one dissenting vote shall prevent its adoption. The Board, with the approval of the Secretary, shall prescribe the minimum number of votes which must be cast when voting is by either of these methods, and any other procedures necessary to carry out the objectives of this paragraph.

26. Revise § 984.46 to read:

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of walnuts. The expenses of such projects shall be paid from funds collected pursuant to § 984.69.

27. Revise § 984.48 to read:

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year the Board shall hold a meeting, prior to September 20, for the purpose of recommending to the Secretary a marketing policy for such year. Each year such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following, and where applicable, on a kernelweight basis:

(1) Its estimate of the orchard-run production in the area of production for the marketing year;

(2) Its estimate of the handler carryover on August 1 of inshell and shelled walnuts;

(3) Its estimate of the merchantable and substandard walnuts in the production;

(4) Its estimate of the trade demand for such marketing year for shelled and inshell walnuts, taking into consideration trade carryover, imports, prices, competing nut supplies, and other factors;

(5) Its recommendation for desirable handler carryover of inshell and shelled walnuts on July 31 of such marketing year;

(6) Its recommendation as to the free and surplus percentages to be fixed for walnuts produced in California and Oregon and Washington, but the surplus percentage recommended for walnuts produced in Oregon and Washington shall be one-half of the surplus percentage in California;

(7) Its opinion as to whether grower prices are likely to exceed parity; and

(8) Its recommendation for change, if any, in grade and size regulations.

28. Revise § 984.49 to read:

§ 984.49 Volume regulation.

(a) *Free and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the act, he shall establish for California a free percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from such handling, and similarly for Oregon and Washington except that the surplus percentage shall be one-half that of California.

(b) *Establishment of withholding factors.* The Secretary shall establish withholding factors for California, Oregon and Washington when surplus percentages of other than zero are established.

(c) *Revision of percentages and withholding factors.* Prior to February 15 of the marketing year the Board may recommend that the free percentage be increased, the surplus percentages be decreased, and the withholding factors modified. On the basis of the Board's recommendation or other information the Secretary may establish such revisions and modifications. Upon revision, all surplus obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

§ 984.50 [Amended]

29. Revise paragraph (a) of § 984.50 by deleting "U.S. No. 3" in the first sentence and substituting "U.S. No. 2" in lieu thereof.

30. Revise paragraph (d) of § 984.50 to read:

* * * * *

(d) *Additional grade and size regulation.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section. If the Secretary finds on the basis of such recommendation or other information that such additional grade and size regulations would tend to effectuate the declared policy of the act, he shall establish such regulation.

* * * * *

31. Revise § 984.51 to read:

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling any walnuts or disposing of any surplus walnuts each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations. Such inspections shall be performed by the inspection service designated by the Board with the approval of the Secretary. Handlers shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grade and size of such walnuts set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans regia). The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part.

(b) Merchantable inshell walnuts kernelweight. The weight of merchantable walnuts handled or disposed of as surplus shall be converted to the kernelweight equivalent at 45 percent of their inshell weight. This conversion percentage may be changed by the Board with the approval of the Secretary.

(c) Upon inspection, all merchantable and surplus walnuts shall be identified by seals, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, establish such other requirements as may be necessary to insure adequate identification of such merchantable and surplus walnuts.

(d) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of merchantable walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

32. Revise the center heading "Controlled Walnuts" to "Surplus Walnuts" and revise § 984.54 to read:

Surplus Walnuts

§ 984.54 Establishment of obligation.

(a) *Surplus obligation.* Whenever free and surplus percentages are in effect for a marketing year, each handler shall withholding factor to the quantity of walnuts equal to the application of the wtihholding factor to the quantity of kernelweight handled or declared for handling. The quantity of walnuts hereby required to be withheld from handling shall constitute, and may be referred to as, the "surplus obligation" of a handler. The walnuts handled as free walnuts by any handler in accordance with the provisions of the part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8(a)(5) of the act.

(b) *Holding requirements.* Each handler shall at all times hold in his possession or under his control in proper storage the quantity of walnuts necessary to meet his surplus obligation less: (1) Any quantity which was disposed of by him pursuant to § 984.56; and (2) any quantity for which he is otherwise relieved by the Board of responsibility to so hold walnuts.

§ 984.55 [Deleted]

33. Delete § 984.55.

34. Revise § 984.56 to read:

§ 984.56 Disposition of surplus walnuts.

(a) *Crediting.* The kernelweight of surplus walnuts disposed of in accordance with this section shall be credited against the applicable handler's surplus obilgation established pursuant to § 984.54.

(b) *Board through agents.* Sale or shipment of merchantable surplus walnuts (1) in export to destinations outside of the United States, Puerto Rico, and the Canal Zone, (2) to Government agencies, or (3) to charitable institutions shall be made only by the Board. The Board shall be obligated to dispose of only such quantities for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for such sales or shipments. The Board, with the approval of the Secretary, may designate other outlets which are noncompetitive with normal market outlets for walnuts. The kernelweight of merchantable surplus walnuts disposed of in accordance with this paragraph shall be credited against the applicable handler's surplus obligation: *Provided,* That the disposition "intention" is filed with the Board by August 31 of the succeeding marketing year and shipment from the area of production is completed by the following September 15. Donations of surplus walnuts in the foregoing outlets by handlers as agents of the Board shall also be credited against the applicable handler's surplus obligation. Surplus dispositions shall be made with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in normal markets.

(c) *Pooling during the marketing year.* Surplus walnuts which are accepted for pooling by the Board during the marketing year and disposed of by the Board in eligible surplus pool outlets, shall be credited against the applicable handler's surplus obligation. The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's surplus obligation which may be accepted for pooling and disposition prior to February 15 of such year. Pooled walnuts shall be disposed of by the Board upon the best terms and best prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following condition: No surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be noncompetitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets. The Board may rent and operate or arrange the use of facilities for storage and disposition of surplus walnuts delivered to it.

(d) *Disposition after August 31.* Any surplus walnuts remaining unsold as of August 31, or for which a handler is not relieved by the Board of the responsibility to hold shall be pooled and disposed of by the Board as soon as practicable through the most readily available surplus outlets. Upon demand of the Board, surplus walnuts shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board shall not make such demand upon a handler with respect to surplus walnuts for which the handler has agreed to undertake disposition pursuant to Board authority.

(e) *Expenses.* Expenses incurred by the Board in receiving, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts.

(f) *Distribution of proceeds.* Remaining proceeds from the disposition of pooled surplus walnuts shall be distributed pro rata by the Board to each handler in proportion to his contribution

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thereto, measured in kernelweight, or such other basis as the Board may adopt with the approval of the Secretary.

35. Add a new § 948.57 to read:

§ 984.57 Declaration of privilege.

Any handler may at any time prior to the end of the marketing year satisfy his surplus obligation with respect to a specified quantity of merchantable walnuts which it then owns and has on hand and on which it declares to the Board its intention to handle, by holding a quantity of walnuts sufficient to meet the surplus obligation on the walnuts so declared for handling.

36. Add a new § 984.58 to read:

§ 984.58 Excess surplus credits.

(a) *Transfer of credits.* At any time during a marketing year, upon a handler's written request, the Board shall transfer part or all of the handler's credit for disposition of surplus walnuts in excess of his surplus obligation to any handler designated by the requesting handler. Any such excess surplus credit not transferred by August 1 shall be transferred by the Board upon the handler's written request so long as the Board receives the request no later than September 15. The credit shall be applied to the transferee handler's surplus obligation of the marketing year just ended.

(b) *Post marketing year credits.* Credit earned by a handler from the disposition of surplus walnuts during the period August 1 to September 15 may be (1) applied to the handler's surplus obligation of the preceding marketing year, (2) applied to the handler's surplus obligation during the current marketing year, or (3) transferred to another handler as provided in paragraph (a) of this section and applied to that handler's surplus obligation during the current marketing year.

37. Add a new § 984.59 to read:

§ 984.59 Interhandler transfers.

(a) Within the area of production inshell walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving handler shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purpose of meeting his surplus obligation, acquire walnuts from another handler, and any assessments, surplus obligation, and inspection requirements with respect to walnuts so transferred, shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§§ 984.60–984.63 [Deleted]

38. Delete the center heading "Disposition of Controlled Walnuts", and §§ 984.60, 984.61, 984.62, and 984.63.

39. Revise § 984.66 to read:

§ 984.66 Assistance of Board in meeting surplus obligation.

The Board, on written request, may assist any handler in accounting for his surplus obligation and may aid any handler in acquiring walnuts to meet any deficiency in a handler's surplus obligation, or in accounting for and disposing of surplus walnuts.

§ 984.67 [Amended]

40. Revise paragraph (a) of § 984.67 by substituting "regulation" in lieu of "regulations" and "Surplus" in lieu of "Control".

41. Revise § 984.71 to read:

§ 984.71 Reports of handler carryover.

Each handler shall submit to the Board in such form and on such dates as the Board may prescribe, reports showing his carryover of inshell and shelled walnuts.

42. Revise § 984.73 to read:

§ 984.73 Reports of walnut receipts.

Each handler shall file such reports of his walnut receipts from growers in such form and at such times as may be requested by the Board.

43. Revise § 984.74 to read:

§ 984.74 Reports of intraproduction area shipments of walnuts.

Any shipment of walnuts between the States of California, Oregon, and Washington for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

44. Revise § 984.76 to read:

§ 984.76 Other reports.

Upon request of the Board made with the approval of the Secretary each handler shall furnish such other reports and information as are needed to enable the Board to perform its duties and exercise its powers under this subpart.

45. Revise § 984.84 to read:

§ 984.84 Personal liability.

No member, nonvoting delegate, or alternate of the Board, nor any employee or agent thereof shall be held personally responsible either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, nonvoting delegate, alternate, employee or agent, except for acts of dishonesty.

Dated: May 29, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-12668 Filed 5-31-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

AUTHENTIC NATIVE ARTICLES OF HANDICRAFT AND CLOTHING

Proposed List

On January 15, 1974, the Director, National Marine Fisheries Service, published in the FEDERAL REGISTER (39 FR 1851), Regulations Governing the Taking and Importation of Marine Mammals. Mention was made, at that time, of an intention to publish a list of those items which were thought to qualify as authentic native articles of handicraft and clothing within the meaning of § 216.23.

There is set out hereafter, a proposed list of such articles. Incorporation of this list as part of the regulations will necessitate certain changes in existing § 216.23. Accordingly, it is further proposed that this section be amended as hereinafter set out.

Written comments on, or objections to, these proposed changes may be made to the Director, National Marine Fisheries Service, Washington, D.C. 20235, until the close of business on July 3, 1974.

JACK W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

Add new paragraph (e) and (f) of § 216.23 to read as follows:

§ 216.23 Native exceptions.

* * * * *

(e) The list of authentic native articles of handicraft and clothing, which appears in § 216.23(f), may be revised from time to time as additional information becomes available, which shows to the Secretary's satisfaction that an item should be added to, or removed from the list.

(1) Any interested person may, at any time, submit a request to the Director, National Marine Fisheries Service, for the purpose of adding to, or deleting from, the list.

(2) In order to be considered, all requests must show the following:

(i) The name and address of the person making the request.

(ii) A complete identification of the article or articles named in the request.

(iii) A statement in support of the action requested on the article or articles.

(iv) Some justification or documentation of the statement required in subdivision (iii) of this subparagraph.

(f) Authentic native articles of handicraft and clothing made from marine mammal parts are designated as those items which are the same or similar to such articles of handicraft and clothing being manufactured on or before December 21, 1972, and include, but are not limited to the following:

1. WHALE PRODUCTS

(i) Baleen:

HANDICRAFT

- (a) Fronds (cleaned and polished).
- (b) Models (sleds, boats, snowshoes, etc.).
- (c) Tools, implements and equipment (fishing lines, harpoon lines, wolf scarers, ice skimmers, boxes, dishes, cups, etc.).
- (d) Games.
- (e) Decorations (used in conjunction with ivory, wood, bone or skin handicrafts).
- (f) Baskets.
- (g) Jewelry.
- (h) Etchings.

(ii) Bone:

- (a) Carvings (masks, animals, etc.).
- (b) Tools, implements and equipment.
- (c) Decorations (cleaned and polished).
- (d) Ear bones (cleaned and polished).
- (e) Furniture and building material.

(iii) Teeth (Ivory):

- (a) Carvings (animals, figurines, bookmarkers, zipper pulls, etc.).
- (b) Jewelry (beads, bracelets, necklaces, cuff links, etc.).
- (c) Etchings.
- (d) Decorations.
- (e) Culinary and implement handles and items (pen holders, napkin rings, scarf rings, powder horns, pistol grips, etc.)

(iv) Internal Parts:

- (a) Drum heads.
- (b) Models (kayaks).
- (c) Ceremonial items.
- (d) Lacings, lines, gut.
- (e) Containers for food storage.
- (f) Sewing bags.

2. SEAL PRODUCTS

(i) Skins:

HANDCRAFT

- (a) Graphic Art (drawings or paintings on skin).
- (b) Models (animals, boats, etc.).
- (c) Masks.
- (d) Decorations or trim.
- (e) Household items (pillows, coasters, pin cushions, bed coverings, etc.).
- (f) Bags (hand bags, purses, hunting bags, ammunition bags, etc.).
- (g) Toys (dolls, yoyo's, balls, etc.).

CLOTHING

- (a) Parkas, coats, shirts.
- (b) Vests.
- (c) Decoration or trim.
- (d) Gloves and mittens.
- (e) Hats.
- (f) Moccasins, mukluks, slippers.

(ii) Bone:
- (a) Tools, implements and equipment.
- (b) Aphrodisiac.
- (c) Decorations.
- (d) Games.

(iii) Internal Parts:
- (a) Rain gear.
- (b) Bags.
- (c) Floats.
- (d) Drum heads.

[FR Doc.74-12596 Filed 5-31-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COTTAGE CHEESE AND COTTAGE CHEESE DRY CURD

Proposal To Amend Label Requirements

In the FEDERAL REGISTER of January 19, 1973 (38 FR 2124), the Commissioner of Food and Drugs promulgated a new § 1.8d (21 CFR 1.8d), establishing a food labeling information panel for all mandatory label information. The order was repromulgated with minor technical modifications in the FEDERAL REGISTER of March 14, 1973 (38 FR 6950). Section 1.8d (c) of the new regulation requires that all information appearing on the information panel (including the ingredient statement) shall appear prominently and conspicuously, but in no case may the letters and/or numbers be less than $\frac{1}{16}$ inch in height unless an alternative method for small packages is established in accordance with the provisions of paragraph (f).

The identity standards for cottage cheese dry curd and cottage cheese require under §§ 19.525(e) and 19.530(e) (21 CFR 19.525(e) and 19.530(e)) that all ingredients in the foods shall be declared on the label as required by the applicable sections of 21 CFR Part 1; and therefore, the requirements of § 1.8d are applicable to these foods. However, the last sentence of § 19.525(e) and the last sentence of § 19.530(e) read as follows: "The declaration of ingredients as set forth in this paragraph shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents but in no case less than one-sixteenth of an inch."

As this statement is not consistent with the requirements of § 1.8d(c) (which are incorporated in the standards by cross-references), and such requirements are already established to promote honesty and fair dealing in the interest of consumers, the Commissioner proposes that the statements in §§ 19.525(e) and 19.530 (e) be deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 19 be amended as follows:

1. In § 19.525 by deleting the undesignated paragraph immediately following paragraph (e) (3), as follows:

§ 19.525 Cottage cheese dry curd; identity; label statements of optional ingredients.

* * * * *

(e) The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(1) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk."

(2) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk."

(3) Milk-clotting enzymes may be declared by the word "enzymes."

2. In § 19.530 by deleting the undesignated paragraph immediately following paragraph (e) (4), as follows:

§ 19.530 Cottage cheese; identity; label statement of optional ingredients.

* * * * *

(e) The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(1) Concentrated milk, dried milk, and reconstituted milk prepared by addition of water to concentrated milk or dried milk may be declared as "milk."

(2) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk."

(3) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk."

(4) Milk-clotting enzymes may be declared by the word "enzymes."

Interested persons may, on or before July 3, 1974, file written comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 24, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-12627 Filed 5-31-74;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Benefits in Case of Certain Individuals Interned During World War II

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment implements section 142 of Pub. L. 92-603 which was enacted October 30, 1972. That provision was designed to give relief to individuals who were interned in

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the U.S. during World War II in a government facility for the confinement of Americans of Japanese ancestry. The relief given is the gratuitous grant of wage credits these internees would likely have obtained if their internment had not prevented them from working. The amount of the wage credits granted are to be determined on the basis of the then prevailing minimum wage or the worker's pre-internment earnings, whichever is the larger.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before July 3, 1974. The regulation will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulation is to be issued under the authority of sections 205, 231, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 86 Stat. 1367, 49 Stat. 647, as amended; 42 U.S.C. 405, 431, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: May 9, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 28, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Subpart K, Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended as follows:

Section 404.1028 is added to read as follows:

§ 404.1028 Deemed wages for certain individuals interned during World War II.

(a) *In general.* Except as provided in paragraph (d) of this section, an individual who was interned during any period of time from December 7, 1941, through December 31, 1946, at a place within the United States operated by the Government of the United States for the internment of United States citizens of Japanese ancestry, is deemed to have been paid wages (in addition to the wages actually paid) as provided in paragraph (c) of this section during any period after he attained age 18 in which he was an internee. This provision is effective for determining entitlement to and the amount of any monthly benefit for months after December 1972, for determining entitlement to and the amount of any lump-sum death payment in the case of a death after such month, and for purposes of section 216(i)(3) of the Act, as amended.

(b) *Information needed to process deemed wages.* Unless the Secretary has previously made a determination concerning deemed wages for a period of internment of an individual, any person, including such individual, applying for a monthly benefit, a recalculation of such benefits by reason of this section, or a lump-sum death payment, must submit the following information before such benefit or payment may be computed on the basis of deemed wages under paragraph (a) of this section: The place where the individual worked prior to internment, his highest hourly wage prior to internment, the place and date of his internment, his date of birth (if not previously furnished), whether or not he is receiving another Federal benefit based wholly or in part upon his period of internment, and, in the case of a woman, her maiden name.

(c) *Amount of deemed wages.* The amount of wages which may be deemed under paragraph (a) of this section, in addition to wages actually paid, is determined as follows:

(1) *Where employed prior to internment.* If the individual was employed prior to the beginning of the period of internment, his deemed wages are the greater of:

(i) The highest actual hourly rate of pay received by him for any employment prior to internment multiplied by 40 for each full week during such period; or

(ii) The Federal minimum hourly rate in effect for such period multiplied by 40 for each full week during such period.

(2) *Where self-employed or not employed prior to internment.* If the individual was self-employed or was not employed prior to the beginning of the period of internment, his deemed wages are the Federal minimum hourly rate in effect for such period multiplied by 40 for each full week during such period.

(d) *When wages are not deemed.* Wages are not deemed under paragraph (a) of this section:

(1) For any period prior to the quarter in which the individual attained age 18; or

(2) Where a larger benefit or payment is payable without the deemed wage credits; or

(3) Where a benefit (other than a benefit payable in a lump sum unless it is a commutation of, or a substitute for, periodic payments), based in whole or in part upon internment as specified in paragraph (a) of this section is determined by any agency or wholly-owned instrumentality of the United States to be payable by it under any other law of the United States or under a system established by such agency or instrumentality. However, the foregoing exception to paragraph (a) of this section does not apply for purposes of section 216(i)(3) of the Act and in cases where the failure to receive deemed wages due to such exception would reduce by 50 cents or less the primary insurance amount of the individual on whose wages and self-employment income the benefit or payments is based.

(e) *Certification of internment.* The certification concerning any period of time for which an individual is to receive credit under paragraph (a) of this section is made by the Secretary of Defense or his designee. Following verification of the individual's period of internment by means of such certification, wages, as provided by this section, will be deemed to have been paid to such individual.

[FR Doc.74-12653 Filed 5-31-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74-137]

CHICAGO RIVER, ILLINOIS

Proposed Drawbridge Operation Regulations

At the request of the Port of Chicago, the Coast Guard is considering amending the regulations for the drawbridges across the Chicago River, and its tributaries. A notice of proposed rulemaking was published in the FEDERAL REGISTER (CGFR 70-63) on March 18, 1971 (36 FR 5245). A new notice of proposed rulemaking has been prepared which includes many provisions of the original proposal and includes new provisions which resolve the objections made to the original proposal. Specifically, the regulations concerning the opening signals have been changed to avoid potential confusion and the provisions for drawbridges which do not open promptly on signal have been broadened to include additional bridges. The Ogden Slip regulations were published as a notice of proposed rulemaking (CGFR 72-16) on February 2, 1972 (37 FR 2522). No objections were received to that proposal. It is included here because it is a part of the Chicago River complex.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District (oan), 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before July 16, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended as follows:

§ 117.641 [Amended]

1. By revoking § 117.641(f)(7) and (7-a).

2. By revising § 117.663 to read as follows:

§ 117.663 The Chicago River and its tributaries.

(a) The draws of each of the bridges in this section shall open promptly on signal except as provided in paragraph (e) of this section.

(b) The owners of or agencies controlling each bridge shall provide the necessary drawtenders and the proper operating machinery, maintained in serviceable condition, for the safe opening of the draw.

(c) The owners or agencies controlling each bridge shall conspicuously post and maintain notices both upstream and downstream of each bridge in such a manner that they can easily be read from an approaching vessel. The notices shall contain the special operational regulations applicable to each bridge. When applicable, information as to whom notice should be given when passage through the draw is desired and how such persons may be reached shall be included.

(d) Signals.

(1) Call signals for opening of drawbridges or passing through an open draw shall be three short blasts of a whistle, horn, siren or by shouting for all bridges except the Chicago and Northwestern Railroad bridge near West Kinzie Street and the Chicago, Milwaukee, St. Paul and the Pacific Railroad bridge near West North Avenue for which the signal shall be four short blasts, and the Lake Street bridge when approaching from the north for which the signal shall be five short blasts.

(2) Acknowledging signals to be given by drawtender:

(i) When the draw will be opened immediately. None.

(ii) When the draw cannot open immediately or is open and must be closed immediately. A red flag by day or a red light by night waved until the draw can be opened.

(3) When two or more vessels are approaching a drawbridge at the same time from opposite directions with the draw open or closed, each vessel shall signal independently for the opening of the draw, and the drawtender shall reply to the signal of each vessel if the draw cannot open or is open and must be closed.

(e) Bridges not opening promptly on signal.

(1) Monday through Friday, from 7:30 a.m. to 10 a.m. and 4 p.m. to 6:30 p.m., the draws of the bridges across the Chicago River, South Branch from its junction with the Chicago River south to and including West Roosevelt Road and North Branch at West Kinzie Street and at the Northwest Expressway Feeder bridge need not open for the passage of vessels.

(2) Monday through Friday, from 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m., the draws of the bridges across the North Branch of the Chicago River at Grand Avenue and all bridges north of the Northwest Expressway Feeder bridge to and including North Halsted Street and across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street need not open for the passage of vessels.

(3) Monday through Friday, from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m., the draws of the bridges across the North Branch of the Chicago River north of North Halsted Street and the South Branch of the Chicago River south of South Halsted Street need not open for the passage of vessels.

(4) From January 1 through March 31, the highway bridges across the Chicago River, the North Branch of the Chicago River, North Branch Canal and the South Branch of the Chicago River shall open on signal if at least 12 hours notice is given. However, the Randolph Street, Cermak Road, Throop Street and Loomis Street bridges across the South Branch of the Chicago River, the North Halsted Street bridge across the North Branch Canal and the West Kinzie Street bridge across the North Branch of the Chicago River shall open on signal at all times other than those times provided in subparagraph (1), (2) and (3) of this paragraph.

(5) Constant attendance is not required at following City of Chicago bridges:

(i) *Chicago River, South Branch*

Washington Street
Madison Street
Monroe Street
Adams Street
Jackson Boulevard
Van Buren Street
Congress Street (Eisenhower Expressway)
Harrison Street
Roosevelt Road
Eighteenth Street
Canal Street
South Halsted Street

(ii) *West Fork of the South Branch*

South Ashland Avenue
South Damen Avenue

(iii) *Chicago River, North Branch*

Grand Avenue
Chicago Avenue
North Halsted Street
Ogden Avenue
Division Street

(iv) *North Branch Canal*

Ogden Avenue
Division Street

Roving drawtenders shall open these bridges not more than 30 minutes after notification to the Port Director's Office or an authorized representative.

(6) The draw of the Chicago and Northwestern Railroad bridge across the North Branch of the Chicago River at mile 5.06 shall open on signal if at least 2 hours notice is given. However, the draw need not open for the passage of vessels Monday through Friday from 7 a.m. to 8 a.m. and 5:30 p.m. to 6:30 p.m.

(7) The draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the North Branch Canal shall open on signal if at least 1 hour's notice is given.

(8) The draws of bridges that have a vertical clearance of less than 17' above Low Water Datum for Lake Michigan shall open at any time to permit the passage of tugs and tugboats.

(f) The draws of any of the bridges listed in this section shall be opened as soon as possible for the passage of emergency vessels of the City of Chicago or public vessels of the United States notwithstanding any exceptions set forth elsewhere in this section.

(g) The draw of the Lake Shore Drive bridge across Ogden Slip need not open for the passage of vessels. The operating machinery need not be maintained.

(h) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, Chicago and Northwestern Railroad, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels. However, the draws shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: May 24, 1974.

R. I. PRICE,
Captain, U.S. Coast Guard,
Deputy Chief, Office of Marine Environment and Systems, By direction of the Commandant.

[FR Doc.74-12625 Filed 5-31-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-13-AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 747 series airplanes. The detent pin on the flap control handle has exhibited excessive wearing on the Boeing Model 747 series airplanes. Failure of this pin will result in flap retraction which if unnoticed by the flight crew could result in loss of adequate flight control. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of the flap control handle detent pin on airplanes which have accumulated 2,000 flights or more. Boeing Alert Service Bulletin 747-27-2121 was issued for inspection of the detent pin. This service bulletin presently does not contain preventive modification instructions; however, a forthcoming revision will include such instructions. Interested persons are

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invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before August 1, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 Series Aircraft Certificated in All Categories With More Than 2,000 Flights

Compliance required as noted:

(A) Within the next 100 flights, unless already accomplished within the last 1,900 flights, determine the thickness of the flap control handle detent pin in accordance with FAA approved Boeing Service Bulletin 747–27–2121. Flap control handle detent pins with more than .070 inch thickness remaining are to be reinspected for remaining thickness at intervals not to exceed 2,000 flights. Handles with pins less than .070 inches thickness remaining are to be replaced with a new flap control handle of the same part number within 1,000 flights. Pins with less than .050 thickness remaining are to be replaced with a new flap control handle of the same part number prior to further flight.

(B) New flap control handles are to have detent pins inspected for remaining thickness in accordance with Paragraph (A) above at intervals not to exceed 2,000 flights.

(C) This directive will be amended to include terminating action when such has been developed.

(D) Upon request of the operator and FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment period.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on May 24, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74–12587 Filed 5–31–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–NW–13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Moses Lake, Washington, transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before July 3, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

A review of the aeronautical procedures in the Moses Lake, Washington, area disclosed that additional 1200′ transition area would permit more effective use of radar vectoring and better sequencing of traffic.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) the description of the Moses Lake, Washington, transition area would be amended to read as follows:

MOSES LAKE, WA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (Latitude 47° 12′29″ N., Longitude 119°19′05″ W.), within 3.5 miles west and 4 miles east of the Moses Lake ILS Localizer south course extending from the 5-mile radius area to 9.5 miles south of the Pelican NDB, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at Latitude 47°45′00″ N., Longitude 120°00′00″ N., extending eastwardly along Latitude 47°45′00″ N. to intersect the arc of the 52-mile radius circle centered on Fairchild Air Force Base, Washington, (Latitude 47°38′ N., Longitude 117°39′ W.), on the east by the 52-mile radius circle, on the southeast by the northwest edge of V–112W, on the south by V–298, on the west by Longitude 120°00′00″ to point of beginning; that airspace southwest of Moses Lake extending upward from 5,500 feet MSL bounded on the east by Longitude 120° 00′00″ W., on the southeast by the northwest edge of V–448, on the west by the east edge of V–25, and on the north by Latitude 47°00′00″ N.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on May 24, 1974.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.74–12588 Filed 5–31–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–AL–4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the terminal airspace structure at Homer, Alaska.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before July 3, 1974, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska.

Application of criteria for U.S. Terminal Instrument Procedures (TERPS) for establishment of terminal controlled airspace, the proposed installation of a LOC/DME approach system and the conversion of the RR to an NDB approach system at Homer, Alaska, require amendments to the Homer, Alaska, control zone and transition area. New coordinates for the Airport Reference Point (ARP) and revised configuration of the transition area to encompass holding pattern airspace are also contained in these proposed amendments.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. Section 71.171 (39 FR 354), Homer, Alaska, control zone is amended to read:

HOMER, ALASKA

Within a 5-mile radius of the Homer airport (latitude 59°38′43″ N., longitude 151°28′31″ W.); within 2 miles each side of the 266° bearing from the Kachemak NDB extending from the 5-mile radius zone to 4.5 miles W of the NDB; and within 1.5 miles each side of the Homer localizer SW course extending from the 5-mile radius zone to 11 miles SW of the localizer antenna site (latitude 59°39′08″ N., longitude 151°27′22″ W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the U.S. Flight Information Publication Supplement Alaska.

2. Section 71.181 (39 FR 440), Homer Alaska, transition area is amended to read:

HOMER, ALASKA

That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Homer localizer antenna site (latitude 59°39′08″ N., longitude 151°27′22″ W.); and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Homer VORTAC extending from the 209° radial clockwise to the 252° radial.

The action proposed here would alter the Homer, Alaska, control zone by adding a 1.7 mile extension west of Homer to protect the Kachemak NDB instrument approach procedure and a 7.2 mile extension southwest of Homer to protect the proposed LOC/DME instrument approach procedure for runway 03. The 700-foot portion of the transition area would be altered to provide protective airspace to the north and west for holding and for instrument approaches and departures during the hours when the control zone is not effective. The 1,200-foot portion of the transition area is changed to define only that portion of airspace lying between Victor 438W, south of Homer and Victor 436E, west of Homer to provide protected airspace for departures from the Homer airport. The remainder of the description of the 1,200-foot portion has been deleted since the airspace that it described lies within the confines of Federal Airways.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on May 23, 1974.

QUENTIN S. TAYLOR,
Acting Director,
Alaskan Region.

[FR Doc.74–12589 Filed 5–31–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 567, 571]

[Docket No. 71–19; Notice 2]

NONPASSENGER CAR

Tire and Rim Selection and Rim Requirements

This notice proposes tire and rim selection requirements for multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles and dimension and marking requirements for rims used on those vehicles.

A notice of proposed rulemaking on tire and rim selection and rim performance was published August 3, 1971 (36 FR 14273). Comments to the docket resulted in several modifications to the proposal, which are set forth in this notice.

A new rim dimension requirement has been added to the proposal, requiring that a rim conform to several of the dimensions published for that rim by an industry association or by the manufacturer.

Three previously proposed requirements were deleted. The sudden deflation test was determined to be not practicable for testing rims on wheels of two- and three-piece construction, because the pressure loss could cause the components of the wheel to come apart. The proposed high speed and endurance tests have also been removed. They are undergoing further consideration as parts of a future wheel performance standard.

The previously proposed tire and rim selection criteria would have required vehicles to be equipped with tires that conform to standards 109 or 119 in all cases and have a maximum load rating not less than the gross axle weight rating (GAWR) of the axle system on which they are mounted divided by the number of tires on the axle system.

This proposal accommodates delivery practices in the commercial truck, bus and trailer industry (other than mobile structure trailer delivery) by permitting the use of tires which may not conform to Standard 119 under limited circumstances. A purchaser would be permitted to have used tires owned or leased by him mounted on his vehicle at the factory if those tires had been manufactured to comply with Standard 119 and have a maximum load rating not less than the GAWR divided by the number of tires on the axle system.

The standard also permits the mounting of tires not designed for highway use on trucks and trailers not intended for highway use.

It should be noted that the mobile structure trailer category has not been exempted from Standard 119-level tire selection standards, despite arguments on the grounds of infrequent highway use. The unwieldy nature of mobile structure trailers and the possibility of high speed towing under 100 percent load conditions during their limited travel periods require high strength and endurance characteristics.

This proposal does retain the proposed formula for determination of maximum load rating despite the objections of truck manufacturers who appeared to misunderstand the significance of "Gross Axle Weight Rating" (GAWR). The objections mistakenly assumed that GAWR means the actual weight rating of an axle, and reasoned that such a formula would penalize maufacturers who equipped their vehicles with high-rated axles by forcing them to match that rating with more expensive, stronger tires than were necessary. In actuality, GAWR means "the value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces." (49 CFR 571.3(b)). The manufacturer simply evaluates the ability of each axle system (not the axle alone) to support load and specifies that "load carrying ability" as the Gross Axle Weight Rating. In this evaluation the upper limit on GAWR is the weakest component in the axle system, but there is no lower limit implied by this definition on the GAWR specified by the manufacturer. The GAWR may in fact be delimited by the load rating of the tires themselves, regardless of the fact that other components may individually be considered capable of carrying higher loads.

The formula for tire selection would be subject to one exception. As proposed previously and reproposed here, a 10 percent greater load rating than that determined by the formula would be required when passenger car tires are utilized on other vehicle types. Manufacturers of multipurpose passenger vehicles that compete with station wagons objected to the expense of stronger tires, claiming that the two classes of vehicles essentially operate under the same conditions. The NHTSA does not accept this argument. MPV's, being constructed on truck chassis, may be assumed by their users to be capable of sustaining greater loads than passenger cars.

In order to make the interrelationship of tire choice and GVWR clearer to the vehicle owner and in response to docket comments, the proposed tire information label requirement has been modified. Manufacturers pointed out that dealers often change truck and multipurpose passenger vehicle tires and rims at the purchaser's request, and that the label would thereafter mislead subsequent purchasers of the modified vehicle. The NHTSA has concluded that this practice of tire and rim substitution on nonpassenger cars makes it even more important that the manufacturer state on the vehicle a tire and rim size appropriate for the stated GVWR. As modified, the manufacturer would not have to list the tires with which the vehicle is actually equipped, but rather the tires and rims appropriate for the stated GVWR. In this way, useful information would accompany the vehicle whether or not it is modified. Further information would be available under an option that permits the listing of multiple GVWR-tire-rim combinations.

As proposed, the manufacturer would locate the information on a separate label adjacent to the certification label plate required by Part 567. The close proximity of tire information to the GVWR and GAWR information on the certification label would clarify their relationship without unnecessarily complicating the label plate by the addition of tire, rim, pressure, and speed restriction data. The present option of adding tire information to the certification plate would be permitted only for the relatively simple requirements of passenger cars.

The proposed rim marking requirements have been modified in response to manufacturer suggestions. The previous proposal that the rim manufacturers mark inappropriately matched tire sizes

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on their rims has not been repeated because it would evidently have imposed an unreasonable responsibility on them to monitor the generation of inappropriate tire-rim matching data by tire manufacturers.

An additional designation, to be placed on the rim, has been proposed to indicate the source of the published dimensions to which the rim conforms. The design of the designation would be at the manufacturer's discretion; initials (e.g., TRA, ETRTO) would suffice.

The maximum load rating and inflation markings have been abbreviated but not deleted. One manufacturer believed that maximum load and inflation markings could be misunderstood by truck fleet maintenance men as an inflation requirement, preventing tire inflation at lower pressures according to conditions. The NHTSA has concluded that the markings would help the unknowledgeable individual understand the strength limits of rims in the event he wishes to mount different tires on them, and that the benefits of having this information on the rims would outweigh the disadvantages.

This notice proposes rim designation as another new marking requirement. One manufacturer suggested a uniform method of size designation, but adequate justification for doing so was not presented and action will not be undertaken at this time. The manufacturer code requirement anticipates an identification proposal published in the FEDERAL REGISTER on June 7, 1973 (38 FR 14968). The code would not be required until a decision is reached on that proposal.

In the case of multi-piece wheel construction, this notice proposes stamping the manufacture code and the size and type designation on each part of the multi-piece rim. This identification method is used in the industry formulation of wheel part compatibility information.

The proposal has not been expanded to cover wheels as well as rims as suggested by the Budd Company. As noted earlier, one-piece wheels and wheels of two- and three-piece construction are presently the subject of further NHTSA rulemaking activity. Standard 120, however, would only apply to that portion of the wheel which retains inflation pressure.

In consideration of the foregoing, it is proposed that Chapter V of Title 49, Code of Federal Regulations be amended as follows:

1. Part 567 would be amended by inserting the phrase "(For passenger cars only)" at the beginning of §§ 567.4(h) and 567.5(b).

2. In Part 571, a new Standard No. 120, *Tire selection and rims for motor vehicles other than passenger cars* (§ 571.120) would be added, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 18, 1974.

Proposed effective date: September 1, 1975.

(Secs. 103, 112, 113, 114, 119, 201, 202, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421, 1422; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 28, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

§ 571.120 Standard No. 120; tire selection and rims for motor vehicles other than passenger cars.

S1. *Scope.* This standard establishes tire and rim selection requirements for motor vehicles and specifies dimension and marking requirements for rims.

S2. *Purpose.* The purpose of this standard is to ensure that motor vehicles are equipped with tires and rims of adequate size and load rating to provide safe operational performance.

S3. *Application.* This standard applies to multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to rims for use on those vehicles.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

S5. *Requirements.*

S5.1 *Tire and rim selection.*

S5.1.1 Except as specified in S5.1.3, each vehicle equipped with pneumatic tires for highway service shall be equipped with tires that meet the requirements of Standard No. 109 or Standard No. 119 and with rims that meet the requirements of this standard and are designated by both the manufacturer of the tires and the manufacturer of the rims as suitable for use with those tires.

S5.1.2. The maximum load rating of each tire and rim fitted to an axle shall be not less than the gross axle weight rating of the axle system divided by the number of tires on the axle. The maximum load rating of tires listed in Appendix A of Standard No. 109 shall exceed this rating quotient by 10 percent.

S5.1.3 In place of tires that currently meet the requirements of Standard No. 119, a truck, bus, or trailer other than a mobile structure trailer may at the request of the purchaser be equipped at the place of manufacture of the vehicle with used tires owned or leased by the purchaser that were originally manufactured to comply with Standard No. 119 and whose maximum load ratings meet the requirements of S5.1.2.

S5.2 *Rim dimensions.* Each rim shall conform to the nominal diameter, rim width, bead seat, rim flange, and hump (and wheel depth in the case of drop center rim) dimensions listed for its size designation in one of the following forms:

(a) Described by manufacturer or brand name in a document furnished to dealers of the manufacturer's products, to any person upon request, and in duplicate to: Tire Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; or

(b) Contained in publications, current at the time of manufacture of the rim of at least one of the following organizations:

The Tire and Rim Association
The European Tyre and Rim Technical Organization
Japanese Industrial Standards
Deutsche Industrie Norm
The Society of Motor Manufacturers & Traders, Ltd.
British Standards Institution
Scandinavian Tire and Rim Organization

S5.3 *Rim marking.* Each rim shall be marked on the weather side with the following information, in the English language, in lettering not less than one-eighth of an inch high, impressed to a depth of not less than 0.005 inch below the surrounding surface.

(a) The symbol DOT, constituting a certification by the manufacturer that the device complies with all applicable motor vehicle safety standards.

(b) A designation to indicate the source of the published dimensions to which the rim conforms and, in the case of a publication, the applicable edition (e.g., TRA75).

(c) The manufacturer's code number assigned by the NHTSA. In the case of wheel rims of multi-piece construction, the manufacturer's code number assigned by the NHTSA and the manufacturer's size and type designation, on each part of the rim.

(d) The rim's maximum load rating and maximum inflation pressure as follows: Max Load ______ lbs at ______ psi cold.

(e) The rim size.

(f) The month and year of manufacture, expressed in numerals. For example, 10/75 means October 1975.

S5.4 *Information label.* A tire information label shall be affixed to each vehicle in the manner and form described in § 567.4 (b) through (f) of Part 567 of this chapter. The label shall be located adjacent to the certification label required by Part 567, and contain the following information, with reference to tires (not necessarily those on the vehicle) appropriate for the gross vehicle weight rating (GVWR) and the gross axle weight rating (GAWR) that appear on the certification label:

(a) GVWR and GAWR's;
(b) Tire size(s);
(c) Rim designation;
(d) Maximum tire inflation pressure; and
(e) Speed restriction, if any.

The manufacturer may, at his option, list more than one GVWR-GAWR-tire-rim combination on the label.

Platform truck example:

GVWR:
16,280 with 7.50–20(D) tires, 6.0 rims, at 75 psi cold single, 65 psi cold dual, (max speed ______).
17,340 with 7.00–20(E) tires, 5.5 rims, at 90 psi cold single, 80 psi cold dual, (max speed ______).
GAWR:
Front—6,280 with 7.50–20(D) tires, 6.0 rims, at 75 psi cold single (max speed ______).
—6,300 with 7.00–20(E) tires, 5.5 rims, at 90 psi cold single, (max speed ______).
Rear—11,000 with 7.50–20(D) tires, 6.0 rims, at 65 psi cold dual, (max speed ______).
—11,949 with 7.00–2(E) tires, 5.5 rims, at 80 psi cold dual, (max speed ______).

[FR Doc.74–12640 Filed 5–31–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1907]

ACCREDITATION OF TESTING LABORATORIES

Proposed Revocation

On September 11, 1973, Chapter XVII of Title 29, Code of Federal Regulations, was amended by adding a new Part 1907, Accreditation of Testing Laboratories. This regulation was issued because various occupational safety and health standards require that specified equipment or products be approved. "Approved" is commonly defined in the standards by reference to actions of a nationally recognized testing laboratory or agency. The regulation established the criteria and procedures whereby a testing laboratory could be accredited by the Occupational Safety and Health Administration (OSHA). In this way the uncertainty which has existed as to the identity of nationally recognized laboratories, within the meaning of the standards, would be removed by the development of a register of accredited testing laboratories.

The amendment also provided an opportunity for comment by interested parties until October 31, 1973. Pursuant to requests received, the comment period was extended to December 14, 1973, and a public hearing was held on January 9, 1974, in order to assure that all interested parties had adequate opportunity to submit data, views and arguments concerning the regulation. The record was held open until February 9, 1974, for any additional written comments.

The written comments and oral presentations have raised numerous and serious questions. Some comments dispute the procedure by which the regulation was issued, arguing that interested persons were entitled to a notice of a proposal to adopt such a regulation and an opportunity to comment on the proposal, before the regulation was adopted as a final rule. However, it was pointed out in the preamble to the regulation that good cause existed to implement the regulation immediately, in order to grant prompt relief to laboratories whose services were being refused, and in order to facilitate compliance with occupational safety and health standards requiring approval.

Some people questioned OSHA's legal authority to issue the regulation arguing that the Williams-Steiger Occupational Safety and Health Act of 1970 does not authorize the Secretary of Labor to implement laboratory accreditation either expressly or by inference.

The criterion that a laboratory be independent with regard to affiliation with any manufacturer, supplier or vendor of the product being approved was challenged. It was stated that this criterion impugned the integrity of many trade associations' and manufacturers' laboratories. Other comments on this issue noted that the independence criterion provided an established means by which test objectivity could be greatly enhanced without potential conflict of interest.

Some commentors raised questions on the "recall" procedures in the regulation. They argued that a laboratory could not be authorized to physically recall a nonconforming product from the user or marketplace.

Several comments expressed concern with the provision that states, "where no safety test standard exists, the laboratory shall prepare and submit both a written tests standard and test procedure to the Division of Safety Standards for approval." These commentors believe that this rule circumvents the explicit provision of section 6(b) of the Act and deprives interested parties of prior notice and opportunity to submit comments and be heard on objections.

In addition, our review of the comments suggest that the impact of the regulation may be substantially more widespread than had been anticipated at the time of its issuance. This realization, in turn, raises administrative questions concerning the availability of adequate resources for a fair implementation of the regulation.

For all these reasons, OSHA has decided to reconsider the entire matter relating to laboratory accreditation. In connection with this reconsideration, the aid of an advisory committee will be sought. And, in order to give the widest scope to the deliberations of the committee, it is proposed to revoke the regulation. Although the revocation would deny prompt relief to testing laboratories whose services are being refused, it appears that a thorough reevaluation of this entire matter may better serve all interested parties in the long term.

Accordingly, pursuant to authority in Section 8(g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1600 (29 U.S.C. 657)), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96 (40 U.S.C. 333)) and Secretary of Labor's Order No. 12–71 (36 FR 8754), it is proposed to revoke Part 1907 of Title 29 of the Code of Federal Regulations.

Interested persons are invited to submit written data, views and arguments concerning this proposal by July 3, 1974. Such written comments should be submitted to the following address: Docket Officer, Room 220; Docket No. S–100, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23d day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12647 Filed 5–31–74;8:45 am]

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Conveyors

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593 (29 U.S.C. 655)), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to amend 29 CFR Part 1910 by adopting a new standard, § 1910.186, for conveyors used in general industry, as set forth below.

Between July 1972 and June 1973, there were 64 serious and nonserious violations of standards regulating conveyor use for three specialized industries (i.e., pulp, paper, and paper board mills; bakery equipment; and sawmills) as reported by the Management Data Service of the U.S. Department of Labor. These three industries represent only a small percentage of the industries that use conveyors and their reliance upon conveyors is not considered heavy. In light of these circumstances, the commencement of proceedings to establish a standard for conveyors appears particularly appropriate.

The proposed standard on conveyors was developed after review of the consensus standard, American National Standards Institute (ANSI) B20.1–1972. The principle deviations from the consensus standard include the following.

1. Safety requirements that are identical for several types of conveyors have been included in the general practices paragraph or the general requirements paragraph to avoid repetitiveness.

2. Several provisions of the consensus standard which were advisory have been made mandatory to reflect the regulatory nature of the Occupational Safety and Health Act standards.

3. References to related equipment (i.e., chutes, bins, etc.) have been deleted since they will be covered in other standards.

4. Design criteria which do not materially affect the obligations of employers have been deleted.

Interested persons are invited to submit written data, views, and arguments

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concerning the proposal to the Docket Officer, Docket OSSN–1, Room 230, 1726 M Street NW., Washington, D.C. 20210, by August 2, 1974. The data, views, and arguments will be available for public inspection and copying at the above address.

Pursuant to 29 CFR 1910.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector.

(2) The objections must be postmarked on or before August 2, 1974.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor.

(4) Each objection must be separately stated and numbered.

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

The proposed § 1910.186 would read as follows:

§ 1910.186 Conveyors.

(a) *Scope.* This section applies to conveyors used to transport bulk material, packages and units; it covers the safe installation, inspection, operation and maintenance of such conveyors, including conveying mediums, their mechanical power transmission components and their supporting structures. Excluded are conveyors which are designed, installed and used for the movement of persons.

(b) *Definitions applicable to this section.* (1) "Angle of inclination" is the angle formed by the conveyor and the horizontal when the conveyor moves material from one level to another level. The feed point may be higher or lower than the dicharge point.

(2) "Bucket conveyor" is a conveyor in which the material transported is carried in a series of buckets.

(3) "Casing" is a structure which encloses and supports a conveyor's machinery elements and/or conveying medium in order to confine dirt and fumes, shield component parts and protect employees in the area.

(4) "Cleat" is an attachment fastened to the conveying medium to keep material on the medium properly positioned. Examples of a cleat are a pusher, support, check or trip.

(5) "Conveyor" is a device for carrying or transporting bulk material, packages or units in a horizontal, inclined, or vertical path predetermined by the design of the device and having points of loading and discharge which are fixed or selective. The types of conveyors may be identified by their conveying medium, their angle of inclination, the type of material being conveyed, etc.

(6) "Conveying medium" is that portion of the conveyor which carries or transports bulk material, packages or units.

(7) "Counterweight" is a weight used to balance or impose a load.

(8) "Designated personnel" are those selected or assigned by the employer or employer's representative as being qualified to perform specific duties.

(9) "Gate" is a device to stop or regulate the flow of material on the conveying medium.

(10) "Guarded" means shielded, fenced, enclosed or otherwise protected by means of suitable enclosures, covers, casings, shield guards, trough guards, railing guards, or by location or position or both so as to removc any foreseeable risk of personal injury to employees from accidental contact or exposure.

(11) "Limit switch" is a device to control movement of the conveying medium and allied equipment within certain distance or time limitations.

(12) "Lock out" occurs when a lock is placed on a switch that is in the off position thus preventing the switch from being turned on.

(13) "Nip point" is that point at which an element of the conveyor machinery moving in a line or rotating meets another element which is either rotating or moving in a line in such a manner that it is possible to nip, pinch, squeeze, or entrap objects coming in contact with one of the two elements.

(14) "Oscillating, reciprocating and vibrating conveyors" are conveyors that utilize a conveying medium which oscillates, reciprocates or vibrates during its operation in order to move material along the conveying medium.

(15) "Overhead conveyor" is an elevated conveyor which frequently is situated over walkways, roadways, work areas or other areas where employees might be.

(16) "Pinch point" is a point within some types of oscillating and vibrating conveyors where two or more parts which move together and/or apart with regular and rapid motion can pinch objects placed between them.

(17) "Screw conveyor" is a revolving screw enclosed in a suitably shaped trough or casing that typically conveys bulk material.

(18) "Shear point" or "shear line" is the point at which, or the line along which, a moving part in the conveyor meets or passes close enough to a stationary part or object so that parts of the human body can be caught, trapped, or pinched between them.

(19) "Sheave" is a wheel with a grooved rim that is part of a pulley.

(20) "Skip hoist" is a bucket or car which travels up and down a defined path receiving, elevating and discharging bulk material.

(21) "Slack cable switch" is a device that will automatically shut off the power to the conveyor when the device senses a loss of tension in the conveying medium.

(22) "Slat conveyor" is a conveyor employing one or more endless chains to which non-overlapping, non-interlocking, spaced slats are attached to form the conveying medium.

(23) "Spill guard" is a device to catch and retain spillage of material from the conveying medium.

(24) "Transfer mechanism" is a device which transfers material onto, or off of a conveyor, or from one conveyor to another.

(c) *General practices.* Whenever any conveyor is used, the employer shall require that the following practices are observed:

(1) On installation, conveyors shall be tested prior to initial service. The conveyor and all switches shall be operated briefly to check for operational safety;

(2) Before operating the conveyor each day, a visual inspection of the entire conveyor and immediate area shall be made by the operator of the conveyor to determine that actuation will cause no hazard to employees; the inspection shall include an examination of at least the following: (i) Feed points; (ii) Discharge points; (iii) Brakes; (iv) Cables and sheaves; (v) Tracks and rails, wheels, rollers; (vi) Limit switches and slack cable switches; (vii) The presence of all guards and switches; and (viii) Any parts of the conveyor exposed to employees.

(3) If observation of the entire conveyor is not possible from the operator's station, audible or visual warning signals or both, detectable at all employee stations, shall be used to warn of the conveyor's actuation;

(4) If a conveyor is not operated continuously, an audible or visual alarm shall be used to warn employees that the conveyor is being started;

(5) A conveyor shall be used to transport only the material it was designed to handle;

(6) Any conveyor which is unsafe shall not be used until it is made safe;

(7) Each conveyor shall not exceed its maximum rated speed and rated capacity;

(8) Employees shall not be allowed to cross over a moving conveyor without using a climbing device, or elevated walkway, which provides safe access and prevents the employees from coming in contact with the conveyor. Climbing devices, access ladders and walkways which cross over or are adjacent to a conveyor shall be constructed and maintained in accordance with the requirements of § 1910.23;

(9) Casings, guards and other safety devices shall not be removed, bypassed or disengaged by the operator during operation;

(10) Employees shall not climb onto components of a conveyor unless such component is either a walking or working surface as defined in § 1910.23;

(11) Employees shall not ride on conveying mediums;

(12) If the conveyor is lubricated while in operation, the lubrication fittings shall be guarded;

(13) Drip pans shall be used when necessary to contain the drip of liquids from the conveying medium;

(14) Only trained operators shall be permitted to operate conveyors. Training shall include instruction in operation under normal conditions and emergency action under unusual conditions;

(15) Slack cable switches shall be used when a conveyor is operated with tension on the conveying medium;

(16) All necessary guards, switches, and other safety devices shall be installed in such a manner that a loss of power to the conveyor will not render the guards, switches, or safety devices inoperative; and

(17) Each conveyor shall be kept free of accumulations of material that could inhibit its safe operation.

(d) *General requirements.* (1) Mechancial power transmission guarding shall be in accordance with Subpart O of this Part.

(2) Each conveyor shall have its maximum rated speed and rated capacity conspicuously marked on it.

(3) Where operator's stations are not manned or are beyond voice or visual contact, or both, with locations where employees are normally in close proximity to the conveyor, each location shall be equipped with emergency controllers (i.e., stop buttons, pull cords, limit switches, etc.). Emergency controllers shall be installed so that they cannot be overridden from other locations.

(4) All electrical equipment shall be installed in accordance with the requirements of Subpart S of this Part.

(e) *Guarding.* (1) Guards shall be kept in place at all times except when the electrical power is off and the conveyor is locked out.

(2) Nip and shear points shall be guarded.

(3) Transfer mechanisms and transfer mechanism-conveyor junctions shall be guarded.

(4) Counterweights supported by belts, cables or chains shall be confined within an enclosure or otherwise guarded to prevent the counterweights from falling on employees.

(5) Conveyors carrying hazardous materials in bulk form or in open top or breakable containers shall be housed, covered or so guarded that employees cannot come in contact with the hazardous materials.

(6) Devices to guide and center material on the conveying medium shall be provided where their absence might cause material to fall off of the conveying medium.

(7) Where a load on a portion of the conveying medium would result in injury to employees, a sensing device to detect the presence of the load and to stop the conveyor or warn employees of the hazard shall be employed.

(8) Each guard, cleat or gate shall be of sufficient size to prevent material on the conveying medium from getting past the guard, cleat or gate.

(9) When a conveyor passes through a platform or other working or walking surface, the floor opening shall be guarded in accordance with the requirements of § 1910.23.

(10) Exposed edges of conveying mediums shall be guarded to prevent contact with employees.

(f) *Repairs, tests and services.* (1) All repairs and services shall be performed by designated personnel.

(2) Before repairs, tests or services are begun, the following precautions shall be taken:

(i) The conveyor shall be placed in a location where it will cause the least possible interference with employees not involved in the conveyor operation. Where the regular work of employees requires them to frequently pass close to the conveyor, the area shall be roped off or barricaded and caution signs shall be posted in the area in accordance with the caution sign requirements of § 1910.145.

(ii) All power controls shall be locked out. When operation of the conveyor is necessary during repairs or testing, the power shall be left on only to perform those tests and repairs. Affected employees shall be warned that the power is on for this purpose; and

(iii) All brakes on the conveyor shall be set when it is stopped for repairs, test or services. If a brake is being repaired or serviced, other means shall be taken to effectively prevent accidental movement of the conveyor and/or its components.

(3) No conveyor replacement part shall be used if it will adversely affect safe operation.

(4) After the conveyor has been repaired, tested or serviced, it shall not be operated until all guards and safety devices have been reinstalled, all maintenance equipment has been removed and a visual inspection of the conveyor and the immediate area has been conducted.

(g) *Bucket conveyors and inclined sections of conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) Where mechanical or electrical failure will cause uncontrolled lowering of a load in bucket conveyors or inclined sections of conveyors, they shall be equipped with a brake system or backstop device that will stop the load; and

(2) The angle of inclination shall not exceed that required for safe and controlled movement of the load being conveyed.

(h) *Oscillating, reciprocating and vibrating conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) Pinch points shall be guarded; and

(2) An aisle 18 inches wide, free from obstructions, shall be established around each conveyor prior to its actuation.

(i) *Overhead conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) All moving parts shall either be mechanically guarded or guarded by location or position. In order to be guarded by location or position, all moving parts shall either be at least 7 feet above the walkway, roadway or working surface or located so that employees cannot come in contact with the moving parts from their work place: *Provided, however,* That nip points shall be considered guarded by location when they are a minimum of 9 feet above the walking or working surface; and

(2) Spill guards shall be installed, except where impractical, in which case other measures (such as prohibiting access to the area under the conveyor) shall be taken to protect employees from falling objects.

(j) *Portable conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) Before moving a portable conveyor, all component parts shall be placed in the position they were designed to be put in for travel; and

(2) When positioning the conveyor for use, the operator shall place the conveyor on a stable support, base or foundation and secure the conveyor against moving.

(k) *Screw conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) Screw conveyors shall be operated with covers secured in place, unless guarded by location. Covers shall be solid or of wire mesh of such size as to prevent an employee from coming into the path of the conveying medium; and

(2) Feed and discharge points shall be guarded by a wire mesh screen of such size as to prevent an employee from coming into the path of the conveying medium or, if a wire mesh screen cannot be used because material which builds-up on the screen is being conveyed, guarding in accordance with the requirements of § 1910.23 shall be used.

(l) *Skip hoists.* In addition to the requirements of paragraphs (c), (d), and (e) of this section:

(1) Sheave guards shall be installed to prevent disengagement of wire rope under slack cable or similar conditions.

(2) Slack cable switches shall be installed to detect slack or loss of tension in skip hoisting rope or counterweight hoisting rope.

(m) *Slat conveyors.* In addition to the requirements of paragraphs (c), (d), and (e) of this section, where the gaps between slats exceeds ½'', cross members of the supporting structure shall be located so that a shear point or shear line is not created, or a solid uninterrupted surface shall be placed between the slats and the cross members.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655)).

Signed at Washington, D.C., this 23d day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12645 Filed 5–31–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-145]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW—STUDY GROUP ON MATRIMONIAL MATTERS

Notice of Meeting

A meeting of the Study Group on Matrimonial Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Wednesday, June 19, 1974, at Pleasant Hall, Louisiana State University, Baton Rouge, Louisiana. The meeting, which will begin at 10:00 a.m., will be open to the public.

The purpose of the meeting is to discuss draft replies to a Hague Conference questionnaire on the law applicable to matrimonial property.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. It is requested that prior to June 19, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

ROBERT E. DALTON,
Executive Director.

MAY 20, 1974.

[FR Doc.74-12582 Filed 5-31-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adkerson, Fred P., 1620 Stanford Drive, Anchorage, Alaska, convicted on December 27, 1973, in the United States District Court, Alaska.

Albrecht, Herbert Wayne, Route #5, Carrollton, Missouri, convicted on February 28, 1966, in the Circuit Court of Carroll County, Missouri.

Baranosky, Felix Andrew, 250 Turtle Lane, Seguin, Texas, convicted on September 21, 1965, in the Travis County District Court, Texas; March 25, 1966, in the Harris County District Court, Texas (multiple offenses); April 26, 1966, in the Jefferson County District Court, Texas; and on April 27, 1966, in the Galveston County District Court, Texas.

Barea, Jullo H., 331 East 92nd Street, New York, New York, convicted on January 21, 1959, in the Court of General Sessions, New York.

Bodam, Richard E., 5618 Osage, Kansas City, Kansas, convicted on October 20, 1972, in the District Court, Johnson County, Kansas.

Brown, III, James C., 2318 Ursuline Avenue, New Orleans, Louisiana, convicted on March 26, 1965, in the United States District Court, Eastern District of Texas, Beaumont Division.

Bruso, Melvin J., 110 South Main Strreet, Rutland, Vermont, convicted on April 19, 1972, in the District Court of Vermont, Rutland Circuit.

Bullock, Steven R., 1105 3rd Avenue, South, Sauk Rapids, Minnesota, convicted on October 2, 1972, in the Seventh Judicial District Court, Stearns County, Minnesota.

Cannedy, Giles E., Route 2, Mabank, Texas, convicted on February 24, 1961, in the Dallas County District Court #2, Texas.

Carpenter, Roland R., 1271 West Minnehaha, St. Paul, Minnesota, convicted on October 28, 1960, in the Todd County District Court, Seventh Judicial District, Minnesota; and on January 4, 1961, in the Wadena County District Court, Seventh Judicial District, Minnesota.

Carr, Keith Duane, 107 S.W. 6th Street, College Place, Washington, convicted on May 7, 1969, in the Superior Court, County of Walla Walla, Washington.

Clement, George Rodney, 11445 S.W. Greenburg Road, #4, Tigard, Oregon, convicted on January 4, 1968, in the Circuit Court of Multnomah County, Oregon.

Coffman, Jr., Jack D., 185 N.W. Mall Street, Issaquah, Washington, convicted on August 19, 1965, in the Superior Court, King County, Washington.

Cox, Jerry Allen, 616 Fourth Avenue, Cedar Falls, Iowa, convicted on July 13, 1971, in the District Court, Blackhawk County, Iowa.

Crombie, Richard M., North 2811 Cincinnati Street, Spokane, Washington, convicted on June 14, 1961, in the Superior Court, Chelan County, Washington.

Dinch, Earl B., 5403 Ingraham Street, Hyattsville, Maryland, convicted on November 13, 1969, in the U.S. District Court, Baltimore, Maryland.

Dolan, Timothy W., 110 South Peabody, Port Angeles, Washington, convicted on October 24, 1958, in the Third Judicial Circuit Court, South Dakota; April 24, 1961, and April 26, 1961, in the Sixth Judicial Circuit Court, Pasco County, Florida; May 16, 1963, and June 3, 1963, in the Second Judicial Circuit Court, Minnehaha County, South Dakota; and December 18, 1968, in the First Judicial District Court, County of Lewis and Clark, Montana.

Ferrigno, Dominick C., 6 Lincoln Street, Wayland, New York, convicted on February 1, 1951, in the Supreme Court, Monroe County, New York.

Gardner, Terry L., 4189 Monroe Blvd., Ogden, Utah, convicted on or about June 12, 1957, and on October 12, 1959, in the District Court, Sixth Judicial District, Idaho.

Graves, Tommy F., 10722 Mallard Drive, Garden Grove, California, convicted on May 15, 1959, in the District Court, Oklahoma County, Oklahoma.

Groose, Robin W., 3324 Milwaukee Street, Apt. 15, Madison, Wisconsin, convicted on May 5, 1971, in Dane County Circuit Court, Madison, Wisconsin.

Hall, Randie B., 4325 Sheller Avenue, Dayton, Ohio, convicted on December 23, 1966, in Greene County Court of Common Pleas, Xenia, Ohio; and January 20, 1970, in Hamilton County Court of Common Pleas, Hamilton County, Ohio.

Haskins, Duane M., Alma Center, Wisconsin, convicted on November 16, 1971, in the Circuit Court, Jackson County, Wisconsin.

Hebron, Frederick, 4218 E. North Market Street, St. Louis, Missouri, convicted on May 8, 1958, and March 14, 1962, in the Circuit Court of St. Louis, Missouri.

Hill, Mark L., 517½ Nevada Street, Toledo, Ohio, convicted on April 7, 1960, in the Common Pleas Court, Fulton County, Ohio.

Howell, Paul D., Route 1, Box 375, Cottage Grove, Oregon, convicted on April 28, 1966, U.S. District Court for the District of Oregon.

Huffman, Lawrence H., 1102 South Main Street, Mt. Vernon, Ohio, convicted on January 27, 1955, in the Coshocton County, Court of Common Pleas, Ohio; February 28, 1955, in the Court of Common Pleas, Morrow County, Ohio; and May 11, 1955, in the Court of Common Pleas, Franklin County, Ohio.

Ice, Luther F., 13580 East York Street, Mishawaka, Indiana, convicted on June 23, 1927, in the Cass County Circuit Court, Indiana; and November 18, 1932, in the St. Joseph County Circuit Court, Indiana.

LaHue, John D., 3113 Shenandoah, St. Louis, Missouri, convicted on June 22, 1971, in the Circuit Court of the City of St. Louis, Division 10, St. Louis, Missouri; and April 13, 1972, in the Circuit Court of the City of St. Louis, Division 17, St. Louis, Missouri.

LeJune, Joseph A., P.O. Box No. 35, Fortson, Georgia, convicted on February 24, 1966, in the Superior Court, Muscogee County, Georgia.

Lunneborg, Larry H., 6703 California Avenue, SW., Seattle, Washington, convicted on October 1, 1973, in the Superior Court, King County, Washington.

McCoy, Roger E., 1614 Beech Street, St. Paul, Minnesota, convicted on May 11, 1961, in the U.S. District Court for the Judicial District of Minnesota, Third Division, Minneapolis, Minnesota.

Maas, Richard Lee, 506 8th Street, NW., Rochester, Minnesota, convicted on April 26, 1971, in the Third District Court, Mower County, Minnesota.

Mize, Harvey Lee, Route No. 1, Box 485, Axton, Virginia, convicted on July 1, 1958, in the Martinsville Circuit Court, Martinsville, Virginia.

Powell, Sr., Everett E., R.R. No. 4, Box 397, Danville, Illinois, convicted on January 17, 1963, in the Circuit Court, Fifth Judicial Circuit, Illinois.

Pryor, James V., 15474 Cloverlawn, Detroit, Michigan, convicted on June 27, 1945, in the United States District Court, Southern District of Indiana, Indianapolis Division.

Richardson, Jr., William A., 2134 Trade Wind, Apt. #69, Mesquite, Texas, convicted on July 18, 1958, in the Criminal District Court of Dallas County, Texas.

Ritter, Douglas P., 608½ Walnut Street, Webster City, Iowa, convicted on October 22, 1970, in the District Court, Hamilton County, Iowa.

Roads, George J., 4802 NE Holman Street, Portland, Oregon, convicted on October 19, 1971, in the Circuit Court of Multnomah County, Oregon.

Rotz, Harold E., 138 Walnut Street, Uniontown, Pennsylvania, convicted on May 3, 1966, in the Franklin County Court, Chambersburg, Pennsylvania.

Royal, James E., 10906 144th Street East, Puyallup, Washington, convicted on February 18, 1972, in the United States District Court, Western District, Washington.

Scott, Howard F., 11830 Duxbury Drive, Dallas, Texas, convicted on February 12, 1948, general court martial at United States Naval Station, New Orleans, Louisiana.

Shoults, Michael J., 1904 N. Redfern Way, Anderson, Indiana, convicted on September 29, 1971, in the Kosciusko County Superior Court, Indiana.

Sulentic, Anthony P., 427 Downing Avenue, Waterloo, Iowa, convicted on July 21, 1952, in the District Court, Fourth Judicial District, El Paso County, Colorado; July 25, 1953, in the Linn County District Court, Iowa; and February 14, 1957, in the Black Hawk County District Court, Iowa.

Taylor, Jimmie C., P.O. Box 891, Marion, Virginia, convicted on May 3, 1965, in the Circuit Court, Martinsville, Virginia; and June 3, 1965, in the Circuit Court, Henry County, Virginia.

Vickroy, Robert J., 320 17th Street, Moline, Illinois, convicted on October 18, 1939, in the Circuit Court, Rock Island County, Illinois.

Wetzel, Kenneth O., R.D. #3, P.O. Box 379-A, Greencastle, Pennsylvania, convicted on April 22, 1970, in the Court of Common Pleas, Franklin County, Pennsylvania.

Wiedemeier, Peter P., R.R. #1, Box 75, Porterfield, Wisconsin, convicted on August 16, 1971, in the Marinette County Court, Wisconsin.

Williams, Roger H., 2713 B ½ Road, Space D-2-W, Grand Junction, Colorado, convicted on March 5, 1970, in the Twenty-First Judicial District Court, Mesa County, Colorado.

Signed at Washington, D.C. this 22d day of May 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-12642 Filed 5-31-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-4]

DAVID M. HIGGINS, M.D.

Notice of Hearing

Notice is hereby given that on April 3, 1974, the Drug Enforcement Administration, Department of Justice, issued to David M. Higgins, M.D., Greenville, Pennsylvania, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AH3470678 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Higgins, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 4, 1974, in Hearing Room-A, 11th Floor, Ballston Tower #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: May 23, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-12655 Filed 5-31-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Notice of Meeting

Notice is hereby given that the Advisory Committee on Coal Mine Safety Research will meet June 11 and 12, 1974, commencing at 12:30 p.m., at the William Penn Hotel, William Penn Place, Pittsburgh, Pennsylvania. The purpose of the Committee is to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research. The meeting will be open to the public except for two Executive sessions. During the Executive sessions the Committee will consider proposed research contracts which contain commercial or financial information which is privileged or confidential matter under 5 U.S.C. 552(b)(4). This session will not be open to the public. Persons desiring further information concerning this meeting may contact:

Mr. Donald G. Rogich, Department of the Interior, Bureau of Mines, Room 3513, Telephone (202) 343-4319.

The agenda of the meeting is set forth below.

Dated: May 28, 1974.

THOMAS A. HENRIE,
Acting Director.

Agenda—Advisory Committee on Coal Mine Safety Research fourteenth meeting, Pennsylvania Room, William Penn Motel, William Penn Place, Pittsburgh, Pennsylvania, June 11 and 12, 1974.

JUNE 11, 1974

12:30 p.m.—Executive session. Review of Committee's evaluation of proposed FY 75 Health and Safety Research Program. Closed to public.
2:00 p.m.—Break.
2:15 p.m.—Presentations by various major equipment manufacturers on safety research needs.
4:30 p.m.—Adjournment.

JUNE 12, 1974

8:30 a.m.—Presentations by various major equipment manufacturers, continued.
10:00 a.m.—Break.
12:00 noon—Lunch.
1:00 p.m.—Continuation of Executive session. Closed to public.
2:00 p.m.—Adjournment.

[FR Doc.74-12619 Filed 5-31-74;8:45 am]

Geological Survey

KEMMERER, WYOMING

Known Leasing Areas (Coal)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual 1, and Secretary's Order No. 2948, Federal lands within the State of Wyoming have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(50) WYOMING

Kemmerer (Wyoming) Known Leasing Area (Coal); March 25, 1974, 263,024 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: May 21, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-12618 Filed 5-31-74;8:45 am]

DRILLING PROCEDURES

Proposed OCS Order No. 2, Gulf of Mexico Area

Notice is hereby given that pursuant to 30 CFR 250.11, 250.34, 250.41, and 250.91, the Chief, Conservation Division, Geological Survey, proposes to revise OCS Order No. 2 for the Gulf of Mexico Area as set forth below.

The purpose of proposed OCS Order No. 2 is to provide revised requirements for drilling procedures on the OCS in the Gulf of Mexico Area. The Order includes requirements for well casing and cementing, blowout prevention equipment, and the mud program.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Director, U.S. Geological Survey, National Center, Mail Drop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092 on or before July 1, 1974.

V. E. MCKELVEY,
Director.

[OCS Order No. 2]

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

Effective ________________

DRILLING PROCEDURES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this Order which shall continue in effect until field drilling rules are issued. When sufficient geologic and engineering information is obtained through exploratory drilling, operators may make application or the Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. Each Application for Permit to Drill (Form 9–331C) shall include all information required under 30 CFR 250.91, and shall include a notation of any proposed departures from the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

The operator shall comply with the following requirements. All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Well casing and cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1), and the application for permit to drill shall include the casing design safety factors for collapse, tension, and burst. The minimum design for all wells shall be such that the pressures associated with a 0.5 ppg zero volume kick can be safely controlled. All casing shall be new pipe, or reconditioned pipe that has been tested and inspected to verify a like-new condition. In cases where cement has filled the annular space back to the Gulf floor, the cement may be washed out or displaced to a depth of forty (40) feet below the Gulf floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

A. *Drive or structural casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 100 feet below the Gulf floor or to such greater depth required to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, the drilling fluid shall be of a type that is not unduly harmful to aquatic life, and a quantity of cement sufficient to fill the annular space back to the Gulf floor shall be used.

B. *Conductor and surface casing.* Casing design and setting depths shall be based upon all engineering and geologic factors including the presence or absence of hydrocarbons or other potential hazards and water depths. Formation fracture gradients and the hydrostatic pressure to be contained within the well bore shall be considered in determining the setting depths of all casing strings.

(1) *Conductor casing.* This casing shall be set at a depth in accordance with Paragraph 1B(3) below. A quantity of cement sufficient to fill the annular space back to the Gulf floor shall be used.

(2) *Surface casing.* This casing shall be set at a depth in accordance with Paragraph 1B(3) below and cemented in a manner necessary to protect all fresh water sands and provide well control until the next string of casing is set.

This casing shall be cemented with a quantity sufficient to fill the calculated annular space to at least 1,500 feet above the surface casing shoe and at least 100 feet inside the conductor casing or as approved by the District Supervisor. When there are indications of improper cementing, such as lost returns, cement channeling, or mechanical failure of equipment, the operator shall recement or make the necessary repairs. After drilling a maximum of 100 feet below the surface casing shoe, a pressure test of the exposed formation is required equivalent to the anticipated maximum mud weight to which the formation will be exposed. All tests of the exposed formation shall be recorded on the driller's log and used in determining the setting depth of the next string of casing.

(3) *Conductor and surface casing setting depths.* These strings of casing shall be set at the depths specified below subject to approved variations to permit the casing to be set in a competent bed; or through formations determined desirable to be isolated from the well by pipe for safer drilling operations; provided, however, that the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas or, if unknown, upon encountering such formations. These casing strings shall be run and cemented prior to drilling below the specified setting depths. For those wells which may encounter adnormal pressure conditions, the District Supervisor may prescribe the exact setting depth. Conductor casing setting depths shall be between 500 feet and 1,000 feet (TVD below Gulf floor) and surface casing setting depths shall be between 1,500 feet and 4,500 feet (TVD below Gulf floor). The ratio of surface casing setting depth to conductor casing setting depth shall not exceed 4.5 to 1 unless approved as outlined above. Engineering and geologic data used to substantiate the proposed setting depths of the conductor and surface casing (such as, estimated fracture gradients, pore pressures, shallow hazards, etc.) shall be furnished with the Application for Permit to Drill.

C. *Intermediate casing.* This string of casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing will be based on the pressure tests of the exposed formation below the surface casing shoe.

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. If a liner is used as an intermediate string, the cement shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and next larger string has been achieved. The test shall be recorded on the driller's log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

D. *Production casing.* This string of casing shall be set before completing the well for production. It shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons, but in any case, a calculated volume sufficient to fill the annular space at least 500 feet above the uppermost producible hydrocaborn zone must be used. When a liner is used as production casing, the testing of the seal between the liner top and next larger string shall be conducted as in the case of intermediate liners. The test shall be recorded on the driller's log.

E. *Pressure testing.* Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing, shall be pressure tested as shown in the table below. The test pressure shall not exceed 80 percent of the internal yield pressure of the casing. The surface casing shall be tested with water in the top of 100 feet of the casing. If the pressure declines more than 10 percent in 30 minutes, or if there is another indication of a leak, the casing shall be recemented, repaired, or an additional casing string run, and the casing shall be tested again in the same manner.

Casing	*Minimum surface pressure*
Conductor____	200.
Surface_______	1,000.
Intermediate__	1,500 or 0.2 lb/in²/ft, whichever is greater.
Liner_________	Do.
Production___	Do.

After cementing any of the above strings, drilling shall not be commenced until a time lapse of 8 hours under pressure for conductor casing string or 12 hours under pressure for all other strings. Cement is considered under pressure if one or more float valves are employed and are shown to be holding the cement in place or when other means of holding pressure is used. All casing pressure tests shall be recorded on the driller's log.

F. *Directional surveys.* Surveys shall be taken during the normal course of drilling for all vertically and directionally drilled wells. Inclination surveys shall be obtained at intervals not to exceed 500 feet. Directional surveys giving both inclination and azimuth shall be obtained at intervals not to exceed 100 feet between stations prior to, or upon, setting surface casing, intermediate casing or intermediate liners, before drilling into abnormal pressure, and at total depth. Composite directional surveys shall be filed in the absence of conductor casing from the bottom of drive pipe to total depth. In calculating all surveys, a correction from true north to Lambert-Grid north shall be made after making the magnetic to true north correction.

2. *Blowout prevention equipment.* Blowout preventers and related well control equipment shall be installed, used, and tested in a manner necessary to prevent blowouts. Prior to drilling below the drive pipe or structural casing and until drilling operations are completed, blowout prevention equipment shall be installed and maintained ready for use as follows:

A. *Drive or structural casing and conductor casing.* Before drilling below these strings, at least one remote-controlled annular type blowout preventer and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed. A diverter system consisting of piping with a 6'' minimum inside diameter or equivalent and full-open valves shall be installed in order to permit the full diversion of hydrocarbons or other fluids. The diverter system shall be equipped with automatic, remote-controlled valves which will open prior to shutting in the well. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9–331C) to the District Supervisor for approval. The diverter system shall be equipped with two lines venting in an opposite direction from each other to accomplish downwind diversion.

When the blowout preventer assembly is on the Gulf floor, the choke and kill lines shall be equipped with 4'' minimum inside diameter lines, connections, and fittings, or an annular preventer equipped with suitable diversion lines, as described above, installed on top of the marine riser, to permit the diversion of hydrocarbons and other fluids.

B. *Surface casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of: (1) Three remote-controlled hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including one equipped with pipe rams, one with blind rams, and one annular type; (2) a drilling spool with side outlets, if side outlets are not provided in the blowout preventer body; (3) a choke line and manifold; (4) a kill line separate from choke line; and (5) a fill-up line.

C. *Intermediate casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of: (1) Four remote-controlled, hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including at least two equipped with pipe rams, one with blind rams, and one annular type; (2) a drilling spool with side outlets, if side outlets are not provided in the blowout preventer body; (3) a choke line and manifold; (4) a kill line separate from choke line; and (5) a fill-up line.

D. *Testing.*—(1) *Pressure test.* Ram type blowout preventers and related control equipment shall be tested with water to the rated working pressure of the stack assembly, with the exception of the annular type preventer which shall be tested to 70 percent of the rated working pressure. They shall be tested: (a) When installed; (b) before drilling out after each string of casing is set; (c) not less than once each week from each of the control stations; and (d) following repairs that require disconnecting a pressure seal in the assembly.

(2) *Actuation.* While drill pipe is in use, ram type blowout preventers shall be actuated to test proper functioning once each trip, but in no event less than once each day. The annular type blowout preventer shall be actuated on the drill pipe once each week. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic preventers. An operable remote blowout preventer control station shall be provided in addition to the one on the drilling floor.

(3) *Drills.* A blowout prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are properly trained to carry out emergency duties.

(4) *Records.* All blowout preventer tests and crew drills shall be recorded on the driller's log.

E. *Other equipment.* An inside blowout preventer assembly (backpressure valve) and a full opening drill string safety valve in the open position shall be maintained on the rig floor at all times. Separate valves shall be maintained on the rig floor to fit all pipe in the drill string. A kelly cock shall be installed below the swivel, and a full opening kelly cock of such design that it can be run through the blowout preventers shall be installed at the bottom of the kelly.

3. *Mud program.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at all times.

A. *Mud control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, or proper documentation in the driller's log prior to pulling the drill pipe that: (1) There was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole; (2) the weight of the returning mud is not less than the weight of the mud entering the hole; and (3) other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions. In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with drill pipe, the annulus shall be filled with mud before the mud level drops 100 feet. A mechanical device for measuring the amount of mud required to fill the hole shall be utilized and any time there is an indication of swabbing, or influx of formation fluids, the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned except on or near bottom, unless well conditions prevent running the drill pipe back to bottom.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. For each casing string, the maximum pressure shall be posted that is allowed to build up against the blowout preventer before controlling excess pressure by bleeding through the choke.

The mud in the hole shall be circulated or reverse circulated prior to pulling drill stem test tools from the hole. A degasser shall be employed on all wells. The degasser shall be installed on the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

B. *Mud testing equipment.* Mud testing equipment shall be maintained on the drilling rig at all times, and mud tests shall be performed daily, or more frequently, as conditions warrant. The following mud system monitoring equipment must be installed (with derrick floor indicators) and used at the point in the drilling operations when mud returns are established and throughout subsequent drilling operations.

(1) Recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include a visual and audio warning device.

(2) Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

(3) Mud return indicator to determine that returns essentially equal the pump discharge rate.

(4) Gas detecting equipment to monitor the drilling mud returns.

C. *Mud quantities.* The minimum quantities of mud material necessary at the drill site for emergency use shall be noted on the Application for Permit to Drill. Drilling operations shall be suspended in the absence of the approved minimum quantities of mud materials.

4. *Hydrogen sulfide.* (Provisions of OCS Order No. 14, CFR 39, No. 88, May 6, 1974) will be incorporated in the final form in this Order.

5. *General.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall monitor the rig floor at all times for surveillance purposes, unless the well is secured with Blowout Preventer's or cement plugs.

D. W. SOLANAS,
Oil and Gas Supervisor,
Field Operations.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74–12591 Filed 5–31–74;8:45 am]

PLATFORMS AND STRUCTURES

Proposed OCS Order No. 8, Gulf of Mexico Area

Notice is hereby given that pursuant to §§ 250.11 and 250.19(a) Title 30 of the Code of Federal Regulations, the Chief, Conservation Division, Geological Survey, proposes to revise OCS Order No. 8 as approved October 30, 1970. The proposed revised version is set forth below and is entitled "Platforms and Structures."

The purpose of revised OCS Order No. 8 is to provide updated requirements for operators of oil and gas production platforms and structures in the Gulf of Mexico. Included in the Order are requirements for platform design, application and plan, and operations on platforms and structures.

Comments were received from the National Academy of Engineering and the Offshore Operators Committee on an initial version of revised OSC Order No. 8, dated November 2, 1973, as printed below and entitled "Approval Procedure for Installation and Operation of Platforms, Fixed and Mobile Structures, and Artificial Islands." Comments are now solicited from all interested persons concerning the proposed revision entitled "Platforms and Structures." Interested persons may submit written comments, suggestions, and objections concerning the latter Order to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092 on or before July 1, 1974.

The documents appear in the following order:

(1) Draft revision of OCS Order No. 8, dated November 2, 1973, entitled "Approval Procedure for Installation and Operation of Platforms, Fixed and Mobile Structures, and Artificial Islands."

(2) Comments by National Academy of Engineering.

(3) Comments by Offshore Operators Committee.

(4) Proposed revision of OCS Order No. 8 entitled "Platforms and Structures" and submitted herewith for comments.

V. E. MCKELVEY,
Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

APPROVAL PROCEDURE FOR INSTALLATION AND OPERATION OF PLATFORMS, FIXED AND MOBILE STRUCTURES, AND ARTIFICIAL ISLANDS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in

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acordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

(a) The Supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use or easement under Paragraphs (a) and (b) of § 250.18 or authorized under any lease issued or maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms, fixed and mobile structures, and artificial islands, including all facilities installed on a platform or structure whether or not operated or owned by the operator. Any departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. The following requirements are applicable to all platforms approved and installed subsequent to the effective date of this Order, and to all platforms, when structural and equipment modifications are to be made:

A. *General design*. The design of platforms, fixed structures, and artificial islands shall include consideration of such factors as water depth, surface and subsurface soil conditions, wave and current forces, wind forces, total equipment weight, and other pertinent geological, geographical, environmental, and operational conditions.

B. *Application*. The operator shall submit, in duplicate, the following to the appropriate District Office for approval:

(1) *Design features of platform*. Information relative to design features on an 8" x 10½" plat or plats showing the platform dimensions, plan and two elevations, number and location of well slots, and water depth. In addition, the plat shall include:

(a) Nominal size and thickness range of piling, including location of heavy wall piling in relation to base of jacket.

(b) Nominal size and thickness range of jacket column leg.

(c) Nominal size and thickness range of deck column leg.

(d) Design piling penetration and supplemental test pile data.

(e) Maximum bearing and lateral load per pile in tons.

(f) Identification data which shall be the lease number, block number, area, and operator.

(g) The following certification signed and dated with the title of the company representative: "Operator certifies that this platform has been certified by a registered professional engineer and that the structure will be constructed, operated, and maintained as described in the application, and any approved modification thereto. Certified plans are on file at ____________".

(2) *Non-design features of platform*. Information relative to non-design features including the following:

(a) Primary use intended, including drilling, production of oil and gas, sulphur, or salt.

(b) Personnel and personnel transfer facilities including living quarters, boat landings, and heliport.

(c) Number and type of decks, such as steel or wood, and whether coated with protective material.

(d) Method of protection from corrosion.

(3) *Design features of production facilities*. Information relative to design features including the following, shall be submitted in triplicate prior to installation:

(a) Production facilities including separators, treaters, storage tanks, compreseors, line pumps, and metering devices.

(b) A flow diagram showing safety and pollution control equipment and features including a legend which specified the function and sequence of operation.

(c) A piping diagram showing welding specifications.

(d) A diagram of firefighting system.

(e) Electrical system information shall include the following:

(i) Plan view of each platform deck outlining any non-hazardous area—areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical, are to be installed. The area outline should include the following.

a. Any surrounding production or other hydrocarbon source and a description of deck, overhead and firewall.

b. Location of generators, control rooms, panel boards, major cabling/conduit routes and identification of wiring method.

(ii) One line electrical schematic which includes the following information:

a. Type, rating and the operating and safety controls of generators and prime movers.

b. Main generator switchboard including interlocks, controls and indicators.

c. Feeder and branch circuits, including circuit load, wire type and size, motor running protection and circuit breaker setting.

d. Calculation or measurement of electrical system voltage drop caused by starting current of largest motor while normal load operating conditions exist.

(iii) Elementary electrical schematic of any platform safety/shut-down system with functional legend.

C. *Certified plan*. Detailed structural plans certified by a registered professional engineer shall be on file and maintained by the operator or his designee.

2. *Safety and pollution control equipment and procedures*. A. The following requirements shall apply to all platforms: Operators of platforms installed prior to the effective date of this order shall comply with the requirements of the following subparagraphs (1)(g), (1)(j), (2)(d), (3)(e), and (3)(f) within six months, and with the requirements of the following subparagraphs (1)(a), (1)(e), (1)(h), (1)(i), and (4) within one year from the effective date of this order. Any safety device on wells, vessels and pipelines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or locked out of service unless absolutely necessary and then only with personnel in immediate attendance.

(1) The following shut-in devices shall be installed and maintained in an operating condition on all vessels and water separation facilities when such vessels and separation facilities are in service.

(a) All separators shall be equipped with high-low pressure shut-in sensors, low level shut-in controls and a relief valve which is piped through a scrubber prior to atmospheric discharge. Relief valve piping shall be sized such that it will not restrict the relief area. High liquid level control devices shall be installed when the vessel can discharge to a flare.

(b) All pressure surge tanks shall be equipped with a high and low pressure shut-in sensor, a high level shut-in control, flare line, and relief valve.

(c) All atmospheric tanks including oil production tanks, surge tanks, sump tanks, etc., shall be equipped with a high level shut-in control.

(d) All other hydrocarbon handling pressure vessels shall be equipped with high-low pressure shut-in sensors, high-low level shut-in controls and relief valves.

(e) The following requirements shall apply to all fired vessels:

(i) Audible alarms which may be disabled during trouble shooting and subsequent corrective operations are permissible; but these alarms shall not be capable of remaining in the disabled state once normal operations are restored.

(ii) All sensors and monitors will respond to an abnormal condition by automatically:

1. Shutting off fuel supply, and
2. Providing audible and visible alarms, and
3. Shutting in production.

(iii) The controls of electrical equipment necessary for proper operations shall be interlocked in startup/shutdown sequence.

(iv) Fuel supply lines to the main and pilot burners shall also be equipped with manually operated shut-off valves.

(v) The main and pilot burners shall be equipped with flame monitors.

(vi) The exhaust stack shall be equipped with a spark arrestor.

(vii) Natural draft combustion chambers shall be equipped with a flame arrestor.

(viii) Forced draft combustion chambers shall be equipped with a combustion air pressure monitor.

(ix) Indirect heaters shall be equipped with temperature and low level sensors for the heat exchange fluid.

(x) A separator shall be installed in the Glycol return line on all Glycol dehydration units.

(xi) A safety relief valve, with an external test port, set at or below the working pressure of the system shall be installed on the heater, each exchanger, and the expansion tank. The expansion tank shall be additionally equipped with another safety vent set at 5 percent above the working pressure of the tank.

(xii) Steam generators shall be equipped with pressure relief valves and high and low water level controls.

(xiii) All relief valves and vents shall be piped in such a way as to preclude any danger of hot fluid striking personnel or ignition sources.

(xiv) A detailed standard operating procedure shall be posted in a prominent location near the controls of the unit, and all personnel shall be trained to properly operate the unit.

(f) All relief valves shall be set no higher than 5 percent above the rated or designated working pressure of the vessel. The high pressure shut-in sensor shall be set no higher than the rated or designed working pressure. The low pressure shut-in sensor shall be set no lower than 15 percent below the lowest pressure in the operating pressure range.

(g) All pressure sensors shall be the non-automatic reset type and shall be equipped to permit testing with an external pressure source.

(h) All flare lines shall be equipped with a scrubber with high level shut-in control.

(i) Surge tanks, fuel tanks, and all hydrocarbon storage tanks shall be equipped with an automatic shut-in valve located in the suction line immediately adjacent to the tank. Such valve is to be activated by pump shut-down controls and the emergency shut-down system.

(j) All engine exhaust shall be insulated and piped away from fuel sources. Exhaust piping from diesel engines shall be equipped with spark arrestors.

(k) All pressure or fired vessels used in the production of oil or gas shall conform to the requirements stipulated in the latest editions of The ASME Boiler and Pressure Vessel Code, Sections I and VIII, as appropriate.

(2) The following remote and local automatic shut-in devices shall be installed and maintained in an operating condition at all times when the affected well (or wells) is capable of producing.

(a) All wellhead assemblies shall be equipped with an automatic fail-close surface safety valve. Wells completed after the effective date of this Order shall be equipped with the surface safety valve as an integral part of the christmas tree, but not located on the wing valves.

(b) All flowlines from wells shall be equipped with high-low pressure sensors located downstream of the well choke. In the case where there is more than 10 feet of line between the wellhead and the choke, a low-pressure sensor shall be installed in this section. The high pressure sensor shall be set no higher than 10 percent above the highest pressure in the operating range of the line. In all cases, the setting of this sensor shall be set at least 50 psi below the shut-in pressure of the well. The low pressure sensor shall be set no lower than 10 percent below the lowest pressure in the operating range of the line.

(c) All headers shall be equippped with check valves on the individual flowlines. On wells completed after the effective date of this Order, the flowline and valves from each well located upstream of, and including, the header valves shall withstand the shut-in pressure of that well. If there is an inlet valve to a separator, the valve, flowline, and all equipment upstream of the valve shall also withstand shut-in wellhead pressure.

(d) On all gaslift wells, a check valve shall be installed on the gas input line to the casing.

(e) All pneumatic shut-in control lines shall be equipped with fusible material at strategic points.

(f) Remote shut-in controls shall be located on the helicopter deck and all exit stairway landings, including at least one on each boat landing. These controls shall be quick-opening valves, except that those on the boat landing may be a plastic loop.

(g) A complete testing and inspection of the safety system shall be witnessed by the Geological Survey representatives at the time production is commenced. Thereafter, the operator shall be prepared to conduct a witnessed platform inspection as frequently as requested by the Geological Survey.

(h) A standard procedure for testing of safety equipment shall be prepared and posted in a prominent place on the platform.

(3) The safety devices required in (1) and (2) above shall be tested as follows and records maintained in the field for a period of one year showing the present status and past history of each device including dates and details of inspection, testing, repairing, adjustment and reinstallation. Such records shall be available to any authorized representatives of the Geological Survey.

(a) All relief valves shall be tested for operation annually; bench tests shall be witnessed by U.S.G.S. personnel or certified by a third party.

(b) All pressure sensors shall be tested at least once within each calendar month. At no time will there be a period of more than 6 weeks between tests. Any sensor which consistently varies more than 3 percent from its set pressure shall be repaired or replaced.

(c) All automatic wellhead safety valves and check valves on all flowlines shall be checked for operation and holding pressure at least once in each calendar month. For any valve which these monthly tests indicate a shorter time interval is needed, such a shorter interval shall be instituted. In no case shall a period of more than 6 weeks lapse between tests.

(d) All liquid level shut-in controls shall be tested at least once within a calendar month. At no time will there be a period of more than 6 weeks between tests. When internal float type level shut-in controls are utilized, adequate piping for raising or lowering the liquid level in the vessel must be installed to facilitate adequate testing of high and low liquid level shut-in controls.

(e) Automatic inlet shut-off valves actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calendar month, with a maximum of 6 weeks between tests.

(f) Automatic shut-off valves located in liquid discharge lines and actuated by vessel low level sensors shall be tested for operation once within each calendar month, with a maximum of 6 weeks between tests.

(4) Curbs, gutters, and drains shall be constructed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters.

Sump piles or open ended sumps shall be used to collect only produced water and liquids from drip pans and deck drains. Closed sumps or sump transfer tanks shall be equipped with a high level shut-in device.

(5) The following requirements shall apply to the handling and disposal of all produced water discharged into the Gulf of Mexico. The disposal of water other than into the Gulf waters shall have the method and location approved by the Supervisor.

(a) Water discharged shall not create conditions which will adversely affect the public health or the use of the waters for the propagation of aquatic life, recreation, navigation, or other legitimate uses.

(b) Produced waste water disposal systems shall be designed and maintained so that the effluent shall meet the following requirements:

(i) Oil content to average not more than fifty (50) ppm (vol./vol.) to be determined by the Infrared or Fluorometric Methods. A copy of the method to be used must be submitted to this office for the Supervisor's approval. The Supervisor may approve the use of other methods, if the method to be used at a location is shown to be reliable under the conditions existing at that location.

(ii) pH range of 6.0 to 9.0 to be determined by the procedure in Standard Methods, 13th Edition, p. 276, Method 144A (1971).

(c) Discharged produced waste water will be sampled, analyzed, and the results recorded once each month to determine if the requirements under (b) are being met as follows:

(i) Four samples shall be collected over a 24 hour period with at least three hours time between samples. Samples shall be gathered at an accessible point prior to discharge where a representative sample may be taken before contact with seawater. Samples shall be taken at intervals of not less than three nor more than six weeks.

(ii) Analysis of the effluent sample shall be completed within two weeks of collection or a new set of samples must be taken.

(iii) When the sample is taken, the date, time of day, temperature of discharge, and discharge in bbls/day shall be recorded. This information along with the analysis results will be reported on Form OCS 7 dated October 1972.

(iv) A copy of the latest analysis results must be maintained at the discharge site or field production headquarters.

(v) For each produced waste water discharge point, a quarterly report of the Monthly Analysis results shall be submitted to the Area Office. The first such report shall be due in January 1974. Thereafter, reports shall be submitted in January, April, July, and October of each calendar year.

(d) Should analyses indicate the effluent does not meet the requirements of (b)(1) and/or (b)(2), operations shall not be continued without the appropriate District Engineer's approval. Approval to continue operations shall be given only to aid in the identification and remedy of the problem. Such approval shall be contingent upon the submittal of a follow-up report to the appropriate District Office within ten (10) days.

(6) A fire fighting system shall be installed and maintained in an operating condition in accordance with the following:

(a) A fixed automatic water spray system shall be installed in all inadequately ventilated wellhead areas as these areas are defined in paragraph 9 of API RP 500A. These systems shall be installed in accordance with the most current edition of National Fire Protection Association's Pamphlet No. 15.

(b) A firewater system of rigid pipe with fire hose stations shall be installed and may include a fixed water spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production handling equipment is located. A firefighting system using chemicals may be used in lieu of a firewater system if determined to provide equivalent fire protection control.

(c) Pumps for the firewater systems shall be inspected and test-operated weekly. A record of the tests shall be maintained in the field for a period of one year. An alternate fuel or power source shall be installed to provide any continued pump operation during platform shutdown unless an alternate firefighting system is provided.

(d) Portable fire extinguishers shall be located in the living quarters and in other strategic areas.

(e) A diagram of the firefighting system showing the location of all equipment shall be posted in a prominent place on the platform.

(7) An automatic gas detector and alarm system shall be installed and maintained in an operating condition in accordance with the following:

(a) Gas detection systems shall be installed in all enclosed areas containing gas production facilities or equipment. Gas detectors shall be installed in all enclosed areas where fuel gas is used; the use of fuel gas odorant is an acceptable alternate.

(i) In meter houses where adequate ventilation is used in lieu of a gas detector installation, ventilation shall be by natural draft at a rate not less than one enclosure air change per 5 minutes.

(b) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. To accomplish this the gas detector power supply must be from a continually energized power source.

(c) The central control shall be capable of giving an alarm at a point not greater than 25 percent of the lower explosive limit of the gas or vapor being monitored. This low level shall be for alarm purposes only.

(d) A high level setting of not more than 75 percent of the lower explosive platform limit of the gas or vapor being monitored shall be used for platform shut-in sequences and the operation of emergency equipment.

(e) Gas detection systems shall be maintained according to manufacturers specification and records of maintenance and recalibration shall be maintained in the field and made available to any authorized representative of the Geological Survey. The system shall be tested for operation and recallibrated at least semi-annually.

(f) An application for the installation and maintenance of any gas detection system shall be filed with the appropriate District office. The application shall include the following:

(i) A diagram of the gas detection system including: type, location, and number of detection or sampling heads.

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(ii) The frequency of calibration and maintenance recommended by the manufacturer.

(iii) A schematic diagram showing the electrical power sources and connections and the electrical connections of the alarm and shut-in circuitry.

(g) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place at the platform.

(8) The following requirements shall be applicable to all electrical equipment and systems installed:

(a) All engines shall be equipped with low-tension ignition systems containing rigid connections and shielded wiring which shall prevent the release of sufficient electrical energy under normal or abnormal conditions to cause ignition of a combustible mixture.

(b) All electrical generators, motors and lighting systems shall be installed, protected, and maintained in accordance with the most current edition of the National Electrical Code and API RP 500A and B, as appropriate.

(c) Wiring methods approved by National Electrical Code or IEEE 45 are acceptable installations.

(d) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations and of the personnel involved in the event of a failure in the primary electrical power.

(9) Secondary sewage disposal systems shall be installed and used in all cases where sewage is discharged into the Gulf of Mexico. Sewage is defined as water containing liquid and solid wastes from toilets and other receptacles intended to receive or retain body wastes.

(a) Sewage disposal systems shall be designed and maintained so that the effluent shall meet the following requirements:

(i) A capacity of 50 GPD per man, based on normal location occupancy.

(ii) Biochemical oxygen demand (BOD5) of 50 ppm or less to be determined by the procedure in Standard Methods, 13th Edition, p. 489, Method 219, (1971).

(iii) Suspended solids of 150 mg/L to be determined by the procedure in Standard Methods, 13th Edition, p. 537, Method 224C.

(iv) Minimum chlorine residual of 1.0 mg/L to be determined by the procedure in Standard Methods, 13th Edition, p. 382, Method 204A or 204B.

(b) Effective the date of this Order all structures where sewage effluent is discharged into the Gulf of Mexico will comply with the following:

(i) Sewage treatment systems must be tested, analyzed, and the results recorded semi-annually to determine if the requirements under (a) are being met.

(ii) All sewage treatment systems installed after the date of this Order, shall be tested thirty (30) days after installation and semi-annually thereafter as provided above.

(iii) A copy of the most recent laboratory analysis of the system effluent must be maintained on the platform or drilling rig.

(iv) The semiannual sewage effluent analysis results are to be sent to the Supervisor on January first and July first of each calendar year. The first such report will be due January 1, 1974.

(v) Should analysis indicate that the effluent does not meet the requirements of (a), immediate corrective action shall be taken.

(10) A program of erosion control shall be in effect on wells having a history of flowline cutout due to sand production. The erosion control program may include sand probes, X-ray, ultra-sonic or other satisfactory monitoring methods. A report on the results of the program shall be submitted to the appropriate District Office annually.

B. As of the effective date of this Order, production operations shall not be conducted on any platform while drilling and completion operations are in progress at that location.

C. *Welding practice and procedures.* The following requirements shall apply to all structures, including mobile drilling and workover structures, as applicable. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive conductor or shoe of the casing until the B.O.P. stack and the marine riser are pulled in the final abandonment or suspension. These requirements shall apply to workover rigs whenever such rigs are performing remedial work on any wells open to hydrocarbon bearing zones. For the purpose of this Order, the term "welding and burning" is defined to include arc or acetylene welding and arc or acetylene cutting. Operators on the OCS shall establish an approved welding area on all new and existing structures. Such areas should be constructed of non-combustible or fire-resistant materials, free of combustible and flammable contents and suitably segregated from adjacent areas. NFPA Bulletin No. 51B "Cutting and Welding Processes 1971", should be used as a guide to designate this approved welding area. All welding that is required but that cannot be prudently done in the approved welding area, shall be performed in compliance with the procedure outlined below.

(1) All welding and burning shall be minimized.

(2) Such welding and burning as is necessary on a structure, shall adhere to the following practices:

(a) Prior to the commencement of any burning or welding operations on a structure, the senior person in charge at the installation shall personally inspect the qualifications of the welder or welders to insure they are properly certified by a recognized testing agency, and shall personally inspect the area in which the work is to be performed. After this person has determined the welder or welders are qualified and that it is safe to proceed with the welding or burning operation, he shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to the commencement of any burning or welding to insure the welding machines are equipped with spark arrestors and drip pans; welding leads are completely insulated and in good condition; oxygen and acetylene bottles are secured in a safe place; and the hoses are leak free and equipped with proper fittings, gauges and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a "fire watch". Persons assigned to "fire watch" shall have no other duties while so assigned.

(d) Prior to any welding or burning, the fire watch shall have in his possession fire-fighting equipment in a condition ready for immediate use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance, unless they have been certified to be free of residual combustible material by a certified marine chemist, or rendered inert.

(f) No welding shall be permitted during wireline operations.

(g) All production will be shut-in at the surface safety valves while welding or burning in the wellhead or production area.

(h) In cases of extensive production facilities modifications, the operators should complete the maximum amount of fabrication onshore prior to offshore installation.

(i) No welding or burning shall be done after darkness on a production facility except in an emergency situation.

D. The requirements of sub-paragraphs 2.A (4), 2.A(8), 2.A(9), 2.B, and 2.C shall apply to all mobile drilling structures used to conduct drilling or workover operations on Federal leases in the Gulf of Mexico.

National Academy of Engineering, Marine Board, Review Committee on Safety of Outer Continental Shelf Petroleum Operations, January 1974

Proposed revision to OCS Order No. 8. "Approval Procedure for Installation and Operation of Platforms, Fixed and Mobile Structures, and Artificial Islands"

A Review Committee member reviewed the USGS draft revision of OCS Order No. 8 in order to extend the Order to caisson-type structures, and noted the API RP2A ("API Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms"), developed both within industry and with help from outside engineers, represents a sound and objective approach being followed by industry worldwide. His proposed revisions to the Order, as approved by the Committee, are as follows:

OCS Order No. 8, page 2. To end of first paragraph add sentence "This should include consideration of scour, mudslide, liquefaction." For items B(1) and B(2) through middle of page 3 substitute the following:

B. *Application.* The operator shall submit, in duplicate, the following to the appropriate District Office for approval:

(1) *Design features of the platform.* Information relative to design features on an 8" x 10½" plat or plats showing the platform dimensions, plan and two elevations, number and location of well slots, and water depth. In addition, the plat shall include:

(a) Identification data which shall be the lease number, block number, area, and operator.

(b) The following certification signed and dated with the title of the company representative: "Operator certifies that this platform has been certified by a registered professional engineer and that the structure will be constructed, operated, and maintained as described in the application, and any approved modification thereto. Certified plans are on file at ____________".

(c) For template and jacket type platforms, the provisions of the current edition of API RP2A shall be followed. In addition, the following information shall be furnished:

(i) Nominal size and thickness range of piling, including location of heavy wall piling in relation to base of jacket.

(ii) Nominal size and thickness range or jacket column leg.

(iii) Nominal size and thickness range of deck column leg.

(iv) Design piling penetration and supplemental test pile data.

(v) Maximum bearing and lateral load per pile in tons.

(d) For caisson-type structures, the provisions of the current edition of the Federation Internationale de la Precontrainte's "Recommended Practice for Design of Concrete Sea Structures" shall be followed. In addition, the following information shall be furnished:

(i) General configuration and dimensions of structure including thickness range of external concrete shell.

(ii) Design level of founding of caisson base.

(iii) Maximum bearing pressures on soil.

(iv) Safety measures against overturning and sliding.

(v) Special provisions to prevent scouring (both erosion and tunnelling).

(2) *Non-design features of platform.* Information relative to non-design features include the following:

(a) Primary use intended, including drilling, production of oil and gas, sulfur, or salt.

(b) Personnel and personnel transfer facilities including living quarters, boat landings, and heliport.

(c) Number and type of decks, such as steel or wood, and whether coated with protective material.

(d) Method of protection from corrosion.

(e) Insurance that protective coatings will not cause excessive local toxicity.

A more general review and appraisal of this Order will be addressed in subsequent correspondence.

The final input by the National Academy of Engineering in April 1974 was as follows:

Following the November meeting of the Review Committee on Safety of Outer Continental Shelf Petroleum Operations in Metairie, Louisiana, discussions were held with Mr. Krahl of the USGS Office regarding the possibility of a general review of OCS Order No. 8 by the Review Committee.

Subsequently, selected members of the committee reviewed the Order and found it, on the whole, well executed, noting particularly that it placed the responsibility for inspection and reporting on the operators.

However, upon its review, at which time your office was represented by Mr. Radlinski and Mr. Krahl, the committee as a whole felt the need for an in-depth reappraisal of three specific passages in the OCS Order No. 8, as noted by the following comments:

Page 6, para. 2A(1)(a). The requirement that a relief valve be vented through a scrubber should be reconsidered, and its benefits from the standpoint of safety and pollution should be identified.

Page 12, para. 2A(3)(b). The requirement for monthly pressure sensor tests is reasonable in light of the regulations which require subsurface safety valves to be tested on the same time frequency, but some consideration should be given to the required tolerance, because the proposed tolerance appears to be lower than is required for safety.

Page 23, para. 2B. The provision that "production operations not be conducted on any platform while drilling and completion operations are in progress at that location" may be more severe than is necessary to insure safety.

In this connection, the committee proposed that, instead of an inflexible proscription of such simultaneous operations, consideration should be given to formulating regulations and specifying conditions under which production operations could be continued safely while drilling and completion operations are in progress.

In making these recommendations, committee members are not suggesting that the three passages under consideration be stricken from OCS Order No. 8 or revised arbitrarily. It is strongly recommended, however, that a careful reconsideration of the implications of these specific passages will contribute to the already high quality of the Order, thus enhancing its effectiveness.

George F. Mechlin,
Chairman, Review Committee on Safety of Outer Continental Shelf Petroleum Operations.

Offshore Operator Committee's Comments on Proposed Order No. 8

Page 1, Paragraph 1.—Suggested wording. Only information relevant to the installation or modification on installed platforms and on all new platforms need be submitted.

Rationale. For example, addition of a flow line should not trigger a requirement to submit an electrical schematic for the platform.

Page 1, Paragraph 1.A.—Suggested wording. API RP 2A, Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms, contains information relevant to platform design.

Rationale. On the whole the orders should recognize industry or consensus standards where available.

Page 2, Paragraph 1.B.(1)(d).—Suggested wording. Design piling penetration and supplemental test pile data. Omit underlined portion of sentence.

Rationale. The above deletion is suggested since soil borings are now used in lieu of test piles to give sufficient information on which to base piling design.

Page 3, Paragraph 1.B.(3).—Suggested wording. Information relative to design features as follows shall be submitted in duplicate (rather than triplicate) prior to installation.

Rationale. Substituting "duplicate" for the word "triplicate" is suggested to reduce the chances of confusion and errors, since all other submissions are in duplicate.

Page 3, Paragraph 1.B.(3)(a).—Suggested wording. Utilize the wording "A flow schematic showing size, capacity and design working pressure" to clarify the description of separators, treaters, etc.

Rationale. This suggested clarification is required to define a suitable reporting medium.

Page 3, Paragraph 1.B.(3)(b).—Suggested wording. Utilize "a schematic diagram" rather than a "flow diagram" showing pollution and safety control equipment identified according to nomenclature (Definition, Symbols and Identification) contained in API Recommended Practice 14C.

Rationale. The above suggested change was made to insure that all operators use common symbols and nomenclature.

Page 4, Paragraph 1.B.(3)(c).—Suggested wording. Utilize the words "a schematic piping diagram showing design working pressure."

Rationale. This paragraph was reworded to clarify the requirement used in fabrication of the system.

Page 4, Paragraph 1.B.(3)(e).—Suggested wording. Electrical system information shall include the following:

(i) Plan view of each platform deck outlining unclassified areas as defined in the National Electrical Code or API RP 500B as appropriate.

(ii) An electrical schematic indicating the location of generators, control rooms and panel boards.

(iii) Elementary electrical schematic of any platform safety/shutdown system with functional legend.

Rationale. Many of the requirements, especially 1.B(3)(e)(ii), a through d are much too detailed for the permitting phase of most platforms.

Page 5, Paragraph 2.A.—Suggested wording. This paragraph was reworded to redefine the time limit for installation required by paragraph (1)(j) from six months to one year.

Rationale. Due to the shortage of materials and consequent long delivery times it may not be possible to get the insulating material within the six-month interval.

Page 6, Paragraph 2.A.(1)(a).—Suggested wording. All separators shall be equipped with low level shut-in controls. High liquid level control devices shall be installed when the vessel can discharge to a flare.

Rationale. The requirement to pipe the discharge from all pressure relief valves on separators to a scrubber prior to atmospheric discharge was deleted because it was considered extreme and unnecessary.

Page 6, Paragraph 2.A.(1)(d).—Suggested wording. Reworded to allow several vessels not isolated from each other by valves to be considered as one unit.

Rationale. The lowest working pressure of any component in the array of vessels determines the working pressure of the system. This is accepted engineering practice under the ASME Boiler and Pressure Vessel Code.

Page 6, Paragraph 2.A.(1)(e).—Suggested wording. All gas fired production vessels shall be installed, maintained and operated in accordance with applicable portions of API Recommended Practice 14C.

Rationale. The Recommended Practice speaks to each of the above 14 requirements with more clarity and detail than does the proposed order.

Page 7, Paragraph 2.A.(1)(e)(v).—Suggested wording. A flame detector should be installed to determine if the pilot is adequate to light the main burner; and, on vessels in which the pilot is not lighted continuously, indicates a main burner flame failure.

Rationale. This paragraph to more adequately describe the function of the sensor system on both the main and pilot burners.

Page 7, Paragraph 2.A.(1)(e)(vi).—Suggested wording. The exhaust stack of natural draft heaters shall be equipped with spark arrestors.

Rationale. Forced draft heaters burn efficiently; therefore, carbon is not expected to form in the exhaust stack, thus obviating the need for a spark arrestor.

Page 7, Paragraph 2.A.(1)(e)(vii).—Suggested wording. Natural draft air intakes shall be equipped with a flame arrestor.

Rationale. The flame arrestor is on the air intake to the combustion chamber not on the combustion chamber.

Page 7, Paragraph 2.A.(1)(e)(viii).—Suggested wording. Forced draft burners shall be equipped with a low pressure or low flow rate sensor to detect an inadequate air supply.

Rationale. Reworded in an attempt to better define the requirement; many vessels are equipped with flow rate sensors rather than pressure sensors yet the original wording recognized only the pressure type.

Page 8, Paragraph 2.A.(1)(e)(ix).—Suggested wording. Preferred wording—Vessels in which the media in contact with the fire tubes is not the primary product to be heated shall be protected by temperature and low level sensors in the heat exchange media stream.

Rationale. Reworded to define indirect heaters and point out function of protection systems.

Page 8, Paragraph 2.A.(1)(e)(x).—Suggested wording. The paragraph "A separator shall be installed in the glycol return line on all glycol dehydration units." was removed from this section and placed in the order as paragraph 2.A.(1)(e).

Page 8, Paragraph 2.A.(i)(e)(xi).—Suggested wording. Pressure relief valves shall be designed, installed and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code.

Rationale. This code provides better and more complete definition of requirements, and will be updated as necessary.

Page 8, Paragraph 2.A.(1)(e)(xii).—Suggested wording. Steam generators shall be equipped with low water level controls in accordance with applicable provisions of Sections I and IV of the ASME Boiler and Pressure Vessel Code.

Rationale. Compliance with ASME codes is requested for reasons stated previously. High water level poses no problem.

Page 8, Paragraph 2.A.(1)(e)(xiii).—Suggested wording. All relief valves and vents shall be piped in such a manner as to minimize the possibility of hot fluid striking personnel or ignition sources.

Rationale. The word "preclude" was changed to "minimize the possibility of" because it was believed to be unrealistic.

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Page 8, Paragraph 2.A.(1)(e)(xiv).—Suggested wording. An operating procedure shall be posted in a prominent location near the controls of the unit and personnel responsible for the unit's operation shall be properly trained.

Rationale. This change was necessary because "all personnel" is too vague and too broad.

Page 9, Paragraph 2.A(1)(f).—Suggested wording. All relief valves shall be set to start relieving at the design working pressure of the vessel and shall be sized to prevent the pressure from rising more than 10 percent above the design working pressure of the vessel, or as otherwise provided by Section VIII, ASME Boiler and Pressure Vessel Code. The high pressure shut-in sensor shall be set no higher than the design working pressure. The low pressure shut-in sensor shall be set no lower than 15 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range.

Rationale. Here again compliance with ASME codes is suggested for reasons stated previously.

Page 9, Parargaph 2.A(1)(g).—Suggested wording. Pressure sensors may be of the automatic or non-automatic reset type. However, where the automatic reset types are used a non-automatic reset relay must be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

Rationale. The proposed change in wording would permit continued use of automatic reset sensors, together with suitable lockout relays, which have proven to be highly reliable.

Page 9, Paragraph 2.A.(1)(i).—Suggested wording. Surge tanks and all hydrocarbon storage tanks shall be equipped with an automatic fail close shut-in valve located in the pump suction line. Such valve is to be activated by pump shutdown controls and the platform emergency shutdown system.

Rationale. Leaks in the suction line to the pump are highly unlikely. Therefore, placement of the shut-in valve in the suction line can be near the pump instead of necessarily placing it near the tank.

Page 9, Paragraph 2.A.(1)(j).—Suggested wording. All engine exhausts with temperatures greater than 400° F. shall be insulated and piped away from fuel sources. Exhaust piping from diesel engines shall be equipped with spark arrestors.

Rationale. Less than 400° F. exhaust temperatures is below the auto ignition temperature; therefore, this condition should exempt the requirement for insulating the exhaust. This is in accordance with "National Fire Protection Association Manual .No. 325–M," entitled "Fire Hazard Properties of Flammable Liquids, Gases, Volatile Solids," 1969.

Page 9, Paragraph 2.A.(1)(k).—Suggested wording. All pressure or fired vessels used in the production of oil or gas installed after the effective date of this Order shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code: Sections I, IV, and VIII. Uncoded vessels now in use shall be hydrostatically tested to a pressure 1.5 times their normal working pressure.

Rationale. Some provision should be made for those uncoded vessels installed prior to the date of the Order.

Page 10, Paragraph 2.A.(2).—Suggested wording. The following remote and local automatic shut-in devices shall be installed and maintained in an operating condition plug" was substituted.

Rationale. "Capable of producing" is a phrase which is open to different interpretation; therefore, "does not contain a tubing at all times when the affected well does not contain a tubing plug and is connected to producing facilities.

Page 10, Paragraph 2.A.(2)(a).—Suggested wording. All wellhead assemblies shall be equipped with an automatic fail-close surface safety valve. All new wells drilled and completed after the effective date of this Order shall be equipped with the surface valve installed in the vertical run of the christmas tree.

Rationale. The requirement that the surface safety valve be "not located on the wing valve" was changed to "installed in the vertical run of the christmas tree" was done to clarify the wording. Also, the operator may have a surface safety valve in the wing of the tree, in addition to the vertical run of the tree if he so desires.

Page 10, Paragraph 2.A.(2)(b).—Suggested wording. All flowlines from wells shall be equipped with high-low pressure sensors located downstream of the well choke. If there is more than 10 feet of line between the wing valve and the choke, a low pressure sensor shall be installed in this section. The high pressure sensor shall be set no higher than 10 percent above the highest pressure in the operating range of the line, but shall not exceed the shut-in pressure of the well or gas lift supply pressure, whichever is greater. The low pressure sensor shall be set no lower than 10 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range of the line.

Rationale. The above wording brings in the effect of gas lift wells, in addition to wells on natural flow. The phrase "or gas lift supply pressure, whichever is greater" was added to better define the high pressure sensor setting.

Page 11, Paragraph 2.A(2)(c).—Suggested wording. All headers shall be equipped with check valves on the individual flowlines. The flowline and valves from each well located upstream of, and including, the header valves shall withstand the shut-in pressure of that well, unless protected by a relief valve with connections to bypass the header. If there is an inlet valve to a separator, the valve, flowline, and all equipment upstream of the valve shall also withstand shut-in wellhead pressure, unless protected by a relief valve with connections to bypass the header.

Rationale. The main reason for the above change is the inclusion of an inlet valve to the separator and provision for handling the safety equipment for this situation.

Page 11, Paragraph 2A.(2)(c).—Suggested wording. All pneumatic shut-in systems shall be equipped with fusible material at strategic points.

Rationale. In this paragraph "control lines" was changed to "systems" for better definition.

Page 12, Paragraph 2.A.(2)(h).—Suggested wording. A standard procedure for testing of safety equipment shall be on the platform.

Rationale. There appears to be no reason for posting testing procedures but rather that testing procedures be on the platform in a facilities operations and maintenance manual.

Page 12, Paragraph 2.A.(3).—Suggested wording. No change except that records shall be maintained in the field headquarters.

Rationale. The phrase "maintained at the field" was expanded to read "maintained in the field headquarters." This added word was necessary since the place of recordkeeping for a field might be in another field which is serving as the "headquarters" for several fields.

Page 12, Paragraph 2.A.(3)(a).—Suggested wording. All pressure relief valves shall be tested for operation annually. Pressure relief valves shall either be bench tested or equipped to permit testing with an external pressure source. Bench tests shall be witnessed by USGS personnel or certified by a third party.

Rationale. The word "pressure" was added preceding "relief valve" to clearly identify the function of a relief valve.

The original USGS version inferred that bench testing was the only acceptable means for relief valve testing. The sentence "Pressure relief valves shall either be bench tested or equipped to permit testing with an external pressure source" was added for clarity.

Page 12, Paragraph 2A.(3)(b).—Suggested wording. The set point of each pressure sensor shall be determined by test once each calendar month, but at no time shall more than six weeks elapse between tests. Pressure sensors which vary more than ±10 percent or 5 psi, whichever is greater, shall be adjusted to the desired set point. However, the trip point of a high pressure sensor shall be less than the relief valve-setting or the design working pressure of the equipment, whichever is lower. Sensors which consistently vary more than the above tolerances shall be repaired or replaced.

Rationale. The higher tolerance recommended of "10 percent or 5 psi, whichever is greater" fits within practical limits of equipment and gauges and does not detract from the integrity of the safety system.

Page 13, Paragraph 2.A.(3)(c).—Suggested wording. All automatic wellhead safety valves and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month but at no time shall more than 6 weeks elapse between tests. For any valve which these monthly tests indicate a shorter time is needed, such a shorter interval shall be instituted. If sustained liquid flow exceeds 400 cc/min. or gas flow exceeds 15 cubic feet/min. the valve shall be repaired or replaced.

Rationale. This revision refers to quantifying testing. The sustained leakage rates are considered to be holding pressure unless the leakage rates exceed 400 cc of gas/min. and 15 cu. ft. of oil/min. as set forth in OCS Order No. 5 for testing tubing plug.

Page 13, Paragraph 2.A.(3)(d).—Suggested wording. All liquid level shut-in controls shall be tested at least once within each calendar month. At no time will there be a period of more than 6 weeks between tests. When internal float type level shut-in controls are utilized on flare line scrubbers and atmospheric tanks, adequate piping for raising or lowering the liquid level in the vessel must be installed within one year from the effective date of this Order to facilitate adequate testing of high and low liquid level shut-in control.

Rationale. Raising or lowering the liquid level in a vessel with internal floats to test the liquid level shut-in controls is impractical. The new version requires adequate piping for raising or lowering the liquid level in the vessel and must be installed within one year.

Page 13, Paragraph 2.A.(3)(g).—Suggested wording. Add paragraph (e) to the Order. Wording is as follows: The District Engineer may, upon application from the operator, extend the period of time between safety device tests if justified by test records and device performance.

Rationale. Improved techniques, technology and product design in the future could show that extension of testing intervals for safety devices will not decrease the effectiveness of the safety system. This stipulation will encourage industry and suppliers to develop and improve safety system hardware.

Page 14, Paragraph 2. A.(4).—Suggested wording. Curbs, gutters, and drains shall be constructed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Wells shall not be flowed to

sumps. Sump piles or open-ended sumps shall, under normal operating conditions, be used to collect only produced water and liquids from drip pans and deck drains. Closed sumps or sump transfer tanks shall be equipped with a high level shut-in device unless equipped with an adequately designed water leg.

Rationale. This revision makes it clear that unloading a well to a sump is considered a hazard to safety and pollution control. Utilization of a sump to collect other than produced water and liquids in an emergency from drip pans may prevent a spill. Also, adequately designed water legs can be substituted for high liquid level controls on "closed bottom" sumps.

Page 14, Paragraph 2.A.(5).—Suggested wording. The following requirements shall apply to the handling of all produced water discharged into the Gulf of Mexico.

Rationale. Since this section is devoted entirely to disposal into the Gulf waters, reference to other methods of disposal should be eliminated. If disposal other than into Gulf waters requires control under this Order, then a separate paragraph should address this problem.

Page 14, Paragraph 2.A.(5)(b)(i) and 5(b)(ii).—(i) Oil content to average not more than fifty (50) ppm (mg/l) to be determined by the infrared or fluorometric methods.

(ii) pH range of 610 to 9.0 to be determined by the procedure in Standard Methods, 13th Edition, p. 276, Method 144A (1971).

Rationale. The 50 ppm (mg/l) conforms to the present method for reporting oil content and also is the direct result obtained from infrared and fluorometric testing. Under (ii) the "Method" should be 144A rather than 14A in the other Order version.

Page 15, Paragraph 2.A.(5)(c).—Suggested wording. Produced water discharged into the Gulf will be sampled, analyzed and the results of the analysis recorded once each month to determine if the requirements of (b) are fulfilled. Testing and reporting procedures are as follows.

Rationale. This version was changed for the purpose of clarity.

Page 15, Paragraph 2.A.(5)(c)(i).—Suggested wording. Four samples shall be collected over a 24-hour period. At least two hours must elapse between grabbed samples; however, a continuous sample is acceptable in lieu of grabbed samples. Samples, grabbed or continuous, shall be taken at a point prior to contact with seawater and shall be as nearly representative of the discharge stream as possible.

Rationale. This version recommends reducing the time interval between samples from three hours to two hours to make man hours more efficient.

The recommendation for acceptance of continuous sampling has merit because a continuous sample will result in an average representative sample of the discharge over the sampling period.

Page 15, Paragraph 2.c.(5)(c)(v).—Suggested wording. For each produced water discharge point, a quarterly report of the Monthly Analysis Results shall be submitted to the Area Office. The first such report shall be due in ____________.

Rationale. The new version of Order 8 leaves the date of the first quarterly report blank since this will be determined by the effective date of the revised Order.

Page 16, Paragraph 2.A.(5)(d).—Suggested wording. Should the analysis indicate that the effluent does not meet the requirements of (b)(i) and/or (b)(ii) corrective action shall be taken immediately.

Rationale. The new version of Order 8 corrects a typographical error of (b)(1) and (b)(2) to read (b)(i) and (b)(ii).

Page 16, Paragraph 2.A.(6)(a).—Suggested wording. A fixed automatic water spray system shall be installed in all wellhead areas not adequately ventilated. An adequately ventilated wellhead area is substantially open and free from obstruction of the natural passage of air through it. Such areas may be roofed over and/or closed on one side. These systems shall be installed in accordance with the latest edition of National Fire Protection Association's Phamphlet No. 15 or such other installations as may be approved by the District Engineer.

Rationale. Reference to API RP 500A in the USGS Order 8 version has been deleted by the proposed new version since this RP does not address itself to wellhead areas. In order to avoid confusion, the above version has attempted to define or describe an "adequately ventilated" wellhead area. Although an automatic water spray system should be installed in accordance with the latest National Fire Protection Association Pamplet No. 15, special situations may be encountered where some departure from the basic intent is necessary; under such situations the District Engineer should have authority to approve these departures.

Page 17, Paragraph 2.A.(6)(c).—Suggested wording. The proposed change is a small one. "A record of the tests shall be maintained at the field headquarters for a period of one year."

Rationale. The suggested revision changes "field" to "field headquarters." This proposed change has been made in previous paragraphs.

Page 18, Paragraph 2.A.(7)(b).—Suggested wording. All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas where the detection devices are located.

Rationale. The intent of the deleted sentence about the power supply is covered in the information supplied by the operator to the USGS on the application per Section 2.A.(7)(f)(v).

Page 19, Paragraph 2.A.(7)(d).—Suggested wording. A high level setting of not more than 75 percent of the lower explosive limit of the gas or vapor being monitored shall be used for platform shut-in sequences and the operation of emergency equipment.

Rationale. This is merely a correction of an apparent typing or composition error.

Page 19, Paragraph 2.A.(7)(e).—Suggested wording. Records of maintenance and calibration shall be maintained in the field headquarters for a period of one year and made available to any authorized representative of the Geological Survey. The system shall be tested for operation and recalibrated semiannually.

Rationale. Generally maintenance will be in accordance with reputable manufacturers' specifications and recommendations. In some cases these specifications could be inadequate; in others the manufacturers could prescribe unreasonable or otherwise impractical requirements. The objective is to keep the system calibrated and functioning properly. The order, as revised, should accomplish this goal.

Page 19, Paragraph 2.A.(7)(f).—Suggested wording. An application for the installation and maintenance of any gas detection system shall be filed with the appropriate District Office for approval. The application shall include the following:

(i) Type, location, and number of detection or sampling heads.

(ii) Type and kind of alarm including emergency equipment to be activated.

(iii) Method used for detection of combustible gas.

(iv) Method and frequency of calibration.

(v) A block diagram of the gas detection system including the electric power supply.

(vi) Other pertinent information.

Rationale. The cycling or noncycling and frequency information is not needed since continuous monitoring is to be required. The inclusion of the electric power supply data on the gas detection system diagram accomplishes the objective noted in discussion of 2.A.(7)(b) above.

Page 20, Paragraph 2.A.(8)(a).—Suggested wording. All engines shall be equipped with a low tension ignition system designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible mixture.

Rationale. The requirement that engines be equipped with shielded wiring in the high voltage section of the ignition system was deleted because it is not an explosion proof system approved for Class I, Group D, Division 1 or 2 use.

Page 20, Paragraph 2.A.(8)(b).—Suggested wording. All electrical generators, motors, and lighting systems shall be installed, protected and maintained in accordance with the edition of the National Electrical Code or API RP 500B in effect at the time of installation.

Rationale. API RP 500A reference is not applicable to offshore platforms since it is intended for refinery conditions, including high temperatures and pressures.

Page 20, Paragraph 2.A.(8)(c).—Suggested wording. Wiring methods which conform to the National Electrical Code or IEEE 45 in effect at the time of installation are acceptable.

Rationale. The revised wording will avoid problems which would arise from relatively minor changes in the detailed requirements of later editions of the National Electrical Code or IEEE 45.

Page 21, Paragraph 2.A.(8)(d).—Suggested wording. An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power.

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Rationale. The revised wording is essentially that of the existing Order No. 8, but it is now placed under the general subject of electrical equipment and systems. The reference to "personnel involved" has been deleted to avoid the subjective interpretation involved.

Page 21, Paragraph 2.A.(9).—Suggested wording. After the effective date of this order, sewage disposal systems shall be installed and used in all cases where sewage is discharged into the Gulf of Mexico. Sewage is defined as water containing liquid and solid wastes from toilets and other receptacles intended to receive or retain body wastes.

Rationale. The removal of the word "secondary" from this section and placing it in the following section which specifies the standards for effluents results in a regulation with clearly established secondary treatment standards.

Page 21, Paragraph 2.A.(9)(a)(i).—Suggested wording. Delete subparagraph 2.A.(9)(a)(i). This is a design guideline and not an effluent requirement.

Rationale. The deletion of the reference to "a capacity of 50 GPD per man, based on normal location occupancy" is consistent with the establishment of effluent quality standards rather than the establishment of sewage system design criteria.

Page 21, Paragraph 2.A(9)(a)(ii).—Suggested wording. (a) Sewage disposal systems shall be designed and maintained so that the effluent shall meet the following requirements. (i) Biochemical oxygen demand (BOD) of 50 mg/l or less to be determined by the procedure in Standard Methods, 13th Edition, p. 489, Method 219 (1971).

Rationale. The reporting of biochemical oxygen demand in mg/l is consistent with the usual laboratory practice and other parameter units as well as the Standard Methods, 13th Edition as referenced.

Page 22, Paragraph 2.A.(9) (a) (iv).—Suggested wording. (iii) Minimum chlorine residual of 7.0 mg/l to be determined by the procedure in Standard Methods, 13th Edition, p. 382, Method 204A or 204B. Other methods such as ultraviolet light, to kill bacteria, may be approved upon application.

Rationale. Some sterilization techniques do not depend on chlorine so a provision for approval upon application is needed.

Page 23, Paragraph 2.A(9) (b) (v).—Suggested wording. Should analysis indicate that the effluent does not meet the requirements of (a), corrective action shall be taken.

Rationale. The word "immediate" has been deleted. Immediate implies instantaneous correction, a condition impossible to achieve.

Page 23, Paragraph 2.B.—Suggested wording. Delete this paragraph.

Rationale. Further to information already provided by the Offshore Operators Committee on production losses that would result from prohibition of simultaneous drilling and producing operations, additional comments are presented herein. In preliminary discussions between the Technical Subcommittee and the USGS Staff, it was pointed out that strict interpretation of the wording in the USGS draft of Order 8 could result in entire fields being shut-in or, even worse, several fields being shut-in during the drilling of a well on a critical platform. Shut-in volume numbers previously furnished did not assume this strict interpretation. It can readily be seen that volumes several fold greater than those previously furnished could be shut-in under a strict interpretation. Deviations from a strict interpretation would become arbitrary. Arbitrary regulations have no place in the oil and gas industry.

Drilling and producing operations have been conducted simultaneously and safely on the same platform for many years. There are many reasons why operators must have the option to produce wells as soon as they can be completed:

Economic Reasons: Production delays have a direct bearing on an operator's rate of return on investment. The degree of reduction in rate of return depends on many factors, such as, amount of capital being invested, production rates involved, operating expenses, etc. We know of no way to generalize on the degree that rate of return would be reduced by production delays other than to say that basic economic principles dictate that it is so.

Reduction in Exposure Time: By initiating production as soon as possible, the overall life of the platform is reduced, thereby reducing the exposure time to pollution and other events that could be detrimental to the environment.

Need for Basic Data: It would be a unique situation that plans would not change once development of a platform commenced. Changes in reservoir characteristics, flow rates, sand production, and many other factors are commenly encountered that cause the initial plans of an operator to be changed during the progress of drilling all the wells on a platform. The location of wells and thus the drainage patterns and ultimate recovery depends on being able to optimumly locate each successive penetration. Actual production experience is essential for definition of reservoir drive mechanism and determination of requirements for additional recovery projects. Not having basic data while drilling can easily lead to unnecessary expenditures, reservoir waste, and loss in ultimate recovery and income.

The proposed prohibition would undoubtedly result in increased number of platforms with lower well density per platform. Greater number of platforms and pipelines would also increase costs and exposure. Infill drilling from existing platforms would no longer be as attractive. Rarely would an operator be able to afford to shut-in existing producing wells to drill from an existing structure. This result is contrary to the directives concerning new reserves contained in the President's energy message to Congress and the American people.

Page 23, Paragraph 2.C.—Suggested wording. The following requirements shall apply to all structures, including mobile drilling and workover structures as applicable. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive conductor or shoe of the casing until the BOP stack and riser are pulled in the final completion, abandonment or suspension. These requirements shall apply to workover rigs when such rigs are performing remedial work on any wells open to hydrocarbon bearing zones.

For the purpose of this Order, the term "burning and welding" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each Operator shall prepare and submit to the District Engineer a Welding and Burning Safe Practices and Procedures Plan.

Prior to burning or welding operations the operator shall establish approved welding areas. Such areas shall be constructed of noncombustible or fire-resistant materials free of combustible or flammable contents and suitably segregated from adjacent areas. NFPA Bulletin No. 51B "Cutting and Welding Processes 1971" should be used as a guide to designate these areas.

All welding that is required but that cannot be done in the approved welding area shall be performed in compliance with the procedures outlined below.

(1) All welding and burning shall be minimized.

Rationale. In the OOC draft, Section C becomes Section B since the provision on prohibition of simultaneous drilling and producing operations has been deleted in the OOC version.

The first paragraph of the USGS version has been divided into three paragraphs in the OOC version. In addition to minor editorial changes, two significant changes in the OOC version are as follows: The requirement to establish an approved welding area on all new and existing structures has been reworded to require establishment of these areas on structures prior to burning or welding operations. This is believed to be in agreement with the intent of the USGS such that these areas be provided prior to the actual operation. There would be no need for operators to provide welding areas on platforms where no welding operations are planned.

Another significant insertion by the OOC is the proposed requirement that each operator shall prepare and submit to the District Engineer a Welding and Burning Safe Practices and Procedures Plan. It is the OOC contention that welding and burning can be safely conducted on offshore platforms if properly supervised and planned. Many operators already have plans which incorporate most of the stipulations proposed by the USGS. Submitting such a plan to the USGS would insure that the operator does have an acceptable plan and the USGS is knowledgeable about the operator's practices. If necessary, the USGS can always request revisions to the plan.

Page 24, Paragraph 2.C.(2) (a).—Suggested wording. Such welding and burning as is necessary on a structure shall adhere to the following practices:

(a) Prior to the start of any burning or welding operation on a structure the person in charge at the installation and the welder(s) or the welder's supervisor shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. The person in charge, the welder(s) and/or the welder's supervisor are responsible to see that no sparks, flame or hot slag will be exposed to any combustible material or equipment. The person in charge shall issue a written permit authorizing work to proceed after he has determined that it is safe to do so.

Rationale. Industry contends that the senior person in charge at an installation should not be required to inspect qualifications of welders or the area in which work is to be performed. In the first place, the senior person in charge may not be qualified to inspect welders and, secondly, this is not a practical requirement. The senior person in charge has many duties, many of which are managerial in nature, and he should not be required to perform such a function as inspecting the work area. Many operators utilize highly trained construction supervisors and personnel with other titles to directly supervise the operations of construction crews and welders. These supervisors are much more qualified to determine whether welding and burning operations can be conducted safely. They are also highly qualified in the areas of production operations and can adequately handle the function as proposed by the OOC. Concerning certification by a recognized testing agency, many operators have requirements for welders that are much more stringent than recognized testing agencies. Each operator should have the option of utilizing their own requirements for qualifications of welders.

Page 24, Paragraph 2.C.(2) (b).—Suggested wording. All welding equipment shall be inspected prior to beginning any burning or welding. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans if necessary. Welding leads shall be completely insulated and in good condition, oxygen and acetylene bottles secured in a safe place, and hose leak-free and equipped with proper fittings, gauges and regulators.

Rationale. In many cases, welding machines are located in areas other than those that would require spark arrestors and drip pans. An example of this would be a derrick barge. This section has been revised to require such equipment when welding machines are located on production or process platforms.

Page 25, Paragraph 2.C.(2) (c).—Suggested wording. During all welding and burning operations, one or more persons as necessary shall be designated as "fire watch". Persons assigned to "fire watch" shall have no other duties while actual burning or welding operations are in progress.

Rationale. This section has been revised to require that persons assigned to fire watch have no other duties while actual burning or welding operations are in progress. There is absolutely no need for a person to be assigned to fire watch during pipe fitting operations, measurement or other operations not involving "hot" work.

Page 25, Paragraph 2.C.(2) (d).—Suggested wording. Prior to any welding or burning, the fire watch shall have in his possession fire-fighting equipment in a condition ready for use.

Rationale. The word "immediate" has been deleted since this implies that pins should be pulled on fire extinguishers used by the fire watch. This would not be a good practice. We agree that fire-fighting equipment should be ready for use after pulling the pin.

Page 25, Paragraph 2.C.(2) (e).—Suggested wording. No welding shall be done on containers, tanks or other vessels which have contained a flammable substance unless they have been rendered inert and determined to be safe for welding or burning by the person in charge.

Rationale. The requirement for certification by a Marine Chemist is unnecessary and impractical. Not only would this requirement substantially increase costs, but would involve logistics problems, transportation delays, limited availability of qualified people and other situations that are impractical in offshore operations. The accepted industry practices of filling containers or vessels with water or rendering them inert are believed adequate and safe. The practice of "hot tapping", which is a specialized procedure in itself and which requires unusual planning and supervision, should be exempt for this section.

Page 26, Paragraph 2.C.(2) (g).—Suggested wording. If it is necessary to weld or burn in the wellhead or production area this activity must be specifically covered in the written authorization for the work and adequate safety precautions specified.

Rationale. There is no justification for requiring shut-in of production when welding or burning in the wellhead or production area if adequate safety precautions are taken beforehand. The OOC proposed requirement for a written authorization for work in these areas will adequately insure that proper planning is conducted and adequate supervision is available for this phase of the work. In many cases it can be demonstrated that the wellhead area is safer to conduct burning operations than other parts of the platform. Generally, wellhead areas are more adequately ventilated, and piping and wellheads contain the most steel to contain the combustible liquids/gases. The requirement of an inspection by the person in charge and the person doing the burning and welding is the key to insure adequate planning and recognition of potential hazardous situations. In regard to welding and burning operations in the production area, there are many situations such as welding or cutting on water lines or equipment not in the process flow scheme that would not present a hazard. Under the proposed provision of this Order the accepted industry practice of "hot tapping" would not be allowed. Again, the key to safe operations offshore is adequate supervision and proper planning.

Page 26, Paragraph 2.C.(2) (h).—Suggested wording. Delete this paragraph.

Rationale. This proposed stipulation is superfluous. Economics dictate that onshore fabrication be conducted as much as possible; however, there are situations when it is not feasible to do so. The determination of where fabrication takes place is a management decision. The proposed stipulation is too vague to be enforceable; therefore, it should be deleted. We agree, in principle, with the content of the statement.

Page 26, Paragraph 2.O.(2) (i).—Suggested wording. Delete this paragraph.

Rationale. There is no justification for limiting welding and burning operations to daylight hours. Normally, these operations are conducted only in daylight hours since there are few around-the-clock operations offshore; however, in some cases, such as derrick barge operations or nippling up operations on a drilling rig, it is absolutely essential to conduct welding and burning during the night. There are also other operations critical in nature that require night work. In addition to other factors, one of the keys to safety at night is adequate lighting and not the fact that the sun has risen or set. In properly lighted areas, welding and burning can be conducted safely.

Page 27, OCS Form 7 (Proposed).—The Subcommittee has revised this form to satisfy the comments made by several operators and to improve its clarity.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

[OCS Order No. 8]

Effective ____________

PLATFORMS AND STRUCTURES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(a). Section 250.19(a) provides as follows:

> The Supervisor is authorized to approve the design, other features, and plan of installation of all platforms, fixed structures, and artificial islands as a condition of the granting of a right of use of easement under Paragraphs (a) and (b) of § 250.18 or authorized under any lease issued of maintained under the Act.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures, including all facilities installed on a platform or structure, whether or not operated or owned by the operator. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12 (b). All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Platform design, application, and plan.* The following requirements are applicable to all platforms and structures approved and installed subsequent to the effective data of this Order. When structural or equipment modifications to existing platforms and structures are proposed, only requirements relevant to the modifications shall be applicable.

A. *Platform design.*—(1) *General design.* The design of platforms and structures shall include consideration of such factors as water depth; surface and subsurface soil conditions, including scour, mud slides, liquefaction; wave and current forces; wind forces; total equipment weight; and other pertinent geological, geographical, environmental, and operational conditions. The design of fixed platforms and structures shall conform with the most current addition of API RP2A, "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms," when not in conflict with the provisions of this Order.

(2) *Isolation of facilities.* All platforms, and fixed structures, the fabrication of which has not been commenced as of the effective date of this Order, shall be designed, installed, and maintained to safely isolate and protect living quarters from well and production facility areas and well areas from production facility areas. Such isolation and protection may be provided by firewalls, locating these facilities on separate platforms, or by other acceptable means.

B. *Application.* The operator shall submit, in duplicate, the following for approval:

(1) *Design features of platform and structures.* Information relative to design features on an 8" x 10½" plat or plats showing the platform dimensions, plan and two elevations, number and location of well slots, and water depth. In addition, the plat shall include:

(a) Identification data, which shall be the lease number, area name, block number, and operator.

(b) The following certification, signed and dated with the title of the company representative: "(Operator) certifies that this platform has been certified by a registered professional engineer and that the structure will be constructed, operated, and maintained as described in the application, and any approved modification thereto. Certified plans are on file at ____________."

(c) Nominal size and thickness range of piling, including location of heavy wall piling in relation to base of jacket.,

(d) Nominal size and thickness range of jacket column leg.

(e) Nominal size and thickness range of deck column leg.

(f) Design piling penetration.

(g) Maximum bearing and lateral load per pile in tons.

(h) Certification that the mechanical and electrical systems of the facility will be designed, installed, and maintained under the supervision of a registered professional engineer.

(2) *Other platform and structure features.* Information relative to other features, including the following:

(a) Primary use intended, including drilling, production of oil and gas, sulphur, or salt.

(b) Personnel and personnel transfer facilities, including living quarters, boat landings, and heliport.

(c) Number and type of decks, such as steel or wood, and whether coated with protective material.

(d) Method of protection from corrosion.

(e) Statement that protective coatings will not cause excessive local toxicity.

(3) *Design features of production facilities.* Information relative to design features as follows shall be submitted in duplicate prior to installation:

(a) A flow schematic showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

(b) A schematic diagram showing pollution and safety control equipment identified according to nomenclature (Definition, Symbols and Identification) contained in API RP 14C, accompanied by an explanation as to the function and sequence of operation.

(c) A schematic piping diagram showing the size and design working pressure with reference to welding specifications or codes used.

(d) A diagram of the fire-fighting system.

(e) Electrical system information shall include the following:

i. Plan view of each platform deck outlining any non-hazardous area—areas which are unclassified with respect to electrical equipment installations, and areas in which potential ignition sources, other than electrical, are to be installed. The area outline should include the following:

a. Any surrounding production or other hydrocarbon source and a description of deck, overhead and firewall.

b. Location of generators, control rooms, panel boards, major cabling/conduit routes and identification of wiring method.

ii. One line electrical schematic which includes the following information:

a. Type, rating and the operating and safety controls of generators and prime movers.

b. Main generator switchboard including interlocks, controls and indicators.

c. Feeder and branch circuits, including circuit load, wire type and size, motor running protection and circuit breaker setting.

d. Calculation or measurement of electrical system voltage drop caused by starting current of largest motor while normal load operating conditions exist.

iii. Elementary electrical schematic of any platform safety/shutdown system with functional legend.

C. *Certified plan.* Detailed structural plans certified by a registered professional engineer shall be on file and maintained by the operator or his designee.

2. *Operations on platforms and structures.—A. Safety and pollution control equipment and procedures.* Operators of platforms and structures installed prior to the effective date of this Order shall comply with the requirements of the following subparagraphs (1)(g), (2)(d), (3)(e), and (3)(f) within six months, and with the requirements of the following subparagraphs (1)(e), (1)(h), (1)(i), (1)(j), and (1)(l), within one year from the effective date of this Order. Any device on wells, vessels, or flowlines temporarily out of service shall be flagged. Safety devices and systems on wells which are capable of producing shall not be bypassed or locked out of service unless absolutely necessary, and then only with personnel on duty aboard the platform.

(1) *Shut-in devices.* The following shut-in devices shall be installed and maintained in an operating condition on all vessels and water separation facilities when such vessels and separation facilities are in service:

(a) All separators shall be equipped with high and low pressure shut-in sensors and a relief valve. Vessels connected together by a system of adequate piping not containing valves which can isolate any vessel may be considered as one unit having an effective working pressure equal to the lowest rated working pressure of any component. All separators shall be equipped with low level shut-in controls. High liquid level shut-in control devices shall be installed when the vessel can discharge to a flare.

(b) All pressure surge tanks shall be equipped with high and low-pressure shut-in sensors, a high level shut-in control, flare line, and relief valve.

(c) All atmospheric tanks that may contain possible pollutants, including oil production tanks, surge tanks, etc., shall be equipped with a high level shut-in control. When two or more tanks are connected in series or parallel and the operating levels are equalized, only one high level shut-in control is required, providing it is located so that it cannot be isolated from any tank and will provide adequate high-level protection for all tanks.

(d) All other hydrocarbon-handling pressure vessels shall be equipped with high and low pressure shut-in sensors and relief valves. Vessels connected together by a system of adequate piping not containing valves which can isolate any vessel may be considered as one unit having an effective working pressure equal to the lowest rated working pressure of any component. In addition, such pressure vessels shall be equipped with high and low level shut-in controls.

(e) The following requirements shall apply to all gas-fired production vessels:

i. Alarms which may be disabled during troubleshooting and subsequent corrective operations are permissible, but these alarms must be placed in service when normal operation is restored.

ii. Sensors and monitors will respond to an abnormal condition in the vessel by automatically: Shutting off fuel supply; initiating audible, visual, or other acceptable alarms; shutting off combustible media inflow to the vessel, except in closed heat-transfer systems where the heated media is temperature degradable and flows through tubes located in the fired chamber. In this type of heater, circulation of the media should continue until the heat exchange area has cooled below the temperature at which the media degrades.

iii. The controls of electrical equipment necessary for proper operations shall be interlocked in the startup and shutdown sequences.

iv. Fuel supply lines to the main and pilot burners shall also be equipped with manually operated shut-off valves.

v. A flame detector or heat sensor should be installed to determine if the pilot is adequate to light the main burner; and, on vessels in which the pilot is not continuously lighted, indicate a main burner flame failure.

vi. The exhaust stack of natural draft heaters shall be equipped with spark arrestors.

vii. Natural draft air intakes shall be equipped with a flame arrestor.

viii. Forced draft burners shall be equipped with a low pressure or low flow rate sensor to detect an inadequate air supply.

ix. Vessels in which the media in contact with the fire tubes is not the primary product to be heated shall be protected by temperature and low level sensors in the heat exchange media stream.

x. Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the most current edition of the ASME Boiler and Pressure Vessel Code.

xi. Steam generators shall be equipped with low water level controls in accordance with applicable provisions of Sections I and IV of the most current edition of the ASME Boiler and Pressure Vessel Code.

xii. All relief valves and vents shall be piped in such a way as to minimize the possibility of hot fluid striking personnel or ignition sources.

xiii. An operating procedure shall be posted in a prominent location near the controls of the unit, and personnel responsible for the unit's operation shall be properly trained.

(f) All relief valves shall be set to start relieving at the design working pressure of the vessel and shall be sized to prevent the pressure from rising more than 10 percent above the design working pressure of the vessel or as otherwise provided by Section VIII of the most current edition of the ASME Boiler and Pressure Vessel Code. The high pressure shut-in sensor shall activate sufficiently below the design working pressure to positively insure operation before the relief valve starts relieving. The low pressure shut-in sensor shall activate no lower than 15 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range.

(g) Pressure sensors may be of the automatic or nonautomatic reset type, but where the automatic reset types are used, a nonautomatic reset relay must be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

(h) All flare lines shall be equipped with a scrubber with a high level shut-in control.

(i) Surge tanks and all hydrocarbon storage tanks shall be equipped with an automatic fail-close shut-in valve located in the pump suction line as close to the tank as practical. Such valve is to be activated by pump shutdown controls and the platform emergency shutdown system.

(j) All engine exhausts with temperatures greater than 400° F shall be insulated and piped away from fuel sources. Exhaust piping from diesel engines shall be equipped with spark arrestors.

(k) All pressure or fired vessels used in the production of oil or gas installed after the effective date of this Order shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, Sections I, IV, and VIII, as appropriate, in effect at the time the vessel is installed. Uncoded vessels now in use shall be hydrostatically tested to a pressure 1.5 times their normal working pressure. The test date, test pressure, and working pressure shall, within six months after the effective date of the Order, be marked on the vessel in a prominent place. A record of the test shall be maintained by the operator.

(l) A separator shall be installed in the glycol return line on all glycol dehydration units.

(2) *Safety devices.* The following safety devices shall be installed and maintained in an operating condition at all times. When wells are disconnected from producing facilities and blind-flanged or equipped with a tubing plug, compliance with subparagraphs (a), (b), and (c) below is not required.

(a) All wellhead assemblies shall be equipped with an automatic fail-close surface safety valve. All new wells drilled and completed after the effective date of this Order shall be equipped with a surface safety valve installed in the vertical run of the christmas tree.

(b) All flowlines from wells shall be equipped with high and low pressure shut-in sensors located downstream of the well choke. If there is more than 10 feet of line between the wellhead wing valve and the choke, an additional low pressure shut-in sensor shall be installed in this section. The high pressure shut-in sensor shall be set no higher than 10 percent above the highest pressure in the operating range of the line, but in no case shall it exceed 90 percent of the shut-in pressure of the well or the gas lift supply pressure. The low pressure shut-in sensor shall be set no lower than 10 percent or psi, whichever is greater, below the lowest pressure in the operating range of the section of the line in which it is installed.

(c) All headers shall be equipped with check valves on the individual flowlines. The flowline and valves from each well located upstream of, and including, the header valves shall be able to withstand the shut-in pressure of that well, unless protected by a relief valve with connections to bypass the header. If there is an inlet valve to a separator, the valve, flowline, and all equipment upstream of the valve shall also be able to withstand shut-in wellhead pressure, unless protected by a relief valve with connections to bypass the header.

(d) On all gas lift wells, a check valve shall be installed on the gas input line to the casing.

(e) All pneumatic shut-in systems shall be equipped with fusible material at strategic points.

(f) Remote shut-in controls shall be located on the helicopter deck and on all exit stairway landings, including at least one on each boat landing. These controls shall be quick-opening valves, except that those on the boat landing may be a platic loop.

(3) *Safety device testing.* The safety devices required in subparagraphs 2A (1) and (2) above shall be tested by the operator as follows or at more frequent intervals. Records shall be maintained at the field headquarters for a period of one year, showing the present status and past history of each device, including dates and details of inspection, testing, repairing, adjustment, and reinstallation. Such records shall be available to any authorized representative of the Geological Survey.

(a) All pressure relief valves shall be tested for operation annualy. Pressure relief valves shall either be bench-tested or equipped to permit testing with an external pressure source. Bench tests not witnessed by USGS personnel must be certified by a third party.

(b) All pressure sensors shall be tested at least once each calendar month, but at no time shall more than six weeks elapse between tests. Any sensor which consistently varies more than ±5 percent from its set pressure shall be repaired or replaced.

(c) All automatic wellhead safety valves and check valves on all flowlines shall be checked for operation and holding pressure once each calendar month, but at no time shall more than six weeks elapse between tests. For any valve which these monthly tests indicate a shorter time interval is needed, such shorter interval shall be instituted. If sustained liquid flow exceeds 400 cc/min or gas flow exceeds 15 cubic ft/min, the valve shall be repaired or replaced.

(d) All liquid level shut-in controls shall be tested at least once within each calendar month, but at no time shall more than six weeks elapse between tests. These tests shall be conducted by raising or lowering the liquid level in the vessel.

(e) Automatic inlet shut-off valves actuated by a sensor on a vessel or a compressor shall be tested for operation at least once within each calendar month, but at no time shall more than six weeks elapse between tests.

(f) Automatic shut-off valves located in liquid discharge lines and actuated by vessel low level sensors shall be tested for operation once within each calendar month, but at no time shall more than six weeks elapse between tests.

(4) *Curbs, gutters, and drains.* Curbs, gutters, and drains shall be constructed in all deck areas in a manner necessary to collect all contaminants, unless drip pans or equivalent are placed under equipment and piped to a sump which will automatically maintain the oil at a level sufficient to prevent discharge of oil into Gulf waters. Sump piles or open-ended sumps shall be used to collect only produced water and liquids from drip pans and deck drains. Closed sumps or sump transfer tanks shall be equipped with a high level shut-in device.

(5) *Produced water.* The following requirements shall apply to the handling and disposal of all produced water discharged into the Gulf. The disposal of water other than into the Gulf waters shall have the method and location approved by the District Supervisor.

(a) Water discharged shall not create conditions which will adversely affect the public health or the use of the waters for the propagation of aquatic life, recreation, navigation, or other legitimate uses.

(b) Produced waste water disposal systems shall be designed and maintained so that the oil content of the effluent shall not exceed 50 (mg/l) determined by averaging the four samples required in (c)i. below. The oil content shall be determined by the infrared or fluorometric methods. A copy of the method to be used shall be submitted to the District Supervisor for approval. The District Supervisor may approve the use of other methods, if the method to be used at a location is shown to be reliable under the conditions existing at that location.

(c) Produced water discharged into the Gulf will be sampled; analyzed, and the results of the analysis recorded once each month to determine if the requirement of subparagraph 2A(5)(b) above is fulfilled. Testing and reporting procedures are as follows:

i. Four samples shall be collected over a 24-hour period. At least two hours must elapse between grabbed samples; however, a continuous sample is acceptable in lieu of grabbed samples. Samples, grabbed or continuous, shall be taken at a point prior to contact with seawater and shall be as nearly representative of the discharge stream as possible.

ii. Analysis of the effluent sample shall be completed within two weeks of collection, or a new set of samples must be taken.

iii. When the sample is taken, the date, time of day, temperature of discharge, pH, and discharge in bbls/day shall be recorded. This information, along with the analysis results, will be reported on OCS Form 7 dated October 1972.

iv. A copy of the latest analysis results shall be maintained at the discharge site or field production headquarters.

v. For each produced water discharge point, a quarterly report of the Monthly Analysis results shall be submitted to the Area Supervisor. Reports shall be submitted in January, April, July, and October of each calendar year.

(d) Should the analysis indicate that the effluent does not meet the requirements of subparagraphs 2A(5)(b) above, corrective action shall immediately be taken. Approval to continue operations to aid in the identification and remedy of the problem must be obtained from the District Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the District Supervisor within 10 days.

(6) *Fire-fighting system.* A fire-fighting system shall be installed and maintained in an operating condition in accordance with the following:

(a) A fire water system of rigid pipe with fire hose stations shall be installed and may include a fixed water spray system. Such a system shall be installed in a manner necessary to provide needed protection in areas where production handling equipment is located. A fire-fighting system using chemicals may be used in lieu of a fire water system if determined to provide equivalent fire protection control.

(b) Pumps for the fire water systems shall be inspected and test operated weekly. A record of the tests shall be maintained at the field headquarters for a period of one year. An alternate fuel or power source shall be installed to provide continued pump operation during platform shutdown, unless an alternate fire-fighting system is provided.

(c) Portable fire extinguishers shall be located in the living quarters and in other strategic areas.

(d) A diagram of the fire-fighting system showing the location of all equipment shall be posted in a prominent place on the platform or structure.

(7) *Automatic gas detectors.* An automatic gas detector and alarm system shall be installed and maintained in an operating condition in accordance with the following:

(a) Gas detection systems shall be installed in all enclosed areas containing gas production facilities or equipment. Gas detectors shall be installed in all enclosed areas where fuel gas is used; the use of fuel gas odorant is an acceptable alternate. In meter houses where adequate ventilation is used in lieu of a gas detector installation, ventilation, shall be by natural draft at a rate not less than one enclosure air change per five minutes.

(b) All gas detection systems shall be capable of continuously monitoring for the presence of combustible gas in the areas in which the detection devices are located. The gas detector power supply must be from a continually energized power source.

(c) The central control shall be capable of giving an alarm at a point not greater than 25 percent of the lower explosive limit of the gas or vapor being monitored. This low level shall be for alarm purposes only.

(d) A high level setting of not more than 75 percent of the lower explosive limit of the gas or vapor being monitored shall be used for platform shut-in sequences and the operation of emergency equipment.

(e) Records of maintenance and calibration shall be maintained in the field headquarters for a period of one year and made available to any authorized representative of the Geological Survey. The system shall be tested for operation and recalibrated semiannually.

(f) An application for the installation and maintenance of any gas detection system shall be filed with the appropriate District office for approval. The application shall include the following:

i. Type, location, and number of detection or sampling heads.

ii. Type and kind of alarm, including emergency equipment to be activated.

iii. Method used for detection of combustible gases.

iv. Method and frequency of calibration.

v. A functional block diagram of the gas detection system, including the electric power supply.

vi. Other pertinent information.

(g) A diagram of the gas detection system showing the location of all gas detection points shall be posted in a prominent place on the platform or structure.

(8) *Electrical equipment.* The following requirements shall be applicable to all electrical equipment and systems installed:

(a) All engines shall be equipped with a low tension ignition system of a low fire hazard type and shall be designed and maintained to minimize release of sufficient electrical energy to cause ignition of an external combustible mixture.

(b) All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500 B in effect at the time of installation.

(c) Wiring methods which conform to the National Electrical Code or IEEE 45, Recommended Practice for Electrical Installation on Shipboard, in effect at the time of installation are acceptable.

(d) An auxiliary power supply shall be installed to provide emergency power capable of operating all electrical equipment required to maintain safety of operations in the event of a failure in the primary electrical power system.

(9) *Sewage.* Sewage disposal systems shall be installed and used in all cases where sewage is discharged into the Gulf of Mexico. Sewage is defined as water containing liquid and solid wastes from toilets and other receptacles intended to receive or retain body wastes.

(a) Sewage disposal systems shall be designed and maintained so that the effluent shall meet secondary treatment standards as follows:

i. Biochemical oxygen demand (BOD_5) of 50 mg/l or less, to be determined by the procedure in Standard Methods, 13th Edition, 1971, p. 489, Method 219.

ii. Suspended solids of 150 mg/l, to be determined by the procedure in Standard Methods, 13th Edition, 1971, p. 537, Method 224C.

iii. Minimum chlorine residual of 1.0 mg/l, to be determined by the procedure in Standard Methods, 13th Edition, 1971, p. 382, Method 204A or 204B. Other methods, such as ultraviolet light, may be approved upon application.

(b) Effective the date of this Order, all platforms and structures where sewage effluent is discharged into the Gulf of Mexico shall comply with the following:

i. All existing sewage treatment systems shall be tested, analyzed, and the results recorded semiannually to determine if the requirements under subparagraph 2A(9)(a) above are being met.

ii. All sewage treatment systems installed after the date of this Order shall be tested 30 days after installation and semiannually thereafter as provided above.

iii. A copy of the most recent laboratory analysis of the system effluent shall be maintained at the field headquarters or on the drilling rig.

iv. The semiannual sewage effluent analysis results shall be sent to the Area Supervisor on January 1 and July 1 of each calendar year.

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v. Should analysis indicate that the effluent does not meet the requirements of subparagraph 2A(9)(a) above, immediate corrective action shall be taken.

(10) *Erosion.* A program of erosion control shall be in effect for wells having a history sand production. The erosion control program may include sand probes, x-ray, ultrasonic, or other satisfactory monitoring methods. A report on the results of the program shall be submitted annually to the District Supervisor.

B. *Simultaneous production and well operations.* Prior to conducting drilling workover, snubbing, or wireline operations on a platform or structure, if production operations are to be conducted simultaneously, the operator shall submit a plan for approval by the District Supervisor outlining the safety measures that will be taken during the operations. In the absence of such an approved plan, all producible wells capable of flowing oil or gas shall be shut-in below the mud line either by installation of a tubing plug or by closing the subsurface safety device. Such plans shall identify potential hazards associated with the simultaneous operations and proposed procedures to eliminate such hazards or to minimize the effects of such hazards to an acceptable level.

C. *Welding practices and procedures.* The following requirements shall apply to all platforms and structures, including mobile drilling and workover structures as applicable. The period of time during which these requirements are considered applicable to mobile drilling structures is the interval from the drilling out of the drive conductor or shoe of the casing until the BOP stack and riser are pulled in the final abandonment or suspension. These requirements shall apply to workover rigs when such rigs are performing remedial work on any wells open to hydrocarbon bearing zones.

For the purpose of this Order, the term "burning and welding" is defined to include arc or acetylene cutting and arc or acetylene welding.

Each operator shall prepare and submit to the District Supervisor for approval a Welding and Burning Safe Practices and Procedures Plan, which includes company qualification standards or requirements for welders. Any person designated as a welding supervisor must be thoroughly familiar with this plan.

Prior to burning or welding operations, the operator shall establish approved welding areas. Such areas shall be constructed of noncombustible or fire resistant materials free of combustible or flammable contents and be suitably segregated from adjacent areas. NFPA Bulletin No. 51B, Cutting and Welding Processes 1971, shall be used as a guide to designate these areas.

All welding that is required which cannot prudently be done in the approved welding area shall be performed in compliance with the procedures outlined below:

(1) All welding and burning shall be minimized.

(2) Such welding and burning as are necessary on a structure shall adhere to the following practices:

(a) Prior to the commencement of any burning or welding operations on a structure, the operator's designated welding supervisor at the installation shall personally inspect the qualifications of the welder or welders to insure that they are properly qualified in accordance with the approved company qualification standards or requirements for welders. The designated welding supervisor and the welders shall personally inspect the area in which the work is to be performed for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the welding supervisor shall issue a written authorization for the work.

(b) All welding equipment shall be inspected prior to beginning any burning or welding. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak free and equipped with proper fittings, gauges, and regulators.

(c) During all welding and burning operations, one or more persons as necessary shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual burning or welding operations are in progress.

(d) Prior to any welding or burning, the Fire Watch shall have in his possession firefighting equipment in a condition ready to use.

(e) No welding shall be done on containers, tanks, or other vessels which have contained a flammable substance unless the contents of the vessels have been rendered inert and determined to be safe for welding or burning by the designated welding supervisor.

(f) No welding shall be permitted during wireline operations.

(g) All production shall be shut-in at the surface safety valves while welding or burning in the wellhead or production area.

D. *Requirements for mobile drilling structures.* The requirements of subparagraphs 2A(4), 2A(8), 2A(9), and 2C above shall apply to all mobile drilling structures used to conduct drilling or workover operations on Federal leases in the Gulf of Mexico.

D. W. SOLANAS,
Oil and Gas Supervisor,
Field Operations.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-12594 Filed 5-31-74;8:45 am]

PUBLIC INSPECTION OF RECORDS

Proposed OCS Order No. 12, Pacific Area

Notice is hereby given that pursuant to 30 CFR 250.11 and 250.97 and to 43 CFR 2.2, the Chief, Conservation Division, Geological Survey, proposes to approve OCS Order No. 12 for the Pacific Area as set forth below.

The purpose of proposed OCS Order No. 12 is to provide requirements to Oil and Gas Operators for the public inspection of records in the Area Office, Los Angeles, California.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Director, U.S. Geological Survey, National Center, Mail Drop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092 on or before July 1, 1974.

V. E. MCKELVEY,
Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, PACIFIC AREA

[OCS Order No. 12]

Effective ____________

PUBLIC INSPECTION OF RECORDS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR 2.2. Section 250.97 of 30 CFR provides as follows:

Public inspection of records. Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Section 2.2 of 43 CFR provides in part as follows:

Determinations as to availability of records. (a) Section 552 of Title 5, U.S. Code, as amended by Pub. L. 90-23 (the act codifying the "Public Information Act") requires that identifiable agency records be made available for inspection. Subsection (b)[1] of section 552 exempts several categories of records from the general requirement but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive Order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office of a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967. (b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

The operator shall comply with the requirements of this Order. Any departure from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Availability of records filed on or after the effective date of this order.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR Part 250 shall be made available for public inspection, as specified below, in the Area office, Los Angeles, California.

A. *Form 9-152—Monthly Report of Operations.* All information contained on this form shall be available except the information required in the Remarks column.

B. *Form 9-330—Well Completion or Recompletion Report and Log.* (1) Prior to commencement of production, all information contained on this form shall be available except Item 1a, Type of Well; Item 4, Location of Well, At top prod. interval reported below; Item 22, if Multiple Compl., How many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9-330 as required in 30 CFR 250.38(b), all information contained on this form shall be available except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the five-year period, the lessee or operator may submit objections to the release of such information. The supervisor, taking into consideration the objections of the lessee, proximity to unleased lands, and the best interests of the United States, may determine that such information shall not be released.

C. *Form 9-331—Sundry Notices and Report on Wells.* (1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available except Item 4, Location of Well, At top prod. interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

D. *Form 9-331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form and location plat attached thereto, shall be available except Item 4, Location of Well, At proposed prod. zone; and Item 23, Proposed Casing and Cementing Program.

E. *Sales of Lease Production.* Information contained on monthly Geological Survey computer printout showing sales of production, value and royalty of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Forms 9-152, 9-330, 9-331, and 9-331C shall be filed in accordance with the following:

A. All reports submitted on these forms after the effective date of this Order shall be filed in two separate sets. All items on the forms in one set shall be completed in full and such forms, and all attachments thereto, shall not be available for public inspection. The additional set shall be completed in full, except that the items described in 1.(A), (B), (C), and (D) above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This additional set shall be made available for public inspection.

B. Copies of reports on these forms which were filed between December 31, 1973, and the effective date of this Order, shall be resubmitted (in duplicate or triplicate, as provided by the regulations) within 30 days after the effective date of this Order. These reports may exclude the items described in 1.(A), (B), (C), and (D) above, and shall show the words "Public Information" on the lower right-hand corner and shall be made available for public inspection.

3. *Availability of Records Filed Prior to July 1, 1974.* Information filed prior to July 1, 1974, on the forms referred to in (1) above, is not in a form which can be readily made available for public inspection. Requests for information on these forms shall be submitted to the supervisor in writing and shall be made available in accordance with 43 CFR Part 2.

F. J. SCHAMBECK,
Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-12593 Filed 5-31-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-133]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Eastern Associated Coal Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Colver Mine located at Colver, Cambria County, Pennsylvania.

30 CFR 75.1405 provides:

> All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such euipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) All of the track haulage equipment at the subject mine was acquired and had been used in the mine prior to March 30, 1974.

(2) Said track haulage equipment includes approximately one hundred fifty (150) mine cars used for the haulage of coal and supplies.

(3) All of said haulage equipment, as originally acquired, was equipped with link-and-pin couplers.

(4) The underground haulage system at said mine operates in the following manner:

(a) The "loaded trips" or coal trains are composed of fourteen individual coal cars.

(b) During underground haulage operations, the fourteen-car train remains intact, and it is not regularly coupled or uncoupled while underground.

(c) On the surface near the preparation plant, the fourteen-car train is broken into two seven-car units.

(d) Each of the seven-car units is then taken to the dump where a drop-bottom method of dumping is employed.

(e) After each of the two seven-car units has been dumped, the two units are recoupled on the surface and taken back underground for another load of coal.

(5) On or about March 30, 1974, Petitioner installed automatic couplers on all of its supply cars, its track haulage motors (drive vehicles), and on the outside end of the first and last cars of each of its seven-car units.

(6) Automatic couplers were not installed on the inner couplings of the seven-car units because said couplings are not regularly coupled or uncoupled.

(7) The change to automatic couplers on the outside ends of the seven car units created technical difficulties with the car spotters in said mine. Petitioner has been unable to overcome these technical problems because the distance between cars coupled with link-and-pin couplers and automatic couplers differs by approximately eighteen inches, and the car spotters are designed to operate only at the distance between cars created by the link-and-pin couplers.

(8) As an alternative to continued use of the automatic couplers on the outside ends of the seven-car units, Petitioner proposes to do the following:

(a) Install a shop-made modification of the link-and-pin coupler which would allow the coupling and uncoupling of said seven-car units without the need for a person to go between the cars.

(b) Perform all regular coupling and uncoupling operations on the surface where there is adequate light and clearance.

(9) Petitioner's alternate method will provide no less than the same degree of safety to the miners in said mine than if the mandatory standard were strictly enforced.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 3, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MAY 23, 1974.

[FR Doc.74-12610 Filed 5-31-74;8:45 am]

[Docket No. M 74-132]

YOUNGSTOWN MINES CORP.

Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Youngstown Mines Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Dehue Mine located at Dehue, West Virginia.

30 CFR 75.1405 provides:

> All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner requests a waiver of the mandatory standard, and requests that it be allowed to use its current haulage system which is described as follows:

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[1] Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are— * * *

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; * * *

(9) Geological and geophysical information and data, including maps, concerning wells.

(1) Petitioner utilizes fifty-five wooden-bottom supply cars which were purchased in the years 1927 to 1929. These cars are maintained in good condition and regularly overhauled.

(2) The foregoing haulage cars are used exclusively to transport supplies, and are not used to transport coal.

(3) In the haulage process, five cars are loaded on the surface and lowered by hoist to the bottom of the mine where they are: coupled to the supply motor, taken to the section, uncoupled from the motor, and left to be unloaded. The procedure is reversed when the cars are brought to the surface.

(4) Petitioner believes that its proposed alternative to the mandatory safety standard will at all times guarantee no less that the same measure of protection afforded by said standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 3, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

James R. Richards,
Director,
Office of Hearings and Appeals.

May 20, 1974.

[FR Doc.74-12608 Filed 5-31-74;8:45 am]

National Park Service

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9:00 a.m., June 17, 1974, in the Tudor Room of the Holiday Inn in Anchorage, Alaska.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport (Chairman)
Dr. Robert L. Whitner (Secretary)
Mr. Leo V. Bodine
Mr. J. Allen Jensen
Mr. Roger Mellem
Dr. Richard M. Noyes
Mr. Wesley A. Phillips, Jr.
Mr. John C. Sackett
Hon. Lowell Thomas, Jr.

The matters to be discussed at this meeting include:

1. Operational procedures and programs in existing areas administered by the National Park Service in Alaska.
2. New area proposals in Alaska.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Glenn D. Gallison, Associate Regional Director, Cooperative Activities, Pacific Northwest Regional Office, at Area Code 206, 442-5962. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Pacific Northwest Region, 1424 Fourth Avenue, Seattle, Washington 98101.

Dated: May 29, 1974.

Robert M. Landau,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74-12689 Filed 5-31-74;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF LANDS ACT

Public Hearing Procedures

The Department of the Interior is considering amending the regulations issued pursuant to the Outer Continental Shelf Lands Act (OCS Act) (43 U.S.C. 1331-1343) with the objective of imposing new requirements with respect to geological and geophysical exploration under permits and pursuant to leases on the Outer Continental Shelf and disclosure of information and data obtained by such exploration. To that purpose the Department has under consideration the amendments of 30 CFR Part 250 and 43 CFR Part 3300, drafts of which were published in the Federal Register on May 16, 1974.

A public hearing will be held in the Auditorium, Department of the Interior, Washington, D.C., beginning at 10:00 a.m., Monday, July 15, 1974, and continuing, if necessary, through July 16, 1974. The hearing will be conducted by a Departmental Administrative Law Judge from the Office of Hearings and Appeals, and there will be a Panel composed of appropriate policy officers of the Department of the Interior who will ask questions of the witnesses.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Director, Geological Survey, National Headquarters Center, U.S. Geological Survey, Reston, Virginia 22092 by July 8, 1974. After receiving requests from those wishing to testify at the hearing, the Department will prepare a schedule showing the order of appearance and the probable time at which a witness will testify. This schedule will be available on Friday, July 12, 1974, at the office of the U.S. Geological Survey, Room 4441 Interior Building, Washington, D.C. 20240. It should be understood that the schedule will be necessarily tentative.

Written comments from those unable to attend the hearing should be admitted to the Director, U.S. Geological Survey, at the address given above. Written testimony and comments, including both suggested modifications of, or amendments to, the draft regulation and alternative proposals, should be submitted to the Director, U.S. Geological Survey by the close of business, July 8, 1974. The purpose of requesting such comments prior to the hearing is to assist the Department in the conduct of the hearing. Written comments may be submitted to the same officer after the hearing and will be received until the close of business on Friday, August 23, 1974. During this second comment period, the Department wishes to receive not only comments from those unable to testify at the hearing and supplemental materials from those presenting oral testimony, but also comments upon the testimony of other witnesses. After all comments and recommendations have been received and studied, the Department will publish a proposed regulation for comment.

Time limitations make it necessary to limit the length of oral presentations to fifteen minutes ordinarily but any witness wishing longer may so request. If there is sufficient justification given, a longer time may be granted. In order to afford the interested public maximum opportunity for participation in the offering of oral testimony, organizations are encouraged to have only one spokesman present oral testimony at the hearing. However, organizations may obtain advance permission to offer more than one spokesman or witness at the hearing upon making a clear showing that the Panel will benefit by this type of presentation and that it will avoid repetitive statements by the separate members of the organization. Witnesses are encouraged to avoid repetitive testimony. Endorsement of previous testimony is preferred to repetition of the same reasons for such views. An oral statement may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or at any time until August 23. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Administrative Law Judge will give others present an opportunity to be heard.

At the hearing, questions will be asked only by the members of the Panel, but, if any person wishes to have particular questions asked, he should submit the questions to the Panel by July 8. If any person present at the hearing should wish a question to be asked, it may be submitted in writing at any time to the Panel. However, the Panel will have complete discretion as to which question to ask. Questions asked by members of the Panel should not be interpreted as indicating any departmental position.

At the hearing and in the written comments, both before and after the

hearing, the Department particularly wishes to receive both comments on the draft regulations and recommendations as to alternative methods of serving the public interest by requiring submittal and eventual disclosure of geological and geophysical data obtained on OCS lands.

The Department has identified the following questions which it would like to see fully explored at the hearing and in comments: (1) How will the proposed terms of data disclosure for unleased areas (i.e., 10 years after collection) affect the volume, type, or timing of data collected by geophysical firms? Or the purchase of such data by companies interested in bidding at OCS sales? (2) How will the proposed terms of data disclosure for leased areas (i.e., 60 days after the sale) affect the volume, type, and timing of data collected in advance of sales by geophysical firms? Or the purchase of such data by companies interested in bidding at OCS sales? (3) How will the proposed terms of data disclosure for leased areas (i.e., 60 days after collection) affect the volume, type, and timing of data collected after the lease is sold? (4) Would these proposed regulations in terms of data submittal actually harm or benefit, and in what way, the geophysical firms? The major oil and gas companies? The independents and other companies interested in bidding? The Federal Government? (5) Would these proposed regulations in terms of data disclosure actually harm or benefit, and in what way, the geophysical firms? The major oil and gas companies? The independents and other companies interested in bidding? The public? The Federal Government? (6) What would be the necessary conditions for public availability of data to be meaningful: location of the data? data format? quickness of response to requests? (7) Are there other actions that the Department should take to increase the amount and availability of geological and geophysical data to the independent oil and gas companies and the public at large? (8) Under the proposed conditions would the additional data increase participation by independent oil companies in offshore exploration? (9) Would increased data under the proposed conditions affect the bidding for individual tracts?

John C. Whitaker,
Under Secretary of the Interior.

May 30, 1974.

[FR Doc.74-12766 Filed 5-31-74;9:19 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the lists (39 FR 5336 and 14735) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and which use humane methods of slaughter and handling of livestock are hereby amended as follows:

The reference to calves, sheep, and goats with respect to Amco-Pac Corporation, Establishment 809, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Establishments slaughtering humanely

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Madison Food, Inc	2923					(*)	
Houston Frosted Foods, Inc	7090	(*)	(*)	(*)	(*)	(*)	
Alpine Food Service	9238	(*)	(*)	(*)		(*)	
New establishments reported: 3.							

Done at Washington, DC, on May 24, 1974.

G. H. Wise,
Acting Administrator,
Animal and Plant Health Inspection Service.

[FR Doc.74-12566 Filed 5-31-74;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Monday, June 10, 1974 in room 218A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, NW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: May 28, 1974.

Robert W. Long,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74 12602 Filed 5-31-74;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held at 9 a.m. on Tuesday, June 11, 1974 in room 509-A, of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, NW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: May 28, 1974.

Robert W. Long,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74-12603 Filed 5-31-74;8:45 am]

Packers and Stockyards Administration

PARAGOULD STOCKYARD, PARAGOULD, ARKANSAS, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility number, name, and location of stockyard, and date of posting

ARKANSAS

AR–151, Paragould Stockyard, Paragould, March 6, 1974.
AR–152, Salem Horse Auction, Salem, March 3, 1974.

INDIANA

IN–152, Indianapolis Livestock Market, Indianapolis, April 16, 1974.

IOWA

IA–250, Montezuma Sale Company, Montezuma, May 9, 1974.

MISSISSIPPI

MS–152, Davis Livestock Commission Company, Ecru, April 22, 1974.

MISSOURI

MO–236, Mid-West Livestock Market, Inc., Nevada, May 6, 1974.

TEXAS

TX–304, Hamilton Livestock Commission, Inc., Hamilton, February 19, 1974.

WISCONSIN

WI–132, Midwest Livestock Producers Cooperative, Dale, February 18, 1974.

Done at Washington, D.C., this 28th day of May, 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74–12607 Filed 5–31–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAGNOSTIC X-RAY SYSTEMS

Notice of Availability of Petition To Amend Performance Standard

The Hearing Clerk, Food and Drug Administration, has received from the Commissioner of Health of the City of New York, a petition under 5 U.S.C. 553(e) for the Commissioner of Food and Drugs to exercise his authority under section 358 of the Radiation Control for Health and Safety Act of 1968 to amend the performance standard for diagnostic x-ray systems and their major components, § 1020.30 (21 CFR 1020.30).

The petition proposes that Part 1020 be amended by adding a new § 1020.33, applicable to image receptors as defined in § 1020.30(b)(19) and for use with diagnostic x-ray equipment.

Among other requirements, the petitioner proposes that manufacturers of image receptors provide for purchasers and others, instruction sheets or labels to include, for intraoral dental radiographic film, a statement of the film speed as determined by the manufacturer at time of shipment, and a label on all film packages stating the film speed, expressed in reciprocal roentgens.

The petition would require all intraoral dental x-ray films to have a speed range of no less than 12–24 reciprocal roentgens. The petition also specifies certain conditions for determination of the film speed.

The petitioner further proposes that manufacturers of chemical developers or processing systems intended to be used with dental intraoral radiographic film provide for purchasers and others, instruction sheets or labels to include information on the effect, if any, of the use of the developing chemicals or processors on the speed of any dental intraoral radiographic film, and the optimum conditions of temperature and time which will result in a dental radiographic film achieving an average density of 1.0 above the base and fog density.

It is the intent of the FDA that the petition be presented to the Technical Electronic Product Radiation Safety Standards Committee at their next meeting scheduled for September 18 and 19, 1974. This Committee, a statutory advisory committee to the Secretary of Health, Education, and Welfare, must be consulted prior to the establishment of standards under the Radiation Control for Health and Safety Act of 1968. Opportunity will be provided at this meeting for petitioners and others to present their views and supporting documentation. Within reasonable time constraints, there will be included ample opportunity for discussion and interchange between the Committee and others present.

The final decision whether or not to amend the standard will not be made by the Commissioner of Food and Drugs until recommendations of the Committee have been reviewed.

The petition and other documents submitted, including the grounds in support of the petition, are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Dated: May 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–12628 Filed 5–31–74;8:45 am]

OVER-THE-COUNTER PRODUCTS USED IN THE RELIEF OF SORE THROAT

Safety and Efficacy Review; Request for Data and Information

The Food and Drug Administration is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel. The review is being conducted pursuant to 21 CFR 330.10 (formerly 21 CFR 130.301(a)(1) through (12), recodified in the FEDERAL REGISTER of March 29, 1974 (39 FR 11741)).

Pursuant to 21 CFR 330.10(a)(2), two notices requesting data and information have been published in the FEDERAL REGISTER: one covering OTC oral cavity drug products published on July 20, 1973 (38 FR 19444) and another covering OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products published on August 9, 1972 (37 FR 16029).

As a result of these notices, material has been received by the two separate review panels concerning products having among their labeling claims a claim for the relief of a "sore throat." Administratively, it has been decided to have the "sore throat" claim reviewed by the OTC Oral Cavity Drug Products Panel. Accordingly, the subject area of this Panel has been expanded to include OTC drug products for use in the area of the pharynx including OTC products for symptomatic relief of laryngitis, pharyngitis, and tonsillitis, as well as the claim for "sore throat."

Data submitted to the OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products Panel pursuant to the notice in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029), relating to claims for "sore throat" or other conditions of the oropharynx such as laryngitis, pharyngitis, and tonsillitis should be resubmitted for consideration by the OTC Oral Cavity Drug Products Panel.

Material submitted to the OTC Oral Cavity Drug Products Panel pursuant to the notice in the FEDERAL REGISTER of July 20, 1973 (38 FR 19444), need not be resubmitted.

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of oropharynx and "sore throat" drug products, FDA invites submission of data published and unpublished and other information pertinent to all active ingredients utilized in such preparations.

Interested persons are invited to submit data on any active ingredient offered for OTC use for the treatment of "sore throat" and other conditions relating to the oropharynx, including OTC products for symptomatic relief of laryngitis, pharyngitis, and tonsillitis.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½x11 inches). All submissions must be in the format described below:

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical scientific literature.

B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.
5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.
5. Pertinent medical and scientific literature.

C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.
5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes all unfavorable information, as well as any favorable information available to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product, including information derived from investigations, consumer complaints, commercial marketing or published literature.

Data and information must be submitted on or before August 2, 1974, to: Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (HFD–109), 5600 Fishers Lane, Rockville MD 20852.

Dated: May 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–12626 Filed 5–31–74;8:45 am]

Office of the Secretary

[Contract No. HEW–OS–74–113]

ANALYSIS OF UTILIZATION OF MEDI-CAL SERVICES THROUGH USE OF DATA FROM THE PAID CLAIMS SYSTEM

Notice of Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the award of Contract No. HEW–OS–74–113 to The Urban Institute, 2100 M Street, NW., Washington, D.C. 20037, for a research project entitled "Analysis of Utilization of Medi-Cal Services Through Use of Data from the Paid Claims System." The purpose of the project is to (1) analyze the effects of resource availability (e.g., physicians, hospital beds, etc.) on the utilization of selected services (hospital inpatient care, physician services, hospital outpatient services, drugs, etc.) by California Medicaid recipients and (2) analyze the impact of the San Joaquin Foundation on utilization rates for the services indicated above. The estimated cost of this contract is $79,728.00 and the intended completion date is September 9, 1974.

WILLIAM A. MORILL,
Assistant Secretary for Planning and Evaluation.

APRIL 25, 1974.

[FR Doc.74–12622 Filed 5–31–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS–74–3]

PORT UTILITIES COMMISSION OF CHARLESTON, SOUTH CAROLINA

Notice of Petition for Exemption From Hours of Service Act

The Port Utilities Commission of Charleston, South Carolina, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–74–3, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before July 1, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on May 28, 1974.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.74–12590 Filed 5–31–74;8:45 am]

National Highway Traffic Safety Administration

BUICK AND CADILLAC DEFECTS INVESTIGATIONS

Public Proceeding Regarding Engine Mount Failures

Pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1361 et seq., 1402), the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to failures of engine mounts in 1965 through 1968 Buick Wildcat and Electra 225 models and the 1970 Cadillac (except late production and El Dorado models with cruise control) manufactured by General Motors because such failures can affect driver control over the engine throttle.

A public proceeding will be held at 10:00 a.m., June 18, 1974, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C. 20590, at which General Motors will be afforded an opportunity to present its views and evidence to establish that the alleged defect does not exist or does not affect motor vehicle safety. Interested persons are invited to participate through written or oral presentations. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file in this matter is available for public inspection during regular working hours in the Technical Reference Division, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 113, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 28, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–12639 Filed 5–31–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–249, 50–254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Facility License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment Nos. 3 and 8 to Facility Operating License Nos. DPR–25 and DPR–29 (respectively) to the Commonwealth Edison Company (and in the matter of License No. DPR–29, the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Dresden Unit 3 (located in Grundy County, Illinois) and Quad-Cities Unit 1 (located in Rock Island County, Illinois).

The amendments permit replacement of one reactor coolant system electromatic relief valve with a combination safety/relief valve and other related changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendment dated March 29, 1974, and supplements thereto dated April 18 (50–249 only), April 24 (50–254 only), and April 22, 1974, (2) Amendment Nos. 3 and 8 to License Nos. DPR–25 and DPR–29, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451 (for those items relating to Dresden Unit 3), and at the Moline Public Library at 504–17th Street in Moline, Illinois 60265 (for those items relating to Quad-Cities Unit 1).

A copy of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing–Regulation.

Dated at Bethesda, Md., this 24th day of May 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74–12632 Filed 5–31–74;8:45 am]

[Docket Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment Nos. 9 and 5 to Facility Operating License Nos. DPR–29 and DPR–30 (respectively) to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad-Cities Units 1 and 2 (located in Rock Island County, Illinois).

The amendments permit a change (from Automatic Dispatch System to Economic Generation Control System) in the title of the generation control network of Units 1 and 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendment dated January 23, 1974, (2) Amendment Nos. 9 and 5 to License Nos. DPR–29 and DPR–30, with any attachments, and (3) the letter to Commonwealth transmitting Amendments 9 and 5 which includes a statement as to our findings. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library at 504–17th Street in Moline, Illinois 60265.

A copy each of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 24th day of May 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74–12633 Filed 5–31–74;8:45 am]

[Docket Nos. 50–424—50–427]

GEORGIA POWER CO.

Notice of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Georgia Power Company to conduct certain site activities in connection with the Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3 and 4 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include: (1) Clearing and grading of the plant site and excavation and dewatering for Units 1 and 2 power block structures (reactor buildings, turbine buildings, auxiliary/fuel handling/control buildings, nuclear service cooling towers, standby nuclear service make-up wells, diesel generator buildings, and service/administration building), including non-structural measures necessary to protect the excavation (concrete mud slabs and gumiting); (2) clearing, grading, excavation and installation of the railroad spur, both on and off-site; (3) erection of concrete batch plants; (4) installation or erection of construction facilities (offices, warehouse, shops, roads, fences, and other security facilities, temporary power and water facilities and permanent make-up wells; (5) installation of sewage treatment plants; (6) excavation and construction of silt and debris basins, including sheet-pile dams and overflow structures; and (7) installation of fire protection facilities.

This authorization is subject to the following conditions for the protection of the environment: (1) During the construction provided by this authorization, the applicant shall take the necessary mitigating actions, including those commitments summarized in Section 4.5 of the AEC staff's Final Environmental Statement, to avoid unnecessary adverse environmental impacts from construction activities; (2) Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, the applicant shall provide written notification to the Director of Licensing; (3) A control program shall be established by the applicant to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth herein; (4) If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the applicant shall provide to the staff an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effects or damage.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Georgia Power Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the

Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An Initial Decision on National Environmental Policy Act and site suitability issues by the Atomic Safety and Licensing Board in the above-captioned proceeding was issued on May 24, 1974. A copy of (1) the Initial Decision; (2) the Applicant's Preliminary Safety Analysis Report, and amendments thereto; (3) the Applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated March 1974; and (5) the Commission's letter of authorization dated May 28, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Burke County Library, 4th Street, Waynesboro, Georgia.

Dated at Bethesda, Maryland this 28th day of May 1974.

For the Atomic Energy Commission.

ROGER BOYD,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.74–12631 Filed 5–31–74;8:45 am]

[Docket Nos. 50–466A, 467A]

HOUSTON LIGHTING & POWER CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c, of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated May 17, 1974, a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 1, 1974 either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn:

Chief, Public Proceedings Branch.

For the Atomic Energy Commission,

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

HOUSTON LIGHTING & POWER COMPANY, ALLEN'S CREEK NUCLEAR GENERATING STATION, UNITS 1 AND 2, DEPARTMENT OF JUSTICE FILE 60–415–71

MAY 17, 1974.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

Applicant, Houston Lighting & Power Company, has applied for a construction permit for its Allen's Creek Station, Units 1 and 2. The facility will be located in Austin County, Texas. Operation of Unit #1 is scheduled for March 1980 with Unit #2 to follow in March 1982. Each unit will include a 1,150 megawatt electric generating unit.

Description of applicant. Applicant is engaged primarily in the production, transmission, distribution, and sale of electric energy to residential, commercial, and industrial customers in the Houston Gulf Coast Area in the State of Texas. Its peak load for 1972 was 6,238,000 kw. As of December 31, 1972, Applicant provided electric service at retail in 151 communities (both incorporated and unincorporated). Applicant provides wholesale power to the South East Division of the Community Public Service Company which in turn distributes this energy at retail in 11 cities and towns. Under a limited contract extending to 1977, Applicant provides a small portion, approximately 4 percent, of the bulk power requirements of the Wharton Electric Cooperative. As of 1972, Applicant served approximately 2 percent of the geographic area of Texas and approximately 19 percent of the state's population. It furnished about 22 percent of the electricity consumed in the state. As of December 31, 1972, Applicant had a net generating capability of 7,375,000 kilowatts and had 670,023 customers in the 5600 square mile area served. Revenues for the year 1972 were $363,640,000. It is estimated that by 1982, the total net capacity of the Applicant's system will be 16,620,000 kilowatts.

Interconnection and coordination with others. Applicant is a member of the Texas Interconnected System (TIS). TIS is a group of nine interconnected electric systems that operate throughout the State of Texas. TIS is comprised of six investor-owned and three publicly owned electric systems. The members of TIS have an oral understanding with regard to the minimum installed reserves and spinning reserves that each member will maintain. The members of TIS also conduct various studies relating to the need for, and effects of, any future transmission and generation changes planned by the members. Thus, membership in TIS allows each member system to obtain various benefits from such coordination that are not available to non-members.

The members of TIS have in operation, under construction or in planning a number of 345 KV transmission lines which will form various loops among the member systems to substantially improve the system reliability of each member. These interconnections may also allow power interchanges to improve the operating economy of the members.

Applicant as well as the other members of TIS operate wholly within the State of Texas. Applicant is not subject to regulation by the Federal Power Commission. Neither is there any state regulatory body in Texas having jurisdiction over the rates of electric utilities.

In the past, membership in TIS has not been available to all of the electric utility systems in Texas, even where the non-member system was of sufficient size to make a contribution to the reliability of the bulk power supply of the members. This situation has recently changed and membership in TIS is being made available to other systems.

Results of antitrust review. Applicant has been and is engaging in discussions with other electric utility systems in the South Texas area concerning the joint ownership of nuclear generating facilities. These discussions have involved both TIS member and non-member systems. At present it appears that the Allen's Creek units will be wholly owned by Applicant, but that one or more other nuclear facilities currently being planned will be jointly owned by Applicant and several other systems. The Department has uncovered no evidence that would indicate that Applicant is attempting to prevent participation in the joint ownership of nuclear facilities by any system or is otherwise presently impairing the competitive opportunities of other systems.

Conclusion. In view of the above, the Department concludes that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.74–12599 Filed 5–31–74;8:45 am]

[Docket Nos. 50–463A, 50–464A]

PHILADELPHIA ELECTRIC CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended a letter of advice from the Attorney General of the United States, dated May 20, 1974, a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 1, 1974 either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Att: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

FULTON GENERATING STATION, UNITS 1 AND 2, PHILADELPHIA ELECTRIC COMPANY, AEC DOCKET NOS. 50–463A AND 50–464A, DEPARTMENT OF JUSTICE FILE 60–415–59

MAY 20, 1974.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

Applicant Philadelphia Electric Company (PE) has applied for licenses authorizing it to construct and operate two utilization facilities to be known as Fulton Generating Station, Units Nos. 1 and 2. The facilities will be located at PE's site in Fulton Township, Lancaster County, Pennsylvania. Each unit will have an approximate net electrical capacity of 1,160,000 kilowatts.

Applicant. PE is a privately-owned utility which supplies electric power service for the city of Philadelphia, Pennsylvania, five surrounding counties in southeast Pennsylvania and, through a subsidiary, two counties in Maryland. Gas service is provided in the five surrounding counties of Philadelphia and steam heat service in central Philadelphia and portions of West Chester, Pennsylvania.

For the twelve-month period ended October 31, 1973, PE had total electric sales of 26,214,000 megawatt hours, it had total elec-

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tric output of 28,148,000 megawatt hours of which 2,274,000 megawatt hours were from nuclear facilities. The peak load (net hourly demand) was 5,760,000 kilowatts. As of October 31, 1973, PE had 1,225,360 electric power customers of which 1,099,498 were residential.

PE already operates some nuclear generating facilities, having received a construction permit from the AEC in February, 1962, to construct a nuclear power plant at Peach Bottom, York County, Pennsylvania. This facility is now in operation. In 1968, the AEC granted permits for two additional nuclear generating units to be built at the Peach Bottom site. These units are now under construction. These two units are co-owned by Philadelphia Electric (42.49 percent), Public Service Electric and Gas Company (42.49 percent), Atlantic City Electric Company (7.51 percent) and Delmarva Power and Light Company (7.51 percent). These companies are entitled to energy from the units in proportion to their ownership interests.

PE has applied to the Commission to build two units to be known as Limerick Generating Station, Units 1 and 2. The Department of Justice has advised the AEC that it need not conduct an antitrust hearing with respect to these Limerick facilities.

PE has a 42.59 percent ownership interest in two nuclear generating units being built by Public Service Electric and Gas Company near Salem, New Jersey. Public Service Electric and Gas has a 42.59 percent interest and Atlantic City Electric Company and Delmarva Power and Light Company each have 7.41 percent interest in these units. The companies are entitled to energy from these units in proportion to their ownership interests. PE will also own 15 percent of two units to be known as Summit Power Station, Units 1 and 2, for which Delmarva Power and Light Company has applied for a construction permit. The Department of Justice has advised the AEC that it need not conduct an antitrust hearing with respect to these applications by Delmarva Power and Light.

Interconnections and coordination with other systems. PE belongs to the Mid-Atlantic Area Coordination Agreement, also known as the Pennsylvania-New Jersey-Maryland Interconnection (PJM Pool). This pool agreement provides for a high degree of coordination and facilities planning among its members. The other members are Public Service Electric and Gas Company, Pennsylvania Power and Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, UGI Corporation, and three companies owned by General Public Utilities Corporation (Jersey Central Power and Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company. Atlantic City Electric Company and Delmarva Power and Light Company are also members of the PJM Pool connecting to the pool through PE. On July 31, 1973, New Jersey Power and Light Company, which had been a PJM member, was merged into Jersey Central Power and Light.

Other than among members of the PJM Pool, PE has agreements to receive and deliver power or other coordinating and interconnecting agreements with a number of power companies. The PJM Pool itself has such arrangements with Niagara Mohawk Power Company, New York State Electric and Gas Company, West Penn Power Company, Potomac Edison Company, Monongahela Power Company, Virginia Electric and Power Company, and the Cleveland Electric Illuminating Company. PE has an agreement with Baltimore Gas and Electric Company (a PJM member) whereby PE operates a 220-kilovolt transmission circuit to the Pennsylvania-Maryland border. An agreement with Public Service Electric and Gas Company (a PJM member) provides for an interconnection between the Buckingham Substation of PE and the Pleasant Valley Switching Station of Public Service Electric and Gas Company. There is an extra high voltage transmission system agreement between all members of the PJM Pool with respect to the transmission of power from the Keystone Generating Station.

In addition to the jointly-owned nuclear facilities described above, PE has other joint ownership interests. It has a 20.72 percent ownership interest in the Conemaugh Steam Electric Station near Johnstown, Pennsylvania. Eight other power companies (all PJM members) also have ownership interests in this station. PE has a 42.55 percent ownership interest in what is known as the Lower Delaware Valley Transmission and Switching Facilities. Three other companies (including two PJM members) also have ownership interests in these facilities. PE owns a 20.99 percent interest in the Keystone Generating Station in Armstrong and Indiana Counties, Pennsylvania. Six other power companies (including five PJM members) also have ownership interests in this station.

Results of antitrust review. With one exception, our study of this application did not indicate any antitrust problems. The only matter requiring exploration pertained to allegations by the Borough of Lansdale, Pennsylvania, that PE was attempting to force certain rates on it.

Lansdale has, since 1956, been purchasing a portion of its bulk power requirements from PE. In 1971, Lansdale decided to purchase a larger quantity of wholesale power and phase out its own steam generating plant. The Borough sought proposals from nearby investor-owned power companies to supply it with wholesale power for five years. After an evaluation of the proposals, Lansdale elected to enter into a contract with PE. The contract provided for fixed rates together with a facilities agreement providing for new transmission and interconnection facilities. This contract was dated November 12, 1971. On May 1, 1972, PE filed, unilaterally, with the Federal Power Commission (FPC) an application seeking a rate increase and certain other terms which were not in accordance with the November 12 contract. PE did not file the November 12 contract. The FPC at first rejected PE's application but upon a refiling by PE, the FPC denied Lansdale's motion to reject the filing and allowed the new rate increase to go into effect. Subsequently, the FPC rejected attempts by Lansdale to require PE to file the November 12, 1971, contract with the FPC.

In the course of our review of this application, Lansdale suggested to the Department of Justice that PE's refusal to file the contract and its activities in connection therewith may violate the antitrust laws. In the meantime, on March 15, 1974, the United States Court of Appeals for the District of Columbia Circuit directed PE to file the November 12, 1971, contract with the FPC, vacated all previous orders of the FPC, and held that the 1971 contract rates are currently effective.[1] The Court relied primarily on the so-called Sierra/Mobile doctrine relating to fixed-rate contracts. (FPC v. Sierra Pacific Power Company, 350 U.S. 348 (1956) and United Gas Pipe Line Company v. Mobile Gas Service Corporation, 350 U.S. 332 (1956)).

By letter dated September 26, 1973, the Borough indicated to PE that it had an interest in purchasing power from the proposed Fulton Generating Station. The Borough also expressed a desire for a commitment on wheeling from PE and a wheeling rate.

PE did not respond to these requests until late in the antitrust review period. Then both by letter to the Borough and by agreement with the Department as to proposed license conditions, PE indicated its willingness to afford participation in the Fulton Generating Station to the Borough and committed itself to wheel power between Lansdale and other bulk power firms. PE's letter to the Department is attached hereto.

In view of the license conditions which PE is willing to have included in the permit and license for the Fulton Generating Station and in the expectation that the Commission will include such conditions in the license, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

Re Philadelphia Electric Company, Fulton Generating Station Units 1 and 2, AEC Docket Nos. 50–463A and 50–464A, Department of Justice File 60–415–59.

Honorable THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division, Department of Justice,
Washington, D.C. 20530

MAY 20, 1974.

DEAR MR. KAUPER: Attached to this letter is a statement of corporate policy of Philadelphia Electric Company. This statement is made with the understanding that the Department of Justice will recommend to the Atomic Energy Commission that no antitrust hearing will be required and, on that basis, Philadelphia Electric Company agrees that the commitments contained in the statement may be included as conditions to the AEC construction permit and operating licenses for the Fulton Generating Station.

The undersigned has been authorized by Philadelphia Electric Company to act on its behalf and to submit this letter and the attached statement.

Yours very truly,

EDWARD G. BAUER, JR.

STATEMENT OF POLICY

1. Philadelphia Electric Company ("Company") will afford an opportunity to participate in the Fulton Generating Station, Units 1 and 2, for the term of the license, or any extension or renewal thereof, to any other entity engaging in the generating, transmission and/or distribution of electric power in the City of Philadelphia, and in the counties of Bucks, Montgomery, Delaware, Chester and Lancaster in Pennsylvania and in the counties of Cecil and Harford in Maryland which has made a written request for participation in the Fulton Generating Station, Units 1 and 2, by February 28, 1974, through a reasonable ownership interest in such unit(s) or through contractual purchases of unit power subject to reasonable terms and conditions and on a basis that will fully compensate Company for its costs (including a reasonable return on investment). Such opportunity to participate shall include arrangements for reasonable reserve protection and associated transmission service by Company, on a basis that will fully compensate Company for its costs (including a reasonable return on investment). Any such entity must enter into executory agreements to accomplish the foregoing no later than May 31, 1975.

2. Company shall facilitate the transmission of bulk power over its transmission facilities between the Borough of Lansdale and any other bulk power entity, provided that (1) permission to utilize the transmission lines of other electric power systems necessary to the effectuation of the transaction has been obtained, and (2) the arrangements reasonably can be accommodated from a functional and technical standpoint. Such transmission shall be on terms that fully compensate Company for its costs (including a reasonable return on investment), and that are approved by the appropriate regulatory agencies. The Borough of Lansdale shall give reasonable advance notice of its schedule and requirements.

[FR Doc.74-12598 Filed 5-31-74;8:45 am]

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[1] Appeal Nos. 73–1031 and 73–1649.

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74-5-133]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate and Currency Matters

Issued under delegated authority May 28, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted by mail vote.

This agreement would amend Mid-Atlantic Cargo Rates and Resolution 021b to reflect the exchange rate for Venezuelan Bolivar. In support of this agreement, Venezolana Internacional de Aviacion, S.A. (VIASA) stated that inasmuch as the Venezuelan Government does not accept a rate of exchange different from the official VBO 4.30 equals US $1.00, they wish to increase by two percent all cargo rates to/from Venezuela on Mid-Atlantic routes to make basic rates coincide with rates in Venezuela Bolivars approved by the Government, which were calculated on the basis that VBO 4.40 equals US $1.00, and also to reflect in Resolution 021b, a rate of exchange of VBO 4.30 with respect to cargo traffic on Mid Atlantic routes only.

We will approve the agreement to the extent that it affects rates that are combinable with rates to/from United States points and thus has indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement C.A.B. 24382 and which do not directly affect air transportation within the meaning of the Act, are adverse to the public interest or in violation of the Act:

R-1	100 (Mail 953) 021b
	200 (Mail 206) 021b
	300 (Mail 428) 021b
R-2	JT12 (Mail 842) 534b
R-3	JT12 (Mail 842) 554b
R-4	JT12 (Mail 842) 590

Accordingly, it is ordered, That:

Agreement C.A.B. 24382, R-1 through R-4, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50 may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12667 Filed 5-31-74;8:45 am]

[Dockets Nos. 26357, 25474; Order 74-5-129]

WESTERN AIR LINES, INC.

Order of Suspension Regarding Hawaii Fares Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of May 1974.

By complaint filed January 28, 1974, Alaska Airlines, Inc. (Alaska) requested that the Board institute an investigation of so-called Hawaii Triangle fares published by Western Air Lines, Inc. (Western).[1] Answers were filed by Northwest Airlines, Inc., Western, and the Alaska Transportation Commission and a petition for leave to intervene was filed by the City of Anchorage. By tariff revision filed April 26, 1974, marked to become effective March 29, 1974, Western proposes to extend the availability of its Triangle fares one year beyond their current expiration date of May 31, 1974. By a motion to amend its initial complaint, Alaska requests suspension of the proposed extension of the fares. Western has answered the amendment requesting suspension, and concurrently, by tariff revisions marked to become effective June 15, 1974, proposes to increase the coach fare level by varying amounts averaging 7.5 percent.

In support of its requests for investigation[2] and suspension, Alaska alleges, inter alia, that the fares are unreasonable and anti-competitive, that they do not meet the Board's promotional fare standards set forth in Phase 5 of the Domestic Passenger-Fare Investigation (DPFI); and that they force normal-fare passengers to subsidize Triangle-fare users who receive what amounts to a free trip to Hawaii when flying round trip between Alaska and points in the lower 48 states. Specifically, the complainant alleges that the Triangle fare permits an Anchorage-Los Angeles passenger to fly on Western via Hawaii with stopovers (2,930 extra miles) for $24.36 less than the Anchorage-Los Angeles round-trip fare; that since their inception in October 1969, the fares have been largely responsible for Alaska's declining share of traffic between Anchorage and California and the Southwest; that the annual revenue loss to Alaska attributable to the fares equals $261,000 even if it is assumed that only 10 percent of Triangle-fare passengers were diverted from Alaska; and that Western had scheduled additional capacity between Anchorage and Seattle in order to carry Triangle-fare passengers, thereby further diverting Seattle traffic to itself by creation of a frequency edge.

Alaska further alleges that Western has had to add capacity between Honolulu and Anchorage to carry Triangle-fare users, but that the fares do not meet the fully allocated costs of that transportation as required by the Board's discount-fare policy; that Western has not made a prima facie showing that the fares will have a favorable profit impact; and that the amount of diversion must be significant inasmuch as 45 percent on nonstop Anchorage-Honolulu passengers travel on Triangle fares.

In answer, Western alleges, inter alia, that there is no evidence that the fares are not fully generative; that Alaska's minimal participation in the Anchorage-Los Angeles/southwestern U.S. traffic is due to Western's superior service pattern, inasmuch as Western provides the only round-trip single-plane service to Seattle from Los Angeles and many single-plane and on-line connecting services to other California and Nevada points; that Triangle-fare traffic is insufficient to warrant added capacity between Anchorage and Seattle; since that traffic breaks down to 1,000 passengers a month, or only 16 passengers a day in each direction; that Northwest's added capacity between Anchorage-Seattle is the likely cause of Alaska's decline in traffic share, in that Western's available seats in the market dropped by 2.4 percentage points between August 1969 and August 1973, while Northwest's share has increased by almost 14 percentage points in the same period; and that in any case, the Board made it clear in the Pacific Northwest-Alaska Service Case, (42 C.A.B.–489, 1965) that Alaska was never intended to be a third competitor in the Anchorage-Seattle market.

Western further alleges that the Anchorage-Honolulu route is still in a developmental stage and continues to require its Triangle promotional fares; that continued promotion of the fare is essential if the public benefits of viable daily service are to be realized, inasmuch as approximately 45 percent of the traffic is composed of Triangle-fare users; that contrary to Alaska's allegations, the fares are consistent with the Board's discount-fare policy in that they have enabled Western to fill seats which would otherwise have been flown empty; that the proposed increase will remove the undercutting of Anchorage-Los Angeles coach fares; and that beginning June 15, the fares will be at a level sufficient to cover fully allocated costs. Western alleges that the Los Angeles Triangle fare will yield 4.52 cents per mile, whereas the fully allocated costs per revenue passenger mile for that routing are 4.53

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[1] The fares are contained in Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 143. The tariff also includes joint Hawaii Triangle fares with American Airlines, Inc., Delta Air Lines, Inc., National Airlines, Inc., and Wien Air Alaska, Inc.

[2] Northwest answered in support of Alaska's initial request for investigation, and its argument essentially parallels that put forth by Alaska.

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cents; and 4.18 cents for the Anchorage-Honolulu nonstop segment alone.

The Alaska Transportation Commission's answer generally supports Western, and further contends that continuance of the fares would be highly beneficial to Alaskans, affording them an opportunity to mix business with pleasure.

Upon consideration of the complaints and answers thereto, the tariff proposals, and all other relevant matters, the Board finds that the proposed extension of the availability of the fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended. The fares are already included in the Hawaii Fares Investigation, Docket 25474.[3]

Although Western's primary justification for the fares (development of the Anchorage-Honolulu nonstop route) may retain some of its original validity, it is in our opinion seriously compromised by the low level of the fares and the virtual complete lack of any travel restrictions. Together these factors appear to invite abuse and significant diversion from full-fare services. In the absence of any data from Western to the contrary, other than general allegations, we are unable to conclude that the fares will produce revenues sufficient to cover losses from diversion and the cost of the transportation. After four and one-half years of experience with Triangle fares, Western has yet to provide the Board with any substantiated data which would support their extension for another year,[3] and it can only be concluded that direct route fares between the lower 48 states and Alaska applicable via a significantly circuitous routing do not cover full costs.

Western proposes to continue to offer stopovers at no cost at all points on the routing,[4] there would be no minimum or maximum stay requirement either at stopover points or for the trip as a whole, and no holiday blackouts or day-of-week restrictions would apply. Taken together, we believe that the potential for revenue dilution is significant, particularly to the extent that passengers avail themselves of the numerous opportunities for free stopovers. This opportunity is of particular significance with respect to Triangle fares to/from the Southwest, where business travel to Alaska is rapidly rising with construction of the trans-Alaska pipeline.

The Board does not dispute the contention that Hawaii Triangle fares have been instrumental in the promotion of Western's nonstop Anchorage-Honolulu route. However, when 45 percent of traffic over that segment travels on the fare, it is readily evident that much of the increased weekly capacity can be directly attributed to the fares. In this light, it would appear that either the normal fare in the market is excessive, or that Triangle-fare revenues do not fully cover their share of capacity and traffic costs.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. Pending a decision by the Board in Docket 25474, the provisions of paragraph 1.(c) on 2nd Revised Page 31 and the fares on 1st Revised Pages 33 and 34 of Airline Tariff Publishers, Inc., Agent, C.A.B. No. 143 are suspended and their use deferred to and including August 26, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. The motion of Alaska Airlines, Inc. to amend its complaint in Docket 26357 is hereby granted;

3. The petitions of the Alaska Transportation Commission and the City of Anchorage for leave to intervene in Docket 26357 are hereby dismissed;

4. The otherwise unauthorized document of the Alaska Transportation Commission in Docket 26357 be accepted as a late-filed answer;

5. Except to the extent granted herein, the complaint in Docket 26357 is hereby dismissed; and

6. Copies of this order will be filed in the aforesaid tariff and served upon Alaska Airlies, Inc., American Airlines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., National Airlines, Inc., Western Air Lines, Inc., Wien Air Alsaka, Inc., The Alaska Transportation Commission, and the City of Anchorage.

This order will be publish in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12544 Filed 5-31-74;8:45 am]

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[1] Petitions for leave to intervene were filed by the Alaska Transportation Commission and the City of Anchorage. Since it does not appear that the petitioners desire to intervene in the Hawaii Fares Investigation, their petitions will be dismissed without prejudice. We will, however, accept the brief of the Commission as an answer to Alaska's complaint.

[3] We also note that the Hawaii Triangle tariff contains first-class fares (at an average 27.8 percent above the coach Triangle fares). The Board has in the past suspended first-class promotional fares. (See Order 72-1-46, January 14, 1972.)

[4] As many as seven intermediate points (not including Honolulu and Anchorage) are included in the various routings for interior Mainland-points.

[5] Western alleges that its proposed Los Angeles Triangle-fare yield of 4.52 cents practically covers fully allocated costs per revenue passenger mile of 4.53 cents for a Los Angeles-Hawaii-Alaska-Los Angeles routing, and exceeds the cost of 4.18 cents per revenue passenger mile for its Anchorage-Honolulu nonstop route. However, no substantiation has been submitted.

CONSUMER PRODUCT SAFETY COMMISSION

PEDAL-POWERED VEHICLES

Notice of Meeting

The Consumer Product Safety Commission gives notce that a meetng on pedal-powered vehicles will be held Thursday, June 13, 1974, at 10 a.m. in Room 450, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. The purpose of this meeting is to allow representatives of EVI, 6345 Product Drive, Sterling Heights, Michigan 48077, a manufacturer of pedal-powered vehicles, to present data and information to the Commission's operations staff about safety-related design and performance characteristics of vehicles manufactured by that firm.

On November 29, 1973, Consumers Union of the United States, Inc. petitioned the Commission to promulgate a consumer product safety standard under the Consumer Product Safety Act applicable to pedal-powered vehicles. In this petition, Consumers Union enumerated twenty design and performance characteristics of vehicles manufactured by EVI which, in the judgment of Consumers Union, made the vehicle unsuitable for use on public roads and demonstrated the need for a consumer product safety standard applicable to pedal-powered vehicles to improve safety-related performance characteristics of such vehicles.

The Commission scheduled a public hearing on March 21, 1974, to discuss the petition submitted by Consumers Union, but that hearing was canceled by a notice published in the FEDERAL REGISTER on March 13, 1974 (39 FR 9696). In the notice of March 13, 1974, the Commission stated that all interested parties would be given the opportunity to discuss pedal-powered vehicles at a Commission meeting.

The meeting on June 13, 1974, will be attended by members of the Commission staff from the Bureau of Engineering Sciences, Bureau of Compliance, Bureau of Epidemiology, Bureau of Economic Analysis, Office of Standards Coordination, Office of the General Counsel, Office of the Medical Director, Office of Field Coordination, and Division of Product Defect Identification. The presentation of data and information on behalf of EVI will be made by Timothy Battaglia and John Gray, attorneys with the firm of Tingley, Hurd and Emens, and by Richard M. Rutherford, Vice President and General Manager of EVI. James Brodsky, attorney for Consumers Union, will also attend the meeting.

Any other parties who wish to attend this meeting should notify Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 496-7197.

Dated: May 29, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-12621 Filed 5-31-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Establishment of Temporary Tolerances

Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, submitted a petition (PP 4G1456) requesting establishment of temporary tolerances for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl) - *N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as chlordimeform) in or on the raw agricultural commodities citrus fruits and hybrids of these at 3 parts per million.

Subsequently, the petitioner amended the petition by proposing establishment of temporary tolerances for combined residues of the insecticide and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as chlordimeform) in or on citrus fruits and hybrids of these at 5 parts per million.

It has been determined that temporary tolerances for residues of the insecticide and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as chlordimeform) in or on citrus fruits and their hybrids at 5 parts per million will protect the public health. They are therefore established on the condition that the insecticide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the Ciba-Geigy Corp. name.

These temporary tolerances expire May 28, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: May 28, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-12556 Filed 5-31-74;8:45 am]

UPJOHN CO.

Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), The Upjohn Co., Kalamazoo, MI 49001, has withdrawn its petition (PP 3F1322), notice of which was published in the FEDERAL REGISTER of November 15, 1972 (37 FR 24213), proposing establishment of tolerances for combined residues of the insecticide benzoyl chloride (2,4,6-trichlorophenyl) hydrazone and its metabolite benzoic acid (2,4,6-trichlorophenyl) hydrazide in or on the raw agricultural commodities citrus fruits at 1 part per million and liver of cattle, goats, and sheep at 0.05 part per million.

Dated: May 22, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-12555 Filed 5-31-74;8:45 am]

FEDERAL ENERGY OFFICE

RETAIL DEALERS GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Retail Dealers Group will meet on Friday, June 7, 1974, at 9 a.m., in the Century Room, The La Salle Hotel, 10 N. La Salle Street, Chicago, Illinois.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline and diesel fuel. The agenda for the meeting is as follows:

I. OLD BUSINESS

A. Pricing
B. Allocations/Margins
C. Normal Business Practices
  1. Credit Card Programs
  2. Lease Cancellations
D. Charter Reorganization

II. NEW BUSINESS

A. New Mandatory Petroleum Allocation Regulations
B. Low Lead Pricing
C. Penetration of Retail Market by Major Companies
D. Car Wash Pricing
E. Remarks from the Floor (10 Minute Rule)

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning, and Regulation, Federal Energy Office, Washington, D.C. 20561. Area Code (202) 961-8324. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C., on May 30, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-12744 Filed 5-31-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1419-R]

INTERCONTINENTAL FILM-EXPORT SERVICE AND ALVARO E. CASTANEDA

Order of Revocation

By letter dated April 22, 1974, Alvaro E. Castaneda, d/b/a Intercontinental Film-Export Service, 5428 West 104th Street, Los Angeles, California 90009 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1419-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 17, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Alvaro E. Castaneda, d/b/a Intercontinental Film-Export Service has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1419-R be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1419-R of Alvaro E. Castaneda, d/b/a Intercontinental Film-Export Service be and is hereby revoked effective May 17, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Alvaro E. Castaneda, d/b/a Intercontinental Film-Export Service.

AARON W. REESE,
Managing Director.

[FR Doc.74-12568 Filed 5-31-74;8:45 am]

[Docket No. 72-17, (Sub No. 1); Agreement No. 10,000-1]

NORTH ATLANTIC POOL

Amendment of Order of Investigation

By Order of May 3, 1974, the Federal Maritime Commission instituted an investigation, *inter alia*, (1) to determine whether Agreement No. 10,000-1 should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916; (2) to include therein an investigation as to whether Agreement No. 10,000, as amended, makes provision for the continuation of the Agreement in the event of withdrawal of one of the signatories during the executory phase of the Agreement or whether such withdrawal

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would vitiate the entire agreement; and (3) that, because Agreement No. 10,000–1 is a critical component of Agreement No. 10,000, the presiding Administrative Law Judge expedite this proceeding to the fullest extent possible.

Respondents in this proceeding, signatories to Agreement No. 10,000, as amended by Agreement No. 10,000–1, have now filed a Motion for Clarification of the Commission's Order of Investigation and Hearing. Respondents urged in that petition that the Order be modified so as to clarify the intentions of the Commission. They urge that this clarification could be accomplished by the addition of the following phrase at the end of the third paragraph on page 7 of the Order:

> * * * since the Commission will only act upon Agreement No. 10,000, as amended by Agreement No. 10,000–1.

The third paragraph of page 7 of the Commission's Order currently reads:

> *It is further ordered*, That insofar as Docket No. 72–17 is now before the Commission on Replies to Exceptions, and because Agreement No. 10,000–1 is a critical component of Agreement No. 10,000, the presiding Administrative Law Judge expedite this proceeding to the fullest extent possible; * * *

Respondents' Motion elicited Replies from Hearing Counsel for the Commission and from Intervenor Massachusetts Port Authority (Massport). Hearing Counsel join in the motion of Respondents. Massport, on the other hand, opposes Respondents' motion essentially on the ground that "* * * the proposed addition to the Commission's Order implies that Commission disapproval of Agreement No. 10,000–1 necessarily carries with it Commission disapproval of the basic agreement", and that:

> If the Commission revises its Order of Investigation as requested, it will thereby be saddling itself with the responsibility for killing the entire Pool Agreement simply because it believes Agreement No. 10,000–1 should be disapproved or modified.

From this objection Massport goes on to remind the Commission that:

> The statutory authority given to the Commission in section 15 of the Shipping Act clearly envisions disapproval or modification of portions of agreements even though the remainder of the agreement is approved.

With Massport's position last quoted we are in utter accord, and we are unable to understand why the proposed amendment could in any way conflict with that position. In light of the general agreement as to the Commission's authority regarding disapproval or modification of portions of any agreement, we think that Massport has misread the impact of this modification. We have consistently intended to view this agreement and amendments thereto as a single document. This modification merely allows us to view this agreement as an entirety. However, this in no way implies that disapproval of one portion means disapproval of the whole agreement, necessarily. Amendment of our Order simply makes clear our original intent.

Therefore, it is ordered, That Respondents' Motion for Clarification be granted amending the original Order as requested by Respondents.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-12650 Filed 5-31-74;8:45 am]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Martime Commission, Washington, D.C. 20573, on or before June 24, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

George H. Sutter, Esq.
Acting Director, Department of Real Estate
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111

Agreement No. T-2005-10, between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), amends the basic lease between the parties providing for the lease to Sea-Land of certain marine terminal facilities at Seattle, Washington. The purpose of the amendment is to: (1) Increase by the collective amount of $20,231.16, the authorized amount of reimbursable expenditures as provided for in Agreements Nos. T-2005 and T-2451; (2) increase the monthly rental paid to Port by an amount which will amortize the costs of certain improvements, and (3) increase the lease bond by 50% of the amount of said improvements.

Agreement No. T-2451-3, also between the Port and Sea-Land, amends the basic agreement which provides for the lease of container cranes at the facility in Seattle leased by Sea-Land under the terms of Agreement No. T-2005, as amended. The purpose of the amendment is to amend Agreement No. T-2451 in exactly the same manner as the above amendment amends Agreement No. T-2005.

Dated: May 29, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12651 Filed 5-31-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-6083, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Order Amending Orders

MAY 23, 1974.

On August 6, 1973, Mesa Petroleum Co. (Petitioner) filed in Docket No. G-6083, et al., a petition to amend the orders of the Commission issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting Petitioner in lieu of Pubco Petroleum Corporation as certificate holder, all as more fully set forth in the petition to amend in this proceeding.

Effective April 30, 1973, as a result of merger of Pubco into Mesa, Pubco transferred to Mesa all of the oil and gas properties of Pubco, including all of the related facilities and gas sales contracts under which sales of natural gas are being made pursuant to permanent certificates heretofore issued to Pubco. Simultaneously Mesa assumed all current liabilities and all contract obligations of Pubco.

Petitioner has submitted for filing notices of succession to the FPC gas rate schedules of Pubco Petroleum Corporation and certificates of adoption of said rate schedules.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds.

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Pubco Petroleum Corporation should be amended by substituting Petitioner as certificate holder, that Petitioner should be substituted in lieu of Pubco Petroleum Corporation as applicant and respondent in pending proceedings, that the notices of succession to and certificates of adoption of the related rate schedules should be accepted for filing, and that said rate schedules should be redesignated accordingly.

The Commission orders.

(A) The orders issuing certificates of public convenience and necessity in the dockets listed in the Appendix hereto are amended by substituing Petitioner in lieu of Pubco Petroleum Corporation as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Pubco Petroleum Corporation as applicant in the certificate proceedings pending before the Commission listed in said Appendix below and said proceedings are redesignated accordingly.

(C) Petitioner is substituted in lieu of Pubco Petroleum Corporation as respondent in the rate proceedings pending before the Commission listed in said Appendix below and said proceedings are redesignated accordingly.

(D) The notices of succession and certificates of adoption dated July 30, 1973, submitted by Petitioner to the FPC gas rate schedules are Pubco Petroleum Corporation are accepted for filing effective as of April 30, 1973, and said rate schedules and supplements are designated or redesignated as set forth in the Appendix below.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX

Certificate Docket No.	Pubco Petroleum Corp. designation rate schedule		Description of Instrument	Date	Mesa Petroleum Co. designation rate schedule	
	No.	Supp.			No.	Supp.
G-6083 (G-9140 & G-11084.[2])	1	[1] 1-39			47	1-39
			Notice of succession certificate of adoption.	Undated July 30, 1973.	47	40
G-6083	2	1-9			48	1-9
			Notice of succession certificate of adoption.	Undated July 30, 1973.	48	10
G-6083	3	1-10			49	1-10
			Notice of succession certificate of adoption.	Undated July 30, 1973.	49	11
G-6083 (G-9665, G-11084,) (G-14220 & G-20138.[2])	4	1-41			50	1-41
			Notice of succession certificate of adoption.	Undated July 30, 1973.	50	42
G-6083	5	1-			51	1-6
			Notice of succession certificate of adoption.	Undated July 30, 1973	51	7
G-10289	6	1-9			52	1-9
			Notice of succession certificate of adoption.	Undated July 30, 1973	52	10
G-10602	7	1-18			53	1-18
			Notice of succession certificate of adoption.	Undated July 30, 1973	53	19
G-13104 G-20142 [2]	8	1-13			54	1-13
			Notice of succession certificate of adoption.	Undated July 30, 1973	54	14
G-13881 [3]	9	1-7			55	1-7
			Notice of succession certificate of adoption.	Undated July 30, 1973	55	8
CI60-175	13	1-30			56	1-30
			Notice of succession certificate of adoption.	Undated July 30, 1973	56	31
CI61-502	14	1			57	1
			Notice of succession certificate of adoption.	Undated July 30, 1973	57	2
CI64-903	15	1-4			58	1-4
			Notice of succession certificate of adoption.	Undated July 30, 1973	58	5
CI65-1280	16	1-11			59	1-11
			Notice of succession certificate of adoption.	Undated July 30, 1973	59	12
CI67-640	17	1			60	1
			Notice of succession certificate of adoption.	Undated July 30, 1973	60	2
CI68-1098	18	1-6			61	1-6
			Notice of succession certificate of adoption.	Undated July 30, 1973	61	7
CI72-127	20	1-4			62	1-4
			Notice of succession certificate of adoption.	Undated July 30, 1973	62	5

[1] Applicant's predecessor was granted temporary authorization to sell natural gas under Supplement No. 37.
[2] Pertains to supplemental agreement.
[3] Excluding Pubco's FPC Gas Rate Schedule Nos. 10 and 11.

MESA PETROLEUM CO. SUCCESSOR TO PUBCO PETROLEUM CORPORATION

PENDING RATE PROCEEDINGS

RI64-91	RI70-217	RI73-47.
RI64-92	RI70-218	RI73-83.
RI64-145	RI70-244	RI73-216.
RI64-146	RI70-1129	
RI64-537		[4] RI74-115.
RI64-541	RI72-58	[4] RI74-152.
RI64-544	RI72-137	
	RI72-178	
RI65-537	RI72-184	
	RI72-242	
RI66-3	RI72-243	
	RI72-252	
RI68-336		

[4] Respondent is Mesa Petroleum Co.

[FR Doc.74-12520 Filed 5-31-74;8:45 am]

[Docket No. CP73-294]

IROQUOIS GAS CORP. ET AL.

Application to Amend

MAY 28, 1974.

Take notice that on May 22, 1974, Iroquois Gas Corporation (Iroquois), 10 Lafayette Square, Buffalo, New York 14203, Pennsylvania Gas Company (Penn Gas), 213 Second Avenue, Warren, Pennsylvania 16365, United Natural Gas Company (United), 308 Seneca Street, Oil City, Pennsylvania 16301, and NFG Gas Corporation (National-NY), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP73-294 an application to amend the Commission's order issued May 10, 1974, in said docket (51 FPC ——), pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, all as more fully set forth in the application to amend which is on file with Commission and open to public inspection.

The order of May 10, 1974, granted Applicants permission and approval to abandon certain facilities and issued a certificate of public convenience and necessity authorizing the acquisition and operation of these same facilities, all to facilitate a major realignment of the National Fuel Gas Company (National-NJ) system. The applicants are to be transformed into two companies, one, United, with the name changed to National Fuel Gas Supply Corporation (NFG), will assume the production, gas purchase, gathering, storage, transmission, and sale for resale functions, and the other, National-NY, will assume the distribution functions. The existing holding company, National-NJ, was to be merged by National-NY. Applicants state that the plan of realignment has been conditional upon receiving a satisfactory tax ruling to be certain that there would be no additional federal tax burden on either investors or customers and that they have been advised that the realignment of the three operating companies can proceed without adverse tax consequences but that elimination of the holding company would be considered in a way that would incur adverse tax consequences.

Applicants state that after consideration they have concluded that the tax consequences require the holding company to be kept in existence. Accordingly, Applicants request modification of the order of May 10, 1974, to recognize that this aspect of the original proposal will not be undertaken and National-NJ will remain in existence with two major subsidiaries, the distribution company and the supply company.

Applicants describe the steps in the amended plan of realignment as follows:

> The first step of the amended plan of realignment will be the transfer of the gas distribution property, related intrastate transmission and general plant facilities, and certain other assets of Iroquois, Penn Gas and United to National-NY. In exchange for these assets National-NY will (a) assume certain liabilities related to gas distribution operations, (b) issue common stock to each transferor and (c) assume certain long-term indebtedness of each transferor to National-NJ. The consideration received by the transferors will in each case equal the original cost of its assets transferred to National-NY net of accumulated depreciation. By this step, National-NY will become a gas distribution company, operating under the jurisdiction of the New York, Pennsylvania and Ohio public utility regulatory commissions, and carrying out the distribution and intrastate transmission operations now performed by Iroquois, Penn Gas and United.
>
> The second step will be for Iroquois, Penn Gas and United to transfer all of the shares of National-NY held by them to National-NJ in exchange for certain of their respective shares held by National-NJ. After such exchange of shares, Iroquois, Penn Gas, United and National-NY will all be wholly owned subsidiaries of the holding company, National-NJ.

The final step of the amended realignment will be the creation of an integrated gas supply network by the transfer of the remaining plant and property of Iroquois and Penn Gas to United by means of a merger of these three companies. United, as the owner and operator of this network will be engaged in the production, purchase, storage, interstate transmission and sale for resale of natural gas. It will make no sales to ultimate consumers and over 98 percent of its sales will be to its affiliate, National-NY. The remainder will be sales for resale to non-affiliated distributors currently being made by United and Penn Gas.

Applicants assert that the completed realignment will result in National-NY's the distribution company, and United's, the supply company, providing integrated wholesale and retail gas service to the area now being served by Iroquois, Penn Gas and United and each resulting company will be a wholly-owned subsidiary of National-NJ, with their outstanding longterm indebtedness also held by National-NJ. Applicants further state that the continuation of the holding company will have no effect on the operations of the supply and distribution companies and that all of the operating benefits anticipated in the original proposal will be equally obtainable under the new arrangement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application to amend should on or before June 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12600 Filed 5-31-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Exchange Bank of Kahoka, Kahoka, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 20, 1974.

Board of Governors of the Federal Reserve System, May 23, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12012 Filed 5-31-74;8:45 am]

HILLSDALE DEVELOPMENT CORP.

Formation of Bank Holding Company

Hillsdale Development Corporation, Hillsdale, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 92.9 percent of the voting shares of Old Farmers & Merchants State Bank, Hillsdale, Illinois ("Bank").

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bank with deposits of $5.81 million as of June 30, 1973, is the 863rd largest in Illinois and the 21st largest of 23 banks in the Moline-Rock Island SMSA. Applicant was recently organized and has no business activities or present subsidiaries. Consequently, consummation of the proposed transaction will neither eliminate existing or potential competition, increase the concentration of banking resources, nor have an undue adverse effect upon any other bank in any relevant area. It is concluded that competitive considerations are consistent with approval.

Bank's financial condition, management and prospects are all considered satisfactory. Management of Applicant is thought to be capable; and its financial condition and prospects, which initially will depend largely upon Bank, appear to be satisfactory. Income to be derived from Bank should be adequate to service the debt incurred by Applicant as an incident to the acquisition. Considerations relating to the banking factors are consistent with approval of the application.

Although consummation of the proposed transaction will not have an immediate effect on area banking services, it will enable more varied financial services to be introduced in the future. Therefore, convenience and needs considerations are consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12614 Filed 5-31-74;8:45 am]

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[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

McNEE, INC.

Formation of Bank Holding Company and Engaging in Insurance Agency Activities

McNee, Inc., Grainfield, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent or more of the voting shares of The Citizens State Bank, Grainfield, Kansas, ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire McNee Insurance Agency, Grainfield, Kansas, an existing insurance agency. Applicant would engage in the insurance agency business in a community of less than 5,000 people. Such activities have been determined by the Board in § 225.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 11348) and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating corporation organized for the purposes of becoming a bank holding company through acquisition of Bank and operating an insurance agency business. Bank, with deposits of $2 million, representing .04 of one percent of the total commercial bank deposits in the State, is the only bank located in the town of Grainfield (population of 394).[1] Bank holds 18.4 percent of total deposits in the Grainfield market, which is approximated by portions of Gove and Logan Counties, and is the second largest of three banks in that market. Inasmuch as Applicant has no existing banking subsidiaries and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application to acquire Bank.

The financial and managerial resources and prospects of Applicant and Bank are generally satisfactory, and banking factors are consistent with approval of the application. There is no evidence that the convenience and needs of the community are not being served satisfactorily by the existing institutions. However, the proposed reorganization may improve Bank's ability to introduce new banking services for its customers. These considerations are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Also incident to the reorganization, Applicant proposes to operate a general insurance agency business, pursuant to § 225.4(a)(9)(iii) of Regulation Y, by acquiring the McNee Insurance Agency from the present shareholders of Bank. The agency would engage in the sale of fire, casualty, crop hail, credit life, credit health and accident and liability insurance. It does not appear that the acquisition of the general insurance agency business would have any significant effect on existing or future competition. On the other hand, approval of the application would assure residents of the area a convenient source of insurance services. There is no evidence in the record indicating that consummation of the proposals would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this order; and neither the acquisition of Bank nor the acquisition of the McNee Insurance Agency shall be made later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective May 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12615 Filed 5-31-74;8:45 am]

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[1] Banking data are as of June 30, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Merritt Island, Merritt Island, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Florida, controls 43 banks with aggregate deposits of $1.4 billion, representing 6.7 percent of total deposits in commercial banks in the State.[1] The acquisition of Bank would increase Applicant's share of deposits by less than one-tenth of one percentage point and would not change Applicant's rank among State banking organizations nor significantly increase the concentration of banking resources in the State.

Bank (deposits of $26 million) is the third largest of seven banks in the Central Brevard banking market, which includes Cape Canaveral, Cocoa, Cocoa Beach, and Merritt Island, Florida. Bank controls approximately 16 percent of the total deposits in that market; the two larger banks in the market, which are subsidiaries of bank holding companies, hold 31 percent and 19 percent, respectively, of market deposits. Although the market is marginally attractive for de novo entry, the present proposal would not raise significant barriers to entry by the many other potential entrants into the market. This proposal would represent Applicant's initial entry into the Central Brevard market. Applicant's closest subsidiary banking office to Bank is located 17 miles north, and each of the banks obtains a slight amount of loans and deposits from the other's service area. None of Applicant's other subsidiaries competes with Bank. Accordingly, no meaningful amount of existing competition between Applicant and Bank would be eliminated by the proposed acquisition. Moreover, it does not appear that the proposed acquisition would have any adverse effect on potential competition in view of the distances separating Applicant's subsidiaries and Bank, the presence of banks in the intervening areas, and the restrictions placed on branching by State law.

The financial and managerial resources and prospects of Applicant are regarded as satisfactory in view of Applicant's commitment to increase capital in certain of its subsidiary banks. The financial and managerial resources of Bank are generally satisfactory. Bank has recently experienced slow growth, and it appears that affiliation with Applicant will enhance its prospects by enabling it to compete more effectively with the other banks within the Central Brevard market. Considerations relating to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve Bank's services by offering trust services and assisting Bank with data processing services, investment services, business development, and mortgage lending services. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application.

In considering this application,[2] the Board has examined a covenant not to compete contained in an agreement between Applicant and directors of Bank. It appears that the provisions of the covenant are reasonable in duration, scope, and geographic area. Therefore, the Board is of the view that the agreement not to compete by the directors of Bank does not preclude an approval of the application based upon other considerations previously discussed herein. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record,[3] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

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[1] All data are as of June 30, 1973, unless otherwise indicated, and include formations and acquisitions approved by the Board through April 15, 1974.

[3] Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

V 39 107 JUN 3 74 XU

By order of the Board of Governors,[3] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12816 Filed 5-31-74;8:45 am]

UST CORP.

Acquisition of Bank

UST Corp., Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 95 percent of the voting shares of Milton Bank and Trust Company, Milton, Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the fifteenth largest commercial banking organization in Massachusetts, and controls one banking subsidiary, United States Trust Company ("US Trust"), with deposits of $82.4 million, representing .6 of one percent of total commercial bank deposits in the State.[1] Bank ($10.9 million in deposits) accounts for less than .1 of one percent of total Statewide commercial bank deposits. Consummation of the transaction would not result in a significant increase in the concentration of banking resources in Massachusetts.

Bank ranks 43rd among 62 commercial banking institutions located in the Boston SMSA (the relevant market)[2] and controls .1 of one percent of market deposits. US Trust, Applicant's sole banking subsidiary, which operates six banking offices in the market (all in Suffolk County), controls .9 of one percent of commercial bank deposits in the Boston banking market, and ranks thereby as the eleventh largest commercial banking organization in that market. Included in the 62 commercial banking organizations in the Boston banking market are 78 commercial banks with a total of 489 banking offices. The Boston banking market is characterized by a high level of deposit concentration, as reflected in the fact that the market's five largest commercial banking organizations control 80 percent of market deposits.[3] The present proposal would not appreciably affect the concentration level in view of the small market shares held by Applicant and Bank. Furthermore, a substantial number of independent banks would remain available for acquisition by the State's smaller organizations which are not presently represented in the market.

As noted above, US Trust operates its six offices in Suffolk County. Bank, with offices in Milton, Quincy, and Braintree, operates to the south of the city of Boston in Norfolk County. Under Massachusetts law, neither US Trust nor Bank may branch into the other's home office county. Although there is some overlap between the service areas of the two banks, the dollar volume of deposits represented by such overlap is not significant when compared to the total commercial bank deposits in the market. The present degree of competition between the two institutions is further tempered by the existence of numerous banking alternatives in the market. Furthermore, in view of Bank's small size and its market position, it does not appear that consummation of the proposal would raise significant barriers to entry into the area by other banking organizations. Nor does it appear that Applicant's entry into the area through alternative means would be so clearly preferable from a competitive standpoint as to preclude approval of the present application. On the other hand, Applicant's entry into Norfolk County through the subject acquisition may enhance competition by making Bank a more effective competitor to the other banking organizations in the County, including subsidiaries of four of the six largest banking organizations in the State. Accordingly, on the basis of the record, the Board concludes that competitive considerations relating to the proposal are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are satisfactory. The financial condition of Bank is satisfactory. Affiliation with Applicant will result in Applicant providing Bank with needed managerial assistance. Accordingly, Bank's future prospects as a subsidiary of Applicant appear to be favorable, and these considerations provide weight toward approval of the application. There is no evidence in the record to indicate that the banking needs of the area are not currently being met by existing financial institutions. However, Applicant proposes to assist Bank in offering such additional services as trust, computer, accounts receivable, inventory financing, and investment portfolio services. In addition, Bank will be able to improve its existing services in such areas as financial planning, investment management, and commercial financing. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that summation of the proposed transaction would be in the public interest and that the application should be approved.

In connection with is consideration of the application, the Board has also reviewed, pursuant to section 4(a)(2) of the Act, the "grandfather" privileges of Applicant, a "company covered in 1970" as that term is defined in the Act. Under section 4(a)(2) of the Act, the Board may terminate such "grandfather" privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Accordingly, the Board has reviewed the activities of Applicant for the purpose of determining whether the combination of banking and nonbanking interests in Applicant's holding company system would be likely to have an adverse effect on the public interest. Notice of the Board's proposed review of the "grandfather" privileges of Applicant and an opportunity for interested persons to submit comments and views or request a hearing was given (39 FR 6153 and 11952). The time for filing comments, views, and requests has expired, and none have been received.

Applicant has five nonbanking subsidiaries, four of which are permissible under various provisions of section 4(c) of the Act and "grandfather" privileges need not be relied on for Applicant's authority to continue such interests.[4] Applicant's fifth subsidiary, which was acquired in 1967, JSA Financial, is engaged in making commercial loans collateralized by inventory, accounts receivable, and real estate ($5.9 million in net commercial loans as of December 31, 1973). US Trust is also engaged in making such loans ($28.6 million as of March 29, 1974). JSA Financial and US Trust accounted for an insignificant share of the total commercial loan market in the Boston area. Moreover, JSA and US Trust tend to serve commercial concerns of different sizes and types. On the basis of facts before the Board, it appears that the volume, scope, and nature of the activities of Applicant and its subsidiary do not indicate an undue concentration of resources nor is there any evidence before the Board of decreased or unfair competition, conflicts of interest, or unsound banking practices.

There appears to be no reason to require Applicant to terminate its interest in JSA Financial. However, this determination is not authority to enter into any activity that Applicant was not engaged in on June 30, 1968, and continuously thereafter, or any activity that is not the subject of this determination. It is the Board's judgment that at this time termination of the "grandfather" privileges of Applicant is not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices. A significant alteration in the nature or extent of Applicant's activities, or a change in location thereof (significantly different from any described in this determination), will be cause for reevaluation by the Board of Applicant's activities under the provisions of section 4(a)(2) of the Act. Such an alteration or change may result in a finding that grandfather privileges should be terminated in order to prevent an undue concentration of resources or any of the other evils designated in the Act. No merger, consolidation, acquisition of assets (other than in the ordinary course of business), and no acquisition of any interest in a going concern, to which the Applicant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Applicant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

In making its determination herein, the Board finds that combining Bank in the Boston area with Applicant's existing banking and nonbanking subsidiary would not have an adverse effect upon the public interest at this time. However, the determination herein does not preclude a later review by the Board of Applicant's nonbanking activities, and a future determination by the Board in favor of termination of "grandfather" benefits of Applicant. This determination is subject to the Board's authority to require such modification or termination of the activities of Applicant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

Accordingly, on the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[5] May 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12817 Filed 5-31-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE, PUBLIC PROGRAMS PANEL

Notice of Meeting

MAY 31, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet in Washington, D.C. on June 13 and 14, 1974.

The purpose of the meeting is to review Museums Program applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc 74-12629 Filed 5-31-74;8:45 am]

OFFICE OF PLANNING & ANALYSIS-YOUTHGRANTS PANEL

Notice of Meeting

MAY 22, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Youthgrants Panel will be held at Washintgon, D.C., on July 5 and 6, 1974.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for project grant awards.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Panel.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-12630 Filed 5-31-74;8:45 am]

POSTAL RATE COMMISSION

POSTAL FACILITIES

Notice of Visit

MAY 29, 1974.

Notice is hereby given that employees of the Postal Rate Commission will be visiting Postal Service facilities on the date indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

Place of visit:	*Date of visit*
Cincinnati, Ohio	June 7, 1974

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-12675 Filed 5-31-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-30]

CALDWELL TANKS, INC., ET AL.

Notice of Applications for Variance and Grant of Interim Orders

I. *Notice of applications.* Notice is hereby given that Caldwell Tanks, Inc., P.O. Box 19108, 4000 Tower Road, Louisville, Kentucky 40219, Western Petro-

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[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through April 30, 1974.

[2] The Boston SMSA encompasses all of Suffolk County and portions of Essex, Middlesex, Norfolk, and Plymouth Counties.

[3] Voting for this action: Governors Sheehan, Bucher, Holland, and Wallich. Voting against this action: Vice Chairman Mitchell and Governor Brimmer. Absent and not voting: Chairman Burns.

[3] Excluded from this market share determination are the deposits held by mutual savings banks which approximate $8.5 billion (as of June 30, 1973).

[4] The four subsidiaries are engaged in holding property used as banking premises (permissible under section 4(c)(1)(A)); operating and SBIC (permissible under section 4(c)(5)); leasing personal property and acting as investment or financial adviser (both subsidiaries were approved pursuant to section 4(c)(8) de novo procedures).

[5] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Sheehan.

V 39 107 JUN 3 74

Chem Services, Inc., 1947 East 22nd Street, Carson, California 90810 and Bishopric, 4413 Kings Run Drive, Cincinnati, Ohio 45232 have made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a) (4), (5), and (10) dealing with scaffolding.

The places of employment affected by these applications are the construction sites where the applicants are engaged in construction operations.

The applicants certify that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicants contend that they are providing employment and places of employment as safe as those which would prevail if they complied with 29 CFR 1926.451 (a)(4), (5), and (10). Section 1926.451 (a)(4) and (5) read as follows:

> (4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.
>
> (5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicants state that their business is of a specialized nature involving steel plate erection by members of the boilermaker's trade.

The applicants contend that the scaffolds they use in building tanks are mobile and are frequently raised, as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicants propose to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and the tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicants state that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicants also propose to place guardrail supports at 10'6'' intervals in lieu of the 8' requirement of 29 CFR 1926.451(a(5). This would allow consistent bracket spacing since the applicants further desire to use 10'6'' spans for their scaffold planking although 29 CFR 1926.451(a) (16) allows a maximum span of 10'. The applicants state that rough full-dimensional 2'' x 12'' x 12' planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade are used. The Douglas Fir has a fiber stress of 1,900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,500 fiber stress and a modulus of elasticity of 2,000,000. The applicants contend that the scaffolds they are using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

A copy of the applications will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Office Building
450 Golden Gate Avenue
PO Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554–E—600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522—Federal Office Bldg.
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the applications for variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 3, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variances may request a hearing on the applications no later than July 3, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be adressed to the Office of Compliance Programming at the above address.

II. *Interim orders.* It appears from the applications for variances and interim orders filed by the companies named in this notice, that the proposed scaffolding described in their applications provide employment and places of employment as safe as those which would prevail if the applicants were to comply fully with 29 CFR 1926.451(a) (4), (5), and (10). It further appears that interim orders are necessary, pending a decision on the applications, in order to prevent undue hardship to the applicants and their employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1910.11(c), that the companies be, and they are hereby, authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in 29 CFR 1926.451(a) (4), (5), and (10):

(a) The applicants' loose tools and equipment shall be kept in tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may rest on the scaffold plank from time to time. The loose tool containers shall be secured to prevent their upset or dislodgment from the scaffold area.

(b) Areas beneath employees working on elevated areas shall be roped off and posted with signs stating "Danger Overhead Work."

(c) A taut wire rope shall be installed at the scaffold plank level so that the open space on either side of the taut wire rope shall not exceed 12'' between the scaffold plank and the curved plate structure.

(d) Brackets, posts, supports and rails for the outer guardrail and midrail shall be proportionately stronger at 10' 6'' intervals in order to provide guardrail strength and stability equal to that which would be obtained by the use of 2 x 4's at 8' intervals in accordance with 29 CFR 1926.451(a) (5). Brackets and supports shall be located at 10' 6'' intervals.

(e) Tank scaffold brackets shall be spaced 10 feet 6 inches center to center for this type of tank work.

(f) Scaffold planks of rough full-dimensioned 2'' x 12'' x 12' Douglas Fir or Southern Yellow Pine of Select Structural Grade shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least a 2,500 fiber stress and 2,000,000 modulus of elasticity.

Each applicant shall give notice of its interim order to all employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. These interim orders shall be effective as of June 3, 1974, and shall remain in effect until a decision is rendered on the applications for variances.

Signed at Washington, D.C., this 23d day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-12648 Filed 5-31-74;8:45 am]

[V-74-28]

INTERLAKE STAMPING CORP.

Notice of Application for Variance; Correction

The notice of application of variance submitted by Interlake Stamping Corporation was published in the FEDERAL REGISTER on May 20, 1974 (39 FR 17806). The date specified for comments should read "July 19, 1974" rather than "June 19, 1974" to allow a 60 day comment period.

Signed at Washington, D.C., this 23d day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-12646 Filed 5-31-74;8:45 am]

Office of Federal Contract Compliance

STATE OF ILLINOIS EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Notice of Hearing

On April 11, 1974, in accordance with 41 CFR 60–1.4(b) (2) (39 FR 2365, January 21, 1974), the Director of the Office of Federal Contract Compliance announced his determination in the FEDERAL REGISTER (39 FR 13210) that the Illinois rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of federal hometown and imposed plans in operation in the State of Illinois. The OFCC Director's approval was, however, provisioned and conditioned upon a subsequent determination by the Comptroller General of the United States that the Illinois Fair Employment Practices Commission's rules and regulations are consistent with applicable federal procurement law requirements for federally assisted construction contracts; the Comptroller General has not ruled on this matter as of this date.

Pursuant to 41 CFR 60–1.4(b) (2), on April 29, 1974, the Building Construction Employers' Association of Chicago, Inc., appealed the OFCC Director's determination to the Assistant Secretary of Labor for Employment Standards by requesting a hearing. Accordingly, an administrative law judge has been designated to conduct a hearing commencing on June 12, 1974, at 10:00 a.m., in Conference Room 642, 536 South Clark Street, Chicago, Illinois, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards upon the basis of the record before the administrative law judge. In accordance with 41 CFR 60–1.4(b) (2), evidence may be presented at the hearing relevant to the issue of whether the rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of federal minority hiring and/or training plans (either voluntary or imposed) in operation in the State of Illinois.

We have given the Building Construction Employers' Association of Chicago, Inc., and the Illinois Fair Employment Practices Commission notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations, and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations, and other entities affected by the OFCC Director's determination wishing to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, NW., Suite 720, Washington, D.C., 20036, by registered mail, return receipt requested, by the close of business, June 10, 1974. The notice of intention to participate (original and two copies) must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Illinois Rules and Regulations for Public Contracts and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to cross-examination, is authorized. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

Signed at Washington, D.C., this 30th day of May 1974.

H. STEPHEN GORDON,
Chief Administrative Law Judge,
U.S. Department of Labor.

[FR Doc.74-12765 Filed 5-31-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 518]

ASSIGNMENT OF HEARINGS

MAY 24, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–F–12138, Osborn Transportation, Inc.—Purchase (Portion)—Brown Transport Corp., Inc., now being assigned hearing July 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106497 Sub 96, Parkhill Truck Co., now being assigned hearing June 25, 1974 (3 days), in Room 1052A, Federal Bldg., 600 Federal Plaza, Louisville, Ky.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12423 Filed 5-31-74;8:45 am]

[Notice 520]

ASSIGNMENT OF HEARINGS

MAY 29, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 110420 Sub-694, Quality Carriers, Inc., now being assigned July 23, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 134599 Sub-98, Interstate Contract Carrier Corp., now being assigned July 25, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

FF–252 Sub-3, Chi-Can Freight Forwarding, LTD, now being assigned July 29, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC–138227, Rodney H. Blackwell, DBA Miss-Lou Truck Line, now assigned July 8, 1974, at Picayune, Miss., is cancelled and the application is dismissed.

MC–110420 Sub 693, Quality Carriers, Inc., and MC–110988 Sub 304, Schneider Tank Lines, Inc., now assigned June 21, 1974, at Chicago, Ill., is cancelled and transferred to Modified procedure.

FD 26115, Boston and Maine Corporation Reorganization, now being assigned prehearing conference July 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 217 Sub-16, Point Transfer, Inc.; MC 217 Sub-17, Point Transfer, Inc.; MC 13569 Sub-27, The Lake Shore Motor Freight Co.; MC 13569 Sub-30, The Lake Shore Motor Freight Company; MC 14552 Sub-50, J. V. McNicholas Transfer Company; MC 14552 Sub-53, J. V. McNicholas Transfer Company; and MC 138286 Sub-2, John F. Scott Company, now assigned June 10, 1974, at Pittsburgh, Pa., is postponed to September 9, 1974, in Room 1112, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa.

MC–F–12104, Illinois-California Express, Inc. — Purchase (Portion) — Bestway Freight Lines, Inc., now being assigned hearing July 22, 1974 (1 week), at Dallas, Tex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12660 Filed 5-31-74;8:45 am]

V 39 107 JUN 3 74

[No. 35986]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES—1974

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of May 1974.

It appearing, that, by "Addendum" filed on March 25, 1974, to their petition filed March 12, 1974,[1] the petitioners, namely, The Atchinson, Topeka and Santa Fe Railway Company and Southern Pacific Transportation Company, seek increases in their intrastate rates on cement from Clarkdale to Phoenix and Tempe, Ariz., which correspond to the increases authorized on cement moving in interstate traffic in Ex Parte No. 295, Increased Freight Rates and Charges 1973—Nationwide, 344 I.C.C. 589, and the increases authorized in Ex Parte No. 299, Increases in Freight Rates and Charges to Offset Retirement Tax Increases—1973, which became effective October 1, 1973 and January 1, 1974; and that the said "Addendum" was not verified insofar as it concerned the request to increase rates to the Ex Parte No. 299 level, as required by section 15a(4)(d)(C) of the Interstate Commerce Act, which verification was subsequently filed on May 1, 1974;

It further appearing, that petitioners sought authority from the Arizona Corporation Commission to maintain intrastate freight rates on the same level as interstate rates including the increases authorized in Ex Parte Nos. 295 and 299, and that the Commission granted petitioners' request, except with respect to movements of cement from Clarkdale to Phoenix and Tampe;

It further appearing, that petitioners contend that as a result the said rates for the specified intrastate movements of cement cause undue and unreasonable advantage, preference, and prejudice as between persons or localities engaged in the movement of cement in intrastate commerce, on the one hand, and corresponding shippers in interstate or foreign commerce, on the other hand, and an undue, unreasonable, and unjust discrimination against, and undue burden on, shipments of cement in interstate or foreign commerce, in violation of the provision of section 13(4) of the act;

It further appearing, that the "Addendum" is not supplemental of the prior petition but is a separate petition inasmuch as it is predicated on a different order of the Arizona Corporation Commission, and is based in part on different interstate increases, and that it should be treated as a separate petition at this time;

And it further appearing, that there has been brought in issue matters sufficient to require an investigation into the lawfulness under section 13 of the intrastate rates and charges made or imposed by the State of Arizona on cement from Clarkdale to Phoenix and Tempe to the extent they do not include the said interstate increases in their entirety, including the matter of the partial denial of the Ex Parte No. 299 increases by the Arizona Commission; that after such partial denial by the State authority, this Commission is required, under the provisions of section 15a(4)(d)(C), within 30 days of the filing of a verified petition by such carrier or group of carriers relating to the intrastate rates involved, to act upon such petition by applying the criteria of section 13(4); and that section 13(4) provides for an investigation which includes a full hearing;

Wherefore, and good cause appearing therefor:

It is so ordered, That the petition be, and it is hereby granted, and that an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the said intrastate rates and charges of the petitioners on cement from Clarkdale to Phoenix and Tempe, Ariz., cause or will cause, by reason of their failure to include the full amount of the interstate increase authorized in Ex Parte Nos. 295 and 299 any undue or unreasonable advantage, preference or prejudice as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any unjust discrimination against or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That the petitioners be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, in writing on or before June 13, 1974. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made, and the nature of further proceedings will be designated at that time.

It is further ordered, That a copy of this order be served upon each of the said petitioners; that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Arizona and to the Arizona Corporation Commission, Phoenix, Arizona; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12658 Filed 5-31-74;8:45 am]

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[1] By the petition filed March 12, 1974, petioners sought increases in Arizona intrastate rates generally to the Ex Parte Nos. 299, 301, and 303 levels.

[No. 36009]

FINANCIAL COURIER CORP.

Petition for Relief Certain of the Filing Requirements

MAY 22, 1974.

Notice is hereby given that on May 7, 1974, Financial Courier Corporation filed a petition for relief from certain filing requirements of Section 218(a) of the Interstate Commerce Act. In lieu of filing schedules of its actual rates and charges, petitioner seeks an exemption from such filing.

Petitioner alleges that it is a contract carrier providing courier service for banks and banking institutions and that its operations are virtually identical to the courier carriers who were granted relief from the filing requirements of section 218(a) in "Armoured Carrier Corp. Petition for Relief, section 218(a), 303 I.C.C. 781 (1958) and Relief from Certain Filing Requirements of section 218(a) Petition of Bankers Dispatch Corporation" (not printed), decided March 6, 1972; and that it competes with other couriers which are exempt from such filing requirements.

Any person interested in the matter which is the subject of the petition and who wishes to participate actively in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, on or before June 28, 1974, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the Offices of the Commission during regular business hours.

A copy of this notice will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12656 Filed 5-31-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 24, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54872, filed May 13, 1974. Applicant: BALDWIN TRUCKING, INC., 1740 Timothy Drive, San Leandro, Calif. 94577. Applicant's representative: E. H. Griffiths, 1182 Market, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory, which is described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

EXCEPT THAT applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; and (10) Fresh Fruits and Vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Indiana Docket No. 471-A, 14, filed April 23, 1974. Applicant: CARTER TRUCK LINES, INC., 2462 South West Street, Indianapolis, Ind. 46225. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Commodities generally:* (1) Serving all points within a 15-mile radius of Greencastle, Indiana (except Brazil, Indiana), as off-route points in connection with presently authorized regular-route operations; (2) (a) Between the intersection of Indiana State Highway 243 and Interstate Highway 70, or Indiana State Highway 43 and Interstate Highway 70, and Indianapolis, Indiana, via Interstate Highway 70, serving no intermediate points, for operating convenience only; (b) Between the intersection of U.S. Highway 40 and Indiana State Highway 240 and Indianapolis, Indiana, serving no intermediate points, for operating convenience only; (c) Between the intersection of U.S. Highway 40 and Indiana State Highway 39 and Indianapolis, Indiana, via Indiana State Highway 39 from the intersection of Indiana State Highway 39 and U.S. Highway 40 to its intersection with Indiana State Highway 39 and Interstate Highway 70, thence via Interstate Highway 70 to Indianapolis, Indiana, serving no intermediate points, for operating convenience only.

NOTE.—Applicant's presently authorized regular-route operations are described in PSCI Certificate No. 471-A, 12 and Certificate of Registration No. MC-85885 (Sub-No. 1). Intrastate, interstate and foreign commerce authority sought.

HEARING: June 28, 1974, at the State Office Building, room 903, Indianapolis, Ind., at 10:00 A.M. EST. Requests for procedural information should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204, and should not be directed to the Interstate Commerce Commission.

Minnesota Docket No. 50, filed April 15, 1974. Applicant: WREN, INC., doing business as LAKEVILLE MOTOR EXPRESS, Lakeville, Minn. 55044. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities*, over regular routes: Between Minneapolis and St. Paul, Minn., and all points in the Twin Cities Metropolitan Area (except Eden Prairie, Minn.), on the one hand, and, on the other hand, Eden Prairie, Minn., serving all intermediate points, over the following route: From St. Paul and Minneapolis, over city streets (including interstate highways) to junction of such street or interstate highway with Hennepin County Highway 62 to Junction U.S. Highway 212, thence via U.S. Highway 212 to Eden Prairie,

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and return over the same route. Intrastate, interstate and foreign commerce authority sought.

HEARING: July 2, 1974, at the Hearing Room of the Minnesota Public Service Commission, fourth Floor, St. Paul, Minn., at 9:30 A.M. Requests for procedural information should be addressed to the Minnesota Public Service Commission, 400 State Office Building, St. Paul, Minn. 55155, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12426 Filed 5-31-74;8:45 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 24, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 3, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-109780 (Deviation No. 47), CONTINENTAL TRAILWAYS, P.O. Box 730, Wichita, Kans. 67201, filed May 20, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55, to Hamel, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From St. Louis, Mo., over the Lewis and Clark Bridge and U.S. Highway 67 to Alton, Ill., thence over Illinois Highway 140 to Hamel, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12427 Filed 5-31-74;8:45 am]

[Notice 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 24, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 3, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-78786 (Deviation No. 8), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105, filed May 15, 1974. Carrier's representative: John MacDonald Smith, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gila Bend, Ariz., over Arizona Highway 84 (Interstate Highway 8) to Casa Grande, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Gila Bend, Ariz., over U.S. Highway 80, to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 187, thence over Arizona Highway 187 to Casa Grande, Ariz., and return over the same route. Service to and from all intermediate points between Phoenix, Ariz., and Chandler, Ariz., on U.S. Highway 80 and Arizona Highway 87 including Chandler, Ariz., is limited to service which is auxiliary to, or supplemental of, rail service of the Southern Pacific Company.

No. MC-112713 (Deviation No. 26), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed May 15, 1974. Carrier's representative: R. E. DeLand, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 57 to junction Interstate Highway 55, thence over Interstate Highway 55 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Evansville, Ind., thence over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to junction Illinois Highway 213, thence over Illinois Highway 213 to the Illinois-Kentucky state line, thence over Kentucky Highway 56 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence to Tennessee Highway 100 to junction Tennessee Highway 20, thence over Tennessee Highway 20 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12428 Filed 5-31-74;8:45 am]

[Notice 92]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 19, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75020. By order of May 16, 1974, the Motor Carrier Board approved the transfer to Western Truck Lines, a corporation, Los Angeles, Calif., of a portion of Certificate of Registration No. MC-98967 (Sub-No. 2), issued April 20, 1964, to Rogers Motor Express, a corporation, Modesto, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted January 15, 1974, in Decision No. 82346 by the Public Utilities Commission of the State of California. John Paul Fischer, 140 Montgomery St., San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75103. By order entered May 17, 1974, the Motor Carrier Board approved the transfer to Hummingbird Motor Lines, Inc., Cullman, Ala., of the operating rights set forth in Certificate No. MC-133743, issued February 24, 1970, to J. J. Guthrie, doing business as Guthrie Trucking Company, Cullman, Ala., authorizing the transportation of dry fertilizer, from points in Cullman County, Ala., to points in Georgia and Tennessee, restricted against the transportation of dry fertilizer, in bulk, in tnk or hopper-type vehicles, to Kingsport, Elizabethton, Johnson City, Morristown, Greeneville, Newport, Knoxville, and Oak Ridge, Tenn.; and from points in Hamilton County, Tenn., to points in Alabama and Georgia. William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12424 Filed 5-31-74;8:45 am]

[No. AB-82 (Sub-No. 1)]

MARIANNA AND BLOUNTSTOWN RAILROAD

Abandonment of Lines

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Jackson and Calhoun Counties, Fla., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of May 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-82]

MARIANNA AND BLOUNTSTOWN RAILROAD ABANDONMENT BETWEEN MARIANNA AND BLOUNTSTOWN, IN JACKSON AND CALHOUN COUNTIES, FLORIDA

[No. AB-82 (Sub-No. 1)]

MARIANNA AND BLOUNTSTOWN RAILROAD ABANDONMENT AT MARIANNA, IN JACKSON COUNTY, FLORIDA

The Interstate Commerce Commission hereby gives notice that by order dated May 20, 1974, it has been determined that the proposed abandonment of the entire line of the Marianna and Blountstown Railroad, between Marianna and Blountstown, Fla., a total distance of approximately 29 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that the environmental impacts are not considered significant because there have been no operations over the line since December 1972, and the highway system and nearby operational rail lines are adequate to handle prior or potential traffic. In addition, the severely deteriorated condition of the line makes it doubtful that a responsive and viable service will be available to local shippers and the line is not considered an important element in local planning efforts. Abandonment of the line will also facilitate the construction of the Interstate Highway 10 crossing over the rail right-of-way.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202—343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 18, 1974.

[FR Doc.74-12422 Filed 5-31-74;8:45 am]

[Notice 94]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 24, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74720. By supplemental order of May 15, 1974, the Motor Carrier Board approved the transfer to Herzog Trucking Company, Inc., Honesdale, Pa., of the operating rights in Certificate No. MC-97009 Sub 22 issued January 21, 1974, to Vincent J. Herzog, Honesdale, Pa., authorizing the transportation of general commodities and specified commodities from, to, and between points within 25 miles of Scranton, Pa., and points in New York and New Jersey within 25 miles of Port Jervis, N.Y.; Port Jervis and New York, N.Y.; Newton, N.J.; Dingmans Ferry, Dunmore, East Stroudsburg, Matamoras, Olyphant, and Scranton, Pa., among others. Mr. George A. Olsen, registered practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306.

No. MC-FC-75085. By order of May 23, 1974, the Motor Carrier Board approved the transfer to Woodrow James, Fred Bond, and Jerry Oxmer, a partnership, doing business as FJO Transportation, Newark, N.J., of the operating rights in Permits Nos. MC-124504 (Sub-No. 3) and MC-124504 (Sub-No. 4) issued October 15, 1963, and August 23, 1967, respectively, to Edward Johnson, Brooklyn, N.Y., authorizing the transportation of waste and scrap metal and metal articles, from Stamford, Conn., and Bedford Hills, N.Y., to Florence, Jersey City, Phillipsburg, and Plainfield, N.J., and from Stamford, Conn., to points in Bergen, Passaic, Hudson, Essex, Middlesex, Somerset, Morris, and Union Counties, N.J., restricted to a transportation service to be performed under contract for Schiavone-Bonomo Corporation, of Jersey City, N.J. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-75155. By order entered May 23, 1974, the Motor Carrier Board approved the transfer to R. Lavoie Trucking Inc., St. Bernard De Lacolle, Province of Quebec, Canada, of the operating rights set forth in Certificates Nos. MC-127870 and MC-127870 (Sub-No. 1), issued June 19, 1967, and June 8, 1972, respectively, to Roger Lavoie, Coaticook, Province of Quebec, Canada, authorizing the transportation of rough lumber, between ports of entry on the United States-Canada Boundary line at or near Champlain Ogdensburg, N.Y., and Norton Mills, Derby Line, and Richford, Vt., on the one hand, and, on the

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other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; dressed lumber, from ports of entry on the United States-Canada Boundary line located at or near Champlain and Ogdensburg, N.Y., and Norton Mills, Derby Line, and Richford, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Maryland, New York, New Jersey, and Pennsylvania. David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12659 Filed 5–31–74;8:45 am]

[Notice 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 44 TA), filed May 14, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route #13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from the plant site and storage facilities of Hawkeye Chemical Company at Clinton, Iowa, to mine sites of Peabody Coal Company located in Knox, Vermillion, Sullivan, Warrick, and Green Counties, Ind., for 180 days. SUPPORTING SHIPPER: Roy J. Ferro, Traffic Manager, Peabody Coal Company, 310 Mansion House Center, St. Louis, Mo. 63102. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 35807 (Sub-No. 46 TA), filed May 8, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Bailet (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable securities, bonds, and other valuables*, between Huntington, W. Va., on the one hand, and, points in Boyd County, Ky., on the other, for 180 days. SUPPORTING SHIPPER: Kentucky Farmers Bank, P.O. Box 545, Catlettsburg, Ky. 41129. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 41404 (Sub-No. 112 TA), filed May 15, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, restricted to traffic originating at or destined to the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 52460 (Sub-No. 145 TA), filed May 15, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material and empty containers* returned, from Memphis, Tenn., to St. Joseph, Mo., for 180 days. SUPPORTING SHIPPER: Cities Sales Co., Inc., Patrick A. Halligan, Pres., 510 Seneca, St. Joseph, Mo. 64501. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 146 TA), filed May 17, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat by-products and articles distributed by packing houses*, from the plant and storage facilities of Hyplains Dressed Beef, Inc., at or near Dodge City, Kans., to Bridgeport, Hartford, and Stamford, Conn.; Baltimore, Hagerstown, and Landover, Md.; Boston, New Bedford, Springfield, and Worcester, Mass.; Clifton, Elizabeth, Jersey City, Newark, Passaic, Paterson, and Woodbridge, N.J.; Albany, Henrietta, Nassau County, and its Commercial Zone, New York and its Commercial Zone, Rochester, Schenectady, and Suffolk County, N.Y.; Akron, Canton, Cincinnati, Cleveland, Lima, and Toledo, Ohio; Canonsburg, Harrisburg, Johnstown, Philadelphia, Pittsburgh, and Scranton, Pa.; Washington, D.C.; Bristol, Lynchburg, Norfolk, Richmond, Roanoke, and Salem, Va.; and Charleston and Wheeling, W. Va., for 180 days. SUPPORTING SHIPPER: Hyplains Dressed Beef, Inc., Jim Mitchell, Traffic Manager, P.O. Box 539, Ft. Dodge Road, Dodge City, Kans. 67801. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 103933 (Sub-No. 809 TA), filed May 15, 1974. Applicant: MORGAN DRIVE-WAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Woodbury County, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri, and Kansas, for 180 days. SUPPORTING SHIPPER: Alseaco, Inc., P.O. Drawer 2856, Sioux City, Iowa 51106. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 714 TA), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel joist and accessories*, from Grapeland, Tex., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Oklahoma, Mississippi, Tennessee, and New Mexico, for 180 days. SUPPORTING SHIPPER: Boyd Howard, Traffic Manager, Vulcraft Corporation Division of Nucor, P.O. Box 187, Grapeland, Tex. 75844. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 107295 (Sub-No. 715 TA), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretchers, gates, and posts* (except commodities which because of size or weight require the use of special equipment), from the plantsite and facilities of Sentry Fence Division of Texas Steel & Wire Corporation at or near Houston, Tex., to Phoenix and Tucson, Ariz., and Salt Lake City, Utah, for 180 days. SUPPORTING SHIPPER: Michael R. Burke, Sales Manager, Sentry Fence Division of Texas Steel & Wire Corp., 2002 Brittmoore Road, Houston, Tex. 77043. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 107295 (Sub-No. 716 TA), filed May 16, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Counter tops, window sills, sinks, and accessories* used in the installation thereof, from Brentwood (St. Louis County), Mo., to Anna, Arthur, Chicago, Chicago Heights, Chicago Ridge, Country Side, Fairbury, Marion, Elk Grove Village, Peoria, Morton, Farmer City, Lake Bluff, Ingleside, and Springfield, Ill.; Mansfield, Akron, Niles, Lima, Cleveland, Bedford, Columbus, Lancaster, and Dayton, Ohio; West Union and Huntington, W. Va.; New Castle, Delaware; Cedar Rapids, Waterloo, Mason City, and Des Moines, and Ottumwa, Iowa; Providence, R.I.; Baltimore, Md.; Billings, Mont.; Hutchison, Kansas City, Topeka, and Parsons, Kans.; Saginaw, Harrison, Portage, Dowagiac, Battle Creek, and Vassar, Mich.; Paducah, Lexington, Hopkinsville, and Louisville, Ky.; Hanover and Hatfield, Mass.; Hamburg, Schenectady, Cohoes, Elnora, Albany, Lakewood, and Glens Falls, N.Y.; Indianapolis, Evansville, and Richmond, Ind.; Belleville, N.J.; Omaha and Lincoln, Nebr.; Philadelphia and Nescopek, Pa.; Sioux Falls and Aberdeen, S. Dak.; Bismarck, Grand Forks, and Fargo, N. Dak.; Minneapolis, Fridley, Rochester, St. Cloud, Brainerd, Willmar, Marshall, Duluth, Virginia, Bemidji, and Alexandria, Minn., for 180 days. SUPPORTING SHIPPER: Eugene Connolly, V.P., Laminated Plastics, Inc., 1008 Hanley Industrial Court, St. Louis, Mo. 63144. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 111401 (Sub-No. 416 TA), filed May 16, 1974. Applicant GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vapor drying solvent* (Petroleum Naphtha) in bulk, in tank vehicles, from Cotton Valley, La., to points in New Mexico, for 180 days. SUPPORTING SHIPPER: Kerr-McGee Corporation, Ray F. Fischer, Transportation Mgr., P.O. Box 25861, Oklahoma City, Okla. 73125. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 417 TA), filed May 16, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Monument, N. Mex., to Tulsa, Muskogee, Enid, Comanche, and Harrah, Okla., and to Liberal, Garden City, Scott City, Ulysses, Dodge City, Heizer, Wichita, Goodland, Hays, and Anthony, Kans., for 180 days. SUPPORTING SHIPPER: Asphalt and Petroleum Industries, Inc., Joe Deal, President, Suite 126, Skyline East, 6111 East Skelly Drive, Tulsa, Okla. 74145. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 114896 (Sub-No. 17 TA), filed May 14, 1974. Applicant: PUROLATOR SECURITY INC., 1341 W. Mockingbird Lane, Suite 1101 E. Mockingbird Towers, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals* (gold, silver bars, and coins), between Corpus Christi, Tex., and Newark, N.J., for 180 days. SUPPORTING SHIPPER: Metals, Inc., 300 Agnes Street, Corpus Christi, Tex. 78408. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115162 (Sub-No. 289 TA) (CORRECTION), filed April 16, 1974, published in the FEDERAL REGISTER issue of May 1, 1974, and republished as corrected this issue. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal fireplaces and components*, from points in Madison and Limestone Counties, Ala., to points in Madison County, Ind., for 180 days. SUPPORTING SHIPPER: Fireside Distributor, Inc., 2225 Broadway, Anderson, Ind. 46012. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

NOTE.—The purpose of this republication is to correct the destination point as Madison County, Ind., in lieu of Madison County, La., which was published in the FEDERAL REGISTER in error.

No. MC 115322 (Sub-No. 104 TA), filed May 16, 1974. Applicant: REDWING REFRIGERATED, INC., Mlg: P.O. Box 10177. Off: Highway 527, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C., restricted to traffic originating at or destined to the plant and warehouse facilities of the Quaker Oats Company in or near Jackson, Tenn., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115524 (Sub-No. 25 TA), filed May 16, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, other than in bulk, in tank vehicles, (1) from the plant site, warehouse, and storage facilities of United Asphalt, Ponca City, Okla., and United Asphalt, El Paso, Tex., to points in Arizona, Colorado, and New Mexico, and (2) from the plant site, warehouse, and storage facilities of APCO, Cyril, Okla., to points in Arizona, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Sagebrush Sales Company, P.O. Box 25606, Albuquerque, N. Mex. 87125. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW., Albuquerque, N. Mex. 87101.

No. MC 116698 (Sub-No. 11 TA), filed May 15, 1974. Applicant: BILL G. CARR AND PHYLLIS R. CARR, doing business as ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, Mont. 59102. Applicant's representative: Joe Gerbase, Transwestern Life Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Billings and Laurel, Mont.: From Billings over Interstate Highway 90 and U.S. Highway 10 to Laurel, and return over the same route, serving all intermediate points, and serving Laurel, Mont., for the purpose of joinder only, for 180 days.

NOTE.—Applicant will join with MC 116698 Sub 6 and interline with other carriers at Billings, Mont.

SUPPORTING SHIPPERS: Marchello IGA, Red Lodge, Mont. 59068, Red Lodge Auto Parts, Red Lodge, Mont. 59068, and Waters Mens Store, Red Lodge, Mont. 59068. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 117940 (Sub-No. 130 TA), filed May 16, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and facilities utilized by the Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Minnesota and Wisconsin, restricted to traffic originating at the plantsites and facilities utilized by the Kitchens of Sara Lee, for 180 days. SUPPORTING SHIPPER: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. SEND PROTESTS to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 123294 (Sub-No. 32 TA), filed May 16, 1974. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona Avenue, P.O. Box 784, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, animal and poultry insecticides, livestock and poultry feeders and equipment, and advertising matter and premiums related to such commodities*, from Quincy and Alpha, Ill., to points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) *Materials, equipment and supplies* used in the manufacturing, sales, and distribution of the above named commodities, from points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia, to Quincy and Alpha, Ill., for 150 days. SUPPORTING SHIPPER: Moorman Manufacturing Company, 1000 North 30th St., Quincy, Ill. 62301. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 124236 (Sub-No. 70 TA), filed May 16, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid silicate of soda*, in bulk, from Dallas, Tex., to Albuquerque, Lovington, and Molybdenum, N. Mex., for 180 days. SUPPORTING SHIPPER: Diamond Shamrock Chemical Co., 1100 Superior Avenue, Cleveland, Ohio 44114. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124328 (Sub-No. 62 TA), filed May 16, 1974. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and/or coins* in bags, bars, bullion, and species, from Laredo, Tex., to New York, N.Y., Newark, N.J., Fairfield, Conn., and El Monte, Calif., for 180 days. SUPPORTING SHIPPER: J. Aron & Company Inc., 160 Water Street, New York, N.Y. 10005. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 125035 (Sub-No. 33 TA), filed May 16, 1974. Applicant: RAY E. BROWN TRUCKING, INC., Off: 1226 Stuart Street NW., Post Office Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, ice water confections, and pallets* used in the transportation thereof, between Peoria, Ill., on the one hand, and, on the other, points in Ohio on and north of Interstate Highway 70, for 180 days. SUPPORTING SHIPPER: Sealtest Foods, Division of Kraftco Corp., P.O. Box 5587, Cleveland, Ohio 44101. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission., Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125035 (Sub-No. 34 TA), filed May 16, 1974. Applicant: RAY E. BROWN TRUCKING, INC., Off: 1226 Stuart Street NW., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, not frozen (except in bulk, in tank vehicles), from the plantsites and facilities of the Kraftco Corporation and its division, Kraft Foods at or near Kendallville, Ind., to Fogelsville, Pittsburgh, and Philadelphia, Pa., Buffalo, N.Y., Landover, Md., Washington, D.C., and Hillside, Woodbridge, and Elizabeth, N.J., for 180 days. SUPPORTING SHIPPER: Kraft Foods, Division of Kraftco Corp., 447 East Grand Avenue, Chicago, Ill. 60611. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 125035 (Sub-No. 35 TA), filed May 16, 1974. Applicant: RAY E. BROWN TRUCKING, INC., Off: 1226 Stuart Street NW., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, not frozen, except in bulk, in tank vehicles, from the plantsites and facilities of the Kraftco Corporation and its division, Kraft Foods, at or near Champaign, Ill., to Cleveland, Akron, Canton, Massillon, Dennison, Bedford Heights, Maple Heights, Solon, Warrensville, Youngstown, Defiance, Maumee, and Toledo, Ohio, for 180 days. SUPPORTING SHIPPER: Kraft Foods, Division of Kraftco Corp., 447 East Grand Avenue, Chicago, Ill. 60611. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 127030 (Sub-No. 5 TA), filed May 15, 1974. Applicant: MATTHEW J. DE PALMA, INC., 1700 Orthodox Street, Philadelphia, Pa. 19124. Applicant's representative: Leonard W. Becker (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro manganese*, in bulk, in dump vehicles, from Belle Mead, N.J., to East Liverpool, Ohio, and Niagara Falls, N.Y., for 180 days. SUPPORTING SHIPPER: Calvin W. Lamb, Manager of Traffic & Distribution, Airco Alloys—a Division of Airco, Inc., P.O. Box 368, Niagara Falls, N.Y. 14302. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 128021 (Sub-No. 12 TA), filed May 17, 1974. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, P.O. Box 100, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, bagged, vermiculite o/c (base for grill), charcoal lighter fluid (naphtha distillate), hickory chips (for flavoring), bagged, fireplace logs, sawdust, wax impregnated*, from Springfield, Oreg., to points in Arizona and California, under a continuing contract or contracts with The Kingsford Company, Louisville, Ky., for 180 days. SUPPORTING SHIPPER: Kingsford Company, P.O. Box 1033, Louisville, Ky., 40201. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Brimingham, Ala. 35203.

No. MC 128030 (Sub-No. 68 TA), filed May 15, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R. R. #1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* used in the packaging, labeling, manufacture, and shipping of Glass Containers and parts thereof; and (2) *Glass Containers and closures* thereof, (1) from points in Illinois and Missouri, to the plantsite of Midland Glass Co., Terre Haute, Ind. and (2) from the plantsite of Midland Glass Co., Terre Haute, Ind., to points in Ohio, for 180 days. SUPPORTING SHIPPER: Mr. James V. L. Jones, Manager of Transportation, Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 133939 (Sub-No. 3 TA) (AMENDMENT), filed April 24, 1974, published in the FEDERAL REGISTER issue of May 8, 1974, and republished as amended this issue. Applicant: IMPERIAL AIR FREIGHT SERVICE, INC., 151 Oliver Street, Newark, N.J. 07105. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740.

NOTE.—The purpose of this republication is to add additional supporting shippers. The supporting shippers are: Kingston Packaging Corp., P.O. Box 687, Kingston, N.Y. 12401; Nabisco, Inc., 425 Park Avenue, New York, N.Y. 10022; and Triangle Electronics Manufacturing Co., Inc., 182 North Hamilton Street, Poughkeepsie, N.Y. 12602. The rest of the application will remain as previously published.

No. MC 134022 (Sub-No. 9 TA), filed May 15, 1974. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, 4008 Schuster Drive, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, supplies, premiums, and equipment* when shipped therewith and the *return of empty containers and rejected shipments*, (1) from Trenton, N.J., Manhattan Borough, N.Y., and Baltimore, Md., to Milwaukee, Wis.; and (2) from Trenton, N.J., to Madison and Racine, Wis., for 180 days. SUPPORTING SHIPPERS: Tiffany Distributing, Inc., 3516 W. Pierce Street, Milwaukee, Wis. 53215 (Kirby M. Lawlis, President), and Simon Bros. Co., Inc., 901 E. Washington Avenue, Madison, Wis. 53703 (Harold Sipple, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134182 (Sub-No. 24 TA), filed May 16, 1974. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, P.O. Box 505, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to Dayton and Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Dubuque Packing Company, P.O. Box 283, Mankato, Kans. 66956. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 134387 (Sub-No. 21 TA), filed May 17, 1974. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends*, from points in Orange County, Calif., to points in Coconino County, Ariz., for 180 days. SUPPORTING SHIPPER: Crown Cork & Seal Company, Inc., 9300 Ashton Road, Philadelphia, Pa. 19136. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134477 (Sub-No. 63 TA), filed May 16, 1974. Applicant: SCHANNO TRANSPORTATION, INC., Off: 5 West Mendota Road, Mlg: P.O. Box 3496, West St. Paul, Minn. 55118. Applicant's representative Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric*, made of cotton or synthetic fibers, from Kenyon, R.I., and Rockville, Conn., to St. Cloud, Minn., for 180 days. SUPPORTING SHIPPER: Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minn. 56301. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 64 TA), filed May 16, 1974. Applicant: SCHANNO TRANSPORTATION, INC., Off: 5 West Mendota Road, Mlg: P.O. Box 3496, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride plastic foam*, cellular or expanded, from Elkhart, Ind., to St. Cloud, Minn., for 180 days. SUPPORTING SHIPPER: Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minn. 5601. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 134978 (Sub-No. 7 TA), filed May 16, 1974. Applicant: C. P. BELUE, doing business as BELUE's TRUCKING, Route 2, Chesnee, S.C. 29323. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime* (except in bulk, in tank vehicles), from points in Jefferson County, Tenn., and Crab Orchard, Tenn., to points in Cherokee, Graham, Clay, Macon, Swain, Jackson, Haywood, Rutherford, Henderson, Cleveland, Lincoln, Gaston, and Union Counties, N.C.; points in Transylvania, Madison, Buncombe, Yancey, Avery, Mitchell, McDowell, Polk, Burke, Catawba, Mecklenburg, and Cabarrus Counties, N.C.; and points in Oconee, Pickens, Anderson, Newberry, Laurens, Chester, York, Abbeville, Greenwood, Greenville, Cherokee, Union, Fairfield, and Spartanburg Counties, S.C., for 180 days. SUPPORTING SHIPPER: International Minerals & Chemical Corp., Route 1, Box 29BJ, Inman, S.C. 29349. SEND PRO-

TESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 136378 (Sub-No. 6 TA), filed May 17, 1974. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Duval County, Fla., to points in Lee County, Ala., for 180 days. SUPPORTING SHIPPER: Eagle Budweiser Distributing Company, 105 Rocket Avenue, Opelika, Ala. SENT PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 138984 (Sub-No. 3 TA), filed May 16, 1974. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 922 Whitman, Medford, Oreg. 97501. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* (except alcoholic beverages), between Grants Pass, Medford, and Klamath Falls, Oreg., on the one hand, and Yreka, Calif., on the other hand, for 180 days. SUPPORTING SHIPPER: Medford Coca-Cola Bottling Co., Inc., 3074 Crater Lake Avenue, Medford, Oreg. 97501. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139112 (Sub-No. 2 TA), filed May 16, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Above-ground swimming pools*, from Wilkes-Barre, Pa., to Colton, Calif., and (2) *Accessories* used in connection with above-ground swimming pools, from Colton, Calif., to Wilkes-Barre, Pa., for 150 days. SUPPORTING SHIPPER: Muskin Corporation, P.O. Box 629, Wilkes-Barre, Pa. 18705. SEND PROTESTS TO: District Supervisor Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139279 (Sub-No. 2 TA), filed May 16, 1974. Applicant GUY CLAIBORNE doing business as CLAIBORNE GRAIN COMPANY, P.O. Box 162, Coyville, Kans. 66727. Applicant's representative: Lucy Kennard Bell, 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scaffolding and scaffolding products, ladders, personnel/material hoist towers, concrete forms and concrete handling machinery, and shoring equipment*, between points in the United States (except Alaska, Hawaii, Maine, Vermont, Connecticut, Massachusetts, New Hampshire, Rhode Island, Michigan, Wisconsin, Minnesota, Utah, New Mexico, Colorado, Delaware, and the District of Columbia), under a continuing contract or contracts with Patent Scaffolding Company, a division of Harsco Corporation, for 180 days. SUPPORTING SHIPPER: Patent Scaffolding Company, Division of Harsco Corporation, 1927 Vine, Kansas City, Mo. 64108. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139420 (Sub-No. 5 TA), filed May 15, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture of hydraulic cylinders, from Shelby, Ohio, and Lone Star, Tex., to the facilities of Rugby Hydraulic Company at or near Rugby, N. Dak., for 180 days. SUPPORTING SHIPPER: Rugby Hydraulic Company, P.O. Box 328, Rugby, N. Dak. 58369. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12661 Filed 5-31-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 28, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 13, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-51146 (Sub-No. E1) (Correction), filed April 18, 1974, published in the FEDERAL REGISTER May 10, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above).

Proposal 3—part B. *Materials and supplies* used in the manufacture and distribution of paper products (except commodities in bulk), from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, and points in that part of New York east of New York Highway 30, to points in the Upper Peninsula of Michigan.

Proposal 5—part B. *Materials and supplies* used in the manufacture and distribution of paper products (except commodities in bulk) from Evansville, Ind., to points in the Upper Peninsula of Michigan. The purpose of the correction of proposals 3B and 5B is to exclude the transportation of commodities in bulk.

Proposal 22—part A. *Paper and paper products* (except drums, pails, and cans and commodities in bulk), from points in that part of Michigan on and south of a line beginning at Ludington and U.S. Highway 10, and thence east along U.S. highway 10 to Bay City, thence along the eastern shore of Saginaw Bay to Lake Huron, to points in North Dakota, South Dakota and Nebraska. The purpose of this correction is to redescribe the origin territory.

Proposal 43. *Cellulose materials and products, paper and paper products*, and *materials, equipment, and supplies* used in the production of the above-described commodities (except commodities in bulk), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Arizona, Washington, Oregon, California, Nevada, Idaho, Utah, Wyoming, Colorado, and New Mexico. The purpose of this correction is to include points in Arizona in the destination territory.

Proposal 48—part A. *Paper and paper products* (except drums, pails, and cans and commodities in bulk), from points in that part of Iowa north and east of a line beginning at the junction of the Iowa-Minnesota State line and U.S. Highway 65, thence south along U.S. Highway 65 to Mason City, thence east from Mason City along U.S. Highway 18 to Charles City, thence south from Charles City along U.S. Highway 218 to Iowa City, thence east from Iowa City along U.S. Highway 6 to the junction of U.S. Highway 6 and the Iowa-Illinois State line, to points in those parts of California, Oregon, and Washington which are on and west of Interstate Highway 5. The purpose of this correction is to exclude points in California and Oregon east of Interstate Highway 5 from the destination territory.

Proposal 52—part A. *Paper and paper products* (except commodities in bulk), from points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78) to points in Washington, Montana (except points south and east of a line beginning at the Wyoming-Montana State line near Gardiner, thence north along U.S. Highway 89 to the intersection of U.S. Highway 10, thence east along U.S. Highway 10 to the Montant-North Dakota State line), Idaho (except points south of a line beginning at the Oregon-Idaho State line, thence southeast along U.S. Highway 30 to the intersection of U.S. Highway 30N, thence along U.S. Highway 30N to the intersection of U.S. Highway 91, thence along U.S. Highway 91 to the intersection of U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line), Oregon (except points south and east of a line beginning at the junction of the California-Oregon State line and U.S. Highway 395, thence along U.S. Highway 395 to the junction of U.S. Highway 395 and U.S. Highway 20, thence along U.S. Highway 20 to the Oregon-Idaho State line), and California (except points south of a line beginning at Noyo thence east along California Highway 20 to the junction of California Highway 20 and Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line. The purpose of this correction is to redescribe the destination points in Montana and Idaho.

Proposal 53—part 2. *Materials and supplies used in the manufacture and distribution of paper and paper products* (except commodities in bulk), from points in Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia to points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78). The purpose of this correction is to include supplies as a commodity to be transported from the destination territory to the origin territory.

No. MC-110525 (Sub-No. E181), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to those points in Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 150 to Paris, thence along Illinois Highway 16 to Pana, thence along Illinois Highway 29 to Springfield, thence along Illinois Highway 36 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E182), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to those points in Indiana on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E183), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, between points in Georgia and points in Iowa. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E184), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Kentucky. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn.

No. MC-110525 (Sub-No. E185), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on, north, and east of a line beginning at Augusta, thence along Interstate Highway 20 to Atlanta, thence along Interstate Highway 75 to the Georgia-Tennessee State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E186), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Maine. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E187), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Maryland. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E188), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Fort Lee, N.J.

No. MC-110525 (Sub-No. E190), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on and east of a line beginning at the Tennessee-Georgia State line, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 80, to Savannah, to points in that part of Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E191), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Georgia on and south of U.S. Highway 78, to those points in that part of Missouri on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E192), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bitumi-

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nous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Montana. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E193), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Nebraska. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E194), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Nevada. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E195), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E196), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in New Jersey. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E197), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on and east of a line beginning at the Tennessee-Georgia State line, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 40 to Savannah, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points in Jefferson or Brazoria Counties, Tex.

No. MC-110525 (Sub-No. E198), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in New York. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-110525 (Sub-No. E199), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in North Dakota. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E200), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Wyoming. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E201), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Ohio. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn.

No. MC-110525 (Sub-No. E202), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Oregon. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E204), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Fort Lee, N.J.

No. MC-110525 (Sub-No. E205), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in South Dakota. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E206), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on and south of U.S. Highway 78 to those points in that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E207), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on and east of a line beginning at the Georgia-Tennessee State line, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 80 to Savannah, to points in Texas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. E208), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Utah. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E209), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, and bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E210), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Washington. The purpose of this filing is to eliminate the gateway of Copperhill, Tenn., and Addyston, Ohio.

No. MC-110525 (Sub-No. E211), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC-110525 (Sub-No. E219), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E223), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Newark, N.J.

No. MC-110525 (Sub-No. E224), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Indiana on and north of Interstate Highway 70, to those points in that part of South Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-110525 (Sub-No. E225), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Indiana to points in Vermont. The purpose of this filing is to eliminate the gateways of Clairton, Pa., and Syracuse, N.Y.

MC-110525 (Sub-No. E226), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Indiana to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-110525 (Sub-No. E227), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Indiana to points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstate Highway 64 to Charleston, thence along Interstate Highway 64/77 to junction U.S. Highway 52, thence along U.S. Highway 52 to the West Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-110525 (Sub-No. E229), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Delaware. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-114045 (Sub-No. E92), filed May 5, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Martinsville, Ind., to points in New Mexico, California, Nevada, Arizona, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC-114045 (Sub-No. E93), filed May 5, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, from Parson, Arkansas City, and Coffeyville, Kans., to points in Massachusetts, Connecticut, Maryland, Rhode Island, New York, New Jersey, Virginia, West Virginia, Delaware, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC-114045 (Sub-No. E94), filed May 5, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen food products* (except in bulk, and except meats, meat products, meat byproducts and dairy products), in vehicles equipped with mechanical refrigeration, (1) from points in that part of Indiana on and north of U.S. Highway 30, to points in Texas (except Bowie County), New Mexico, and Arizona; (2) from points in that part of Illinois on and north of a line beginning at Gulfport, thence along U.S. Highway 34 to Galesburg, thence along Interstate Highway 74 to Peoria, thence along Illinois Highway 29 to Sparland, thence along Illinois Highway 17 to Momence, thence along Illinois Highway 114 to the Illinois-Indiana State line (except Chicago), to points in Texas (except points in Bowie County), New Mexico, and Arizona; and (3) from points in Michigan to points in Texas (except points in Bowie County), New Mexico, and Arizona. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC-114045 (Sub-No. E95), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen* bakery products, from Marysville, Pa., to points in Colorado, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E96), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen dairy products*, in vehicles equipped with mechanical refrigeration, from the plant site of Kraft Foods Division of National Dairy Products Corporation, at Dallas, Tex., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC–114045 (Sub-No. E103), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, in mechanically refrigerated vehicles, from Pottstown, Morgantown, Downingtown, and Chambersburg, Pa., to points in Missouri, Kansas, Texas, Oklahoma, Arkansas, Kentucky, Arizona, New Mexico, and California. The purpose of this filing is to eliminate the gateway of Saltsburg, Pa.

No. MC–114045 (Sub-No. E104), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood and frozen seafood products*, from New York, N.Y., to New Orleans and Shreveport, La., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114045 (Sub-No. E105), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Cleveland, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Arkansas, or Texas.

No. MC–113362 (Sub-No. E5), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, and chain grocery stores, from Des Moines, Iowa, to those points in Illinois on, north, and east of a line beginning at the Wisconsin-Illinois State line, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 74, thence along Illinois Highway 74 to the Illinois-Indiana State line, and to those points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–113362 (Sub-No. E8), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from those points in Minnesota on, west, and south of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 114, thence along U.S. Highway 114 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line, to Chicago, Ill., and those points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Blue Earth and Elmore, Minn., Marshalltown, Iowa, and Chicago, Ill.

No. MC–113362 (Sub-No. E9), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Fairbault, Le Sueur, Montgomery, Owatonna, and Waseca, Minn., to Chicago, Ill., and those points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Marshalltown, Iowa, and Chicago, Ill.

No. MC–113362 (Sub-No. E10), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Albert Lea, Minn., points in Martin and Fairbault Counties, Minn., and points in Kossuth County, Iowa, to Chicago, Ill., and those points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of points in Iowa within 15 miles of Elmore, Minn., points in Iowa east of U.S. Highway 69, and Chicago, Ill.

No. MC–113362 (Sub-No. E11), filed May 5, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (A) from Chicago, Ill., and those points in Indiana north of U.S. Highway 40, to (1) those points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to junction Minnesota Highway 152, thence along Minnesota Highway 152 to St. Cloud, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to Bandette, Minn., (2) those points in Iowa on, north, and west of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20, to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, and (3) Humboldt, Iowa, and (B) from Indianapolis and Terre Haute, Ind., to Minneapolis, Minn. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and those points in Iowa within 15 miles of Elmore, Minn.

No. MC–117119 (Sub-No. E6), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *food products* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from Athens, Ala., and Bells, Humboldt, and Jackson, Tenn., to points in Kansas (except points in Cherokee, Crawford, Bourbon, Allen, Neosho, Labette, Montgomery, Wilson, Woodson, Chautauque, Elk, Greenwood, Cowley, Butler, and Sumner Counties, Kans.). The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC–117119 (Sub-No. E10), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188,

Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in truckloads of 20,000 pounds minimum, from points in Green County, Mo., to New Orleans, La., and points in that part of Oklahoma on and south of Interstate Highway 40, and points in Texas, restricted to the transportation of the quantities indicated, when transported from one consignor to one or more consignees. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC–119654 (Sub-No. E1, filed May 12, 1974. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, Ind. 46952. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Glass containers, caps, covers and tops therefor*, from Plainfield, Ill., to Covington and Louisville, Ky., (b) *Glass containers and closures therefor*, from Lincoln, Ill., to points in Michigan on, south, and east of Michigan Highway 46. The purpose of this filing is to eliminate the gateway of Marion, Ind.

No. MC–119777 (Sub-No. E11), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, plates, channels, angles crop ends, mine roof washers, pallets and couplings* (of such size and weight as to require special handling), from points in Illinois (except Franklin, Hamilton, White, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties), to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Flora or Sparta, Ill.

No. MC–120978 (Sub-No. E1), filed May 10, 1974. Applicant: REINHART MAYER dba MAYER TRUCK LINE, 1203 South Riverside, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Port Cargill, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Bloomington, Minn.

No. MC–124078 (Sub-No. E2), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wisconsin 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Atlanta, Ga. (except from the plant site of Martin-Maurietta Cement, Southern Division), to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of the Marquette Cement Manufacturing Company at Rickmart, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12551 Filed 5–31–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MAY 29, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before July 3, 1974. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC–1782 (Sub-No. 18G), filed April 18, 1974. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway, Nashua, N.H. 03060. Applicant's representative: Earl McCutcheon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, automo[illegible]es, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, to points in Vermont, Massachusetts, and Connecticut within 75 miles of Albany, N.Y.; and those in that part of New York within 75 miles of said point (except Rock City Falls and Ballston Spa, N.Y., points on and east of U.S. Highway 9 between Glens Falls and Albany, N.Y., on and west of U.S. Highway 4 between East Greenbush and Hudson Falls, N.Y., south of New York Highway 254, between Hudson Falls and Glens Falls, N.Y., and on and north of U.S. Highway 20 between Albany and East Greenbush, N.Y.). The purpose of this filing is to eliminate the gateway of Albany, N.Y.

The following letter-notices of proposals to eliminate gateway for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before.______________. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–95540 (Sub-No. E292), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Nevada. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in its commercial zone).

No. MC–95540 (Sub-No. E295), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC–95540 (Sub-No. E309), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Washington. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis).

No. MC–95540 (Sub-No. E310), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common* *carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and U.S. Highway 29, thence along U.S. Highway 29 to Danville, thence along U.S. Highway 58 to South Boston, thence along Virginia Highway 304 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to its junction with U.S. Highway 360, thence along U.S. Highway 360 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC–95540 (Sub-No. E311), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, in Appendix to the report in *Modification of Permits—Packinghouse Products*, 48 M.C.C. 628, from Detroit, Mich., to points in California south of a line beginning at the Pacific Ocean and extending easterly along California Highway 1 to its junction with California Highway 12, thence along California Highway 12 through Santa Rosa to its junction with unnumbered highway, thence along unnumbered highway to its junction with California Highway 128, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate 80 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC–95540 (Sub-No. E338), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milton, Pa., to points in California. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC–95540 (Sub-No. E339), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned preserved or prepared foodstuffs*, from New York, N.Y., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Richmond, Va., and points in Tennessee (except Memphis and points in the commercial zone thereof).

No. MC–100666 (Sub-No. E32), filed May 2, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Craig, Okla., to points in West Virginia on and east of U.S. Highway 19 (except Clarksburg and Morgantown). The purpose of this filing is to eliminate the gateway of Urania, La.

No. MC–100666 (Sub-No. E34), filed April 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1:

(a) *Plywood and particleboard*, from the plant site of the Georgia-Pacific Corporation at or near Taylorsville, Miss., to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington; (b) *particleboard*, from the plant site described in proposal 1(a) above to points in Arizona (except points in Cochise, Graham, Greenlee, Pima, Pinal, and Santa Cruz Counties). The purpose of this filing is to eliminate the gateway of Pittsburg, Kansas.

Proposal 2:

Plywood, from the plant site described in proposal 1(a) above to points in Colorado. The purpose of the filing of proposal two is to eliminate the gateway of Duke, Oklahoma.

Proposal 3:

Plywood, from the plant site described in proposal 1(a) above, to points in Arizona. The purpose of the filing of proposal three is to eliminate the gateway of Beaumont, Tex.

Proposal 4:

Particleboard, from the plant site described in proposal 1(a) above, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Paris, Tenn.

Proposal 5:

(A) *Plywood and particleboard*, from the plant site described in proposal 1(a) above, to points in New Mexico, and (b) particleboard from the plant site described in 1(a) above to points in Colorado. The purpose of the filing of proposal 5 is to eliminate the gateway of Craig, Okla.

Proposal 6:

Plywood, from the plant site described in proposal 1(a) above, to points in Pennsylvania. The purpose of filing of proposal six is to eliminate the gateway of Covington, Tenn.

Proposal 7:

Plywood, from the plant site described in proposal 1(a) above, to Memphis, Tenn. The purpose of the filing of proposal 7 is to eliminate the gateway of West Memphis, Ark.

No. MC–100666 (Sub-No. E43), filed April 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Proposal 1:

Composition board, from the plant site of U.S. Plywood-Champion Papers, Inc., near Oxford, Miss., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington. The purpose of the filing of proposal 1 is to eliminate the gateway of Pittsburg, Kans.

Proposal 2:

Composition board, from the plant site described in proposal 1 above, to points in Colorado and New Mexico. The purpose of the filing of proposal 2 is to eliminate the gateway of Craig, Okla.

Proposal 3:

Wallboard, fiberboard, particleboard, roofing, insulating, sheathing, and gypsum plaster products, from the plant site described in proposal 1, to points in Illinois, Indiana, Kentucky, Missouri, and Wyoming, and points in Florida on and east of a line beginning at the junction of the Florida-Georgia State line and U.S. Highway 129, thence along U.S. Highway 129 to the junction of U.S. Highway 129 and Florida Highway 345, thence along Florida Highway 345 to the Gulf of Mexico, and points in Shelby County, Tenn. The purpose of the filing of proposal 3 is to eliminate the gateway of West Memphis, Ark.

Proposal 4:

The *commodities* described in proposal 3 above, from the plant site described in proposal 1 to points in Wyoming. The purpose of the filing of proposal 4 is to eliminate the gateways of West Memphis, Ark., and Paris, Tenn.

No. MC–110525 (Sub-No. E146), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Washington. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E147), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub. No. E152), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in Maine. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E153), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to those points in Maryland on and west of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E154), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E155), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in Michigan. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E156), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 MCC 677, in bulk, in tank vehicles, from those points in Florida on and east of U.S. Highway 319 to points in Montana. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E157), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 62 MCC 677, in bulk, in tank vehicles, from those points in Florida on and east of Florida Highway 121 to points in Nebraska. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E158), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to Piney Pt., Fla., to points in Nevada. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E159), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E160), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to Piney Pt., Fla., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E161), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk in tank vehicles, from the District of Columbia to points in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E162), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to those points in New York on and north of Interstate Highway 84. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E163), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of U.S. Highway 231 to points in North Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E164), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 441 to Gainsville, thence along Florida Highway 121 to Lebanon Station, Fla., to points in Ohio. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E165), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida east of U.S. Highway 319 to points in Oregon. The purpose of this filing is to eliminate the gateway of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E167), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Liquid chemicals as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of U.S. Highway 319, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E169), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Florida to points in Vermont. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E170), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 MCC 677, in bulk, in tank vehicles from points in Florida to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E172), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 MCC 677, in bulk, in tank vehicles, from those points in Florida on and east of U.S. Highway 319 to points in Wisconsin. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E174), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, liquid alum, and bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Arizona. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points in Harris or Jefferson Counties, Texas.

No. MC–110525 (Sub-No. E175), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, liquid alum, and bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in California. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points in Harris or Jefferson Counties, Texas.

No. MC–110525 (Sub-No. E176), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Colorado. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC–110525 (Sub-No. E177), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Connecticut. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Fort Lee, N.J.

No. MC–110525 (Sub-No. E230), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E231), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Maine. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E–236), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in New Hampshire. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E235), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky on and east of Interstate Highway 75, to points in Nevada. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E354), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky on and east of Interstate Highway 75 to points in Montana. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E261), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to Baton Rouge, thence along Louisiana Highway 1 to the Gulf of Mexico, to those points in that part of Virginia on and north of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to Richmond, thence along Interstate Highway 64 to Norfolk, Va. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E262), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Maryland, to points in Alabama. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC–110525 (Sub-No. E263), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Arizona. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E264), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Maryland to points in Arkansas. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–111729 (Sub-No. E4), filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers*, and *records*, used in the preparation of punch cards, and *other business papers and records* involving information obtained from punch cards or pertaining to the use thereof (except cash letters), between Lewiston, Me., and Danbury, Conn. The purpose of this filing is to eliminate the gateways of points in Cambridge, Mass., within the Boston, Mass., commercial zone as defined by the Commission, and Providence, R.I.

No. MC–111729 (Sub-No. E5), filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and accounting media*, between Lexington, Ky., and Highland Park, Mich. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–111729 (Sub-No. E6), filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, business records, and audit and accounting media* (except cash letters), between Lewiston, Maine, and Wayne, N.J. The purpose of this filing is to eliminate the gateway of Cambridge, Mass.

No. MC–111729 (Sub-No. E7), filed May 6, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media* and *other business records*, between Milwaukee, Wis., and Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–111729 (Sub-No. E8), filed May 6, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith (except motion picture film used primarily for commercial theatre and television exhibition), between Chamblee, Ga., and New Orleans, La. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–111729 (Sub-No. E9), filed May 6, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, business records*, and *audit and accounting media* (except cash letters) between Atlanta, Ga., and New Orleans, La., restricted against the transportation of shipments having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC–111729 (Sub-No. E10), filed May 6, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers* and *records* used in the preparation of used punch cards, and *other business papers* and *records* involving information obtained from punch cards or pertaining to the use thereof (except cash letters), between Boston, Mass., and Camillus, N.Y. The purpose of this filing is to eliminate the gateway of Providence, R.I.

No. MC–111729 (Sub-No. E12), filed May 8, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business records* (except cash letters), between Flint, Mich., and Philippi, W. Va. The purpose of this filing is to eliminate the gateways of Toledo, Ohio, and Pittsburgh, Pa.

No. MC–111729 (Sub-No. E13), filed May 8, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers* and *records* used in the preparation of used punch cards, and *other business papers* and *records* containing information obtained from punch cards or pertaining to the use thereof (except cash letters), between Skokie, Ill., and Versailles, Ky. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 (Sub-No. E24), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods* (other than frozen foods), from points in that part of Wisconsin on and south of a line beginning at U.S. Highway 18 near Lake Michigan and extending west to the junction of U.S. Highway 18 and U.S. Highway 45, thence south on U.S. Highway 45 to the Wisconsin-Illinois State line, to points in Nebraska on and east of U.S. Highway 83 beginning at the Kansas-Nebraska State line and extending to North Platte, and thence on and south of U.S. Highway 30 extending from North Platte to the Missouri River, and points in that part of Kansas on and east of U.S. Highway 281, and points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 extending from Lineville to Iowa Falls, and thence south and west along U.S. Highway 20 to Sioux City. The authority described above is restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E26), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packinghouse products and byproducts, and packinghouse supplies*, (a) between points in Wisconsin on and east of U.S. Highway 45, on the one hand, and, on the other, Kansas City and Wichita, Kans., Kansas City, St. Joseph, South St. Joseph, and St. Louis, Mo., and Omaha and South Omaha, Nebr., (b) from points in Wisconsin and Iowa, to Cleveland, Ohio, and Buffalo, N.Y., (c) between points in Wisconsin and Iowa on the one hand, and, on the other, points in that part of Pennsylvania on and south of U.S. Highway 22 from the Ohio-Pennsylvania State line to Nanty Glo, and on and west of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, points in that part of New Jersey on and south of New Jersey Highway 6 from Fort Lee to Singac and on and east of New Jersey Highway 23 from Singac to Newark, points in those parts of New York, Connecticut, and Rhode Island on U.S. Highway 1 in each state, and points in that part of Massachusetts on and east of U.S. Highway 5 from the Connecticut-Massachusetts State line to Northampton, and on and south of Massachusetts Highway 9 from Northampton to Boston.

(2) *Meats, meat products, and meat by-products*, as described in Section A of the appendix to *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from points in Wisconsin and Iowa, to Philadelphia, Pa., Wilmington, Del., Baltimore, Md., Washington, D.C., and points in New York, except Buffalo, points on U.S. Highway 6 and those on and north of a line extending from Oswego, N.Y., along U.S. Highway 104 to junction New York Highway 69, thence along New York Highway 69 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line.

(3) *Meats, meat products, and meat by-products, and articles* distributed by meat Packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Wisconsin and Iowa to points in Connecticut, Delaware, Maine, Maryland (except points on and west of U.S. Highway 15), Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, and the District of Columbia.

The authority described in (1), (2), and (3) above is restricted to the transportation of the commodities described therein to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Pittsburgh, Pa.

No. MC–114019 (Sub-No. E29), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, and *meats and meat products*, not—frozen, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and points in that part of Missouri on and west of Missouri Highway 13, from the Iowa-Missouri State line to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line and points in Arkansas on, west and south of U.S. Highway 65 from the Missouri-Arkansas State line to its junction with Interstate 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Fort Atkinson, Wis.

No. MC–114019 (Sub-No. E38), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaska Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in New York and Pennsylvania, and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Kentucky on and west of Interstate Highway 65, points in Michigan, and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Fairport, Ohio.

No. MC–114019 (Sub-No. E40), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Iowa on and west of U.S. Highway 169, from the Iowa-Minnesota State line to Ft. Dodge and on and south of U.S. Highway 20 from Ft. Dodge to the Iowa-Illinois State line, to Milwaukee, Wis., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E41), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid edible coating compounds*, in bulk, in tank vehicles, from points in New York, Pennsylvania, Ohio, and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, and those points in that part of Indiana on and east of U.S. Highway 31, from the Indiana-Kentucky State line to its junction with U.S. Highway 24, and those on and south of U.S. Highway 24 from its junction with U.S. Highway 31 to the Indiana-Ohio State line, to Denver, Colorado. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 (Sub-No. E42), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, (b) from points in Illinois on and north of U.S. Highway 36 to points in New Jersey, Delaware, Maryland, and the District of Columbia, (c) from points in McHenry, Lake, Kane, Cook, DuPage, and Will Counties, Ill., to points in North Dakota, South Dakota, Nebraska, and Iowa, (d) from points in Ohio on and east of a line beginning at the junction of the Ohio-Kentucky State line and U.S. Highway 23, thence north along U.S. Highway 23 to the junction of U.S. Highway 23 and U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, points in Pennsylvania and New York and those points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, and Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E43), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from points in New York, Pennsylvania, West Virginia, Baltimore, and Sparrows Point, Md., and points in New Jersey, Connecticut, Delaware and Maryland, which are within 30 miles of New York, N.Y., Philadelphia, Pa., and points in Ohio on and east of U.S. Highway 23 to points in Michigan, restricted to the transportation of shipments moving from, to, or between warehouses, and other facilities of food business houses. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC–114019 (Sub-No. E44), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (a) from Rochelle, Rockford, DeKalb, Sycamore, Aurora, and Belvidere, Ill., to Racine, Waukesha, Beloit, and Union Grove, Wis.; (b) from points in Ohio, Indiana, Pennsylvania, New York, and points in New Jersey in the New York, N.Y., and Philadelphia, Pa.,

commercial zones, as defined by the Commission, to Racine, Wis., and that part of Wisconsin on and bounded by a line beginning at the Illinois-Wisconsin State line and extending along Wisconsin Highway 69 to Madison, thence along U.S. Highway 12 to Prairie du Sac, thence along Wisconsin Highway 60 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to point of beginning. The purpose of this filing is to eliminate all gateway points in Illinois.

No. MC–113019 (Sub-No. E45), filed May 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, and *blends of corn syrup and liquid* or *invert sugar*, all in bulk, in tank vehicles, from points in New York, Pennsylvania, those in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, and those in Ohio lying on and east of U.S. Highway 23 to points in Michigan. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC–114045 (Sub-No. E88), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Lubbock, Tex., and the site of the plant of Texas Meat Packers, Inc., located at Dallas, Tex., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E89), filed May 5, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from Brunswick, Maine, to points in California and Colorado. The purpose of this filing is to eliminate the gateway of points in Arkansas, Oklahoma, or Texas.

No. MC–114045 (Sub-No. E90), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from San Angelo, Tex., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E91), filed May 5, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products*, from Brunswick, Maine, to points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–117119 (Sub-No. E11), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Minnesota to points in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Delaware, the District of Columbia, and points in that part of West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Quincy, Ill.

No. MC–117119 (Sub-No. E12), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Minnesota on, south, and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to the junction of Interstate Highway 35, thence south along Interstate Highway 35 to the Minnesota-Iowa State line, to points in Florida, Georgia, North Carolina, Virginia, and Kentucky (except Boone, Kenton, Campbell, Bracken, Mason, Robertson, Pendleton, Grant, Lewis, Fleming, and Trimble Counties, Ky.). The purpose of this filing is to eliminate the gateway of Moberly, Mo.

No. MC–117119 (Sub-No. E13), filed April 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending north along U.S. Highway 169 to junction of Minnesota Highway 23, thence along Minnesota Highway 23 to Duluth, to points in Arizona, California, Nevada, New Mexico, and Colorado (except points in Sedgwick, Phillips, Yuma, Washington, Logan, Weld, Morgan, Adams, and Arapahoe Counties, Colo.). The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–117119 (Sub-No. E26), filed May 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Salt Lake City, Ogden, and Provo, Utah, to points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line and extending eastward along Ohio Highway 47 to junction of Ohio Highway 4, thence north along Ohio Highway 4 to junction of Ohio Highway 95, thence along Ohio Highway 95 to junction of U.S. Highway 42, thence along U.S. Highway 42 to the junction of Ohio Highway 58, thence north along U.S. Highway 58 to Lake Erie, and points in West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, and Virginia. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117119 (Sub-No. E27), filed May 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, in mixed loads with frozen foods or exempt agricultural commodities, from points in California (except points in Modoc, Lassen, and Plumas Counties, Calif.), to points in Connecticut, Florida, Georgia, Indiana, Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and points in that part of the Lower Peninsula of Michigan, on and south of Michigan Highway 55. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC–117119 (Sub-No. E28), filed May 9, 1974. Applicant; WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from points in Nebraska (except West Point, Millard, and Omaha, Nebr., and except points in Cedar, Dixon, Wayne, Dakota, Stanton, Cuming, and Burt Counties), to points in Delaware, New Jersey, New York, Maryland, Pennsylvania (except points in Erie, Venango, Crawford, and Mercer Counties, Pa.), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–117119 (Sub-No. E29), filed May 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Texas (except points in Tyler, Jaspar, Newton, Hardin, Orange, Jefferson, Chambers, Harris, Galveston, Fort Bend, and Liberty Counties, Tex.), to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Hoxie, Ark.

No. MC–117119 (Sub-No. E30), filed May 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California (except points in San Bernardino and Imperial Counties, Calif., and points in that part of Riverside County, Calif., east of U.S. Highway 395) to points in Missouri on and north of U.S. Highway 50 and points in Kentucky. The purpose of this filing is to eliminate the gateway of Franklin, Idaho.

No. MC–117119 (Sub-No. E31), filed May 9, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California (except points in San Bernardino and Imperial Counties, and points in Riverside County east of U.S. Highway 395), to points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence north along U.S. Highway 65 to the junction of Minnesota Highway 23, thence along Minnesota Highway 23 to Lake Superior at Duluth, Minn. The purpose of this filing is to eliminate the gateways of Preston, Idaho, and St. Joseph, Mo.

No. MC–117119 (Sub-No. E32), filed April 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, West Virginia, Maryland, and the District of Columbia, and to points in that part of Virginia east of Virginia Highway 16. The purpose of this filing is to eliminate the gateway of Preston, Idaho.

No. MC–117119 (Sub-No. E33), filed April 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California (except points in that part of California on, east, and south of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to the junction of California Highway 18, thence along California Highway 18 to the junction of California Highway 62, thence along California Highway 62 to junction of Interstate Highway 10, thence along Interstate Highway 10 to the junction of California Highway 86, thence along California Highway 86 to the junction of U.S. Highway 80, thence along U.S. Highway 80 to the junction of California Highway 111, thence along California Highway 111 to the United States-Mexico International boundary line), to points in Illinois, Indiana, Ohio, Wisconsin, and Michigan. The purpose of this filing is to eliminate the gateway of Preston, Idaho.

No. MC–117119 (Sub-No. E34), filed April 8, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), in truckloads of 20,000 pounds minimum, from points in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Washington (except Grandview and Kennewick, Wash., and points in Asotin, Garfield, Whitman, Spokane, and Pend Oreille Counties, Wash.), Nevada, and Oregon, restricted to the transportation of the quantities indicated, when transported from one consignor to one or more consignees. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and Fort Smith, Ark.

No. MC–123048 (Sub-No. E1), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural farm machinery* (except commodities the transportation of which requires the use of special equipment or special handling), from Antigo, Wis., to points in Arizona, California, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. Restricted to shipments originating at the plant and warehouse sites of Lockwood Division, Seilon, Inc., at Antigo, Wis. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E2), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements* (except commodities the transportation of which require the use of special equipment or special handling), from Antigo, Wis., to points in Colorado, Kansas, Nebraska, and South Dakota. Restricted to shipments originating at the plant and warehouse sites of Lockwood Division, Seilon, Inc., at Antigo, Wis. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E3), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts, and tractor attachments and commodities the transportation of which requires the use of special equipment or handling), from Antigo, Wis., to points in Delaware, Maryland, New Hampshire, North Carolina, New Jersey, South Carolina, New York, and Virginia. Restricted to shipments originating at the plant and warehouse sites of Lockwood Division, Seilon, Inc., at Antigo, Wis. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E4), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, other than hand, as defined by the Commission (except commodities the transportation of which require the use of special equipment or special handling), from Antigo, Wis., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas, restricted to shipments originating at the plant and warehouse sites of the Lockwood Division, Seilon, Inc., at Antigo, Wis. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E5), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities, the transportation of which requires the use of special equipment or special handling), from Antigo, Wis., to points in Florida, Georgia, Kentucky, Nevada, Tennessee, and West Virginia, restricted to shipments originating at the plant and warehouse sites of the Lockwood Division, Seilon, Inc., at Antigo, Wis. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E6), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, as defined by the Commission (except commodities, the transportation of which because of size or weight require special equipment or special handling), from Rockford, Ill., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Green Point, Ind.

No. MC–123048 (Sub-No. E7), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, from Charles City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Virginia, and New York (except points in Kings, Queens, Nassau, and Suffolk Counties). The purpose of this filing is to eliminate the gateway of Allentown, Wis.

No. MC–123048 (Sub-No. E8), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those the transportation of which because of size or weight require special equipment or special handling), from Charles City, Iowa, to points in Kentucky, Florida, Georgia, Ohio, and West Virginia. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E9), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm loading elevators and farm wagons*, from Glenbeulah, Wis., to points in Delaware, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E10), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm loading elevators and farm wagons*, from Glenbeulah, Wis., to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E11), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm loading elevators and farm wagons* (except commodities, the transportation of which because of size or weight require the use of special equipment or special handling), from Glenbeulah, Wis., to points in Arizona, California, Colorado, Florida, Georgia, Idaho, Mississippi, Nevada, New Mexico, Oregon, Tennessee, Utah, Washington, and West Virginia. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E15), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities, the transportation of which because of size, shape, or weight, require the use of special equipment or special handling), from the plant site and warehouse facilities of Smalley Manufacturing Co., at Manitowoc, Wis., to points in Florida, Georgia, and Nevada. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E16), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts, and attachments, and commodities the transportation of which because of size, shape, or weight, require the use of special equipment or special handling), from the plant site and warehouse facilities of Smalley Manufacturing Co., at Manitowoc, Wis., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E17), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, other than hand, as defined by the Commission (except commodities, the transportation of which because of size, shape, or weight require the use of special equipment or special handling), from the plant site and warehouse facilities of Smalley Manufacturing Co., at Manitowoc, Wis., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E18), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities, the transportation of which because of size, shape, or weight, requires the use of special equipment or special handling), from the plant site and warehouse facilities of Smalley Manufacturing Co., at Manitowoc, Wis., to points in Arizona, California, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–124078 (Sub-No. E3), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wisconsin 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of Martin-Marietta Cement, Southern Division, at Atlanta, Ga., to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of the Marquette Cement Manufacturing Company at Rockmart, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12682 Filed 5–31–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

MAY 31, 1974.

Under the terms of the Bilateral Cotton Textile Agreement, as amended, and the Bilateral Wool and Man-Made Fiber Textile Agreement, as amended, both of December 31, 1971, between the Governments of the United States and the Republic of China, the Government of the Republic of China has undertaken to limit its exports of cotton, wool and man-made fiber textile products to the United States to certain designated levels.

By an exchange of letters, dated May 8 and 9, 1974, the two governments have agreed to establish an administrative mechanism to exempt from the limitations of the aforementioned bilateral agreements commercial shipments of cotton, wool and man-made fiber textile products, valued at less than $250, when properly certified by the Government of the Republic of China.

Accordingly, there is published below a letter of May 31, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective on June 13, 1974, shipments of cotton, wool and man-made fiber textile products, certified exempt by the Government of the Republic of China, shall not be subject to the levels of restraint established in the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 31, 1971, as amended, between the Governments of the United States and the Republic of China.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

MAY 31, 1974.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on September 26 and December 27, 1973 by the Chairman of the Committee for the Implementation of Textile Agreements which designated levels of restraint for wool, man-made fiber and cotton textile products produced or manufactured in the Republic of China which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month periods which began, respectively, on October 1, 1973 and January 1, 1974. It further amends but does not cancel the directive of September 27, 1972 which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products produced or manufactured in the Republic of China; and it further amends but does not cancel the directive issued to you on April 19, 1973, which established an administrative mechanism to exempt certain handicraft and art articles from the levels of the aforementioned bilateral wool and man-made fiber textile agreement.

Pursuant to paragraphs 15 and 12(a) of the Bilateral Cotton Textile and the Bilateral Wool and Man-Made Fiber Textile Agreements, as amended, both of December 31, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, effective on June 13, 1974, entries of cotton, wool and man-made fiber textile products, valued at less than $250, shall not be subject to the levels of restraint established under the aforementioned bilateral agreements.

To qualify for exemption, each entry valued under $250 shall be accompanied by certification issued by the Government of the Republic of China in accordance with the procedure established for the certification of items exempted from the Bilateral Wool and Man-Made Fiber Textile Agreement, as amended, and outlined in our directive of April 19, 1973. In the space following the word "Description" on each certifying stamp, the Government of the Republic of China will indicate, "less than $250."

The official authorized to issue certifications for entries valued under $250 shall be the same as the one authorized to issue certifications for exempt items.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-12777 Filed 5-31-74;10:09 am]

FEDERAL REGISTER PAGES AND DATES—JUNE

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19437-19759	June 3

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federal register

MONDAY, JUNE 3, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 107

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

WATER QUALITY MANAGEMENT BASIN PLANS

Policies and Procedures

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 130—POLICIES AND PROCEDURES FOR STATE CONTINUING PLANNING PROCESS

The purpose of this notice is to amend 40 CFR to add a new Part 130—Policies and Procedures for State Continuing Planning Process. On March 27, 1973, notice was published in the FEDERAL REGISTER (38 FR 8034) that the Environmental Protection Agency (EPA) was proposing, in the form of interim regulations, policies and procedures for the State Continuing Planning Process pursuant to section 303(e) of the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.) (hereinafter referred to as the Act).

Section 303(e) of the Act requires each State to submit a continuing planning process which is consistent with the Act. Following the publication of the interim regulations of March 27, 1973, and prior to the publication of these final regulations, every State received EPA approval of a State continuing planning process. These final regulations, which describe the necessary elements of a State's continuing planning process, therefore provide policies and procedures for review, revision, and approval of a State's continuing planning process in accordance with §§ 130.52 and 130.54. In addition, these regulations also provide a mechanism for States to satisfy the Statewide responsibilities of section 208(b)(2)(F thru K) and sections 303(d) (Critical waters and total maximum daily loads); 305(b) (State reports on water quality and related information, including nonpoint sources); 314(a) (Clean lakes); 516(b) (Federal/State estimate of publicly owned treatment works construction needs); and they provide data for 104(a)(5) (Federal report on water quality).

Goals. The broad goals of the continuing planning process are to provide the States with the water quality assessment and program management information necessary to make centralized coordinated water quality management decisions; to encourage water quality objectives which take into account overall State policies and programs, including those for land use and other related natural resources; and to provide the strategic guidance for developing the annual State program submittal under section 106 of the Act.

Purpose of the State process. The specific purpose of the State continuing planning process is to provide a mechanism for development of a State's program submittal under section 106 of the Act. This will be accomplished by developing an annual State strategy, which will be based upon basin plans where they are completed and upon other available information where the plans are not completed.

The annual State strategy will assist the State:

In directing resources-planning, monitoring, permitting, and financial assistance against water quality problems on a priority basis.

In establishing a coordinated schedule of action.

In reporting on progress in achieving program targets and scheduled milestones.

In providing the analysis required to revise water quality standards and to insure that applicable water quality standards are attained.

In specifying the requirements for, and scheduling the completion of, section 303 basin plans for all waters.

In determining the impact of nonpoint sources of pollution on State water quality and, where feasible, developing methods and procedures to control such sources on a statewide basis.

In insuring public participation in the development of the planning process and of basin plans.

The scope and timing of a basin plan for a specific planning area will be tailored to the problems of the area. No process should require individual basin plans to be more detailed than is necessary for sound water quality management.

Federal properties, facilities, and activities are subject to Federal, State, interstate, and local standards and effluent limitations for control and abatement of pollution. The State's planning process should include provision for Federal sources. It is contemplated that Federal agencies will provide information to the States in accordance with procedures established by the Administrator.

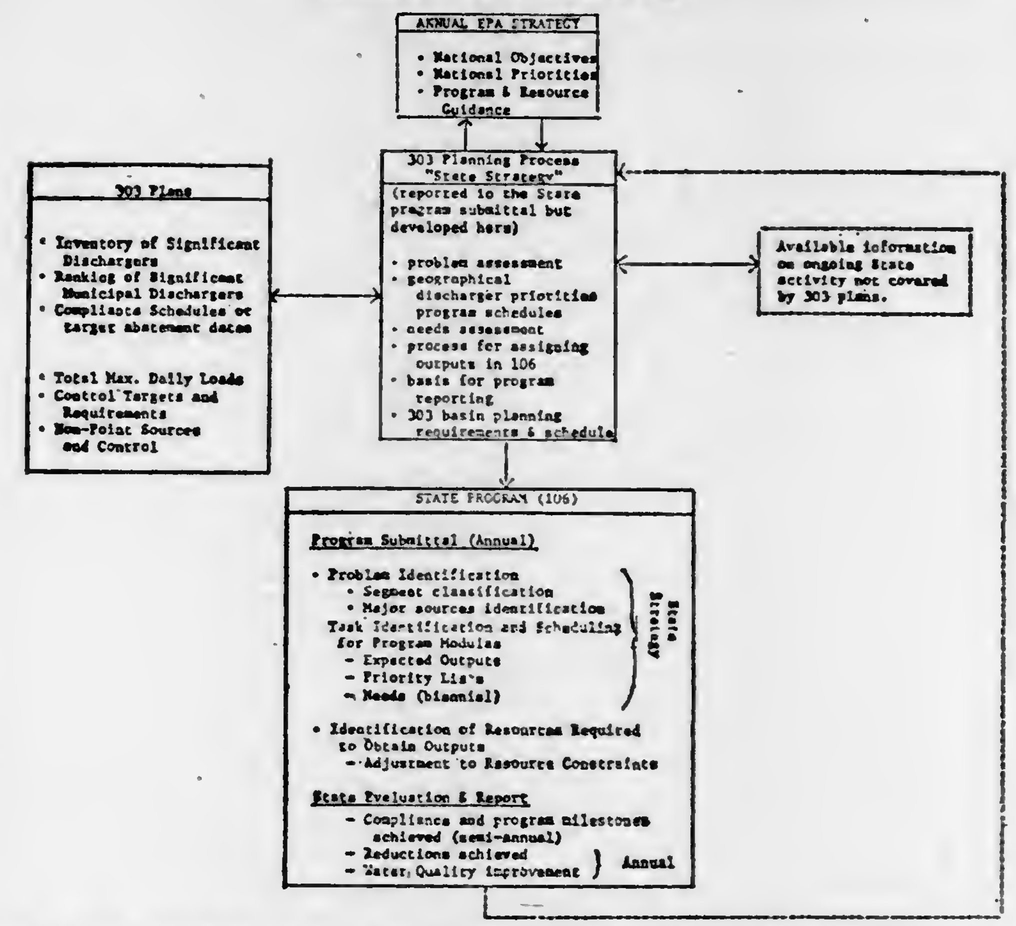
Relationship of the continuing planning process and the section 106 State program. State water quality management is formed through the annual section 106 State program submission. The program, consisting of a State strategy, output commitments, reporting, and evaluation, is a sequenced year-round process, as illustrated in the following figure. The cycle begins with the submission of the annual strategy, followed by the annual section 106 program submission. A semi-annual evaluation and reporting of accomplishments completes the cycle.

Basin plan contents. Companion regulations under Part 131 of this chapter, describe requirements for the preparation of basin plans pursuant to the States's continuing planning process: Part 131 regulations should be consulted during the review and revision of the continuing planning process under this Part 130.

Comments on Interim Regulations. A total of 24 written comments were received, seven from States, four from public and private utilities, three from planning organizations, four from public interest groups and the remaining from consultants, industry and other interested individuals. A number of verbal comments also were received. In addition, a task force comprised of representatives of eight State Water Pollution Control Agencies and three EPA Regional Offices reviewed the final draft and made comments and suggested language changes, as needed. The EPA has carefully considered all submitted comments. The comments ranged from those desiring more stringent requirements to those who believed that these regulations could be better handled under other sections of the Act. There was only one comment opposed to the regulations, by an industrial group.

The policy decisions have been reviewed with representative States. The EPA revised the regulations to reflect most of the concerns raised, by either adopting the comment or substantially satisfying it through editorial changes and deletions from or additions to the regulations.

STATE/FEDERAL: STRATEGY AND PROGRAM PLAN


ANNUAL EPA STRATEGY
• National Objectives
• National Priorities
• Program & Resource Guidance
303 Plans
• Inventory of Significant Dischargers
• Ranking of Significant Municipal Dischargers
• Compliance Schedules or target abatement dates
• Total Max. Daily Loads
• Control Targets and Requirements
• Non-Point Sources and Control
303 Planning Process "State Strategy"
(reported in the State program submittal but developed here)
• problem assessment
• geographical discharger priorities program schedules
• needs assessment
• process for assigning outputs in 106
• basis for program reporting
• 303 basin planning requirements & schedule
Available information on ongoing State activity not covered by 303 plans.
STATE PROGRAM (106)
Program Submittal (Annual)
• Problem Identification
• Segment classification
• Major sources identification
Task Identification and Scheduling for Program Modules
- Expected Outputs
- Priority Lists
- Needs (biennial)
State Strategy
• Identification of Resources Required to Obtain Outputs
- Adjustment to Resource Constraints
State Evaluation & Report
- Compliance and program milestones achieved (semi-annual)
- Reductions achieved
- Water Quality improvement
Annual

a. Many commenters indicated that the term "significant discharger" was not well defined in the interim regulations. In addition, using only significant dischargers to formulate State municipal discharge inventories would not satisfy the legal requirements of the construction grants program. The regulations continue the use of the term "significant discharger"; however, its meaning has been clarified to include those dischargers for which timely management action must be taken in order to meet water quality objectives for the basin within the period of the current plan, where the States deem it appropriate to include them. The intent is to restrict the significant dischargers to those requiring control action during the span of the plan.

b. Several comments expressed concern that adequate time to develop basin plans was not allowed by the July 1, 1975, deadline. Although the 1975 deadline has been retained, the Regional Administrator is authorized to grant an extension.

c. Editorially, wording was modified somewhat to reduce duplication of language contained in Part 131 of this Chapter.

d. The level of detail and timing of basin plan preparation is to be determined by a State/EPA agreement that will be submitted as part of the annual State strategy in the Section 106 State program plan. Submission of the level of detail and timing agreement for Fiscal Year 1975 will be accomplished as a part of the revision of the initial planning process. (See § 130.42).

e. Other revisions are:

(1) Detailed explanation has been included on the requirements for increasing the scope of basin plans over time. (See § 130.20).

(2) In order to facilitate coordination between basin and facilities planning, it is now required that the state identify facilities planning areas through the continuing planning process. (See §§ 130.21 and 130.51).

(3) Some commenters indicated that the interim regulations did not address the antidegradation issue. The regulations now require explicitly that the planning process provide that basin plans be consistent with water quality standards including any antidegradation statements. (See § 130.22).

(4) Many comments were received regarding segment classification. Clarifying language has been included with respect to segment classification:

(i) Editorially, the word "class" has been deleted from the segment classifications;

(ii) Water Quality segment classification must now include the specific water quality parameters requiring consideration.

(5) Provisions regarding land use and non-point sources of pollutants have been modified with respect to scope of basin planning and timing considerations and section 208(b)(2) (F through K) of the Act. (See §§ 130.23 and 131.202).

(6) Since land disposal of wastes may have adverse effects on surface or ground waters, requirements respecting control of such disposal have been restated, under the authority of sections 208 and 303(e), to clarify the need to consider the consequences to each category.

(7) Requirements regarding revisions to the process have been clarified. Annual reviews and, as may be necessary annual revisions are now required as part of the Section 106 State program submittal each year. The 1974 revisions will be submitted within 90 days following the publication of these regulations and must address whatever changes are necessary to insure conformity with §§ 130.11(e) and (f), 131.203, and 130.42. (See § 130.54).

(8) Changes requested that were not incorporated were to lengthen beyond five years the period of basin plan coverage and to allow a period greater than 30 days for public participation. The intent is that the basin plans will be more specific if limited to a five year span; and under the regulations this is only a minimum requirement which may be expanded to cover a twenty year period broken into five year increments. Further, it should be noted that priorities and expenditures within a five year period determine controls and water quality improvements over a much longer period.

The minimum period for public participation was not extended beyond 30 days since it was felt that this period normally would be sufficient for presenting one's case and that additional time, where warranted, could be allowed in individual cases.

State continuing planning processes which have been submitted and approved pursuant to the interim regulations published March 27, 1973, remain in force until revisions are made to the process pursuant to § 130.54. In consideration of the foregoing, Title 40 CFR is hereby amended to add a new Part 130—Policies and Procedures for State Continuing Planning Process.

Effective date: July 3, 1974.

Dated: May 24, 1974.

RUSSELL TRAIN,
Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.
130.1 Scope and purpose.
130.2 Definitions.

Subpart B—General Requirements

130.10 Process coverage and coordination functions.
130.11 Classification of basin segments.
130.12 Designation of planning agencies.
130.13 Public participation.
130.14 Separability.

Subpart C—Requirements for Basin Plans

130.20 Content and scope of basin plans.
130.21 Establishment of planning areas.
130.22 Water quality standards: antidegradation.
130.23 Non-point sources of pollutants.
130.24 Monitoring and surveillance.
130.25 Intergovernmental cooperation.
130.26 Adoption, certification, and submittal of basin plans.

Subpart D—Requirements for Annual State Strategy

130.40 State strategy; contents.
130.41 Segment priority ranking.

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Sec.
130.42 Agreement on level of detail and timing of basin plan preparation.
130.43 State municipal discharge inventory: priority ranking.
130.44 State industrial discharge inventory.

Subpart E—Submission and Approval of Planning Process; Reports

130.50 Submission of process.
130.51 Contents of process submittal.
130.52 Review and approval or disapproval of process.
130.53 Prohibition of approval of certain planning processes; withdrawal of process approval.
130.54 Review and revisions of process.
130.55 Reports; State program submittal.

Subpart F—Relationship of Process to Permit Program

130.60 Relationship of continuing planning process to State participation in National Pollutant Discharge Elimination System.

AUTHORITY: Secs. 106, 208(b)(2), 303(d), 303(e), 305(b), 314, 501, 516(b) of the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

Subpart A—Scope and Purpose; Definitions

§ 130.1 Scope and purpose.

(a) This part establishes regulations specifying procedural and other requirements for the submission and approval of State continuing planning processes pursuant to section 303(e) of the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

(b) The broad goals of the continuing planning process are: to provide the States with the water quality assessment and program management information necessary to make centralized coordinated water quality management decisions; to encourage water quality objectives which take into account overall State policies and programs, including those for land use and other related natural resources; and to provide the strategic guidance for developing the annual State program submittal under section 106 of the Act.

(c) The State continuing planning process is directed toward the attainment of water quality standards established under section 303 of the Act which are designed to achieve the goals set forth in the Act. The continuing planning process provides a mechanism for developing an annual State strategy for directing resources; establishing priorities; scheduling actions; and reporting progress toward the achievement of program objectives.

(d) The "continuing planning process" is the process by which the State develops:

(1) The annual State strategy, which sets the State's major objectives and priorities for preventing and controlling pollution over a one to three year period.

(2) Individual basin plans, which establish specific programs and targets for preventing and controlling water pollution in individual basins and establish policies which guide decision making over a five to ten year span of time.

(3) The annual program plan (section 106), which establishes the results expected and identifies the resources committed for the State program each year.

(e) This part describes:

(1) The general requirements for the planning process (Subpart B of this part).

(2) The planning process requirements for the preparation of basin plans (Subpart C of this part).

(3) The preparation of the annual State strategy (Subpart D of this part).

(4) The requirements for submission and approval of the planning process (Subpart E of this part).

(5) The relationship of the process to the permit program (Subpart F of this part).

§ 130.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below.

(a) The term "Act" means the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

(b) The term "EPA" means the United States Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(d) The term "Regional Administrator" means the appropriate EPA Regional Administrator.

(e) The terms "continuing planning process," "planning process," and "process" mean the continuing planning process required by section 303(e) of the Act including any revision thereto.

(f) The term "basin plan" means the water quality management plan for each hydrologic basin or other approved basin unit within a State. Such plans form a basis for implementing applicable effluent limitations and water quality standards, and consist of such elements as are necessary for sound planning and program management in the basin covered by the plan. Requirements for the preparation of basin plans are described in Part 131 of this chapter.

(g) The term "effluent limitation" means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, but does not include schedules of compliance.

(h) The term "schedule of compliance" means remedial measures to be accomplished and a sequence of actions or operations leading to compliance with applicable effluent limitations, water quality standards and other requirements of State and Federal law. Schedule of compliance includes those sequenced actions or operations contained in a National Pollutant Discharge Elimination System permit which are legally binding on the discharger; whereas, the term "target abatement dates" means a sequence of actions or control measures which have not been formally adopted through the permit process and therefore are not legally binding on the discharger until they are adopted in a permit.

(i) The term "municipal needs" means the total capital funding required for construction of publicly owned treatment works, as defined in section 212(2)(A) and (B) of the Act, required to meet national water quality objectives of sections 301 and 302 of the Act.

(j) The term "National Pollutant Discharge Elimination System" means the national permitting system authorized under section 402 of the Act, including any State or interstate permit program which has been approved by the Administrator pursuant to section 402 of the Act.

(k) The term "phasing of planning" means the State schedule approved by the Regional Administrator for the preparation of basin plans.

(l) The term "basin" means the streams, rivers, tributaries, and lakes and the total land and surface water area contained within one of the major or minor basins defined by EPA, or any other basin unit as agreed upon by the State(s) and the Regional Administrator. Unless otherwise specified, "basin" shall refer only to those portions within the borders of a single State.

(m) The term "segment" means a portion of a basin, the surface waters of which have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical, and biological processes; and common reactions to external stresses, such as the discharge of pollutants. (See § 130.11(d)).

(n) The term "significant discharge" means any point source discharge for which timely management action must be taken in order to meet the water quality objectives for the basin within the period of the operative basin plan. The significant nature of the discharge is to be determined by the State, but must include, at a minimum, any discharge which is causing or will cause serious or critical water quality problems relative to the segment to which it discharges.

(o) The definitions of the terms contained in section 502 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

Subpart B—General Requirements

§ 130.10 Process coverage and coordination function.

(a) The process shall provide for the preparation of basin plans for all waters within the State, as provided in Subpart C of this part.

(b) The process shall establish phasing of plans to be accomplished, as provided in Subpart D of this part.

(c) The process shall provide the method by which the State shall coordinate all water quality planning, programming and management.

(d) The process shall provide the method by which the State shall coordinate its water quality management planning with related State and local comprehensive, functional, and project planning activities, including land use and other natural resources planning activities.

(e) The process shall provide the method by which the State shall coordinate its water quality management planning with that of its neighboring States.

§ 130.11 Classification of basin segments.

(a) The requirements of this part and Part 131 of this chapter vary according to the classification of each particular basin segment, such that the time and resources to be extended in developing the basin plan for a particular segment, as well as the substantive content of the basin plan, will be commensurate with the severity of the water pollution problem, as described in Subpart B of Part 131 of this chapter.

(b) The classification of segments also shall be used in establishing State priorities in accordance with Subpart D of this part.

(c) The classification of segments shall be based upon measured instream water quality, where available.

(d) Each basin segment shall be classified as follows:

(1) *Water quality*. Any segment where it is known that water quality does not meet applicable water quality standards and/or is not expected to meet applicable water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(2) *Effluent limitations*. Any segment where it is known that water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(e) Each Water Quality segment classification shall include the specific water quality parameters requiring consideration in the total maximum daily load allocation process, as provided in § 131.304 of this chapter.

(f) Each segment classification shall reflect any necessary allowance for anticipated economic and demographic growth over at least a five year period and an additional allowance reflecting the degree of precision and validity of the analysis upon which the classification is based. Where the analysis is less precise, or there is uncertainty concerning growth projections, a greater margin of safety shall be required for the assignment of any segment as an Effluent Limitation segment. In determining the additional allowance, consideration should be given to economic and demographic projections that are utilized in other State environmental and natural resource programs.

§ 130.12 Designation of planning agencies.

(a)(1) The Governor of a State shall designate a State agency responsible to conduct the required planning under this part and Part 131 of this chapter. The Governor may designate a local or interstate agency to conduct all or any portion of the planning within each basin and may assign planning responsibilities under the process and Part 131 of this chapter to any such designated agency.

(2) Locally elected officials of general purpose units of government, and other pertinent local and areawide organizations within the jurisdiction of a proposed designated agency, shall be consulted prior to any final designation.

(b)(1) Each designation shall include:

(i) The agency's name, address, and name of the director.

(ii) The agency's jurisdiction (geographical coverage and extent of planning responsibilities).

(2) In the event that all or a portion of a basin plan is to be undertaken by an agency other than the State water pollution control agency, evidence from such other agency shall be supplied which shows acceptance of such designation and the agency's intent to comply within the time schedules set forth in the planning process.

(3) The State may make additional assignments, as set forth in this section, from time to time. Such designations shall be accomplished by revising the planning process as provided in § 130.54.

§ 130.13 Public participation.

Each process, and any revision thereof, shall provide for public participation in accordance with section 101(e) of the Act and regulations issued by the Administrator thereunder. Public participation, with adequate opportunity for public hearing upon proper showing, shall be required on significant elements of the planning process, including the proposed State strategy and priority lists developed under the continuing planning process pursuant to section 106 regulations.

§ 130.14 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this part, shall not be affected thereby.

Subpart C—Requirements for Basin Plans

§ 130.20 Content and scope of basin plans.

(a) The process shall provide that basin plan analysis, preparation, documentation, and coordination for segments shall be developed as prescribed in Part 131, Subparts B and C, of this chapter.

(b) The process shall provide that basin planning will increase in scope as prescribed in § 131.202 of this chapter.

§ 130.21 Establishment of planning areas.

The process shall provide for the establishment of basin planning areas as specified in § 131.203 of this chapter.

§ 130.22 Water quality standards; antidegradation.

(a) The process shall provide that each basin plan shall set forth and be consistent with applicable water quality standards, including any antidegradation statement.

(b) The process, including the basin plans developed as part of the process, shall be used by the States to assist in making any necessary revisions of water quality standards.

§ 130.23 Nonpoint sources of pollutants.

The process shall provide that, where the Governor so determines, the requirements of section 208(b)(2) (F through K) may be applied on a statewide basis, as prescribed in regulations prepared for designation of areawide waste treatment management planning areas. (§ 126.20 of this chapter.)

§ 130.24 Monitoring and surveillance.

The process shall provide for a monitoring and surveillance program which is designed to assure collection of data necessary to establish and review water quality standards, determine total maximum daily loads, load allocations and effluent limitations, and assess, where required, the contamination of land and groundwater systems caused by disposal of residual wastes or other pollutants on land or in subsurface excavation, as described in Part 131, Subpart D, of this chapter; and to establish the relationship between water quality and individual discharges and identify nonpoint sources of pollutants. (See also Subpart B of Part 35 of this chapter.)

§ 130.25 Intergovernmental cooperation.

(a) The process shall provide that in the preparation of basin plans, adequate areawide and local planning inputs will be included in the basin plan as appropriate. (See § 131.309 of this chapter.)

(b) The process shall provide that local governments within the State will be encouraged to utilize existing, or develop appropriate institutional or other arrangements with other local governments in the same State, for cooperation in the development and implementation of basin plans.

(c) The process shall provide for interstate cooperation whenever a basin plan involves the interests of more than one State. Such provision shall include the following assurances:

(1) That when a basin plan is under development in the State for an area affecting or affected by waters of one or more other States, the planning agency will cooperate with each such other State in the analyses and planning pertinent to such area, including but not limited to problem assessment and priorities and schedules for basin plan preparation. (See §§ 130.41 and 130.42.)

(2) That when a basin plan is under development in another State for an area affecting or affected by waters of the State, the State will cooperate with such other State in the analyses and planning pertinent to such area.

(d) The use of interstate agencies in all phases of interstate cooperation in water quality management planning is encouraged.

(e) The process shall describe the mechanism for State approval of water quality management basin plans involving interstate waters.

§ 130.26 Adoption, certification and submittal of basin plans.

The process shall provide that after appropriate public hearings the basin plans will be adopted, certified, and submitted to the appropriate Regional Administrator, as specified in Part 131, Subpart E, of this chapter.

Subpart D—Requirements for Annual State Strategy

§ 130.40 State strategy; contents.

(a) The planning process shall provide for the preparation of an annual State strategy. The annual State strategy shall be submitted as part of the section 106 State program submittal, as required pursuant to § 130.55. The Governor or his designee(s) shall be provided an opportunity to be involved in the identification and resolution of significant issues in the formulation of the State strategy.

(b) The State strategy shall contain:

(1) A statewide assessment of water quality problems and the causes of these problems.

(2) A listing of the geographical priorities of these problems.

(3) A description of the State's approach to solving its water quality problems identified in subparagraph (1) of this paragraph, including a discussion of the extent to which non-point sources of pollution will be addressed by the State program.

(4) A listing of the priorities and scheduling of permits, construction grants, basin plans, areawide plans and other appropriate program actions to carry out subparagraph (3) of this paragraph.

(5) A description of the level of detail and the schedule for preparation of basin plans proposed for each basin or portion thereof.

(6) A description of the manner in which the information, analyses, estimates, or recommendations required to satisfy the provisions of section 305(b) of the Act will be obtained together with all such information, analyses, estimates or recommendations as may be available at the time of submission of the State strategy unless the State chooses to submit the 305(b) report separately from the State strategy.

(c) The State strategy should be based upon other information derived from completed basin plans, when available, and from other available information in areas where basin plans are not completed.

§ 130.41 Segment priority ranking.

(a) Based on the annual statewide assessment of the water quality problems and causes of these problems developed pursuant to § 130.40(a)(1), the State shall rank each segment in priority order, taking into account:

(1) Severity of pollution problems.

(2) Population affected.

(3) Need for preservation of high quality waters.

(4) National priorities as determined by the Administrator.

(5) Additional factors identified by the State in its priority system.

(b) Segments of the same basin need not be listed together; however, their ranking in the State list shall be consistent with their ranking in any approved basin plan.

(c) The State segment priority ranking generally shall govern the development of basin plans, construction of publicly owned treatment works, issuance of permits, and other program activities.

§ 130.42 Agreement on level of detail and timing of basin plan preparation.

(a) The level of detail and timing of basin plan preparation proposed for each basin, or portion thereof, shall be determined by agreement between the State and the appropriate Regional Administrator. All basin plans must be submitted by July 1, 1975; however, the appropriate Regional Administrator may extend the time for submission by agreement with the State. The State will provide a proposed schedule for basin plan preparation and proposed level of detail of basin planning as part of the annual State strategy. Approval of the section 106 State program, including the annual State strategy, will serve as approval of the schedule and level of detail of basin planning.

(b) The schedule shall provide a sequence for phasing of planning to assure the orderly implementation of the planning process, consistent with existing planning efforts and needs and the expanding capabilities for planning in the State. Such schedule shall determine the State's priorities for the development of basin plans pursuant to the process during the period covered by the schedule.

(c) The schedule of basin plans shall be determined following consideration of:

(1) The ranking of segments pursuant to § 130.41 and the number of Water Quality segments in the basin; and

(2) Any other factors the State may deem appropriate in developing and scheduling plans for sound water quality management.

(d) Where agreement on level of detail and timing of basin planning has not previously been specified for Fiscal Year 1975, the State shall submit the proposed level of detail and timing of basin planning together with planning process revisions as specified in § 130.54.

§ 130.43 State municipal discharge inventory; priority ranking.

(a) Each State shall establish and maintain a State Municipal Discharge Inventory. The inventory shall set forth a Statewide ranking of significant municipal dischargers. The inventory shall be used in establishing priorities and output estimates for municipal facilities construction and in other program actions to be developed as part of the State program submittal required under section 106 of the Act. The inventory shall become the list of municipalities required in § 35.915(b) of this chapter for award of construction grants.

(b) The State Municipal Discharge Inventory shall be revised and submitted at least once each year, as required pursuant to § 130.55.

(c) The State shall rank significant municipal dischargers consistent with the segment priority rankings contained in § 130.41.

§ 130.44 State industrial discharge inventory.

Each State shall establish and maintain a State Industrial Discharge Inventory. The inventory should reflect the relative importance of significant dischargers and shall be used for guidance in establishing the annual State strategy. Problem identification and segment ranking should be used in developing the State Industrial Discharge Inventory.

Subpart E—Submission and Approval of Planning Process; Reports

§ 130.50 Submission of process.

(a) The Governor of each State shall submit to the Regional Administrator the continuing planning process.

(b) Submission shall be accomplished by delivering to the Regional Administrator five copies of the planning process and a letter from the Governor notifying him of such action.

§ 130.51 Contents of process submittal.

(a) The submittal shall contain, at a minimum, the following:

(1) A map of the State showing basins and segments and a map showing recommended areas delineated for facilities planning.

(2) A listing of the classifications of segments.

(3) A description of the planning method employed to formulate basin plans.

(4) A listing of the planning agency or agencies that will perform the planning under this part and Part 131 of this chapter.

(5) A description of public participation in the development of the process, including participation of local governments.

(6) A statement that legal authorities required to prepare and adopt basin plans as required by the planning process exist or will be obtained.

(7) A description of reports, including the State strategy, that will be submitted under section 106 of the Act.

§ 130.52 Review and approval or disapproval of process.

The Regional Administrator shall approve or disapprove the planning process submitted pursuant to § 130.50 within 30 days after the date of submission, as follows:

(a) If the Regional Administrator determines that the planning process conforms with the requirements of the Act and this Part 130, he shall so notify the Governor by letter.

(b) If the Regional Administrator determines that the process fails to conform with the requirements of the Act and this Part 130, he shall so notify the Governor by letter and shall state:

(1) The specific revisions necessary to obtain approval of the process.

(2) The time period for resubmission of the revised process or portions thereof.

§ 130.53 Prohibition of approval of certain planning processes; withdrawal of process approval.

The Regional Administrator shall not approve any continuing planning process which will not result in timely basin plans for all navigable waters within the State that conform with the applicable requirements of sections 303(e), 314(a), 208(b)(2)(F–K), and 303(d) of the Act and Part 131 of this chapter, relating to such basin plans. Substantial failure of any basin plan or plans prepared pursuant to the process to conform with such applicable requirements may indicate that the planning process by which such basin plan or plans were developed was deficient and should be revised. Failure to accomplish necessary revisions of the planning process may result in withdrawal of approval of part or all of the process.

§ 130.54 Review and revisions of process.

(a) The State shall review annually its continuing planning process and shall revise the process as may be necessary to assure the development and maintenance of a State strategy and current basin plans which will accomplish national water quality objectives in conformity with the requirements of the Act.

(b) The State shall submit annual planning process revisions to the Regional Administrator as part of the State Program Plan submittal under section 106 of the Act.

(c) In addition to any other necessary revisions identified by the State or the Regional Administrator, the State shall submit, within 90 days after publication of these regulations, whatever revisions to its planning process are necessary to insure conformity with §§ 130.11(e) and 130.11(f) and § 131.203 of this chapter.

(d) Revisions of the process shall be submitted in accordance with § 130.50.

(e) Review and approval or disapproval of revisions of the process shall be carried out in accordance with § 130.52.

§ 130.55 Reports; State program submittal.

The annual State strategy including the State problem assessment and priorities described in § 130.41, the State/EPA agreement on level of detail and timing of basin plan preparation as described in § 130.42, the State Municipal Discharge Inventory described in § 130.43, and the State Industrial Discharge Inventory described in § 130.44, as well as any other program progress report(s) which may be required, shall be submitted as part of the State program submittal under section 106 of the Act.

Subpart F—Relationship of Process To Permit Program

§ 130.60 Relationship of continuing planning process to State participation in National Pollutant Discharge Elimination System.

(a) State participation in the National Pollutant Discharge Elimination System, other than the interim participation provided in section 402(a)(5) of the Act, shall not be approved for any State which does not have an approved continuing planning process.

(b) Approval of State participation in the National Pollutant Discharge Elimination System may be withdrawn from any State if approval of the continuing planning process is withdrawn for any reason, including withdrawal of process approval based on gross failure to comply with the schedule for basin plan preparation (§ 130.42) or on failure of basin plans to conform with the planning process requirements (§ 130.52).

[FR Doc.74–12559 Filed 5–31–74;8:45 am]

PART 131—PREPARATION OF WATER QUALITY MANAGEMENT BASIN PLANS

The purpose of this part is to amend 40 CFR to add a new Part 131—Preparation of Water Quality Management Basin Plans. On May 23, 1973, notice was published in the FEDERAL REGISTER (38 FR 13567) that the Environmental Protection Agency was proposing policies and procedures designed to assist States in the preparation of water quality management basin plans pursuant to section 303(e) of the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.) (hereinafter referred to as the Act).

Section 303(e) of the Act requires each State to have a continuing planning process which is consistent with the Act. Basin plans under this part will be prepared in accordance with the State's continuing planning process submitted and approved pursuant to Part 130 of this chapter.

The regulations describe the requirements for preparation of basin plans and the procedures governing basin plan adoption, submission, revision, and EPA approval. The relationship of basin plans with EPA grants and the national permit system also is described. Provision is included for coordination between basin plans and any discharge permit for a source located in a planning area.

The regulations are designed to assure that basin plans prepared pursuant to this part will be appropriate for water quality management both in areas having complex water quality problems and in less complicated situations.

Written comments on the proposed regulations were invited and received from interested parties. A number of verbal comments also were received. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Certain of these comments have been adopted or substantially satisfied by editorial changes and deletions from or additions to the regulations. These and other principal changes are discussed below and in the preamble to Part 130 of this chapter.

(a) Since § 150.1–2 of this chapter will be superseded by Part 35, Subpart E of this chapter, the requirement that basin plans be coordinated with § 150.1–2 plans, has been deleted. Also, the requirement that basin plans be coordinated with water quality standards implementation plans has been deleted.

(b) Each basin plan must now be based on "best available" monitoring and surveillance data. (See § 131.400).

(c) Requirements regarding revisions to basin plans have been clarified. Each basin plan must be revised within five years of the last approval date; specific considerations in the revision process are also listed. (See § 131.505).

Section 131.507 clarifies § 35.925–2 to indicate that disapproval by the Regional Administrator of a basin plan, or relevant portion thereof, for the area where a project is to be located may constitute grounds for not approving a grant for such project. This revision will be included in an amendment to 40 CFR Part 35, Subpart E, § 35.925–2.

Those basin plans prepared under State continuing planning processes which have been submitted and approved pursuant to the interim regulations published May 23, 1973, remain in force until revisions are made to the basin plans pursuant to § 131.505 of this part. In consideration of the foregoing, Title 40 CFR is hereby amended to add a new Part 131—Preparation of Water Quality Management Basin Plans.

Effective date: July 3, 1974.

Dated: May 24, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Scope and Purpose: Definitions

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131.308 Revisions to water quality standards.
131.309 Identification of relationship to other plans.
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Subpart D—Monitoring and Surveillance

131.400 Relationship of monitoring and surveillance program to basin plans.
131.401 Coverage of monitoring and surveillance program.
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131.403 Frequency of monitoring surveys.
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Subpart E—Completion and Review of Basin Plans: Relation to Permits and Grants

131.500 Basin plan adoption.
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131.502 Public participation.
131.503 Submission of basin plans.
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131.505 Revision of basin plans.
131.506 Prohibition of approval of certain basin plans; withdrawal of process approval.
131.507 Prohibition of certain construction grants.
131.508 Discharge permit terms and conditions.
131.509 Separability.

AUTHORITY: Sec. 303(e) of the Federal Water Pollution Control Act, as amended: Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.) (hereinafter referred to as the Act).

Subpart A—Scope and Purpose: Definitions

§ 131.100 Scope and purpose.

(a) This part establises regulations specifying procedural and other requirements for the preparation of basin plans pursuant to a State continuing planning process approved in accordance with section 303(e) of the Federal Water Pollution Control Act, as amended; Pub. L. 92–500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.), and Part 130 of this chapter.

(b) A basin plan is a management document which identifies the water quality problems of a particular basin and sets forth an effective remedial program to alleviate those problems. The basin plan is neither a broad water and related land resources plan nor a basinwide facilities plan. The value of a basin plan lies in its utility in making water quality management decisions on a basinwide scale. To achieve this objective, the detail of the basin plan should be designed to provide the necessary analysis for basin management decisions. Moreover, there must be a flexible revision mechanism to reflect changing conditions in the basin. A basin plan should be a dynamic management tool, rather than a rigid, static compilation of data and material.

(c) A basin plan will provide for orderly water quality management by:

(1) *Identifying problems.* Assessing existing water quality, applicable water quality standards, point sources of pollution, and, if appropriate, non-point sources of pollution.

(2) *Assessing needs and priorities.* Assessing water quality and abatement needs so as to identify any deficiencies in the Statewide priorities developed in accordance with §§ 130.41 through 130.44 of this chapter.

(3) *Scheduling actions.* Setting forth compliance schedules where permits have been issued or target abatement dates where permits have not been issued and indicating necessary State and local activities.

(4) *Coordinating planning.* Identifying needs and priorities for section 201 facility plans and section 208 areawide plans within the basin and reflecting the results of those activities.

§ 131.101 Definitions.

The definitions set forth in § 130.2 of this chapter shall apply to this part.

Subpart B—Preparation for Basin Planning

§ 131.200 General.

(a) Each basin plan under this part shall be prepared pursuant to the State planning process submitted and approved in accordance with Part 130 of this chapter.

§ 131.201 Basin plan elements.

(a) Basin planning elements vary with the water quality problems and the water quality decisions to be made in a particular basin. Generally, basin planning elements are consonant with the segment classifications indicated in the following table.

(b) The waters within the planning basin shall be classified as Water Quality segments and/or Effluent Limitation segments as described in Part 130, Subpart B of this chapter.

(c) The segment analyses as outlined in this Part 131, shall be used to reclassify, as appropriate, the current State classification of segments pursuant to § 130.11 of this chapter.

(d) The level of detail and the schedule of basin plan preparation will depend on the water quality problems and the water quality decisions to be made and shall be determined by the State/EPA agreement in accordance with § 130.42 of this chapter.

BASIN PLANNING ELEMENTS

	Water quality segments	Effluent limitation segments
1. Inventory and ranking of significant dischargers (§ 131.301)	×	×
2. Schedule of compliance or target dates (§ 131.302)	×	×
3. Assessment of municipal needs (§ 131.303)	×	×
4. Determination of total maximum daily loads (§ 131.304)	×	
5. Established or targeted load allocations and effluent limitations (§ 131.305)	×	
6. Assessment of non-point sources of pollution (§ 131.306)	×	
7. Residual waste controls (§ 131.307)	×	×
8. Recommended water quality standards revisions (§ 131.308)	×	×
9. Planning relationships (§ 131.309)	×	×
10. Appropriate monitoring and surveillance programs (Part 131 Subpart D)	×	×
11. Interstate/Intergovernmental cooperation (§ 130.25)	×	×

§ 131.202 Scope and timing of basin plan submissions.

(a) All basin plans must be submitted by July 1, 1975, unless an extension of time has been granted by the Regional Administrator pursuant to § 130.42 of this chapter, and shall concentrate on:

(1) Point source management provisions, including data assembly and significant discharge inventories;

(2) Waste load analysis in Water Quality segments, based on existing or readily obtainable data;

(3) Schedules of compliance or target abatement dates;

(4) Assessment of municipal needs for Federal construction grant assistance; and

(5) A recognition of non-point sources, to the extent feasible, to establish discharge load allocations for point source discharges.

(b) Revisions to basin plans after July 1, 1975, shall reconsider, where substantive changes have occurred, current actions with respect to the most recent data or analysis and shall concentrate, if appropriate, on the identification and evaluation of methods and procedures (including land use requirements) to control, to the extent feasible, non-point sources of pollution.

§ 131.203 Boundaries of planning area.

(a) Each basin planning area shall be the area within the basin boundary.

(b) Except as provided in paragraph (c) of this section, the basin boundaries shall be those identified as minor basins in the EPA water quality information system.

(c) The State planning process may provide for the establishment of planning boundaries differing from those identified in the EPA basin system. Any such differing boundaries shall be submitted to the Regional Administrator for approval.

(d) Each basin plan shall contain a delineation of the boundaries of the basin on a map of appropriate scale. Such map or maps shall include, but are not limited to:

(1) An identification of the location of each significant discharger by river mile and/or shore location for bays, lakes and estuaries.

(2) An identification of the location of all monitoring stations (Federal-State-Local) by river mile and/or grid location.

NOTE: Such a map may omit discharger and monitoring station locations if such locations are available in the EPA water quality information system and if the basin plan includes the listing described in § 131.301(b) and a list of monitoring stations and their locations.

Subpart C—Basin Plan Methodology and Contents

§ 131.300 General.

This subpart describes the methodology to be used in formulating the appropriate elements of basin plans as specified in Subpart B of this part.

§ 131.301 Inventory of sources; analysis of significant discharges; segment priority ranking.

(a) Each basin plan shall include an inventory of municipal and industrial sources and a ranking of municipal sources which shall be used by the State in the development of the State strategy, described in Part 130, Subpart D of this chapter.

(b) Each basin plan shall include an analysis of each significant discharger of pollutants, set forth the location of each source, and describe, by parameter, its waste discharge characteristics. The analysis should include data from the National Pollutant Discharge Elimination System. A summary of the information should be included in the basin plan.

(c) Each basin plan shall include a ranking of the basin segments in order of abatement priority for the purpose of identifying deficiencies in the Statewide priorities developed in §§ 130.41 through 130.44 of this chapter.

§ 131.302 Schedules of compliance; coordination with permits.

(a) Each basin plan shall include schedules of compliance or target dates of abatement for significant dischargers identified in § 131.301.

(b)(1) Each schedule of compliance or target date of abatement shall include milestone dates, as follows:

(i) The major interim and final completion dates included as terms or conditions of a permit, if any, that are necessary to assure an adequate tracking of progress towards compliance.

(ii) Where the source is required to obtain a permit under the National Pollutant Discharge Elimination System but no permit has been issued as of the date that the plan is submitted, a target date when the source must obtain a permit, as well as other target abatement dates that will enable an adequate tracking of progress towards completion of the facility.

(2) A basin plan may, at the option of the State, describe the legal basis for enforcement of schedules of compliance (e.g., adopted as State law; promulgated as State regulations; incorporated or to be incorporated in waste discharge permits).

§ 131.303 Assessment of municipal needs.

(a) Each basin plan shall include an assessment of municipal needs that have been identified, using the following criteria:

(1) Load reduction to be achieved by each facility, and why this reduction is required to attain and maintain applicable water quality standards and effluent limitations.

(2) Population or population equivalents to be served, including forecast growth or decline of such population over a 20 year period following the scheduled date for installation of the needed facility. These analyses shall take into account projections used in other State and local planning activities.

(3) Types of facilities needed and their investment costs derived from approved section 201 facilities plans, section 208 areawide waste treatment management plans, or facilities designs and specifications, if available.

(4) In the absence of the above plans and designs, an indication of facilities required to be considered as an option under future section 201 facilities or section 208 areawide planning and preliminary estimates of their costs.

(b) Cost estimates for facilities meeting the above criteria shall be based on engineering plans, specifications, and detailed cost estimates, where available. For any facility for which detailed estimates do not exist, cost estimates shall be made based on available guidelines prepared by the Administrator.

§ 131.304 Determination of total maximum daily loads.

(a) Each basin plan shall include for each Water Quality segment the total maximum daily loads of pollutants, including thermal loads, allowable for each specific criterion being violated or expected to be violated. Such loads shall be at a level at least as stringent as necessary to implement the applicable water quality standards, including:

(1) Provision for seasonal variation; and

(2) Provision of a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality and an additional margin of safety which takes into account any uncertainty resulting from insufficiency of data, including data from non-point sources of pollutants.

(b)(1) Each basin plan shall estimate for each Water Quality segment where thermal standards may be violated, the total daily thermal load allowable in such segment. Such load shall be at a level at least as stringent as necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife. Such loads shall take into account:

(i) Normal water temperatures.

(ii) Flow rates.

(iii) Seasonal variations.

(iv) Existing sources of heat input.

(v) The dissipative capacity of the identified segment.

(2) Each estimate shall include an estimate of the maximum heat input that can be made into each Water Quality segment where temperature is one of the criteria being violated and shall include a margin of safety which takes into account lack of knowledge concerning the development of thermal water quality criteria for protection and propagation of indigenous biota in the identified segment.

(c) Where predictive mathematical models are used in the determination of total maximum daily loads, each model shall be identified and briefly described, and the specific use of the model shall be cited.

§ 131.305 Individual point source load allocations; impact on water quality.

Each basin plan shall establish discharge load and thermal load allocations or target allocations for point and non-point sources in each Water Quality segment as follows:

(a) The basin plan shall establish a discharge load allocation or target load allocation in each Water Quality segment for the purpose of establishing effluent limitations for significant dischargers and, to the degree feasible, for other sources including non-point sources identified pursuant to § 131.306 and shall, where appropriate, establish a load allocation for each thermal source. The total of such discharge load allocations or effluent limitations for all sources in the segment shall not exceed the total maximum daily load or thermal load allocation established or estimated for such segment pursuant to § 131.304.

(b) Each discharge load allocation and thermal load allocation established or estimated pursuant to this paragraph shall incorporate an allowance for anticipated economic and demographic growth over at least a five-year period and an additional allowance reflecting the precision and validity of the method used in determining such allowance.

(c) Establishment of discharge load allocations and thermal load allocations shall be coordinated with the development of terms and conditions of permits under the National Pollutant Discharge Elimination System in the manner prescribed in § 131.310.

§ 131.306 Individual non-point source assessment; impact on water quality.

(a) Each basin plan shall provide for the consideration, if appropriate, of agricultural, silvicultural, mining related, construction activity related, salt water intrusion related and other non-point discharges in accordance with § 131.202.

(b) Each basin plan shall identify and evaluate water quality problems in Water Quality segments caused by non-point source discharges including, at a minimum, a description of the type of problem, an identification of the waters affected, including an evaluation of the effects, and an identification of non-point sources contributing to the problem.

(c) Each basin plan shall identify and evaluate alternative procedures and methods (including land use requirements) to control, to the extent feasible, non-point sources contributing to water quality problems in Water Quality segments. The evaluation should consider the technical, legal, institutional, economic and environmental impact and feasibility of such procedures and methods. The most feasible alternative should be described in the basin plan. Data obtained from the basin plan monitoring program established pursuant to Subpart D of this part shall be employed in making the identifications and analyses required by this section.

§ 131.307 Establishment of residual wastes control process.

Each basin plan shall identify necessary controls to be established over the disposition of residual wastes from municipal, industrial, or other water or waste water treatment processing, whenever the processing or disposal occurs within the basin, and shall establish a process to control the disposal of pollutants on land or in subsurface excavations within the basin wherever such disposal causes or may cause violation of water quality standards or wherever such disposal materially affects ground water quality.

§ 131.308 Revisions to water quality standards.

(a) Each basin plan shall set forth the water quality standards and/or recommendations for revision of water quality standards, including the antidegradation statement, applicable to each body of water or segment in the basin, or shall include the legal citation of such standards.

(b) Recommendations for revisions of standards shall consider the objectives of the Act, as specified in section 101(a) of the Act, and the social, economic and technical, including natural, considerations for achieving these objectives.

(c) Each basin plan shall be revised as necessary to reflect revisions of the applicable water quality standards.

§ 131.309 Identification of relationship to other plans.

(a) Each basin plan shall evaluate the need for and recommend the planning area for future section 201 facilities plans or section 208 areawide wastewater management plans involving all or any part of the basin, and establish the strategy for the planning area, including waste load allocations and target abatement dates for significant dischargers included.

(b) Each basin plan shall identify the relationship, indicate the current status, and describe the extent of complementary influence of any other water quality or other applicable resource plan prepared or under preparation which involves all or any part of the basin, including:

(1) Each designated areawide waste treatment management plan under section 208 of the Act;

(2) Each facility plan for a proposed project for the construction of treatment works under section 201 of the Act;

(3) Each Level B basin plan pursuant to section 209 of the Act or Pub. L. 89–90; and

(4) Other applicable resoure planning including:

(i) State land use programs.

(ii) Activities stemming from the Coastal Zone Management Act (Pub. L. 92–583).

(iii) Activities stemming from the Rural Development Act of 1972 (Pub. L. 92–419).

(iv) Other Federally assisted planning and management programs.

(c) Areawide and facilities plans, when approved by the States, shall modify applicable portions of a basin plan with respect to:

(1) number and location of discharges, provided that the total waste load allocated to the facilities or areawide plan area by the basin plan is not exceeded;

(2) schedules of compliance or target abatement dates; and

(3) the assessment of facilities needs.

(d) Each basin plan shall identify separately each plan which has been integrated with the basin plan.

§ 131.310 Coordination of certain planning elements and terms of permits.

(a)(1) The States and EPA will use their best efforts to establish permit terms and conditions consistent with the applicable individual target effluent limitations and target abatement dates established in any approved basin plan; subject, however, to all the rights that the permit applicant and other interested persons may have under State or Federal law to contest such target effluent limitations and target abatement dates in permit issuance proceedings.

(2) The major milestones required to track basin plan implementation contained in each schedule of compliance for significant dischargers established by a permit shall be incorporated into the basin plan at the first revision of the basin plan which takes place following issuance of the permit.

(b) In a planning area where a basin plan is under development, permit terms and conditions proposed for any source and basin plan preparation shall be coordinated to assure that the basin plan reflects information developed in connection with the permit application and conditions for effluent limitations and a schedule of compliance proposed for the permit.

Subpart D—Monitoring and Surveillance

§ 131.400 Relationship of monitoring and surveillance program to basin plans.

(a) Each basin plan shall be based upon the best available monitoring and surveillance data, as set forth in this subpart, to determine the relationship between instream water quality and individual sources of pollutants and, where practicable, to determine the relationship between land disposal and ground water quality. Such data will facilitate implementation of the basin plan.

(b) Each basin plan shall contain for each Water Quality segment:

(1) A program to monitor the total stream pollutant loadings, including contributions for significant parameters from significant dischargers, which shall be related to the total maximum daily loads established by the basin plan pursuant to § 131.304; and

(2) A continuing program for monitoring in-stream water quality.

(c) In areas where a State determines that a ground water contamination problem exists or may exist from the disposal of pollutants on land, in subsurface excavations or deep wells, the State, to support the establishment of controls or procedures to abate such pollution as identified in § 131.307 shall conduct or require to be conducted by the disposing person or agency a monitoring survey or continuing program of monitoring to determine present or potential effects of such disposal, where such disposal is not prohibited.

(d) Additional description of the State monitoring program is set forth in Subpart B of Part 35 of this title.

§ 131.401 Coverage of monitoring and surveillance program.

In establishing the monitoring and surveillance program for discrete water segments, consideration shall be given to the severity of the pollution and applicable water quality standards and goals, including the use to be made of the waters.

§ 131.402 Use of monitoring surveys for basin plan development.

Each basin plan shall incorporate the results of any monitoring survey completed prior to the date of adoption of the basin plan which provides current data for the area covered by the basin plan. If current data are not available, the State should conduct an adequate monitoring survey to obtain the necessary data before completion of the basin plan.

§ 131.403 Frequency of monitoring surveys.

Each basin plan shall provide that a monitoring survey for the area within Water Quality segments covered by the basin plan will be repeated at appropriately defined intervals, depending on the variability of conditions and changes in hydrologic or effluent regimes. The survey intervals shall be stated in the basin plan.

§ 131.404 Output of monitoring surveys.

The monitoring survey shall produce sufficient information to support the planning for the area. Output shall include, but is not limited to, the following:

(a) A listing of all surface waters, by stream segment or water zone, which do not comply with applicable water quality standards.

(b) In Water Quality segments, a description of pollutant mass balances, including estimates of the total pollutant loads to be controlled in the segment.

(c) Input to the EPA water quality information system of basic data collected during the monitoring survey, and validation and correction of data available prior to the survey.

(d) A listing of stations, parameters, and frequencies to be monitored to provide compliance, progress measurement, and trend information required by this chapter.

(e) A proposed schedule, based on variability of stream quality, expected changes in flow and effluent regimes, or other information, for the subsequent monitoring survey to be undertaken in the same basin.

§ 131.405 Water quality data from fixed stations; input to EPA information system.

(a) Each basin plan may provide for the maintenance of a small number of permanent in-stream water quality trend evaluation stations at key locations in each basin to measure progress toward applicable water quality standards and goals, trends in water quality, and compliance with approved basin plans, and where provided, shall be used as a basis for completing the reports required by 305(b) of the Act.

(b) The operation of these stations shall continue after the completion of applicable monitoring surveys required by this subpart.

(c) The State shall input data from such stations to the EPA information system in such manner as the State and the Regional Administrator shall agree.

Subpart E—Completion and Review of Basin Plans; Relation of Permits and Grants

§ 131.500 Basin plan adoption.

Basin plans shall be officially adopted, after appropriate public participation as described in § 131.502 as the official water quality management plans of the State. Background data not required to be included in the basin plans need not be adopted, but should be made available upon request.

§ 131.501 Certification.

Each basin plan shall include assurances and a certification by the Governor or his designee, that the plan is the official State water quality management plan for the hydrologic unit covered by such plan, that the plan meets all applicable requirements of this Part 131 and Part 130 of this chapter and that the plan will be used for establishing permit conditions, target abatement dates and assessing priorities for awarding construction grants.

§ 131.502 Public participation.

(a) There shall be conducted, prior to the adoption or any substantive revision of the basin plan and after reasonable notice thereof, one or more public hearings on the proposed basin plan or on parts of the basin plan, in accordance with EPA regulations promulgated pursuant to section 101(e) of the Act.

(b) For purposes of this section:

(1) The term "public hearing" refers to a hearing in which three basic elements of public participation are present: Total public disclosure; planning agency representation; and sufficient opportunity for expression of views by the public. For the purposes of this section, a public hearing need not be an adjudicatory hearing. Further explanation of the public hearing process is contained in Part 105 of this chapter.

(2) The term "substantive" includes but is not limited to any significant revision of water quality standards, total maximum daily loads for Water Quality segments, load allocations for individual dischargers, effluent limitations, schedules of compliance, or target abatement dates.

(3) "Reasonable notice" includes, at least 30 days prior to the date of each hearing:

(i) Notice to the public by prominent advertisement announcing the date, time, and place of such hearing and the availability of the proposed basin plan for public inspection; and

(ii) Notification to the Regional Administrator.

(c) There shall be prepared and retained for submission to the Regional Administrator upon his request a record of each hearing. The record shall contain, at a minimum, a list of witnesses together with the text of each written presentation.

(d) There shall be submitted with the basin plan a description of any major controversy raised by the hearing and the disposition thereof.

(e) The number and location of hearings shall reflect the size of the planning area and its population and population distribution. Public participation and contribution shall be encouraged, commencing with the earliest possible stages of basin plan development and continuing throughout the period of the basin plan preparation, including revisions thereof. The State may conduct its public hearing on the basin plan simultaneously with public hearings on permits in the area covered by the basin plan or in conjunction with any other public hearing involving the significant revision of water quality standards, total maximum daily loads, load allocations, effluent limitations or schedules of compliance. If a public hearing was conducted on a segment of the basin plan for the purpose of the issuance of permits or significantly revising water quality standards, total maximum daily loads, load allocations, effluent limitations, or schedules of compliance, then this portion of the basin plan need not be subject to additional public hearings.

§ 131.503 Submission of basin plans.

Basin plan submission shall be accomplished by delivering five copies of the adopted portions of the basin plan to the Regional Administrator, together with a letter from the Governor, or his designee, notifying the Regional Administrator of such action.

§ 131.504 Review and approval or disapproval of basin plans.

The Regional Administrator shall approve or disapprove the basin plan submitted pursuant to § 131.503 within 30 days after the date of submission as follows:

(a) If the Regional Administrator determines that the basin plan conforms with the requirements of the Act, this part, the continuing planning process and contiguous plans including neighboring States' plans, he shall notify the Governor or his designee by letter.

(b) If the Regional Administrator determines that the basin plan fails to process or contiguous plans including Act, this part, the continuing planning conform with the requirements of the those of neighboring states, he shall notify the Governor or his designee by letter and shall state:

(1) The specific revisions necessary to obtain approval of the basin plan; and

(2) The time period for resubmission of the basin plan.

(c) Where basin plans involving interstate waters are found to be incompatible, the Regional Administrator shall notify the Governor of each concerned State of the specific areas of incompatibility.

§ 131.505 Revision of basin plans.

(a) At a minimum, the State shall revise each basin plan within five years of the last approval date. The basin plan shall be revised such that it remains a meaningful water quality management document for the five-year period following the revisions. Revisions on a more frequent basis should be made where significant changes occur within the basin. Revisions shall include, but not be limited to, the most current and realistic information on compliance schedules or target abatement dates, construction grant needs and priorities, and waste load allocations. In addition, the basin plan shall be revised such that its increase in scope is in accordance with § 131.202.

(b) Revisions of the basin plan shall be adopted after reasonable notice and public hearings as prescribed in § 131.502.

(c) Revisions shall be submitted in accordance with § 131.503.

(d) Review and approval or disapproval of basin plan revisions shall be carried out in accordance with § 131.504.

§ 131.506 Prohibition of approval of certain basin plans; withdrawal of process approval.

The Regional Administrator shall not approve any basin plan that does not conform with the appropriate require-

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ments of section 303(e), 208(b)(2)(F-K), 303(d), and 314(a) of the Act, the continuing planning process, and this part. Substantial failure of any basin plan to conform with the applicable requirements of section 303(e) of the Act and of this part may indicate that the planning process by which such basin plan was developed was deficient and may result in withdrawal of approval of the planning process, or portions thereof, relating to such basin plan. Approval of the State's participation in the National Pollutant Discharge Elimination System may be withdrawn if the process is not fully approved.

§ 131.507 Prohibition of certain construction grants.

Before approving a grant for any project for any treatment works under section 201(g) of the Act, the Regional Administrator shall determine, pursuant to § 35.925-2 of this chapter, that such works are in conformity with any applicable basin plan approved in accordance with this part and Part 130 of this chapter. Disapproval by the Regional Administrator of a basin plan, or relevant portion thereof, for the area where a project is to be located may constitute grounds for not approving a grant for such project, if the disapproval of the basin plan, or relevant portion thereof, is directly related to the project.

§ 131.508 Discharge permit terms and conditions.

Each permit issued under the National Pollutant Discharge Elimination System to any source covered by the basin plan shall be prepared in accordance with the basin plan, as provided in § 131.310. Failure of any permit to conform with the requirements of this section may constitute grounds for the Regional Administrator or the Administrator to object to the issuance of such permit.

§ 131.509 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this part, shall not be affected thereby.

[FR Doc.74-12558 Filed 5-31-74;8:45 am]

federal register

MONDAY, JUNE 3, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 107

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART III

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

■

ENVIRONMENTAL IMPACT STATEMENTS

Guidelines for Preparation

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS—GUIDELINES

On November 19, 1973, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (38 FR 31909) for comment, proposed guidelines for Preparation of Environmental Impact Statements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), in accordance with the guidelines of the Council on Environmental Quality (CEQ) appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER August 1, 1973, (38 FR 20549) and the guidelines of the Department of Agriculture appearing May 29, 1974 (39 FR 18678).

Written comments received on the proposed SCS guidelines published in the FEDERAL REGISTER, November 19, 1973 were given full consideration in developing the final guidelines. SCS also consulted extensively with CEQ, the Secretary's Office, and other agencies in finalizing the guidelines. The full text of all comments received are on file and available for public inspection in Room 5125, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Most suggestions made for clarification and improved editing were accepted. More substantive comments received and their considerations follow:

1. Section 650.3(b) Policy. Comment suggested that responsibility of SCS in relation to applicants be more specifically stated.

We agree and the language has been changed to state that if SCS determines that NEPA requirements are not being met by an applicant, SCS assistance will be withheld.

2. Section 650.3(c) Policy. Comment suggested that consideration and assessment of environmental quality and impacts begin at the onset of and continue throughout the planning process.

We agree and appropriate changes were made.

3. Section 650.5(a) Environmental Assessment. Comment suggested that Federal, State, and local standards are inviolate constraints on the planning process.

We agree in principle. Wording was added which states that the planning process is to be carried out in accordance with Federal, State, and local laws and regulations.

4. Section 650.7(b) Public Involvement and Coordination. Public Meetings. Comment suggested that assignment of responsibility for determining when public meetings were needed and to be held was not clear.

We agree and wording was added which states that the State Conservationist, after consultation with the applicants, will determine when public meetings are to be held.

5. Section 650.7(c) Public Involvement and Coordination. Public Hearings.

Same comment and consideration as for 4.

6. Section 650.7(d) Public Involvement and Coordination. Comment suggested SCS make more use of public notices in newspapers to advertise public meetings and public hearings.

We agree and language was added to specify that public meetings and public hearings will be advertised by public notices published in local newspapers, and that the State Conservationist is responsible to make certain that public notice requirements are fulfilled.

7. Section 650.8(a) SCS actions covered and excluded. Comment suggested that actions in this section would require an environmental impact statement.

We agree and the modifier "normally" was stricken and language added to clarify that actions under any of the conditions—(1) require approval by congressional committee; (2) provide for channel alignment or capacity of any perennial stream; or (3) are expected to be highly controversial because of environmental aspects—require preparation of an environmental impact statement.

8. Section 650.8(b) Actions covered and excluded. Other major SCS federally assisted actions which may or may not require an EIS. Comment suggested that the environmental factors—erosion and sedimentation, water table alterations, change in flow regime, changes in land use, and changes in air quality—be added to the list of factors to be assessed.

We agree and the suggested factors were added.

9. Section 650.8(b)(2) SCS actions covered and excluded. Other major SCS federally assisted actions which may or may not require an EIS. Actions authorized prior to passage of NEPA. Comment suggested that all projects that include channelization and impoundments be subject to the EIS procedure and that criteria, standards, and procedures should be developed and used to maintain important aquatic areas in any project. Comment further suggested that the SCS stream classification system was inadequate in judging the need for writing an environmental impact statement. Comment also recommended that easements and rights of way not be considered as a financial commitment until construction has progressed to the point where the land is unsuited for its prior use.

The actions authorized prior to passage of NEPA are subject to the same procedures for determination of need for an EIS as those in §§ 650.8(a) and 650.8(b)(1). They provide for environmental assessments and determination of need for an EIS for all channels and impoundments as well as all other actions which may be involved. All projects and project measures which involve major federal actions will be covered either by an EIS or by a negative declaration as provided in § 650.8. We believe the Proposed Guidelines in total provide adequate criteria, standards and procedures for considering and minimizing the impact of any project assisted action on important aquatic areas. We also have criteria, standards and procedures for the consideration of enhancement of important aquatic areas including those on which no project impact is anticipated. We encourage applicants to take advantage of opportunities to include project measures in the latter category, although we have no basis for insisting that they do so. Even for aquatic areas in projects that are small in size and scope, not controversial, and with other than perennial streams, § 650.8(b) requires a broad and comprehensive range of conditions to be assessed, which may result in the identification of significant adverse impacts requiring an EIS.

The stream classification system indicated here is among the factors to be used in describing the surface water resources of the watershed. The channel classification system will show whether a stream is perennial, intermittent or ephemeral, natural or man-modified. The Soil Conservation Service believes that such inventories are useful for developing an understanding of the environmental setting of the watershed. Again, the action would be subject to a comprehensive assessment to identify significant impacts which would require an EIS.

Easements and rights-of-way as a form of local financial commitment constitute only one of several criteria which, in addition to an environmental assessment, will be used to determine whether the action to be taken on older projects constitutes a major federal action requiring an EIS. Such a commitment is not a basis for an automatic exclusion. We cannot agree that donation of a land right implies no financial value or commitment. Land rights are transferred from the landowner to the applicant organization by a binding legal document, which may be a fee title deed or an easement. The land right transferred constitutes a substantial financial commitment.

We concur that the commitment is not made until the land right document is executed and this is the intent of the Guidelines.

With this explanation, the recommendations were not adopted for inclusion in the Proposed Guidelines.

10. Section 650.8(b)(3) SCS actions covered and excluded. Negative declaration. Comment took exception with the use of negative declarations as a means of meeting the requirements of NEPA.

The use of negative declarations is an established procedure under CEQ Guidelines (38 FR 20552), § 1500.6(e) for meeting the requirements of NEPA. Federal agencies other than SCS have been using this procedure for some time. SCS guidelines § 650.8(b)(3) have been amended to provide for publication of the negative declaration in the FEDERAL REGISTER, a 15 day waiting period following such notice. Statements of negative declarations will be provided to the same parties that receive draft EIS's as specified in § 650.9(b).

In addition, based on consultation and administrative deliberation, provision is made to determine the need for an EIS or negative declaration for an independent portion of a watershed project approved prior to NEPA and which is under operations. An independent portion is one not dependent from an environmental, engineering, or economic standpoint, on the remaining project. In such cases, the negative declaration shall set forth those portions on which construction will be undertaken and those which will not be undertaken until an EIS is prepared.

11. Section 650.8(c) Actions covered and excluded. Actions normally excluded from the preparation of EIS's. Comment suggested that items listed are not as clear-cut as the proposed guidelines imply and items, (1) conservation land treatment, (5) consolidation and rehabilitation of existing irrigation and drainage systems, and (6) individual measures or works of improvement covered by a program statement, were objected to.

We concur that the environmental significance of some of the items listed is not always clear, and for this reason have retained the qualifiers "normally" and "generally." With respect to conservation land treatment, item (1), we have found no other satisfactory way to cover this broad range of actions.

It is recognized that item (5) is ambiguous and may be construed more broadly than intended. It has been changed as follows: "(5) Consolidation and rehabilitation of existing irrigation systems including the associated drainage measures which are integral parts of the irrigation systems."

Item (6) has been deleted.

In addition, wording has been added to clarify that items (1)-(5) are excluded from the EIS process and negative declarations, unless they are included in a proposal requiring an EIS as specified in paragraphs (a) and (b)(1) of this section.

12. Section 650.8(d) Actions covered and excluded. Program statements. Comment requested definition of a program EIS and objected to program statements for similar contiguous projects.

Program EIS's are defined in CEQ Guidelines, (38 FR 20552), § 1500.6(d)(1). If any individual project or measure is controversial, it will be covered by an EIS. Courts have encouraged "program statements" for similar contiguous projects, particularly highway projects.

Comments also requested a program statement be prepared for emergency watershed work.

SCS has prepared a draft program statement for emergency watershed work. It has been filed with CEQ and distributed for review and comment.

13. Section 650.10(d) EIS Format and Content. Statement of reasons. Comments suggested that this requirement be dropped because of its being repetitious of the EIS.

The signing of the draft and final EIS by the SCS responsible federal official together with the requirements of the final guidelines make the "statement of reasons" unnecessary. The suggestion was accepted and this section was dropped.

14. Section 650.11 Reviewing and commenting on EIS's prepared by others. Comment suggested addition of an item (14) floodplain considerations.

We agree and the item has been added.

14. Appendix III. Typical Outline for Environmental Impact Statement for Complex Watershed. Outline is to be suggestive and flexible. Comments made were as follows:

III(C)(1) Comment:

> This section should contain a full discussion of the beneficiaries, desires and objectives of the local sponsors, institutional arrangements, and rates of cost-share. For example, land treatment, such as terraces, would (1) be of primary benefit to the public, (2) have a cost-share rate of 30+ percent (rate under existing programs), (3) be generally applied at a slow rate of landowners (less than 50 percent of land adequately treated nationwide after 40 years of cost-sharing), and (4) lack any legal authority for requiring installation. This situation should be compared to other project features such as channelization for flood control and drainage. Channelization is highly desired by the local sponsors, has local benefits, is cost-shared at a high rate (100 percent for flood control, 50 for drainage, and if combined usually exceed 90 percent), and the local sponsors have authority to condemn land for its installation. The expected rates of application of the watershed protection features (land treatment, structural measures, etc.) should be discussed in light of the program features and incentives outlined above.

There appears to be some misunderstanding involved in this comment.

Section III(C) (1) through (8) has been rewritten and condensed. As previously presented, more information than was appropriate was indicated in this section. It has been decided that it would lead to duplication and detract from the introductory stage setting objective of this section.

This section concerns a summary of the goals established for the planned project. Trends and other factors influencing the achievement of adequate land treatment and other project measures (and nonstructural measures in the case of flood protection) will be described in subsequent sections. Information concerning beneficiaries is discussed under Economic and Social effects. Institutional arrangements are to be covered under Planned Project. Generally, the factors recommended for discussion are among those we expect to discuss in the appropriate places under the present wording in the proposed Guidelines. Cost-sharing comparisons between purposes, or between land treatment and structural or nonstructural measures, are not relevant in this section. Cost-sharing for land treatment may vary from year to year and from one agency program to another.

III(C)(3) Comment:

> "This section requires additional discussion in EIS's. Although references are found to various sections of the proposed rules for identifying secondary and cumulative effects, the emphasis appears to be on socio-economics. Therefore, the special attention should be given in Section III(C)(3) to the specific secondary, indirect and/or cumulative impacts of private landowners using federally financed channels as outlets for private on-farm drainage of wetlands and bottomland hardwoods. The EIS should discuss, in detail, documented drainage in other projects and the institutional arrangements (or lack of them) that permit or restrict such use of channels after the local sponsors assume responsibility for operation and maintenance.

Section III(C)(3) addresses goals for drainage as a project purpose. Most of the recommendation concerns impacts rather than goals. Instructions for the impact discussion appear under item V, and include primary and secondary, short-term effects and impacts, both beneficial and adverse. Cumulative impacts are to be addressed under item VII.

The Soil Conservation Service expects to analyze each potential impact until a supportable conclusion is reached regarding it, for which the basis will be described in the EIS. Documented drainage in other projects, as applicable, will be part of the evidence considered in this analysis.

As additional clarification in response to the recommendation, the Planned Project section D3.d(6) is modified by adding another example, to read as follows:

> (6) Features or provisions to minimize fish and wildlife losses and other adverse effects. Describe measures or means provided to prevent private landowners using federally cost-shared channels as outlets for private on-farm drainage of wetlands or bottomland hardwood habitat.

III(C)(5) Comment:

> While it is essential to describe the goals to be achieved in preserving, improving, and developing fish and wildlife habitat, more information is needed in future EIS's. Fish and wildlife preservation and development should be discussed relative to who is responsible for achieving these goals and what legal requirements are imposed to insure that the goals are met. In addition, the goals for maintaining, improving, and developing fish and wildlife habitat must be balanced against both direct and indirect losses that will occur. For example, if 300 acres are to be maintained, improved, and/or developed, and on the other hand 1,000 acres of such habitat will be lost directly or indirectly due to installation of the works of improvement, a net loss of fish and wildlife habitat should be acknowledged. When this happens, fish and wildlife should not be claimed as a project benefit, regardless of the fact that some habitat is left in the project area. The same criteria should apply to all other resources in the project area.

This recommendation concerns matters which are not relevant to this section. Information on who will meet the goals, by what measures, what legal requirements, and with what impacts, are pertinent to subsequent sections of the EIS. The Soil Conservation Service believes the Proposed Guidelines adequately provide for the recommended information and that no change is needed.

III(D)(2) Comment.

> This section describes such nonstructural measures as flood plain zoning, land acquisi-

> tion and restrictive easements, among others. The opportunity for securing perpetual easements in flood plains (as well as wetlands) should be included. Title X of the Agricultural and Consumer Protection Act of 1973 authorizes the Secretary of Agriculture to take such easements. However, easements are not mentioned in the proposed rules.

SCS believes and intends that "land acquisition or restrictive easement" as quoted from the Proposed Guidelines covers perpetual or other easements for flood plains or wetlands. Sponsors will be encouraged to use the perpetual easement and other portions of the RECP program or other such authorities that may be available to the Secretary of Agriculture.

To clarify this portion of the Proposed Guidelines in response to the recommendation, the word "right" is being inserted into this section so the term in question will read "land right acquisition and restrictive easement." A land right may range from fee title acquisition to any form of legal interest in the land.

III(E)(1)(f) Comment:

> The emphasis on the SCS's stream classification in this section bears little resemblance to environmental problems related to channelization. WMI's objection to the use of this classification was discussed in detail earlier. The stream classification system is inadequate.

SCS does not contend that this system, by itself, is a sufficient indication of environmental values or potential problems. Items III(E) (1) through (8), all in the Environmental Setting part of the EIS, are intended to provide comprehensive consideration of all such values. III (E)(4), for example, provides subcategories a. through f. for presentation of data relative to Plant and Animal Resources.

No change was made.

V(2) Comment:

> In addition to changes in water quality resulting from sedimentation, changes in stream regimen, etc., future EIS's should discuss changes in quality of the receiving waters from drainage of wetlands. Research has clearly established that wetland drainage releases large amounts of nutrients that are responsible for eutrophication of receiving lakes and streams. This relationship must be discussed where direct and indirect wetland drainage takes place.

SCS does not agree that research has clearly established that all wetland drainage releases large amounts of nutrients, but we agree that quality of receiving waters should be discussed. This will be added to the list of suggested items.

15. Equal Opportunity. Comment received suggested that consideration to impacts on minority and low income persons be included under socio-economic impacts and in relation to relocation, etc.

SCS agrees and appropriate language has been developed in consultation with the Office of Equal Opportunity, Department of Agriculture, and inserted in the Guidelines.

SCS herewith publishes its final guidelines which are to be effective June 3, 1974.

Dated: May 29, 1974.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

Sec.
650.1 Purpose.
650.2 Scope.
650.3 Policy.
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650.5 Environmental assessment in the planning process.
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650.7 Public involvement and coordination.
650.8 SCS actions covered and excluded.
650.9 Numbering, distributing for comment, and time limits.
650.10 Environmental impace statements format and content.
650.11 Reviewing and commenting on environmental impact statements prepared by other federal and nonfederal agencies.
Appendix I—Flow Chart—"Planning Process—Projects Requiring Congressional Committee Approval."
Appendix II—Interagency Review List of Agencies and Number of Copies.
Appendix III—Format—Environmental Impact Statements.

AUTHORITY: Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321); EO 11514, 35 FR 4247; 38 FR 20550.

§ 650.1 Purpose.

This part prescribes Soil Conservation Service (SCS) policy, procedures, and guidelines for the preparation, coordination, and review of Environmental Impact Statements (EIS's) as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321 et seq.)), the Council on Environmental Quality Guidelines for Environmental Impact Statements, August 1, 1973 (38 FR 20550-20562), and Secretary of Agriculture Memorandum 1695, Supplement 4, as revised (Environmental Impact Statements).

§ 650.2 Scope.

This part applies to those activities of the SCS identified in § 650.8 as major federal actions significantly affecting the quality of the human environment. This part also applies to SCS responsibilities for reviewing and commenting on EIS's prepared by other federal and nonfederal agencies. The goals and policies of NEPA supplement the goals and policies in existing authorizations for SCS programs.

§ 650.3 Policy.

(a) *SCS mission.* The SCS mission is to assist in the conservation, development, and productive use of the Nation's soil, water, and related resources so that all Americans may enjoy:

(1) Quality in the natural resource base for sustained use;

(2) Quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and

(3) Quality in the standard of living based on community improvement and adequate income.

(b) *General.* SCS administers its programs by furnishing assistance to individuals, groups, organizations, cities, towns, counties, state governments, and other decision makers in formulating and implementing their land use and soil and water conservation programs and plans. Thus, SCS activities are federally assisted actions. The environmental assessment and EIS process should be carried out in harmony with the activities and procedures of those to whom assistance is provided to the extent that SCS responsibilities and standards are not compromised. If SCS determines that NEPA requirements are not being met by an applicant, SCS assistance will be withheld.

(c) *Assessing environmental quality and impacts of proposed actions.* Initial environmental considerations begin at the onset of, and detailed environmental assessment continues through, the planning process. Before deciding on a major federal action that significantly affects the quality of the human environment, SCS will, in consultation with other appropriate federal, state, and local agencies, and the public, assess in detail the potential environmental impact. The purpose of the assessment is to avoid or minimize adverse effects whenever possible and to restore or enhance environmental quality to the fullest extent practicable. Alternative actions that will avoid or minimize adverse impacts are to be explored. Both long- and short-range implications of a proposed action to man, his physical and social surroundings, and to nature are to be evaluated. Assessments of environmental impacts of a proposed action are to be undertaken concurrently with initial technical and economic studies. Where required, an EIS is to be prepared and circulated for comment. Draft EIS's on administrative actions are to accompany the proposal through the agency formal review processes and are to be concurrently submitted to CEQ and made available to the public.

(d) *Responsible federal officials.* The SCS Administrator is the responsible federal official for purposes of carrying out NEPA for all major SCS federally assisted actions which will affect more than one state, including EIS's needed for programs, legislation, legislative reports, regulations, and policy. On specific projects or measures such as a watershed project which affects more than one state, the Administrator will name a state conservationist to take the lead as the responsible federal official. State conservationists are the responsible federal officials for purposes of carrying out NEPA for all other major SCS federally assisted actions, including watershed projects, resource conservation and development (RC&D) measures, and program EIS's which cover several similar actions within a state. The Administrator and state, area, and district conservationists have responsibilities for assuring compliance with NEPA policy and for excellence of technical assistance, utilizing procedures which provide for and encourage involvement of individuals, groups, and units of government, including local, state, and federal agencies in the planning process and decisionmaking, and for encouragement and promulgating procedures which provide for interdisciplinary technical assistance.

(e) *Interdisciplinary planning.* SCS uses an interdisciplinary planning process in which individuals or groups having different technical expertise jointly assess resource conservation opportunities. Those making the joint assessment, together with interested individuals and groups, determine data needs, quality standards to be achieved or to be maintained, and alternative courses of action. The number of discipline groups and agencies to be represented is dependent upon the complexity of problems, diversity of natural resources, and the economic, social, and environmental impacts of the alternative actions. Effective interdisciplinary planning is closely related to public involvement in the planning process.

(f) *Consultation with and response to requests of the Council on Environmental Quality (CEQ).* SCS consults with CEQ on policies, procedures, and the quality of EIS's. Careful consideration will be given to requests by CEQ for reports, other information, and action relating to implementation of NEPA.

(g) *Monitoring.* It is SCS policy to monitor programs and projects as necessary to assure compliance with the requirements of NEPA and to cooperate with other agencies in determining that environmental safeguards are executed according to plans.

§ 650.4 References.

Availability in SCS. Information and references pertaining to the guidelines for preparation, coordination, and review of EIS's required by the procedure for carrying out NEPA are available to all SCS field, area, state, and technical service center (TSC) offices, and the national office. The information and references are for the use of SCS employees as guidelines for planning, assessing, and preparing EIS's. The following information and references are to be maintained in or available to all SCS offices for review by others having an interest in or a use for the information:

National Environmental Policy Act of 1969 (Pub. L. 91-190).
Executive Order 11507, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities."
Executive Order 11514, "Protection and Enhancement of Environmental Quality."
Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ).
Section 309 of the Clean Air Act Amendments of 1970 (Pub. L. 91-604).
Right of the Public to Information Act (Pub. L. 89-487).
National Register of Historic Places, National Park Service.
Section 106 Requirements, National Historic Preservation Act (Pub. L. 89-665).
Executive Order 11593, "Protection and Enhancement of the Cultural Environment."
Procedures for the Protection of Historic and Cultural Properties, Advisory Council on Historic Preservation.
Act for preservation of historical and archeological data (Pub. L. 86-523).
Secretary of Agriculture Memorandum 1695, Supplement 4, as revised.
Office of Management and Budget (OMB) Circular A-95.

§ 650.5 Environmental assessment in the planning process.

(a) *General.* Environmental values and studies of probable impacts are given the same consideration throughout the planning and decisionmaking process as economic, engineering, and social values. Environmental assessment is an integral part of the planning process as illustrated in Appendix I of this part. The decision whether to prepare an EIS may be made during the application, preliminary investigation, or detailed planning stage based on the factors in § 650.8. However, the need for an EIS is to be determined as early as possible, usually immediately following the preliminary investigation stage. As soon as adverse impacts are identified in the application, preliminary investigation, or detailed planning stage, consideration is to be given to alternatives and measures which will avoid or minimize such impacts, if any. The planning process is to be carried out in accordance with federal, state and local laws and regulations.

(b) *Application stage.* When SCS first considers an application from or extends assistance to an applicant or other interested groups, full attention to and discussion of environmental values, probable impacts, and concerns are required. Sufficient information is to be gathered, analyzed, and then presented and discussed in at least one general public meeting to identify broad environmental aspects involved and the degree of public interest.

(c) *Preliminary investigation or feasibility study stage.* Following approval of the application, SCS conducts preliminary investigations and feasibility studies with participation of applicants, other agencies, and interested parties. Coordination and consultation relating to statutory requirements referred to in § 650.4 will begin at this stage if not previously initiated. "Environmental assessment is an integral part of the preliminary stage of planning." This includes a description of the present environment, trends, and preliminary evaluation of the impact of possible alternative actions. Findings of the preliminary studies and environmental assessment are to be presented and discussed at public meetings. The results of the preliminary investigation and the following public meetings at which results are discussed are to be considered in deciding whether to proceed with planning.

(d) *Detailed planning stage.* Following a decision to proceed with planning, SCS conducts detailed field studies, including additional studies on environmental impacts of alternatives. Expertise outside SCS is solicited and, when necessary, special contracts may be negotiated. Information needed to develop a draft plan and draft EIS is obtained in this stage and is to be discussed during public meetings.

(e) *Formal review process.* The draft EIS is circulated for formal review and comment as outlined in § 650.9.

§ 650.6 Obtaining information required for EIS's.

(a) *Interdisciplinary effort.* SCS utilizes a systematic, interdisciplinary approach to insure the integrated use of the natural, physical, and social sciences, and the environmental design arts in furnishing assistance for planning and decisionmaking which has an impact on man's environment. Where relevant disciplines are not represented on SCS staffs, appropriate assistance is to be obtained from federal, state, and local agencies and private sources.

(b) *Use of available data.* SCS will make full use of available survey and inventory reports, existing plans and publications which bear directly on a particular situation, and the environmental facts involved. Data sources are to be cited in the EIS.

(c) *Assessment.* An environmental assessment is to be made at the earliest stages of planning to identify potentially significant environmental factors that may be affected by the proposed action. This study will serve to further indicate types of data needed for more detailed study of environmental values when significant impacts on the environment are indicated. As needed, onsite environmental assessments are to be made using both SCS and other available expertise to quantify, qualify, and rate the present environmental setting in terms of the major factors and to predict probable impacts of alternative actions.

(d) *Study by others.* If data needed to identify environmental values and the impacts of alternative actions are not available from SCS sources, including the environmental assessment, or from other agencies or organizations with special expertise and responsibility, SCS will enter into arrangements with qualified organizations or individuals to produce needed data. Studies will be designed, to the extent feasible, to produce data to serve the widest possible base of use, both for the immediate action being considered and subsequent similar situations.

§ 650.7 Public involvement and coordination.

(a) *General consideration for developing public improvement*—(1) *Identification of individuals, groups, organizations, and agencies.* Public involvement must begin with the initial steps to formulate an action. The state conservationist is to keep a list of all groups, organizations, and governmental agencies which are or may be interested in the project for use by applicants and SCS. Criteria to be used in identifying individuals, groups, and organizations include those who:

(i) May be affected by the project, including landowners in a watershed or planning area;

(ii) Represent the needs and interests of a community;

(iii) Have views important to balanced planning (important key leaders or organizations may not be directly affected, but their involvement can be vital); or

(iv) Have expressed interest in the project.

(2) *Documentation.* Chronological and historical notes on public involvement are to be maintained. These notes will be a part of the working file and will serve to document all formal and informal meetings involved in planning the project. The notes will briefly identify major individual participants, organizations represented, the numbers of people attending meetings, and the substance of the meeting. Especially important is the documentation of discussions and concerns about environmental issues. These planning and implementation notes form important evidence of public involvement and will be available for public inspection. In some cases, verbatim transcripts of formal hearings or meetings are appropriate.

(b) *Public meetings.* Several types of public meetings may be used by applicants and SCS to encourage public involvement. The state conservationist, after consultation with the applicant, will determine when public meetings are to be held. Environmental information will be presented and discussed along with appropriate other information at public meetings. This information is to be made available prior to the meetings. If a preliminary draft or draft EIS has been prepared, it will be available at least 15 days before the public meetings. Meetings may include:

(1) Information-gathering meetings to help identify local issues, environmental values and concerns, specific problems, the general public attitude toward the undertaking, and to develop information needed for planning;

(2) Evaluation meetings for assessing economic, social, and environmental impacts and developing alternatives; and

(3) Plan-presentation meetings to provide opportunities for people to understand and evaluate proposed project plans and the environmental impacts.

(c) *Public hearings.* Recorded public hearings are to be held jointly by SCS and applicants if necessary to achieve public involvement and understanding of alternative project proposals or if justified by public interest. The state conservationist, after consultation with the applicants, will determine if a public hearing, or hearings, is necessary and when it is to be held. Information available on environmental assessment, the draft EIS's, or project formulation will be made available to the public at least 15 days prior to the time of such hearings, or as specified by state law. In deciding whether a public hearing is appropriate, state conservationists and applicants should jointly consider:

(1) Requirements of state or local laws;

(2) The magitude of the proposal in terms of environmental impact, costs, the geographic area involved, and size of commitment of the resources involved;

(3) The degree of controversy or opposing views likely to surface at the hearing;

(4) The degree of interest in the proposal as evidenced by requests from the public and from federal, state, and local authorities that a hearing be held;

(5) The complexity of the issue and the likelihood that information presented at the hearing would not otherwise be available to SCS in fulfilling its responsibilities under NEPA; and

(6) The extent to which public involvement has been achieved through other means, such as public meetings with citizen representatives, and written comments on the proposed project.

(d) *Public notices.* Public notice of each public meeting and public hearing discussed in paragraphs (b) and (c) of this section, except as hereinafter provided, is to be advertised in local newspapers on three different days at least 15 days prior to the date of the meeting or hearing and mailed to the interested individuals, groups, organizations and agencies referred to in paragraph (a) of this section at least 15 days prior to the meeting or hearing. The notice shall contain specifics of the project or program proposal, the date, time, and location of the meeting or hearing, and where information as to the environmental considerations and impacts of the proposed project may be obtained prior to as well as after the meeting. Where arrangements for such notification are the responsibility of local sponsors, it is the responsibility of the state conservationist to make certain that these public notice requirements have been properly fulfilled. Where official action by the local sponsors on the matters considered at a meeting or hearing is governed by state statute, the public notice and mailing requirements of this section may be modified as necessary to comply with the state statute.

(e) *Availability of EIS's.* Draft and final EIS's will be made available to the public by the responsible federal official. Enough copies of the EIS are to be printed to meet the anticipated demand of agencies, organizations, and individuals who must receive copies as required by CEQ Guidelines and to satisfy a reasonable number of additional requests. SCS will place a notice in the Federal Register both for draft and final EIS's to advise the public of proposed activities and where copies of the EIS's may be obtained.

§ 650.8 SCS actions covered and excluded.

(a) *Actions which require an EIS.* EIS's will be prepared for all watershed projects or RC&D measure plans under any of the following conditions:

(1) Require approval by congressional committees;

(2) Provide for modification of channel alignment or capacity of any perennial stream, including standing or backwater channels; or

(3) Are expected to be highly controversial because of the environmental aspects.

(b) *Other major SCS federally assisted actions which may or may not require an EIS.* Actions which do not fall under criteria established by paragraphs (a) or (c) of this section will require a decision by the responsible federal official whether to prepare an EIS based on individual considerations. The decision is to be based on an appropriate environmental assessment of environmental factors and significant effects, including beneficial and adverse effects. Significant adverse effects may be those which degrade the environment for any significant period of time, curtail the use of various environmental resources, or serve only short-term needs. Assessment is to cover secondary effects such as socio-economic impacts as well as direct effects.

(1) Identifying major federal actions which may or may not significantly affect the environment. At least the following environmental factors are to be assessed by the responsible federal official in each project or measures planning area as appropriate where an EIS is required or to determine whether an EIS is needed:

Erosion and sedimentation.
Water table alterations.
Change in flow regime.
Changes in land use.
Changes in air quality.
Upland wildlife habitat.
Bottomland wildlife habitat.
Migration routes.
Bottomland hardwoods.
Stream fisheries including potential not presently productive.
Wetlands.
Rare or endangered animals and plants.
Natural perennial streams.
Man-altered perennial streams.
Natural intermittent streams.
Man-altered intermittent streams.
Archeological and historical resources.
Water quantity.
Water quality, including receiving waters.
Appearance of the landscape.

In addition, the degree of public interest, potential controversy, urban or rural setting, and economic and social impacts should be assessed. Factors are to be quantified and qualified to the extent practicable as to the total amount in the planning area, the amount affected by the proposed actions, and the percent of the total resource in the planning area which will be affected. No single or multiple set of factors can give the absolute answer. The data, once assembled for a planning unit, will provide an indication of the probable impact and aid in making a judgment as to whether an EIS is needed.

(2) Actions authorized prior to passage of NEPA. In addition to a detailed assessment of actions such as those named in paragraph (b)(1) of this section, the following elements may also be given consideration by the state conservationist in accordance with § 1500.13 of the CEQ Guidelines (38 FR 20556) in determining whether the action yet to be taken, or independent portions thereof, constitutes a major federal action which will require preparation of an environmental impact statement:

Total construction costs, including federal and local share.
Degree of completion of planned work and amount remaining to be done.
Local financial commitments, including easements and rights-of-way.
Degree of public involvement.
Consideration of environmental quality in project formulation.

(3) Negative declaration. On SCS major federally assisted actions such as watershed projects or RC&D measures where an eivironmental assessment indicates that all or independent portions of such projects are not likely to have a significant adverse impact on the environment or elicit controversy, a negative declaration is to be prepared by the state conservationist as soon as practicable following his decision. Independent portions are those that are not dependent, either from an environmental, engineering, or economic standpoint, on the remaining project, and are to be considered only for projects authorized prior to NEPA. At this time the state conservationist will also consider the need for actions to comply with statutory requirements, other than those in NEPA, referred to in § 650.4. The negative declaration will briefly describe the proposed activity, state the reasons for concluding that there will be no significant adverse impact, state that no EIS is to be prepared, and designate where the environmental assessment is available for public inspection. If construction is to be undertaken on independent portions of projects which do not contribute to the need for an EIS on the remaining project, the negative declaration shall set forth those portions on which construction will be undertaken and those which will not be undertaken until an EIS is prepared. Circulation of a negative declaration will be the same as for draft EIS's as provided in § 650.9(b). A news release is to be submitted by the responsible federal official to local papers and other appropriate media informing the public that an impact statement will not be prepared on a particular project. SCS will place a notice in the FEDERAL REGISTER concerning the negative declaration. No administrative action on implementation of the proposal is to be taken for 15 days after the notice of negative declaration is published in the FEDERAL REGISTER. The environmental assessment is to be kept on file in the originating office for public inspection. A list of actions on which EIS's will not be prepared will be maintained by the state conservationist.

(c) *Actions normally excluded from the preparation of EIS's.* Proposals covering only the following types of actions are not generally defined as major federal actions significantly affecting the human environment. These actions are excluded from the EIS process and negative declarations, unless they are included in a proposal requiring an EIS as specified in paragraphs (a) and (b)(1) of this section:

(1) Conservation land treatment.

(2) Nonstructural flood plain management practices.

(3) Critical area treatment measures for erosion and sediment control.

(4) Land stabilization protection, gully control, and other similar practices.

(5) Consolidation and rehabilitation of existing irrigation systems including associated drainage measures which are integral parts of the irrigation systems.

(d) *Program statements.* Two or more similar major federal actions occurring in the same geographical area such as contiguous watershed projects may be covered by a single "program" EIS. A program EIS may also be needed on newly authorized program responsibilities. In either case, and after considering the criteria in paragraphs (a) and (b) of this section, the responsible federal official will determine if a program EIS is appropriate and, if so, provide for its development.

(e) *River basin studies.* SCS assists with the preparation of EIS's covering certain river basin studies through the Water Resources Council, river basin commissions, and interagency committees. SCS is the lead agency for the U.S. Department of Agriculture (USDA) in conducting cooperative river basin studies (Type 4). Environmental analyses at the same level of intensity as economic and social analyses are included in the studies. An EIS is to be prepared when implementation authorization for specific projects included in the study is requested.

(f) *Legislative actions and favorable reports on legislation.* If SCS is designated by the USDA to prepare a legislative proposal or a favorable report when SCS has primary responsibility for the subject matter involved in a bill referred to the USDA, the Administrator is responsible for developing the EIS to accompany the proposal or report if he determines the proposal or report constitutes a major federal action which will have significant impact on the environment.

(g) *EIS's for making, modifying, or establishing regulations, rules, procedures, and policy.* If responsibility for implementing a program or major federal action is delegated to SCS by the Secretary of Agriculture and regulation or policy formulation is necessary, the need for an EIS will be determined by the Administrator in consultation with the USDA office of the Coordinator of Environmental Activities and the appropriate USDA assistant secretary. If an EIS proves necessary, it is to be developed in time to accompany the proposal, regulation, or policy through the review process.

(h) *Lead agency.* In certain instances, several USDA agencies may have program responsibilities relative to a major federal action with significant environmental impact. If SCS is designated as the lead agency, the Administrator will coordinate the input of all concerned agencies in development of the EIS. In actions involving several departments, the role of SCS will be determined in consultation with the USDA Office of the Coordinator of Environmental Activities and the CEQ.

(i) *Early notice system.* A list of SCS major federal actions in each state on which EIS's are to be prepared is to be furnished by the state conservationist to the Administrator on July 1, 1974. Each quarter thereafter the state conservationist will report any changes to the original list. The Administrator will consolidate the state lists and forward a single national list to CEQ each quarter. Each state list will be available at the appropriate SCS state office for public inspection. A list of major federal actions on which environmental statements will not be prepared (negative declaration) is to be maintained by the state conservationist after individual notices have been circulated.

§ 650.9 Numbering, distributing for comment, and time limits.

(a) *System for numbering EIS's.* (1) SCS will use the following components in numbering EIS's:

USDA	U.S. Department of Agriculture.
SCS	Soil Conservation Service.
EIS	Environmental Impact Statement.
WS	Program designation.
(ADM)	Type of statement.
74	Fiscal year of draft EIS.
11	Sequential number by program by fiscal year.
(D) or (F)	Draft or Final.
AL	State abbreviation as used in the U.S. Postal Service, National Zip Code Directory.

(2) Example. The number of the eleventh draft SCS administrative EIS for the fiscal year 1974 in the watershed program in Alabama would be written as follows:

USDA–SCS–EIS–WS–(ADM)–74–11–(D)–AL

(3) Program designations presently used include:

WS	Watershed.
FP	Flood Prevention.
RB	River Basin.
RCD	Resource Conservation & Development.

(4) Each state conservationist will assign sequential numbers to draft EIS's prepared within his state when the EIS is ready for circulation. A new series of numbers will begin each federal fiscal year. Draft and final EIS's for the same action will carry the same sequential number even though the final statement may be filed in the subsequent fiscal year, but will be designated (D) or (F).

(b) *Draft EIS's.* The following steps will be taken in filing and distributing draft EIS's for review and comment:

(1) *CEQ and others.* Five copies of draft EIS's will be sent to CEQ by the responsible federal official. At the same time the responsible federal official will send copies to:

(i) The federal agencies listed in Appendix II of this part and a copy of the transmittal letter only to the USDA Office of the Coordinator of Environmental Quality Activities. Appendix II of the

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CEQ Guidelines (38 FR 20557) also provides further guidance for considering sources of special expertise in the areas of energy, pollution, and resource and land use.

(ii) State and local agencies. OMB Circular No. A–95 (Revised) through its system of state and areawide clearinghouses provides a means for obtaining the views of state and local environmental agencies which can assist in the preparation and review of EIS's. Instructions for obtaining the views of such agencies are contained in the joint OMB–CEQ memorandum which is attached to the CEQ Guidelines as Appendix IV (38 FR 20550).

(iii) Organizations, groups, and individuals. A copy of the draft EIS will be sent to the appropriate official of each organization or group and each individual who has expressed interest or should receive a copy.

(2) *Time period for comment.* The time period for review shall end 60 days after the date the draft EIS is sent to CEQ and distributed for review as provided in paragraph (b)(1) of this section. (This 60-day period includes the 45-day period from the date published in the FEDERAL REGISTER by CEQ.) A 15-day extension of time for review and comment will be considered by the responsible federal official when such requests are submitted in writing. Otherwise it will be presumed that at the end of the 60-day period the agency or party from which comments were requested has no comments to make.

(3) *Notice to Federal Register.* The state conservationist will prepare a notice for the FEDERAL REGISTER concerning availability of draft EIS's and forward it to the Administrator for handling.

(4) *News releases.* News releases will be sent to appropriate local media in a timely manner by the responsible federal official.

(5) *Preparing final EIS's.* At the end of the review period, the responsible federal official will prepare the final EIS, taking into consideration substantive comments, including opposing viewpoints received. If significant changes in the proposed action are needed, a revised draft EIS may be necessary and recirculated for comment.

(c) *Final EIS's.* The following steps will be taken in filing and distributing final EIS's:

(1) Letters of substantive comment will be appended to all copies of the final EIS's. If numerous repetitive responses are received, summaries of the repetitive comments and a list of the commentators will be appended.

(2) The responsible federal official shall send five copies of the final EIS to CEQ, one copy of the letter of transmittal only to the USDA Coordinator of Environmental Quality Activities, and a copy of the final EIS to each state and federal agency, organization, group, or individual who furnished substantive comments on the draft EIS or who requests a copy.

(3) The state conservationist will prepare a notice for the FEDERAL REGISTER concerning availability of final EIS's and forward it to the Administrator for handling. Copies of final EIS's will be made available by the SCS responsible federal official on request.

(4) No administrative action on implementation of the proposal covered by the EIS is to be taken for 30 days after notice of availability of the final EIS is published in the FEDERAL REGISTER by CEQ.

(d) *Supplements to EIS's.* If necessary, an appropriate revision or supplement to a final EIS on file with CEQ shall be prepared by the responsible federal official. The extent of the revision and further coordination with other federal, state, and local governmental agencies and the interested public will be based on the following:

(1) If the final EIS previously filed becomes inadequate due to a major change in the plan of development or method of operation of the proposed action or for other reasons, a new draft and final EIS must be prepared as provided in § 650.10 and filed and distributed as provided in paragraphs (b) and (c) of this section.

(2) If the final EIS on file becomes deficient because of major changes in some of the design features or project purposes, an appropriate draft supplement to the final EIS shall be prepared. The draft and final supplement will be filed and distributed as provided in paragraphs (b) and (c) of this section. Time limits specified in paragraphs (b)(2) and (c)(4) of this section will be observed.

(3) If SCS determines that it is necessary to clarify or amplify a point of concern raised after the final EIS was filed with CEQ and the point of concern was considered in the final EIS, the clarification or amplification shall be prepared and filed with CEQ. Informational copies of the material filed with CEQ will be furnished to those who received copies of the final EIS. Section 1500.11(b) of the CEQ Guidelines (38 FR 20556) would not be applicable. Waiting periods previously outlined in this part are not applicable.

(e) *Expedited procedures.* When emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of paragraphs (b) and (c) of this section, the state conservationist shall work through the Administrator and the USDA Office of the Coordinator of Environmental Quality Activities in consulting with CEQ about alternative arrangements.

§ 650.10 EIS format and content.

(a) General considerations in preparing EIS's. (1) Environmental studies are to be conducted at the same time, depth, and scope as are economic, engineering, and other related studies.

(2) The EIS is to summarize and document data sources.

(3) Secondary impacts such as socioeconomic effects, including impacts on civil rights, minority groups, and low income persons, as well as cumulative effects of other SCS and relevant actions in the area to be influenced are to be considered.

(4) Comments and recommendations by agencies, groups, and individuals are to be given full consideration in planning the project and developing the EIS. Appendix II of the CEQ Guidelines (38 FR 20557) is to be used as a guide for determining the expertise and responsibilities of other agencies to be contacted for consultation.

(5) Impacts on historical, archeological, and cultural sites are to be considered with special attention to the review procedures required for those properties included in or eligible for inclusion in the National Register of Historic Places.

(6) The U.S. Environmental Protection Agency (EPA) is to be consulted early in the planning process on water and air quality matters to facilitate EPA and SCS responsibilities under section 309 of the Clean Air Act (Pub. L. 91–604, 84 Stat. 1709 (42 U.S.C. 1857h–7)).

(7) Any federal, state, or local legislation, plan, regulation, standard, or action which may have a bearing on the proposed action is to be considered.

(8) Attention is to be given to the substance of the information rather than the form, length, or detail of the EIS.

(b) The following points are to be covered in accordance with § 1500.8 of the CEQ Guidelines (38 FR 20553):

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected. Include information, summary technical data, and maps and diagrams, where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public.

(2) The relationships of the proposed action to land use plans, policies, and controls for the affected area.

(3) The probable primary and secondary impacts of the proposed action on the environment. Include an assessment of the positive and negative effects on both national and international environment.

(4) Alternatives to the proposed action which would reduce or eliminate adverse effects. Include, where relevant, those not within the responsibility of SCS.

(5) Any probable adverse environmental effects which cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental quality goals set out in section 101(b) of NEPA (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4331)).

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

(8) An indication of other interests and considerations of federal policy to

offset the adverse environmental effects of the proposed action. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse effects. Analyses or summaries of available cost-benefit information are to be attached to the EIS.

(c) Sample procedures for developing an EIS for a complex watershed project are outlined in Appendix III of this part. The outline presents detailed consideration of the elements covered in § 1500.8 of the CEQ Guidelines. The outline is to be used as a guide and adjusted to specific actions as appropriate, keeping in mind the:

(1) Size and complexity of the proposed action;

(2) Range of significant environmental factors likely to be affected;

(3) Number of reasonable alternatives; and

(4) Detail of information necessary to adequately describe and assess resources and impacts.

§ 650.11 Reviewing and commenting on EIS's prepared by other federal or nonfederal agencies.

(a) SCS employees assigned to review and comment on EIS's prepared by other agencies are to be thoroughly familiar with SCS policies and guidelines contained in this part, CEQ Guidelines, and NEPA.

(b) All EIS's received for review by SCS shall be responded to promptly even if no comments are offered. Comments are to be objective and factual and presented with a view toward offering suggestions which will help minimize adverse impacts of the proposed action. Comments are to be based on knowledge readily available. Field office technical guides, soil surveys, field investigation reports, and other resource data and reference materials developed by SCS and other agencies should be used and cited. It is not intended that special surveys or investigations be conducted to acquire additional information for use in preparing comments.

(c) The SCS reviewer is to consider:

(1) *The suitability or limitations of the soils for the proposed action.* Have the suitabilities and limitations of the soils for the proposed use and action been considered? Would an alternative route, location, or layout minimize land use problems and adverse environmental impacts?

(2) *Provisions for control of erosion and management of water during construction.* Are there resources downstream that would be affected by sediment from the construction area, and does the statement provide for adequate control measures?

(3) *Provisions for conservation land treatment on the project lands, rights-of-way, access roads, and borrow areas.* Does the statement indicate that enduring soil and water practices are to be installed and maintained?

(4) *The effect of water discharges from the project lands or rights-of-way onto other properties or changes in water quality.* Will discharges cause erosion or flooding on other lands?

(5) *The effects of disruption of the natural drainage patterns on other properties.* Does the statement indicate that natural drainage patterns will be maintained or improved, and that bridges, culverts, and other water control structures will be so located that adjacent lands are not flooded or otherwise restricted in use?

(6) *The impact on existing conservation systems.* To what extent will conservation systems such as terrace, drainage, or irrigation be altered, severed, or suffer blocked outlets, and land use or cover be affected as a result? Does the EIS make clear that existing conservation systems, where applicable, are to be protected and kept functional?

(7) *The amount of prime farmland or other significant land and water resource areas being irreversibly or irretrievably lost.* Would an alternative location or route require less prime farmland?

(8) *The impact of severance of farmland, woodland, ranchland, or other significant land and water resource areas.* Can adverse effects of severance be reduced by providing for underpasses or access corridors?

(9) *The impact of the proposed action on wetlands.* Does the statement reflect the effect of the proposed action on wetlands as defined in U.S. Department of Interior, Bureau of Sports, Fisheries, and Wildlife Circular No. 39? Can the adverse effects be reduced or eliminated?

(10) *The stockpiling, protection, or proper disposition of topsoil.* If this is a significant consideration, does the statement provide for conserving and using topsoil?

(11) *The impact of the proposed action on pollution of land, water, and air.* Does the statement describe the adverse effects? Can the adverse effects be reduced and, if so, by what means?

(12) *Other related resources.* Does the reviewer have information which would indicate significant effects of the proposed action on fish and wildlife habitat, rare and endangered plant and animal species, historical and archeological sites, natural areas, and major plant communities?

(13) *The effect of the proposed action* on SCS or other agency projects. Does the statement reflect the effect of the proposed action on present or planned SCS assisted projects? Does the reviewer have information on projects of other agencies not recognized in the EIS and which should be called to the attention of the agency which prepared the EIS?

(14) *Floodplain considerations.* Does the reviewer have information relating to the following: Does the project lie within the bounds of a floodplain? Will the project be damaged by flooding? Will the proposed action cause an increase in flood damage either upstream or downstream? Does the project constitute a precedent in terms of encroachment on this floodplain?

(15) *Impact on historical or archeological resources.* Does the proposed action threaten or alter any property included in or eligible for inclusion in the National Register of Historic Places?

(d) Usually EIS's prepared by other federal agencies are addressed to the USDA and referred to SCS by the USDA Coordinator of Environmental Activities, or are addressed to the SCS national office or an SCS state office.

(1) EIS's referred by the USDA Coordinator of Environmental Activities to the SCS national office may designate SCS as the lead agency for preparing comments for USDA. In this case, the SCS national office determines whether inputs from state conservationists and other USDA agencies are needed. If so, state conservationists and other USDA agencies are requested to furnish comments to be combined for the USDA response.

(2) EIS's received directly by the SCS national office are screened to determine whether inputs from state conservationists are needed. If so, the EIS is sent by the Administrator to the state conservationist concerned. Transmittal of an EIS to a state conservationist shall indicate to whom comments, or copies thereof, are to be sent. If more than one state is involved, the Administrator will designate one state conservationist to coordinate the review and comments.

(3) If a state conservationist receives an EIS directly from another federal agency, he is to respond directly to the initiating agency. A copy of his comments is to be sent to the Administrator and to the USDA Coordinator of Environmental Activities. If the EIS is from a nonfederal agency, the state conservationist is to send a copy of his comments to the Administrator. If the comments are substantial or controversial, a copy of the draft EIS should be attached to the copy of the comments sent to the Administrator.

(4) Comments on EIS's addressed directly to SCS are to deal primarily with areas of SCS expertise. Copies of draft EIS's reviewed and commented on should be retained by reviewing offices for reference.

(5) Five copies of review comments made by SCS on EIS's prepared by other federal agencies are to be sent directly to CEQ.

(e) If EIS's are addressed to SCS area or field offices, these offices are to contact the state conservationist for instructions on coordinating and handling the comments.

(f) If EIS's are submitted to conservation districts, the district officials should prepare the comments and reply. SCS may furnish needed soil, water, and related resource information to the district officials.

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U.S. DEPARTMENT OF AGRICULTURE

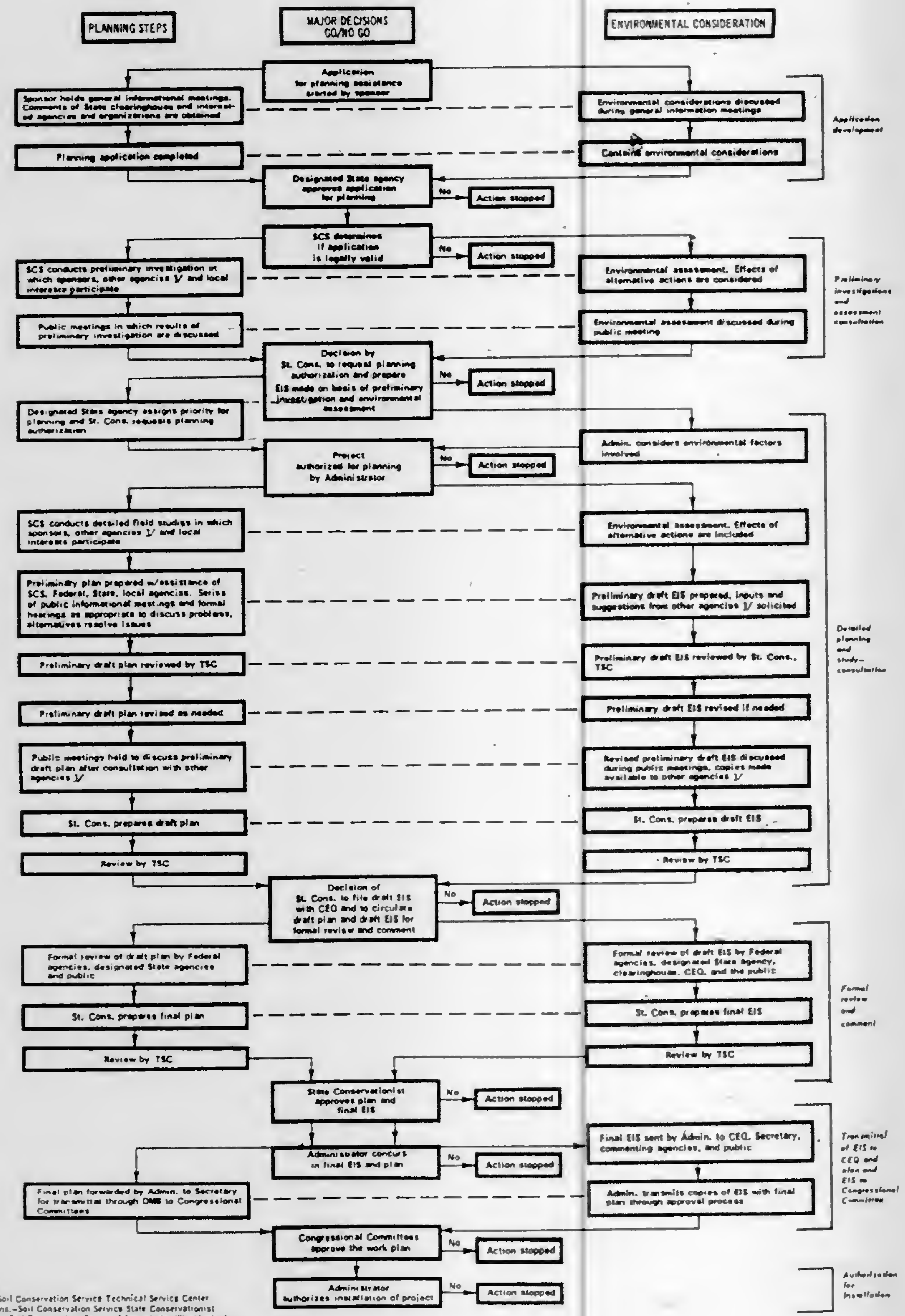
SOIL CONSERVATION SERVICE

APPENDIX I

—PLANNING PROCESS—

PL-566 WATERSHED PROJECTS

(Projects Requiring Congressional Committee Approval)


PLANNING STEPS
MAJOR DECISIONS GO/NO GO
ENVIRONMENTAL CONSIDERATION
Application for planning assistance started by sponsor
Sponsor holds general informational meetings. Comments of State clearinghouses and interested agencies and organizations are obtained
Environmental considerations discussed during general information meetings
Application development
Planning application completed
Contains environmental considerations
Designated State agency approves application for planning
No
Action stopped
SCS determines if application is legally valid
No
Action stopped
SCS conducts preliminary investigation in which sponsors, other agencies 1/ and local interests participate
Environmental assessment. Effects of alternative actions are considered
Preliminary investigations and assessment consultation
Public meetings in which results of preliminary investigation are discussed
Environmental assessment discussed during public meeting
Decision by St. Cons. to request planning authorization and prepare EIS made on basis of preliminary investigation and environmental assessment
No
Action stopped
Designated State agency assigns priority for planning and St. Cons. requests planning authorization
Admin. considers environmental factors involved
Project authorized for planning by Administrator
No
Action stopped
SCS conducts detailed field studies in which sponsors, other agencies 1/ and local interests participate
Environmental assessment. Effects of alternative actions are included
Preliminary plan prepared w/assistance of SCS, Federal, State, local agencies. Series of public informational meetings and formal hearings as appropriate to discuss problems, alternatives resolve issues
Preliminary draft EIS prepared, inputs and suggestions from other agencies 1/ solicited
Detailed planning and study-consultation
Preliminary draft plan reviewed by TSC
Preliminary draft EIS reviewed by St. Cons., TSC
Preliminary draft plan revised as needed
Preliminary draft EIS revised if needed
Public meetings held to discuss preliminary draft plan after consultation with other agencies 1/
Revised preliminary draft EIS discussed during public meetings, copies made available to other agencies 1/
St. Cons. prepares draft plan
St. Cons. prepares draft EIS
Review by TSC
Review by TSC
Decision of St. Cons. to file draft EIS with CEQ and to circulate draft plan and draft EIS for formal review and comment
No
Action stopped
Formal review of draft plan by Federal agencies, designated State agencies and public
Formal review of draft EIS by Federal agencies, designated State agency, clearinghouse, CEQ, and the public
Formal review and comment
St. Cons. prepares final plan
St. Cons. prepares final EIS
Review by TSC
Review by TSC
State Conservationist approves plan and final EIS
No
Action stopped
Final EIS sent by Admin. to CEQ, Secretary, commenting agencies, and public
Administrator concurs in final EIS and plan
No
Action stopped
Transmittal of EIS to CEQ and plan and EIS to Congressional Committee
Final plan forwarded by Admin. to Secretary for transmittal through OMB to Congressional Committees
Admin. transmits copies of EIS with final plan through approval process
Congressional Committees approve the work plan
No
Action stopped
Administrator authorizes installation of project
No
Action stopped
Authorization for installation

Legend
TSC—Soil Conservation Service Technical Service Center
St. Cons.—Soil Conservation Service State Conservationist
Admin.—Soil Conservation Service Administrator (Washington)
EIS—Environmental Impact Statement
CEQ—Council on Environmental Quality
1/ includes interested state, local, and field offices of federal agencies

MARCH 1974
USDA SCS HYATTSVILLE, MD. 1974

APPENDIX II—INTERAGENCY REVIEW

AGENCIES REQUESTED TO REVIEW AND COMMENT

Governor of State or State Agency Designated by Governor

State and area-wide clearinghouses

Executive Secretary
Advisory Council on Historic Preservation
1100 "L" Street, N.W.
Washington, D.C. 20005

Chief, Corps of Engineers
Department of the Army
Department of Defense
Washington, D.C. 20314
(Address to District Engineer if State Conservationist approved plan)

Department of the Interior
Washington, D.C. 20240
Attention: Office of Environmental Project Review

Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Department of Transportation
Washington, D.C. 20590

Department of Commerce
Washington, D.C. 20230

Environmental Protection Agency
(Address to Regional Office)

Federal Power Commission
Washington, D.C. 20426

Office of Equal Opportunity
U.S. Department of Agriculture
Washington, D.C. 20250

Agencies requested to review and comment

Only if involved:

Appalachian Regional Commission
1666 Connecticut Avenue, N.W.
Washington, D.C. 20235

Delaware River Basin Commission
P.O. 360
Trenton, New Jersey 08603

Tennessee Valley Authority
Knoxville, Tennessee 37919

Other Regional Commissions

Only for watersheds in areas covered by regional or river basin plans (level b) approved by Water Resources Council and transmitted to Congress:

Water Resources Council
2120 L Street, N.W.
Washington, D.C. 20037

APPENDIX III

TYPICAL OUTLINE FOR ENVIRONMENTAL IMPACT STATEMENT FOR COMPLEX WATERSHED

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USDA-SCS-EIS- Program Designation - (ADM) - No. Assigned by STC - D Draft or F Final - State

Name of Watershed Project
County(ies) & State(s)

DRAFT or FINAL ENVIRONMENTAL IMPACT STATEMENT

Name and Title of
Responsible Official

Soil Conservation Service

Sponsoring Local Organizations

List Names and Addresses
(include zip codes)

Date Statement
Prepared (month & year)

PREPARED BY

UNITED STATES DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Address of Responsible
Official

Note - explanatory instructions for information to be added is included in boxes.

Each item to be centered on the page.

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USDA ENVIRONMENTAL IMPACT STATEMENT

------------------------ Watershed Project
------------------------ County(ies)
------------------------ State(s)

Prepared in Accordance with sec. 102 (2)(C) of P.L. 91-190.

Summary

I. Draft (or) Final.

II. Soil Conservation Service.

III. Administrative.

IV. Brief description of project purpose and action—indicating what states (and counties) are particularly affected. For example:

A project for watershed protection, flood prevention, and recreation in ------------ County (State) to be implemented under authority of the Watershed Protection and Flood Prevention Act (PL 566, 83d Congress, 68 Stat. 666), as amended.

V. Summary of environmental impacts including favorable and adverse environmental effects.

VI. List of alternatives.

VII. (For draft statements)—List the following agencies, as appropriate, from which written comments are requested. (Ref. Appendix II, CEQ guidelines)

Department of the Army
Department of Commerce
Department of Health, Education, and Welfare
Department of the Interior
Department of Transportation
Environmental Protection Agency
Advisory Council on Historic Preservation
Appalachian Regional Commission
Delaware River Basin Commission
Federal Power Commission
Tennessee Valley Authority
Governor of ------------ (or designated state agency)
State clearinghouse
Area-wide clearinghouses
Others (Organizations, Societies, Individuals, etc.)

(For final statements)—List all federal, state, and local agencies and other sources from which written comments have been received.)

VIII. (Final statement only)—Draft Statement Transmitted to CEQ on ---------.
date

III. PROJECT IDENTIFICATION AND ENVIRONMENTAL SETTING

USDA SOIL CONSERVATION SERVICE DRAFT (OR FINAL) ENVIRONMENTAL IMPACT STATEMENT[1]

for

A. ------------ Watershed (State)

Installation of this project constitutes an administrative action. Federal assistance will be provided under authority of Public Law 83-566, 83d Congress, 68 Stat. 666, as amended.

B. Sponsoring Local Organization(s)

(list)

C. Project Purposes and Goals

This section should summarize the goals of the sponsors established for the project at the time of application and as modified in the early stages of planning. The sponsors' goals should reflect the problems and needs in the watershed as a whole and consideration of their relation to regional and national problems and needs. The extent to which various specific goals may involve competing or conflicting uses of the same areas should also be acknowledged.

Recognition should also be acknowledged that the planned project may not or cannot provide for all of these stated goals.

The description of project purposes should not overlap or duplicate information in subsequent sections.

1. *Watershed protection (conservation land treatment)*. Describe the goals for installing land treatment and protection of watershed lands during the project installation period. For example, the reduction in erosion rates on cropland, pastureland, and forest land in comparison to the established allowable soil loss should normally be a typical goal. The alteration of trends in farm management, ownership, tenancy, and improved management and wise use of the ecosystems and their plant and animal communities may also be quantified in the goals.

2. *Flood prevention*. Describe the goals for reducing floodwater damages, flood plain scour, land voiding by gullies, and sedimentation. Goals should be related to the planned land use for separate segments or reaches of the flood plain as different levels of protection are appropriate.

3. *Drainage & Irrigation*. Describe the goals for the level of water management to be accomplished consistent with the projected "with project" land use giving consideration to factors outside of the planned project measures (water supply, land rights, outlets, etc.). If specific areas in the watershed can be identified as to location, this should be done.

4. *Fish and wildlife and recreation*. Describe the goals for preserving, improving, and developing fish and wildlife habitat and water based recreation.

5. *Municipal and industrial water supply*. Describe the goals for supplying present and future community(ies) needs for water supply.

6, 7, 8, etc. (Other(s)). List separately and show goals for other project purposes such as water quality management, proper utilization of land, and ground water recharge.

D. Planned Project

Project measures should be described in as nontechnical terms as possible. The description should be in sufficient detail to convey to the reader a complete understanding of all planned work, how it will be installed, and how it will be operated and maintained so this may be related to the environmental factors involved. Some of the items to be described are as follows:

1. *Land treatment measures*. For nonfederal land, explain what will be done without distinction between the going and accelerated phases of the conservation program. This will include soil surveys and other inventories to be accomplished and plans to be developed. Explain that technical assistance will be provided by SCS throughout the watershed and provide an estimate of the number of acres by land use that are expected to be adequately protected or treated by the end of the installation period. Emphasis should be placed on the technical assistance that SCS will provide. It should be clearly evident to the reader that conservation land treatment results from the technical assistance provided and is a voluntary action taken by individual farmers and ranchers unless there is a specific state or local regulation that will insure its implementation. Organize the discussion for each land use category so that treatment for critical areas, flood problem areas, and private town, county, state, and other nonfederal land is clear and what is to be done is understood. For federal land, the narrative should clearly be described the conservation land treatment measures jointly agreed upon between the Service, the land administering agency, and the sponsoring organization.

2. *Nonstructural measures*. Specific provisions for flood plain management by nonstructural means should be described for every watershed project where minimizing flood loss is a project purpose. Each measure or combination of measures should be described as to what it will consist of, where it will be located, and how it will be installed or implemented. Flood plain zoning, land right acquisition or restrictive easements are some of the land use regulations that should be described. Flood proofing, flood insurance, etc., are among other nonstructural alternatives for flood plain management that should be included where needed and feasible. The narrative should describe how the management practices will be implemented and maintained.

3. *Structural measures*. Present pertinent information relating to the *planned* features, construction, functioning, operation and maintenance of the structural measures. Each kind of measure should be separately described. Where conditions are similar for measures of one kind, they may be presented together. Any key structural measure should be handled separately. Noncritical features of individual structural measures should be described in a manner that will permit alternative solutions during final design providing the overall performance of the measures or environmental impacts are not affected. The description should cover, but not be limited to, the following items if applicable:

a. *Reservoir type structures*. (1) Foundation conditions

(2) Kind of principal spillway. (Type of inlet and outlet)

(3) Kind of emergency spillways. (Rock, earth, structural, other)

(4) Frequency of storm controlled by the principal spillway and retarding storage.

(5) Type of fill material.

(6) Type and extent of clearing to be performed in reservoir area.

(7) Design life of structures and portion of sediment capacity that will initially store water.

(8) Borrow-location, relation to geology, and land rights.

(9) Provisions for safeguarding public health, water quality, sanitation, and safety.

b. *Channels*. (1) Characteristics, of present conditions by reach length and location, along path of proposed channel work, including material through which channels will be constructed.

(2) Nature of planned construction, operation, and maintenance by the reaches previously established further subdivided as follows:

(a) Establishment of new channel including necessary stabilization measures.

(b) Enlargement or realignment of existing channel or stream.

(c) Clean-out of natural or man-made channel (includes bar removal, removal of loose debris, and major clearing and snagging).

(d) Stabilization as primary purpose (by continuous treatment or localized problem areas—present capacity adequate).

(3) Presence of rock or other material that will significantly affect the design of the channel.

c. *Public recreation facilities*. (1) Land and water areas made available for recreational use by project action.

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[1] All sources of data will be shown by footnote or bibliography in the work plan and environmental statement. This includes climatologic, hydrologic, geologic, etc. data that are described. All SCS information and data presented should be so referenced. A footnote on the first page of the work plan and environmental statement might be worded as follows: "All information and data, except as otherwise noted were collected by the SCS, USDA."

(2) Kind and nature of recreational facilities to be installed. Provide sufficient detail to indicate their quality.

(3) Relationship between the components of the development—water resource improvement(s) and associated facilities.

(4) Provisions for public access, health, sanitation, safety, and the physically handicapped.

d. *For each structual measure*. (1) Minimum land rights required (acres and type). Also indicate how many acres will be committed to each use and the availability for public use.

(2) Number or amount. Length of channel, levees, floodways, pipelines, number of picnic tables etc., should be stated as "approximate."

(3) Planned appurtenances.

(4) Alteration, modification, or change in location of existing improvements.

(5) Relocations that will result from acquisition of land rights. List the estimated number, kind, and general nature of displacements. Also provide the estimated number of displaced persons and the estimated number of displaced businesses and farm operations including in each category the number of minority and low income persons.

(6) Features or provisions to minimize fish and wildlife losses and other adverse effects. Describe measures or means provided to prevent private landowners using federally cost-shared channels as outlets for private on-farm drainage of wetlands or bottomland hardwood habitat.

(7) The action to be taken during construction to minimize soil erosion, water, air, and noise pollution. Explain how features or provisions will function.

(8) Nonproject features.

(9) Notifications, salvage, or other actions to be taken relating to preservation of historical and archeological data, sites, and specimens. Describe the steps to be taken to minimize project effects on these values.

(10) Location or other relationship with respect to resource values or important physical features identified in the Environmental Setting section.

Exhibits should be used to support the narrative description of the structural measures. These may show plan and elevation views of typical and/or specific structures; channel profiles and cross sections; details of special appurtenances; etc. Reference should be made in the narrative to the project map, exhibits and appropriate tables in order that a clear picture of the structural measures and how they function will be presented.

4. *Operation and maintenance*. Describe project operation and maintenance in the same detail as installation. Specific items to be covered are:

a. The establishment period and what responsibilities the Service will assume during this period. The differences between various structural measures should be explained.

b. Operation of structures, including use of water in regulated storage capacity, operation of any control works such as diversions or tide gates and the legal steps required to establish operating authority, etc. Special note should be made of the provisions for operation and maintenance of fish and wildlife features or measures.

c. The kind of operation and maintenance work that will likely be needed. Special note should be made of any unusual operational needs and major maintenance work that may be anticipated.

d. Inspections to be made, how often kinds of inspections, and frequency of joint inspection by federal and local representatives.

e. Sufficient detail to clearly establish that the requirements for adequate operation and maintenance are fully understood and that arrangements have or can be made to satisfy such requirements. The matter is particularly significant for recreational developments since it is likely that the operation and maintenance effort for even a modest recreational development could comprise over half of the total operation and maintenance functions of the entire project. Since the recreational facilities generally require periodic replacement during the project evaluation period, show the extent to which replacement costs have been included. Custodial, policing, sanitation, safety and other operational services and the manner of financing operation and maintenance costs should be described fully.

If admission or use charges are contemplated, the statement should indicate the basis that will be used for establishing fees.

f. Provisions to assure that the installation and operation and maintenance of the planned features will meet the requirements of appropriate state and local public health agencies. Include provisions for regular monitoring of health and water quality conditions where appropriate. This is especially important when recreation and/or municipal water supply is involved. Identify the agencies involved.

g. A statement that specific operation and maintenance agreements will be executed prior to signing a land rights or project agreement for installation of the measure.

h. The local organization that will be responsible for operating and maintaining each planned measure and the manner of financing.

5. *Project costs*. This section should show total project installation cost distributed to Pub. L. 566 and other funds. The total construction cost, distributed to Pub. L. 566 and other funds, should also be shown. These data may be given in tabular form if desired.

E. Environmental Setting

This material should be in sufficient detail to present a clear and adequate picture of conditions in the watershed as they relate to water and related land resource problems, environmental values and the works of improvement to be installed, as described in the "Planned Project" section. The items to be discussed shall include, but not be limited to the following:

1. *Physical resources*. a. Location and size of the watershed including pertinent information such as the county(ies), towns or cities included, direction and distances to other important cities, position within the state, and rural and urban population. Mention the water resource region and subregion (as delineated by the Water Resources Council) in which the watershed is located. Relate conditions of this watershed to those in the region and subregion.

b. Size, location, and nature of major soil and water resource problem areas (flood plain, gullied areas, areas needing, drainage, irrigation, etc.) Do not describe the problems here. This will be furnished in the problems section.

c. Soils, land capabilities, geology, topography and range in elevations, annual rainfall and seasonable distribution, average annual temperature and temperature ranges, growing season, etc.

d. Mineral and ground water resources.

e. Land use and cover by percent of cropland, forest land, grassland, urban and built-up and other land in the watershed. Provide a general description of the land use in the major soil and water resource problem areas (flood plain, gullied areas, area needing drainage, irrigation, etc.).

f. Surface water resources (natural and man-made) in the watershed. Describe the major water course in the watershed from its source to junction with a major stream or river, name lakes and give approximate areas. Classify all streams in accordance with the Soil Conservation Service's classification system and include the water quality classification established by the responsible state agency.

The description should also indicate the present quantity and quality of base flow at representative points on perennial streams. Representative temperatures and sediment concentrations are two of the factors that should be included in the quality evaluation. Other factors that may affect water quality and should be evaluated include, but are not limited to, effects of the use and transport of fertilizers and insecticides and their effect on eutrophication; discharges from feed lots; sewage disposal systems, mine waste areas; etc.

g. Kind, brief description, location, and acres of wetlands as defined in WETLANDS of the UNITED STATES, Department of the Interior, Fish and Wildlife Service, Circular C-39.

h. Any other physical data significant to the problems and their solution.

2. *Present and projected population*. Population projections and growth assumptions based on OBERS information, where appropriate and available, otherwise on other appropriate projections. Estimate the numbers of low income and minority residents.

3. *Economic resources*. a. Land ownership including private, local public, State, and Federal. If a significant area of public land exists in the watershed, it should be identified narratively and on the project map.

b. Types of major farm or ranch enterprises, including number and average size.

c. Principal crops grown and yields in the watershed as a whole, for conditions without the project.

d. Current land values in upland, flood plain, and other soil and water problem areas.

e. Accessibility of farms or ranches to roads and market.

f. A general assessment of current economic and social conditions including normal employment and unemployment levels, level and sources of income, etc. Specific attention should be given to minority and low income persons, to family farms, and to their location with respect to the flood plain areas or other potentially benefited areas.

g. Any other information which will give a picture of the over-all economy of the watershed area, as well as significant variations within the watershed. Identify existing or proposed Resource Conservation and Development projects, Regional Development programs (such as Appalachia and TVA) and any river basin authorities that may be involved.

4. *Plant and animal resources*. a. General plant community descriptions, including dominant species and successional status or trends should be provided by land uses.

b. Population, utilization, and importance of each significant category, group or species of fish, animals and birds which are dependent on conditions in the watershed.

c. Quality and quantity of fish and wildlife habitat resources. Provide a separate description of these resources by reaches or segments along all existing stream channels (natural or man-made), and at potential Reconnaissance Report as well as data consider the data contained in the BSF&W Feconnaissance Report as well as data collected by SCS and other specialists.

d. Influence of pollution and other water quality factors on the fish and wildlife resource values, especially productivity.

e. Public access availability to the existing resource.

f. Special mention should be made of any threatened species.

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5. *Recreational resources.* a. Identification of existing recreational resources and the potential for recreational use from sources of data such as: inventories of existing outdoor recreational areas and enterprises; appraisals of potential for outdoor recreational developments; soil surveys (their use and interpretations for recreation); statewide comprehensive outdoor recreational plans, and river basin studies.

b. Present utilization of existing recreational resources.

c. Influence of pollution and water quality on existing recreational resources.

d. Public accessibility and facilities provided for recreational resource use.

6. *Archeological, historical, and unique scenic resources.* Location and nature of known archeological, historical, scientific, and scenic values in the watershed as determined from qualified sources. Identify the source. Specific references should be made to any property included in or eligible for inclusion in the National Register of Historic Places, and to consultation with the state historic preservation officer, and other state, regional, and local societies and organizations with expertise. It must be evident from the information presented that the Service has fully met its responsibility to determine the significance of its actions on any archeological and historical resources that may be present, including the use of professional archeologists if the presence of such resources is either affirmed or is inconclusive.

7. *Soil, water, and plant management status.* a. Identification of trends in land use changes.

b. Status of the land treatment program and the degree to which committed factors of production (land, labor and capital) are employed inefficiently on marginal upland, flood plain areas subject to frequent flooding and areas needing drainage or irrigation.

c. Activities of soil and water conservation districts.

d. Number of cooperators and number of conservation plans.

e. Percent of watershed covered by agreements.

f. Percent of planned practices presently applied, and types of practices planned.

g. Acres, by land use, of land considered adequately treated, or protected.

h. Status of other programs and influences affecting adequacy of management.

8. *Projects of other agencies.* Describe existing or soon to be constructed water resource development projects (county, state, federal or private) which may have a relationship to the works of improvement included in the plan. Indicate nature of relationship.

F. Water and Related Land Resources Problems

Discuss problems resulting from floodwater, erosion, and sediment damages, and those associated with the conservation, development, utilization, and disposal of water. Problems or needs associated with *each* category of damage should be thoroughly described in the environmental statement. Sediment and erosion damages should be described separately from floodwater damages wherever such damage exists. Pictures of typical problem or damage areas should be included as appropriate. Typical items to be described include the following:

1. *Land and water management.* Discuss social and economic problems encountered in encouraging farmers and ranchers to conserve their natural resources. Describe these problems clearly, giving emphasis to (a) types of problems including serious erosion rates, low fertility, soil-water relationships, changes in plant communities, (b) need for land use adjustments, (c) need for a more efficient use of committed factors of production in the entire watershed and (d) the ability of landowners and operators to install needed land treatment measures.

2. *Floodwater damage.* a. Thorough description of nature and extent of damage and limitations due to flooding.

b. Flood hazard area—Describe the kinds of crops, number of landowners, residences and businesses, etc.

c. Frequency and seasonal occurrence of damaging floods; monetary and physical damages from key flood or recent flood; significance of small frequent floods or large infrequent floods on the total flood problem.

d. Evaluation reaches, including location or limits and significant differences in problems. (Refer to Project Map.)

e. The extent to which floods affect the health or lives of people.

f. Any other pertinent aspects of the problem.

It is desirable to describe a particular flood of record that clearly portrays the flood problem. The frequency of this occurrence should be stated.

3. *Erosion damage.* a. Gross erosion rates in tons per acre over the entire watershed by land use for each type of erosion: sheet and rill, gully, roadside, streambank, etc.

b. Identification and description of severity of critical sediment source areas.

c. Extent of physical erosion damages: (1) gully—area voided (in acres, feet, etc.), (2) streambank—miles damaged and state of activity, (3) flood plain scour—acres damaged and degree, (4) other.

d. General effect of erosion on agricultural production and the economy of the watershed, including reduced net return.

4. *Sediment damage.* a. Nature and extent of sediment deposition on agricultural lands and in urban areas expressed in acres damaged.

b. Nature and extent of swamping damage, including damage to trees over a long period of time.

c. Loss of capacity of functioning ability of reservoirs and distribution systems, channels, drainage and irrigation developments, transportation facilities, and other. Describe in physical terms.

d. Effect on water quality, especially as related to transporting agricultural chemicals.

e. Average annual sediment yield at the mouth of the watershed and other points of concern, and the description of what problems this creates downstream. Also express this in terms of sediment concentration (Mg l) and relate to stream pollution, when information is available.

5. *Drainage problems.* a. Degree and extent of agricultural areas (including forest land) affected by wet conditions.

b. Limitations on use.

c. Effect on quality, production costs and yield of crops.

d. Local efforts to improve conditions.

e. Need for and kinds of on-farm drains and associated land treatment measures in conjunction with structural system of drainage measures.

f. Soils.

g. Degree and extent of drainage problems and around facilities such as: airports, buildings, recreation areas, urban areas, etc.

h. Any other pertinent items, such as salinity, vector, etc., problems.

6. *Irrigation problems.* a. Present and potential irrigated areas.

b. Source and adequacy of existing water supply including quantity and quality of water.

c. Adequacy and efficiency of existing irrigation systems, and methods.

d. Crop adaptation and suitability of soils, and topographic conditions.

e. Phreatophyte and vector control.

f. Other pertinent items, such as water rights, special uses (frost control, or cooling) salt problems.

7. *Municipal and industrial water problems.* a. Conditions and adequacy of existing supply.

b. Future demands and needs for additional supply.

c. Present status and future of ground water supplies.

d. Anticipated population to be served.

8. *Recreation problems.* a. Water quality and sediment problems in lakes, streams, or ponds having recreational potential.

b. Availability of existing resources to the general public.

c. Present population and future projected population within a reasonable distance of the watershed.

d. Overall lack of or need for additional water-related recreational facilities.

9. *Plant and animal problems.* a. Alteration of plant communities and landscape patterns.

b. Loss of wildlife habitat because of changed or changing (trends) land use.

c. Damage to fish and wildlife resources by flooding, sediment, erosion, and poor water quality.

d. Need for additional fish and wildlife habitat.

e. Threatened species, (plant, animal, etc.)

10. *Water quality problems.* a. Nature and extent of pollution in watershed streams, including, but not limited to: chemicals, sewage, temperatures, etc. Describe the influence of trends in land use and transport of fertilizers and pesticides.

11. *Economic and social problems.* a. Extent to which family farms are low income producing units.

b. Extent that the project area is an economically depressed area.

c. Need for additional employment opportunities.

d. Percent of problem area devoted to farms using one and one-half man-years or more of hired labor as contracted to family farms.

e. General need for promoting rural community development in the watershed.

IV. Relationship to Land Use Plans, Policies and Controls

Describe how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed federal, state, and local use plans, policies and controls, if any, for the area affected, including those developed in reponse to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict on inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed actions with the plan, policy or control, and the reasons why the agency, has decided to proceed notwithstanding the absence of full reconciliation.

V. Environmental Impact

(General Instructions) Material in this section will be organized under the following headings: Conservation Land Treatment, Nonstructural Measures, Structural Measures, and Economic and Social. The Economic and Social heading is for overall effects in these categories which are not covered under the other three headings. This section should include a factual and objective description of all effects and the probable impacts, primary and secondary, short-term and long-term, of the planned project. Both beneficial and adverse effects or impacts will be described as they relate to all resources and problems described in earlier sections of the environmental statement. No attempt should be made to classify them as either favorable or adverse. Effects outside the watershed should not be overlooked. Do not state opin-

ions except in reporting the views of others outside the Service. Conclusions with respect to any impact should show the supporting basis in fact, or from the pertinent technical literature, or from a source with expertise outside of the Service.

The effects of construction activity during installation should be described in each subsection, as appropriate. The description will be written in such a manner that watershed residents and the general public will be able to clearly understand what the project will or will not do.

Each impact should be described in detail and quantified. Impacts should be placed in perspective. For example, if 50 acres of a particular type of habitat are to be lost by installation of the project, what relationship does this have to the total amount of this habitat which would exist without the project and what effect will this have on the species which use this habitat?

Some of the more common potential impacts to be addressed in subsequent sections include the following:

1. Changes in biological productivity, including fish and wildlife habitat and population losses, impacts on rare and endangered species, and changes in species diversity.

2. Changes in water quality resulting from sedimentation including receiving waters, changes in stream regimen, agricultural chemicals, municipal and industrial pollution, increased recreational activity, and irrigation return flows.

3. Land use changes stimulated by the project including changes in areas of wetlands, bottom land hardwood, flood plain encroachment, etc.

4. Downstream impacts created by sediment deposition, change in flow velocities and flood plain use.

5. Changes in stream configuration (width, depth, length, gradient, oxbows, and meanders) resulting from stream channel work—related impacts on water table levels and biological productivity.

6. Recurring project maintenance practices (mechanical and chemical) and the resulting impacts on stream and habitat recovery.

7. Ground water supply and/or recharge as affected by impoundments or prolonged flows.

Where any of these factors are relevant or are likely to be questioned by readers of the statement, the possible environmental impact should be discussed.

A. CONSERVATION LAND TREATMENT

Although land treatment is generally considered to result in favorable environmental impacts, conflicts in resource use may create situations that might induce adverse effects. Consideration should be given to that which will take place without the project (i.e., clearing of bottom land hardwood, ongoing terrace program, etc.) in establishing the changes which will result from project measures. Probable impacts (or effects) based on an identification of changed conditions are listed below: (not all-inclusive, nor do they apply to all projects).

1. Land adequately and partially protected or treated—acres.

2. Sheet erosion rate—tons per acre per year.

3. Sediment deposition on flood plains—acres, degree and extent.

4. Effect of above impacts on crop production, wildlife, etc.

5. Sediment yield to watershed outlet, streams, and lakes—tons, acre feet per year.

6. Aggradation or degradation in stream reaches—inches or feet.

7. Average annual sediment concentration (suspended and turbidity) in flowing streams—mg/l or ppm. Indicate annual range if available.

8. Quality of runoff water, including average nutrient content (N, P, K) and agricultural chemicals.

9. Land use changes—acres by use.

10. Drainage conditions in wetland areas or bottom land hardwood areas resulting in changed land use.

11. Vector control.

12. Modified flood runoff.

13. Modification of places of archeological or historical or scientific value.

14. Ground water table and ground water recharge.

15. Health and safety of watershed residents.

16. Employment conditions.

17. Social and economic.

18. Esthetics.

B. NONSTRUCTURAL MEASURES

Describe all effects and the related environmental impacts relating to the use of nonstructural measures in the project. Physical, social, and economic impacts may result.

1. Relocations.
2. Land use changes.
3. Changes in agricultural production.
4. Disruption of community associations.
5. Changes in net income.

C. STRUCTURAL MEASURES

The installation of structural measures in a watershed project will have definite physical, social and economic effects on the environment and each ecosystem within the watershed. Careful evaluation will be necessary to identify impacts. Many of the same items listed under land treament will of course apply to structual measures with differing degrees of importance. Additional probable impacts (or effects) based on an identification of changed conditions are listed below: (not all inclusive nor do they apply to all projects).

1. Terrestrial and/or aquatic habitat modified or lost—acres, miles, etc.

2. Area available for upland game hunting—acres.

3. Acres of warm water lake or stream fishery for ____________ fisherman per day.

4. Area available for agricultural production—acres.

5. ______ miles of roads and number of bridges to be closed or modified due to inundation by reservoir. Relate to increased travel time for certain residents.

6. Degree of flooding to be experienced on various land uses for particular frequency floods.

7. Streambank erosion and flood plain scour.

8. Fish migrations.

9. Rare and endangered plant and animal species.

10. Water-based recreation available—annual recreation visits.

11. Traffic, litter, noise, etc. caused by recreation development.

12. Major plant communities.

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14. Base flow in perennial streams.

15. Ground water recharge.

16. Temperature of water in perennial streams.

17. Ambent air quality during and after construction.

18. Noise pollution during construction.

19. Relocations.

20. Tax base.

21. Natural conditions of stream channels, including oxbows and meanders.

22. Social and Economic.

D. ECONOMIC AND SOCIAL

1. Effects on the economy, including employment and unemployment, economic base, population retention and distribution, and per capita income including minority and low income persons.

2. Effects on agricultural efficiency and income stability from supplemental farm enterprises such as recreation and wood products on marginal agricultural lands.

3. Effects on the quality of living for both the beneficiaries and the people relocated.

4. Effects on rural area development.

5. Secondary effects on the region as influenced by the project.

6. Describe the effects which will not or cannot be evaluated in monetary terms in sufficient detail to explain their importance to the community, the region and the nation.

7. Effects on open space made available through recreational, agricultural or reserved land uses, and vegetation along field borders.

E. INTERNATIONAL IMPACTS

Consider and discuss international impacts, if any.

F. FAVORABLE ENVIRONMENTAL IMPACTS

This section should summarize (from the "Impact" section) any environmental effects which are probably beneficial. The listing in this section should contain only sufficient detail to identify the item.

G. ADVERSE ENVIRONMENTAL EFFECTS

This section should summarize (from the "Impact" section) any environmental effects which are probably adverse and cannot be avoided. The listings should contain only sufficient detail to identify the item.

VI. Alternatives

Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects as listed in the "Adverse Effects" section is essential.

Justification statements for the nonselection of an alternative should not be included, but the key facts should be presented to enable the reader to judge the relative merits of each alternative. The planned project, described in detail in an earlier section, should *not* be described or justified in detail in this section. Wording to the effect that an alternative "was considered during project formulation * * *" should be avoided.

All reasonable alternatives should be discussed including any that have been or are likely to be suggested by agencies, groups, or individuals even though they would not meet project objectives, or come within Soil Conservation Service jurisdiction. Reasonable alternatives include those which may be possible under other existing authorities. Alternatives which are deemed remote or speculative are not considered to be reasonable. The courts have ruled that agencies "need not indulge in crystal ball inquiry" in assessing the effects of alternatives.

The foremost requirements of this section are to objectively discuss the available alternatives in sufficient detail for understanding. For each alternative, describe (a) what the alternative consists of, (b) level of protection or development provided, (c) expected environmental impacts, and (d) costs. Present sufficient data and analysis to provide the reader with the rationale for acceptance or rejection of each alternative.

The following alternatives always should be considered:

1. Accelerated conservation land treatment alone.

2. Accelerated conservation land treatment supplemented by nonstructural measures for

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minimizing flood losses, including zoning, flood proofing, flood insurance, land purchase, warning systems, etc.; either singly or in alternative combinations with structural measures. Flood plain zoning or flood insurance as alternatives by themselves are often not realistic. To become viable alternatives they frequently need to be combined with other measures.

3. Alternative means of achieving the comparable benefits claimed for the proposed action.

If channel work is planned an alternative that would eliminate some specific parts or all of the channel work should be included. Pump drainage or other design alternatives for achieving the same purposes and level of development or for minimizing adverse impacts should be considered as appropriate. If pump drainage is included as either a land treatment practice or as a structural measure it may be an alternative to certain reaches of channel work.

4. No project. This alternative should describe anticipated future changes that will affect the environment under current trends of change. This description should be concluded with a statement of the net monetary benefits that would be foregone by not implementing the project (net=annual benefit less annual cost).

It should be realized that the no project alternative would include the ongoing land treatment program. It should also be recognized, and appropirate description provided, that the problems, needs and trends in the project area will continue. Physicial impacts of expected trends should be described as well as the monetary benefits foregone. Here is an opportunity to look into the future and describe probable conditions without the proposed project.

VII. SHORT-TERM VS. LONG-TERM USE OF RESOURCES

This section is to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. It should consider the following:

1. Land use. Consider trends, formal land use plans, regional plans, river basin plans, and the expected future use.

2. Extent to which the project will solve only short-term or immediate problems and reduce the options available for long-term uses.

3. Project compatibility with projected future long-term uses of the land, water, and other natural resources.

4. Extent to which the project will be effective in conserving land and water resources after its designed life.

5. Regional and Cumulative Effect.

a. General description of the status of the PL–566 watershed program (installed, approved, and potential projects) in the water resources region and subregion as designated by the Water Resources Council.

b. Relationship of works of improvement in this project to those in other water resource projects in the region.

c. A description of cumulative effects is to be included when it is reasonable to anticipate a cumulatively significant impact on the environment. These effects will consider all completed, planned, and applied-for water resource projects in a given river basin or region. Regional boundaries for this evaluation will vary with the resource being considered. Influencing factors could be a migratory waterfowl flyway, a coastal marsh area, a particularly important natural habitat for specific fish or wildlife species, a hydrologic unit for downstream effects, etc. Special attention should be given to this item where projects are similar in nature and closely interrelated such that they might be considered a complex of projects. By definition, however, there will always be cumulative effects whenever there are two or more projects in the same area of influence and each has any of the same beneficial or adverse effects. (Technical Service Centers can provide assistance making maximum use of river basin studies which have been completed or are in progress.)

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

This section identifies the extent to which the action curtails the range of beneficial uses of the environment. It should factually discuss the following:

1. The acres in each present use and the other resource values that are represented in the land to be committed to dams, spillways, lakes, pool areas, channels, recreational facilities, etc. However, recognition should be given to any remaining resource values that these areas may provide after reestablishment of vegetation.

2. How the commitment of land and water areas to features of the project will preclude these areas from other uses in the future.

3. Labor and capital investments.

IX. CONSULTATION AND REVIEW WITH APPROPRIATE AGENCIES AND OTHERS

1. *General.* Appendix II to the CEQ Guidelines for Preparation of Environmental Impact Statements lists areas of environmental impact and the federal and federal-state agencies with jurisdiction by law or special expertise to comment thereon. This list should be used in arranging for appropriate consultation on any environmental values involved.

To the extent possible, the NEPA process is to meet the consulting and coordinating requirements of the Fish and Wildlife Coordination Act, the National Historic Preservation Act, Section 309 of the Clean Air Act, and other requirements as applicable.

This section will briefly describe the overall processes of consultation and coordination with all interested agencies and individuals during the application, planning, and review stages. Examples of typical contacts are fish and wildlife agencies, health and water quality agencies, state historic preservation officers and other archeological and historical authorities, local minority group organizations, individual concerned landowners, conservation organizations, etc. Written notices and requests for information, public meetings, steering committee meetings, planning and coordinating meetings with federal, state, and local agencies and similar activities should be mentioned. This section should show that the procedures followed provide ample opportunity for the general public, organizations, and other agencies to raise issues and provide inputs. For the draft statement, list the agencies, conservation groups, and organizations that are being asked to comment on the draft environmental statement and which will be shown in Section VII in the Summary.

2. *Discussion and disposition of each comment on draft environmental statement.* (This section is to be included only in the final environmental statement.) List all agencies, groups, and individuals requested to comment on the draft environmental statement and indicate whether they responded. Summarize each *environmental* issue, problem, or objection raised during the formal interagency review of the draft environmental statement and the final work plan. Include the name of the agency, group, or individual making the comment, a meaningful reference to the issue raised, and what disposition was made of it. All issues raised, even though they may appear to have little or no merit, should be discussed, and all opposing views noted.

X. LIST OF APPENDIXES

Appendix A—Comparison of Benefits and Costs for Structural Measures (This is the Table 6 (modified) from the work plan but identified as Appendix A).

Appendix B—Project Map (This is the same map, in color, used in the work plan).

Appendix C—Letters of Comment Received on the Draft Environmental Statement (This item will be included in both the draft and final environmental statement. However, on the draft statement add the following: "to be included in the final environmental statement").

Other Appendices as Appropriate—

XI.

Approved by ________________________
Name and title
Date ___________

NOTE: Appendixes to be attached following page on which signature appears.

[FR Doc.74–12676 Filed 5–31–74;8:45 am]

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federal register

MONDAY, JUNE 3, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 107

PART IV

SMALL BUSINESS ADMINISTRATION

■

SMALL BUSINESS INVESTMENT COMPANIES

Guidelines for Audit and Financial Reports

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SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Guidelines

Notice is hereby given that pursuant to the authority of section 308(c) of the Small Business Investment Act of 1958, (Act), 15 U.S.C. 687, it is hereby proposed to amend, as set forth below, Part 107 of Chapter 1, Title 13 of the Code of Federal Regulations, by amending §§ 107.1, 107.202, 107.203, and 107.1102(e) and by adding Appendices A, B, and C. Prior to adoption of such amendments, consideration will be given to any comments which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration (SBA), Washington, D.C. 20416, on or before June 28, 1974.

Information. The Audit and Examination Guide for Small Business Investment Companies and the Instructions for the preparation of Financial Report, SBA Form 468, prior to the current revision were issued as Appendices 1 and 2, respectively, to Part 107 of the SBA Regulations. The System of Account Classifications was issued as Part 111 of SBA regulations. Revision 5 of Part 107 of the SBA regulations does not include Appendices 1 and 2 and Part 111 of the SBA regulations was repealed, effective November 7, 1973.

The amendments proposed herein incorporate, (a) the Audit Guide for Small Business Investment Companies, (b) Guide for the Preparation of the Annual Report (SBA Form 468), and (c) System of Account Classifications as Appendices A, B, and C, respectively, to Part 107 of SBA regulations. Accordingly, §§ 107.1, 107.202(c), 107.203(d), and 107.1102(e) of the regulations are being amended to reflect the addition of the above named revised guidelines as Appendices to Part 107 of the SBA regulations. Such guidelines have been revised to accomplish the following objectives:

1. While adhering to the legislative and regulatory requirements of the SBIC Program, (a) implement the accounting policies and reporting guidelines expressed by the American Institute of Certified Public Accountants in their audit guide for investment companies and (b) change certain accounting policies so as to bring the prescribed accounting policies more in accordance with generally accepted accounting practices,
2. Re-align the Annual Report, SBA Form 468, by separating the financial statements from the supporting data, and
3. Update accounting system to reflect recent accounting and program changes.

Accounting Principles. As a general rule, SBICs are to follow generally accepted accounting principles. The proposed guidelines identify some of the more significant accounting principles and reporting practices licensees are expected to follow. Also there are two significant changes in accounting and reporting practices. First, loans and investments will be reported on the value basis rather than the cost basis with a provision for losses. Second, gain on sale of securities will be realized at the point of sale rather than at the point of collection.

Audit Guide for Small Business Investment Companies—Appendix A. The Audit Guide is designed to assist the accountant in those areas that are distinctive in the SBIC Program, and does not attempt to identify specific procedures to be followed in the examination. Accordingly, the accountant will follow generally accepted auditing standards in performing the audit.

The report is to be a short-form report as illustrated in the audit guide rather than the long-form special type report as previously required.

The audit is to be an examination of the licensee's financial statements. Accordingly, the statements contained in the Financial Report, Part I of SBA Form 468, will be the basis of the accountant's opinion. The examination, however, is not expected to be extended to the schedules contained in the Management Report, Part II of SBA Form 468 as previously required.

Guide for Preparation of Annual Report—Appendix B. The Guide has been designed as a practical explanation of how the Annual Report, SBA Form 468, is to be prepared and the source of the information reported. Although the format of the Annual Report is standard, the licensee will be expected to include only those statements and schedules that pertain to his operations.

The SBA Form 468 has been redesigned to be a two part report:

Part I—Financial Report
Part II—Management Report

The purpose of a two part report is to distinguish between the primary financial information and the supporting analytical data. The proposed report attempts to obtain a better measurement of loans and investments by grouping them accordingly to (a) Portfolio Securities, (b) Assets Acquired in Liquidation of Portfolio Securities and (c) Other Securities.

The Financial Report will contain the financial statements as audited by the licensee's independent accountant, the accountant's report, a schedule of loans and investments, and notes to the financial statements. It should be noted that the format of financial statements is significantly different from those previously required. Such changes result primarily from accounting and reporting practices recently expressed by the American Institute of Certified Public Accountants in its industry audit guide for investment companies.

The Management Report is designed to present analytical data for evaluation of the licensee's operations on a functional basis. Accordingly, the format of the report is designed primarily to provide:

1. An overview of Licensee's operations,
2. An analysis of unrealized gain (loss) on securities held,
3. Activity and status of portfolio securities,
4. An analysis of assets acquired in liquidation of portfolio securities and,
5. Other data.

The report is essentially comprised of schedules (pages 6 through 20) of the SBA Form 468 as previously required. The Overview and Analysis of Unrealized Gain (Loss) on Securities Held are new requirements. Measurement of the activity and status of loans and investments remains essentially the same as the prior requirements. Certain modifications, however, have been made with respect to unrealized appreciation and assets acquired in liquidation of portfolio securities.

System of Account Classification—Appendix C. The system of accounts remains basically unchanged. A brief statement of accounting principles Licensees are expected to follow has been added. Also, several accounts have either been added or deleted to reflect recent changes in the program as well as changes in accounting principles and reporting practices.

Dated: May 22, 1974.

THOMAS S. KLEPPE,
Administrator.

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

The following amendments or additions are proposed:

1. The table of contents is amended to add Appendices A, B, and C as follows:

APPENDICES

A Audit Guide for SBICs
B Guide for the preparation of the Annual Report, SBA Form 468
C System of Account Classifications

2. Section 107.1 is revised to read as follows:

§ 107.1 Scope of Part 107.

The regulations in this part implement the Small Business Investment Act of 1958, as amended. All Licensees, including section 301(d) Licensees, must comply with all applicable regulations including Appendices.[1]

3. Paragraph (c) of § 107.202 is revised to read as follows:

§ 107.202 Leverage in excess of two hundred percent.

* * * * *

(c) The term "Total funds available for Investment" shall mean ninety percent of the sum of total current assets and loans and investments net of current maturities and net of unrealized appreciation. (Based on the Statement of Financial Position, "total current assets" is the aggregate of lines 14 through 22 and "loans and investments net of current maturities and net of unrealized appreciation" is line 12 minus the total of column 3, line 10.) Venture capital investments shall be valued on the same basis as Licensee's assets comprising its "total funds available for investment." Any financing carried as "Assets Acquired in Liquidation of Portfolio Securities" which originally qualified as Venture Capital shall retain the Venture Capital qualification.

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[1] The accounting guidelines for SBICs (Audit Guide for SBICs Guide for the Preparation of the Annual Report, SBA Form 468, and the System of Account Classifications) are incorporated in this part of the regulations as Appendices A, B, and C.

* * * * *

4. Paragraph (d) of § 107.203 is revised to read as follows:

§ 107.203 SBA purchase, sale, or guaranty of securities evidencing leverage; events of default.

* * * * *

(d) In addition to the events of default set forth in paragraph (b) (6), capital impairment occurring after November 7, 1973, shall also constitute an event of default if Licensee fails to give SBA prompt written notice as soon as it knows or should reasonably have known thereof, and if thereafter Licensee fails to cure the impairment within time limits set by SBA in writing. In such event, SBA may, in its discretion, by written notice declare the entire indebtedness of the Licensee, issued to, held or guaranteed by SBA, immediately due and payable. Capital impairment shall be presumed when the Undistributed Realized Earnings Deficit (line 47 and 48 of the Statement of Financial Position) of a section 301(d) Licensee exceeds one hundred percent or that of any other Licensee exceeds fifty percent of private capital. Treasury stock shall not be considered as part of such Private Capital. The presumption of impairment may be rebutted by evidence satisfactory to SBA.

5. Paragraph (e) of §107.1102 is revised to read as follows:

§ 107.1102 Records and reports.

* * * * *

(e) *Annual Report to SBA.* Each Licensee shall submit to SBA, at the end of each fiscal year, a report containing financial statements for the fiscal year as well as management information. When requested by SBA, interim reports may be required, i.e., financial statements and/or management information. The reports are to be prepared in accordance with Appendix B, *Guide for the Preparation of the Annual Report, SBA Form 468,* and shall be filed on the prescribed SBA Form 468, in triplicate, with the Investment Division, SBA, on or before the last day of the month immediately following the end of the reporting period (in the case of interim reports), and on or before the last day of the third month following the end of the reporting period (in the case of the Annual Report). The financial statements contained in the Annual Report will be examined by the Licensee's SBA-approved independent public accountant in accordance with Appendix A, *Audit Guide for Small Business Investment Companies.* 1940 Act Companies should refer to the rules of the Securities and Exchange Commission for the reports to be filed with SEC.

* * * * *

6. Appendix A is added and reads as follows:

APPENDIX A.—AUDIT GUIDE FOR SMALL BUSINESS INVESTMENT COMPANIES

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I. INTRODUCTION

A. *Statement of policy.* The independent public accountant engaged to examine the financial statements of a Small Business Investment Company (SBIC) is responsible to insure that the audit is made in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants (AISPA). The auditor will also follow the provisions of this Guide as well as the Audit Guide for Investment Companies issued by the AICPA in September 1973 to be effective December 31, 1974.

In carrying out the stated policies of SBA, and specifically the SBIC program, independent public accountants engaged in the practice of public accounting are expected to participate in their own localities in the audit program of SBICs.

This Audit Guide for SBICs (SBA Audit Guide) was prepared by the Small Business Administration (SBA) and is being submitted to the AICPA for comment. Any inquiries or comments relating to the examination of financial statements of SBICs or to the auditing and reporting procedures should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose of the guide.* The SBA Audit Guide has been written primarily to assist auditors of SBICs in performing their financial examination by focusing on matters that are unique to the SBIC program and the venture capital industry. It should be noted that this Guide is not intended to be a substitute for the accountant's judgment as to the work required to meet generally accepted auditing standards and to render adequate and meaningful reports.

C. *AICPA and SBA audit guide relationships.* Although the accounting principles and auditing procedures set forth in the Investment Company Audit Guide issued by the AICPA (AICPA Audit Guide) are intended to apply to all investment companies; the AICPA's guide was written primarily for the guidance of auditors of mutual funds and closed-end companies registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended (the 40 Act). The AICPA's Guide recognized that several types of investment companies exist and that SBICs and venture capital companies are unique in many fundamental respects. Accordingly, Appendix E of the AICPA's Guide highlights several of these characteristics. The SBA Audit Guide for SBICs is intended to deal more specifically with areas that are unique to SBICs.

The auditor should recognize that the financial statement presentation of the AICPA's Guide differ in certain respects from the requirements of the SBA Guide. Such differences occur because the AICPA's Guide is broad in scope and applies to all types of investment companies, whereas the SBA's Guide is narrow in scope and applies to a specific type of investment company, i.e., SBIC most of which are not registered with SEC under the Investment Company Act of

1940. Accordingly, the auditor is expected to follow the requirements of the SBA Guide, and related instructions.

II. SMALL BUSINESS INVESTMENT COMPANY INDUSTRY

A. *History and nature.* In 1958, Congress established the Small Business Investment company program. SBICs are privately owned, SBA licensed and regulated companies whose primary purpose is to provide equity capital and long-term financing to small firms for the sound financing of their business operations and for their growth, expansion and modernization. SBICs may also provide management assistance to small business concerns.

For the purposes of the SBIC program, a concern is considered small on one of two bases: (1) Its assets do not exceed $7.5 million, its net worth is not more than $2.5 million and its most recent two-year average income after taxes does not exceed $250,000; or (2) the concern qualifies under the regular business loan size standards Part 121 of the SBA rules and regulations. The statutory minimum private capitalization of an SBIC (hereafter referred to as Licensee) is $150,000. SBA may require higher private investment, depending on the area to be served and the prospect for sound and profitable operations.

The SBA may purchase debentures of a Licensee to augment the funds available to the Licensee for investment and may also guarantee debentures of the Licensee which are issued to others. Such debentures, whether purchased or guaranteed by the SBA are, unless otherwise determined by the SBA, subordinated and may have terms of up to 15 years. The total principal amount of outstanding debentures purchased or guaranteed by the SBA and issued to any particular Licensee may, in general, not exceed at any one time an amount equal to twice such Licensee's capital and paid-in surplus or $15 million, whichever is less. However, Licensees specializing in venture capital financing and capitalized at $500,000 or more may qualify for leverage in an amount equal to three times their capital up to an aggregate of $20 million.

Prior to the 1972 Amendments to the Small Business Investment Act of 1958, SBA had administratively created a special class of Licensee's to encompass SBICs which were engaged solely in financing Small Business Concerns owned and managed by persons whose participation in the free enterprise system is hampered by social or economic disadvantages. These special Licensees were legislatively recognized by the 1972 Amendments to the Act and are now designated as "301(d) Licensees." Pursuant to these Amendments, SBA may purchase cumulative, nonvoting preferred stock of a 301(d) Licensee and may also purchase or guarantee a 301(d) Licensee's debentures, subject to certain specified restrictions as to the total amount of such securities which may be purchased and outstanding at any one time.

In addition to being regulated by SBA, certain Licensees are registered with the Securities and Exchange Commission (SEC) under the Investment Company Act of 1940, and, accordingly, are subject to regulation by SEC as well as SBA.

Licensees are different from other types of investment companies, particularly mutual funds. Licensees provide funds directly to the Small Business Concern rather than buying their securities for investment in the market place. Licensees usually become financial partners with the Small Business Concern in the sense that there is a working relationship between the investor and the investee. Investments are often made in packages (combinations of debt, convertible issues, warrants, preferred and common stock) and involve rights not normally associated with traditional securities (right of inspection, attendance at board meetings, first refusals on financings, etc.) Finally, Licensee's financings are usually for long-term or equity type investments which tend to cause such financings to be illiquid.

B. *Regulations and procedural releases.* Part 107 of SBA rules and regualtions implements the Small Business Investment Act of 1958, as amended, and applies to Licensees.

Included in part 107 of SBA Regulations are three appendices:

Appendix:	*Title*
A-------	Audit Guide for SBICs.
B-------	Guide for the preparation of the Anual Report, SBA Form 468.
C-------	System of Account Classifications for SBICs.

In addition to the above referenced appendices, the accountant should be familiar with Policy and Procedural Release No. 2006 which sets forth the valuation guidelines to assist licensees in valuing their securities.

C. *Accounting system.* Under Appendix C to Part 107 of the SBA rules and regulations. (formerly Part 111 of the SBA rules and regulations) SBA has prescribed a standard accounting system to be used by licensees.

The System of Account Classification is based on the double-entry system of accounting and is on the accrual basis of accounting. By design, it is basic and can be expanded to meet the needs of a particular licensee.

Section 107.1102 of the SBA rules and regulations provides further instruction concerning preservation of records and other reporting requirements.

III. ACCOUNTING POLICIES SUMMARIZED

A. *General.* As a general rule, accounting policies followed by licensees are those promulgated by the American Institute of CPA's as generally accepted accounting principles and practices. Certain of these principles and practices are prescribed in the AICPA's audit guide.

B. *Valuation of securities.* The general practice in the investment company industry is to disclose, in one form or another, valuation of securities at quoted market values or, in the absence of quoted values, at fair values determined by the company's Board of Directors in good faith.

The investments of Licensees, however, often are venture-type investments that complicate the determination of value. The investee, in such cases, is usually a closely held, immature and often illiquid Small Business Concern whose stock is not publicly traded but the Concern usually has aspirations to go public. In addition, there may be weaknesses in the Concern's management. For these and other reasons, cost may be the most appropriate measure of value of venture-type securities until there is sufficient objective data available to the Licensee's Board of Directors to form a basis for valuing the securities at other than cost.

SBA has set forth guidelines in SBA Policy and Procedural release No. 2006 to assist the Directors of Licensees in valuing their securities. Accordingly, the auditor should satisfy himself that the valuation guidelines issued by SBA, or other reasonable methods, are used in valuing securities.

Additional guidance for the valuation of securities is given in Chapter 3 of the AICPA Audit Guide and in Accounting Series Releases 113 and 118 issued by the SEC.

C. *Realized gain (loss) on sale of securities.* The term "Securities" includes portfolio securities, assets acquired in liquidation of portfolio securities (as well as successor assets to those originally acquired in such liquidation), invested idle funds and other securities. In general, gain or loss on the sale of securities will be realized when the sale occurs and where the sale represents a final transaction. In those instances where part of net sales price is other than cash, the accounting policy will be that cash first applies to recovery of cost and then to gain. Accordingly, non-cash gain on sale of securities will be unavailable for capitalization or dividend distribution until received by a Licensee in cash (money, checks, or negotiable money orders), demand certificates of deposit issued by banks which are members of the Federal Deposit Insurance Corporation, and/or negotiable direct obligations of the U.S. Government.

Losses are recognized at the point of sale and are shown as a reduction of undistributed net earnings realized. They have no effect on non-cash gains.

Any transaction with recourse upon the Licensee or involving any understanding agreement, option, privilege, or other rights to repurchase by and/or resell to the Licensee may not be considered a final transaction. Any reacquisition of the securities by the Licensee, resulting from prior agreements or rights, shall be construed by SBA as a nullification of the original sale transaction.

Any gain on sale of securities which does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

D. *Unrealized gain (loss) on Securities held.* Unrealized gain (loss) on securities held is the result of the valuation process by the licensee's Board of Directors of loans and investments held at the statement date. It represents both the valuations of securities above cost (unrealized appreciation) as well as valuation below cost (unrealized depreciation). Unrealized gain (loss) on securities held represents the gain or loss the licensee would have realized on its loans and investments had they been sold at the statement date after providing for taxes on net unrealized gains.

The Statement of Operations measures the realized activities of a licensee that can be objectively measured. Unrealized gain (loss) on securities held is in many ways a subjective determination by a licensee; therefore, measurement in a separate statement would be most appropriate with the final results being reflected in the equity section of the Statement of Financial Position.

E. *Reporting entity.* The auditor should bear in mind that the reporting entity being audited is the licensee including its securities that are being held for investment as well as other securities and assets. Those securities and assets that are held for investment are reported on the fair value basis.

Under certain circumstances, a licensee may temporarily own more than 50 percent equity position in a financed concern. Such investments are to be reported on the fair value basis and classified as loans and investments rather than being reported on a consolidated basis with the licensee.

The licensee may hold an investment in a 301(d) licensee and/or have a wholly owned management consulting subsidiary. Such securities would not be considered held for investment but are considered held for long-term operating purposes.

F. *Equity method of accounting for investments in common stock.* "Equity" method of accounting for investments in common stock is not to be confused with the "fair value" method of reporting portfolio securities. Under the equity method, an investor initially records an investment in the stock at cost, and adjusts the carrying amount of the investment to recognize the investor's share of the earnings or losses of the investee after the date of acquisition. The amount of the adjustment is included in the determination of net income by the investor. Dividends received from an investee reduce the carrying amount of the investment. Accounting Principles Board Opinion No. 18 issued in March 1971 by the AICPA specifically does not apply to Licensees whether or not registered under the Investment Company Act of 1940 as explained in paragraph 2 of that Opinion.

The AICPA Audit Guide states that investments in other than portfolio securities which meet the criteria of APB Opinion No. 18 should be carried on the equity basis. As applied to Licensees, this would only apply to investments in section 301(d) Licensees. In those cases where a 301(d) Licensee is a subsidiary of another Licensee, such subsidiary should be reported as an unconsolidated subsidiary by the parent Licensee.

G. *Policy on consolidated financial statements.* Consolidated Financial Statements are to be filed with SBA only where the Licensee has a management consulting subsidiary. Under SBA Regulations, management consulting subsidiaries are to be wholly owned and are to be reported on a consolidated basis with the Licensee parent.

Operating concerns classified as assets acquired in liquidation may qualify as subsidiaries but will be reported as unconsolidated subsidiaries and on the fair value basis.

H. *Accounting for dividend and interest income.* 1. *Dividend income.* As a general rule, cash dividends on investment securities are recorded as of the record date. Occasionally, cash distributions represent a return of capital rather than current income to the recipient Licensee. In such cases, the distributions should be credited to the investment account rather than to income.

Stock splits and dividends in stock of the same class as that owned, are not recorded as income since the Licensee's equity interest in the company declaring the dividend or split has not changed.

Dividends in kind are generally recorded as income at the fair value of the property received. When the recipient Licensee has the option to receive cash or stock, income should be recorded for the amount of cash that could have been received. When stock rights are received, a portion of the cost basis of the related investment may be allocated to the rights on a pro rata cost basis.

2. *Interest income.* Interest income on loans to Small Business Concerns is normally accrued on a monthly basis. Unearned discounts are an adjustment of interest income and are to be amortized over the stated life of the loan.

Interest income on loans and investments should not be accrued if the portfolio concern is in default to the licensee more than 6 months or the concerns' ability to make the interest payments is doubtful, i.e., impending bankruptcy, etc.

Interest on invested idle funds is usually accrued on a monthly basis and discounts are an adjustment of the interest rate.

I. *Income tax allocation policy.* The auditor should be guided by the provisions of Accounting Principles Board Opinion No. 11 concerning income tax allocation policy. Timing differences may exist between accounting income and taxable income due to items such as provision for losses on portfolio securities. In such cases, a deferred credit or charge, whichever the case may be, should be established.

IV. REPORTING REQUIREMENTS

A. *Annual financial report.* The Small Business Administration, under authority granted by the Small Business Investment Act of 1958, as amended, (1958 Act) requires Licensees to have an audit (financial examination) made of their accounts and records annually by independent public accountants approved by SBA. The annual audit shall be performed as of the close of the Licensee's fiscal year.

Three copies of the accountant's report including the Financial Report prepared on forms contained in Part I, SBA Form 468, shall be submitted to SBA by the Licensee as soon as practicable after completion and no later than the last day of the third month following the close of the period covered by the audit. Attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special reports, or similar communications furnished to the Licensee by the auditor. If adjusting entries are furnished to the Licensee with the report, they should be submitted to SBA.

B. *Reporting irregularities.* The independent public accountant shall promptly inform a responsible official of the Licensee and the Deputy Associate Administrator for Investments, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 concerning apparent defalcations or other financial irregularities that may come to his attention in connection with his examination. Based on available information, he will indicate the nature and extent of such defalcations or other irregularities.

C. *Regulated investment companies.* Concerning Licensees that are registered with the Securities and Exchange Commission, additional reports are required by SEC which are identified in Chapter 1 of the AICPA's Audit Guide. It should be noted that any report submitted by a Licensee to the SEC shall also be submitted to the Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

D. *Special management reports.* Frequently the independent public accountant will render special reports to the Licensee's management. Examples are reports on evaluation of internal control or evaluation of specific portfolio concerns. A copy of such reports shall also be promptly submitted by the Licensee to the Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

V. QUALIFICATION AND SELECTION OF AUDIT

V. QUALIFICATION AND SELECTION OF AUDITOR

A. *Qualification of accountants.* Any public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, who is independent and who is duly authorized to practice as a public accountant, and is in good standing under the laws of the State or other comparable authority in which so authorized, may be considered qualified to render an opinion as an independent public accountant on behalf of a Licensee whose office is located in such State or Authority. Effective December 31, 1975, only a certified public accountant may be considered qualified to render an opinion as an independent public accountant on behalf of a Licensee except that those licensed public accountants who have received their licenses on or before December 31, 1971, will also be considered similarly qualified.

B. *Independence.* Accountants approved by SBA as auditors of a licensees are to follow the code of professional ethics adopted by the American Institute of CPA's. In determining whether an accountant may in fact be not independent with respect to a particular Licensee, SBA will give appropriate consideration to all relevant circumstances, including evidence bearing on relationships between the accountant and such Licensee or any affiliate thereof.

Accordingly, an accountant or a firm of which he is a partner or shareholder shall not express an opinion on financial statements of a licensee unless he and his firm are independent with respect to such licensee. Independence will be considered to be impaired if, for example:

1. During the period of his professional engagement, or at the time of expressing his opinion he or his firm,

a. Had or was committed to acquire any direct or indirect financial interest in the licensee; or

b. Had any joint business investment with the licensee or any officer, director or principal stockholder thereof which was material in relation to his or his firm's net worth; or

c. Had any loan to or from the licensee or any officer, director, or principal stockholder thereof.

2. During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, he or his firm,

a. Was connected with the licensee as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

b. Was a trustee of any trust or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the licensee; or was a trustee for any pension or profit-sharing trust of the licensee.

C. *Selection of the auditor.* The responsibility for selecting the independent public accountant is vested in the Licensee's Board of Directors. Any accountant qualifying as an independent public accountant, as explained above, may be considered as having SBA approval to perform the annual audit (financial examination) upon selection by the Board, and the filing with SBA by such accountant of an executed IPA Certification, CO Form 112 (3-74) certifying as to his qualification and independence, unless advised otherwise by SBA.

It is strongly recommended that the Board give thorough consideration each year to the matter of selecting the public accountant to perform that year's audit. The Board under this policy selects an accountant with whom it agrees as to the scope of the engagement and basis of compensation. Notification of the Board's selection will be furnished to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Notification to SBA is not necessary when the same accountant or accountants are retained for successive years.

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Staff Accountant
Investment Division
Small Business Administration
1441 L Street, N. W.
Washington, D. C. 20416

IPA CERTIFICATION

Gentlemen:

I (we) have been selected by the Board of Directors of

____________________________________ ______________
(Name of licensed small business investment company) License Number

____________________________________ ______________
(Address of Licensee's principal office) (Zip code)

to conduct an annual examination of the Licensee's financial statements as of ______________, 19__. In accordance with the provisions of Item V of the SBA Audit Guide for SBICs, (Check One):

☐ Independent* certified public accountant (or firm of CPAs).

☐ Independent* licensed public accountant (or firm of licensed PAs).

I certify that this accountant (or firm of public accountants) is authorized to practice in, and is in good standing under the laws of, the state or other jurisdiction in which the principal office of the Licensee is located, and accordingly, qualifies to perform the annual audit of the above named Licensee.

__________ ______________________________________
(Date) (Signature of individual practitioner or principal, if applicable)

__________ ______________________________________
(Date) (Signature of partner of accounting firm, if applicable)

____
(Name under which individual practitioner or accounting firm is doing business)

____________________________________ ______________
(Business address) (Zip code)

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*Independent within the meaning of this term as used by the Small Business Administration. SBA will not recognize any public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any small business investment company with which he has, or had during the period covered by the audit (financial examination), any direct financial interest or any material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, investment adviser, director, officer, or employee, or in the capacity of rendering bookkeeping services.

CO FORM 112 (3/74) Previous Editions are Obsolete.

VI. SCOPE OF AUDIT

The independent public accountant's audit is to be an examination of the Licensee's financial statements in accordance with generally accepted auditing standards as expressed by the American Institute of Certified Public Accountants. The auditor is to make an examination of the Licensee's financial statements with the view of expressing an opinion as to whether the financial statements present fairly the financial position, changes in financial position, and results of operations in accordance with generally accepted accounting principles applies on a basis consistent with that of the preceding year. The audit is not to be a "compliance audit" in the sense that the independent accountant is expressing an opinion as to whether the Licensee is operating in accordance with the Act and Part 107 of SBA rules and regulations.

Management is responsible for the preparation of the Annual Report, SBA Form 468. The statements contained in Part 1 will be the basis for the auditor's opinion. It is expected that all audit adjustments will be recorded in the Licensee's records before completion of the audit report so that financial statements accompanying the report will agree with the books as adjusted as of the statement date, giving consideration to reclassifications of account balances for report purposes. If the adjustments are not so recorded on the Licensee's books, a statement should be made by the independent accountant to this effect.

The independent public accountant is expected to satisfy himself as to the reasonableness of the bases used by the Licensee's Board of Directors in determining the valuation of loans and investments. The auditor should determine and comment in his report as to whether the Licensee followed reasonable valuation methods and standards in valuing loans and investments.

VII. LOAN AND INVESTMENT ACCOUNTS

A. *Investment objectives and policies*. The composition of a Licensee's loans and investments varies from one Licensee to another and reflects the Licensee's policies and objectives of investing that are being followed in practice. Such objectives may emphasize equity investments, loans or a balance between loans and equity investments. The portfolio may also be widely diversified or specialized as to industry or geographical area. In addition, the Licensee may choose to by a "301(d) Licensee" that is organized to be a profit or non-profit corporation with an investment policy limited to providing financing solely to Small Business Concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. Such Licensees were formerly designated by the acronym "MESBIC."

The basic investment objectives adopted by management can be found in the Licensee's proposal to operate, registration statements, prospectus, or offering circular.

B. *Federal income tax provisions affecting investment accounts*. Licensees which elect to qualify as Regulated Investment Companies under Subchapter M of the Internal Revenue Code (Sections 851 to 855 of IRC) must meet the various requirements set forth therein which are summarized in Chapter 5 of the AICPA's Audit Guide. Also Item IX of this Guide summarizes the special income tax provisions that may apply to Licensees.

C. *Recordkeeping requirements relating to investment activity*. No specific recordkeeping system for investment activity is required other than that provided in the SBA's System of Account Classifications. However, the Licensee is to develop systems and maintain records sufficient to properly account for transactions and valuation of individual loans and investments.

Section 107.1102 of SBA rules and regulations specifies the records and documents which must be maintained and preserved by all Licensees. In Addition, Licensees registered under the Investment Company Act of 1940 are required to maintain and preserve those records specified in section 31 of such Act and the rules and regulations thereunder.

D. *Custody of securities*. A Licensee's management is expected to assume responsibility for the custody of securities. Accordingly, there is to be safekeeping for securities, usually a safe deposit box at a bank or other custodian with such safekeeping facilities, and dual control over withdrawal of securities from safekeeping is required (§ 107.1103 (b) of the SBA regulations.)

E. *Valuation of securities*. As stated in Item III of this Guide, a Licensee shall report its loans and investments at fair value. Value can be defined as: (a) The market value of securities where market quotations are readily available; and (b) fair value as determined in good faith by the Licensee's Board of Directors for other loans and investments, and securities which are not publicly traded.

The Board of Directors when valuing securities must consider the effect of factors having a bearing on the values of such securities even when they are traded on a recognized exchange where market quotations are available. Examples of such factors are a thin market, large holdings by the licensee that would adversely affect the market price if traded, or securities that are restricted.

Ordinarily, little difficulty should be experienced in valuing securities traded on a recognized securities exchange since the prices of transactions are published daily. If a security was traded on the valuation date, the last quoted sales price generally is used. However, if there were no sales on the exchange on the valuation date but published closing bid and asked prices are available, the valuation should be within the range of these quoted prices.

Quotations are available from various sources for most unlisted securities traded regularly in the over-the-counter market. Ordinarily, quotations for an over-the-counter security should be obtained from more than one broker/dealer unless available from an established market-maker for that security. Quotations for several days should be used and the valuation should be within the range of these quotations.

Regarding securities that are not publicly traded, it is incumbent upon the Board of Directors to satisfy themselves that all appropriate factors relevant to the value of securities for which market quotations are not readily available have been considered and to determine the method of arriving at the fair value of each such security. To the extent considered necessary, the Board may appoint persons to assist it in the determination of such value. However, the Board must review continuously the appropriateness of the method used in valuing each loan and investment in the Licensee's portfolio.

As stated in Accounting Series Release No. 118 of SEC, no single standard for determining fair value in good faith can be laid down, since fair value depends upon the circumstances of each individual case. The Board is to follow the guidelines set forth in SBA Policy and Procedural Release No. 2006 and should be guided by the SEC's accounting Series Release No. 113 in valuing loans and investments or other reasonable methods.

F. *Audit procedures*. The auditing procedures relating to the investment accounts of investment companies require greater attention than those of a commercial enterprise because of the relative significance of such assets. In either case, the independent auditor should evaluate the internal accounting controls as a basis for determining the extent of his examination. The auditing procedures outlined in the AICPA's Audit Guide should be followed to the extent appropriate. Concerning valuation of securities: *The licensee's board of directors has the sole responsibility for valuing securities in good faith.*

The auditor is not to be an appraiser in the sense that he is to determine the value of the Licensee's securities. He is, however, expected to review the methods and evidential matter used by the Board of Directors in their determinations of fair value. He is further expected to comment in his report on the reasonableness of such practices and adequacy of such information.

VIII. CAPITAL ACCOUNTS

A. *3 percent cumulative preferred stock*. As part of the leverage funds provided to a 301(d) Licensee, SBA may purchase 3 percent cumulative preferred stock from the Licensee. Such preferred stock, while considered to be part of equity, is not considered paid-in capital or paid-in surplus for leverage or regulatory purposes.

The rights of the preferred stockholder (SBA) are set forth in § 107.205(a)(2) of the SBA regulations.

B. *Unrealized gain (loss) on securities held*. As stated in Item III of this Guide, Unrealized Gain (Loss) on Securities Held represents the net gain (loss) after tax effect that the Licensee would realize if the loans and investments were sold at the statement date, but as if in the normal course of business.

Included under this caption are three capital accounts, described as follows:

1. *Unrealized appreciation on securities held*. This is the amount by which fair value of the Licensee's loans and investments exceeds cost.

2. *Unrealized depreciation on securities held*. This is the amount by which fair value of the Licensee's loans and investments is less than cost.

3. *Estimated income taxes*. This is a provision for taxes on the net amount of unrealized appreciation or (depreciation) and the offset being a deferred credit or deferred charge.

The auditor should recognize that Unrealized Gain (Loss) on Securities Held results from valuation of Loans and Investments by the Licensee's Board of Directors. Such valuation usually is a judgmental estimate which involves uncertainties that are difficult to quantify. Accordingly, the reliability of the unrealized gain (loss) on securities held will not be as great as realized gain (loss) on sale of securities because the latter is based on transactions that are objectively measurable. The auditor, then, must satisfy himself that the methods used by the directors in valuing securities are reasonable and that the evidential matter is adequate.

C. *Undistributed realized earnings*. Undistributed Realized Earnings is the cumulative balance of periodic net investment income including realized gain (loss) on securities sold, less dividend distributions whether cash, stock or dividends in kind. Included are non-cash gains on securities sold, i.e. notes, securities or other assets received. Such non-cash gains will not be available for capitalization or dividends until such assets are converted to cash. Accordingly, undistributed realized earnings will be reflected in two capital accounts: (1) Non-Cash Gains on Sale of Securities and (2) Undistributed Net Realized Earnings.

Finally, non-cash gains will not be realized if uncertainty as to the ultimate realization of the gain in cash is so great that business prudence, as well as generally accepted accounting principles, would preclude such recognition.

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IX. Other Matters

The independent auditor should satisfy himself that investment company accounts not specifically mentioned in this audit guide or the AICPA Audit Guide are maintained in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards for other commercial enterprises.

A. *Compensating balances.* If those instances where idle funds are encumbered or are being used as "compensating balances," the auditor will disclose the nature and extent of such encumbrance in a note to the financial statements.

In the compensating balance is a formal arrangement, the funds should be reclassified to either other current assets or other assets, whichever would be appropriate.

B. *Taxes.* Licensees receive special tax treatment in a number of areas. The effect is to allow certain exclusions or additional deductions without the limitations prescribed for other corporations.

A Licensee operating under the 1958 Act is allowed a 100 percent dividends received deduction for dividends received by it from a taxable domestic corporation. To claim this 100 percent deduction the Licensee must file with its return a statement that it was a Federal Licensee under the 1958 Act at the time of the receipt of the dividends.

An ordinary loss, rather than a capital loss, can be taken on the sale or exchange of security investments in convertible debentures or stocks acquired pursuant to the conversion privileges of such debentures. Capital losses on other investments receive no special treatment. A Licensee must submit with its tax return a statement that it is a Federal Licensee under the 1958 Act setting forth the name and address of the Small Business Concern with respect to whose securities the loss was sustained, the number of shares of stock or the number or denomination of bonds, the basis and selling price, and the respective dates of purchase and sale or the reason for their worthlessness and the approximate date thereof.

Special provisions are provided for reserve for losses on loans of Licensees and they may obtain special treatment for net operating losses and may be excluded from the definition of a personal holding company.

A shareholder in a Licensee may treat a loss on such stock as an ordinary loss and in the case of a noncorporate shareholder such loss is considered a loss from a trade or business.

A Licensee may choose to be taxed as a Regulated Investment Company. To do so, it must meet the requirements of sections 851 to 855 of Internal Revenue Code. Such requirements are outlined in Chapter 5 of the AICPA Audit Guide.

For taxable years beginning after December 31, 1975, net operating losses may be carried back 10 taxable years and forward 5 taxable years following the taxable year of such loss.

Finally, there is no excess accumulated earnings tax assessed to a Licensee provided it utilizes such earnings and profits for additional loans and investments.

C. *Interest expense—301(d) licensees.* Section 317 of the Small Business Investment Act provides for "interest subsidy" on leverage funds obtained by 301(d) Licensees from SBA. Because the interest subsidy must be paid at some point in time (§ 107.205(a) (2) (IV) of the SBA rules and regulations), the interest subsidy should be treated as deferred payment of interest expense. Accordingly, the interest subsidy should be recognized as an expense in the period to which the interest subsidy applies with a corresponding entry to accrued interest payable.

D. *Reserve for guarantees.* Funded reserve for guarantees as described in § 107.501(f) of the SBA rules and regulations indicates that "funded reserve" equal to 10 percent of all guarantees will be maintained by the Licensee.

The auditor should recognize that SBA does not intend that assets be segregated and a funded reserve be maintained in the true sense of the term. Rather, the Licensee is considered to be in compliance with § 107.-501(f) of the regulations if the Licensee's total cash and invested idle funds equal 10 percent of guarantees outstanding.

E. *Notes and debentures payable to or guaranteed by SBA.* As outlined in Item IIA, a primary advantage of the SBIC program is the ability of licensees to acquire long-term leverage funds from SBA. Usually the terms and conditions set forth in § 107.203(b) of SBA rules and regulations are incorporated in the debenture as covenants to the agreement.

Section 107.203(b) (1) (iii) provides that the entire indebtedness of the Licensee may be declared immediately due and payable for:

* * * Failure of the Licensee, as determined by SBA, to comply with any one or more of the provisions of the Act or regulations promulgated thereunder, as they may be amended from time to time * * *. Demand in such cases will be made in a letter from SBA specifying the violations that have occurred and that funds owed the SBA are due and payable in accordance with the acceleration provisions of the debentures. The violations which cause demand to be made are usually those which are significant and include such areas as conflicts of interest, control of small business concerns by the licensee, overline investments and any other such major acts which might be determined by SBA to be contrary to the Act and regulations. It should be noted that in such cases demand is viewed as a means to protect the SBA's position as a creditor usually after other efforts have been unsuccessful.

In those instances where the licensee fails to maintain either the capital requirement or the investment ratio (See section 303 (b)(2) of the Act or §§ 107.203(b)(6) and 107.203(d) of the regulations) SBA may in its discussion upon written notice consider part or all of the licensee's long-term debt to be due and payable. Written notice is not required, however, for the long-term debt to be considered due and payable when any of the four conditions set forth in § 107.203 (b)(2) exist.

Should the auditor have difficulty in determining whether demand has been or is about to be made on such long-term indebtedness, he may consider requesting a positive confirmation from the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, as to whether the licensee is in violation of the Act or regulations as of the statement date and as a result whether demand is being made by SBA on the long-term debt.

X. Fidelity Bond

A. *Need for bond.* The Fidelity Bond requirements are set forth herein principally for the guidance of the Licensee in meeting its obligation to conform to such requirements.

Each Licensee shall obtain and maintain a Fidelity Bond, which must be executed by a Surety holding a certificate of authority from the Secretary of the Treasury pursuant to section 6–13 of Title 6 of the United States Code as an acceptable Surety on Federal Bonds. Each officer and employee who has control over or access to cash, securities, or other property of the Licensee shall be covered by such Fidelity Bond. The form of Bond must meet the provisions of paragraphs B through D below.

B. *Type of bond.* The Fidelity Bond may be issued on a "Discovery" or "Loss-Sustained" basis. Each Bond shall contain minimum coverage equivalent to Insuring agreements (A) Fidelity, (B) On Premises, and (C) In Transit provided in Finance Companies Blank Bond Standard Form 15 and 14. Equivalent insurance coverage, as previously stated, constitutes satisfactory coverage. Insuring Agreements covering (D) Forgery or Alteration, (E) Securities, and (F) Counterfeit Currency, Misplacement Coverage, and Electronic Data Processing Coverage are not required. The Bond shall also contain a rider or endorsement providing that the Surety will notify the SBA Investment Division of its intent to cancel the Fidelity Bond at least 30 days in advance of the effective date of cancellation. At the option of the Licensee a loss deductible clause not to exceed $1,000 will be permissible under all of the insuring agreements.

A Licensee, including a bank-owned or controlled Licensee, may be covered as a joint insured under a Fidelity Bond if the coverage meets the above requirements.

C. *Minimum coverage.* The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be $25,000.

D. *Cancellation and claims by the licensee.* Each Licensee, at least 30 days prior to making any request to the Surety to terminate or cancel such bonds, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the Surety. Such notifications to SBA shall be by certified mail addressed to the Deputy Associate Administrator for Investment, Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

E. *Licensees regulated under the Investment Company Act of 1940.* Licensees that are regulated by SEC under the Investment Company Act of 1940 shall also comply with the Fidelity Bond requirements set forth in section 270.17g–1 of the SEC rules and regulations. Therefore, SBICs that are regulated by SEC under the 1940 Act are to comply with such requirements.

XI. Financial Statements

The financial statements of Licensees are directed to the presentation of financial position, changes in financial position and results of operations. Such statements constitute the Financial Report, Part I of SBA Form 468, and are required to be presented in the prescribed format.

The financial statements required for licensees differ in certain respects from those suggested in the AICPA's Audit Guide. Such deviations are not at variance with generally accepted accounting principles and reporting practices. The opening paragraphs of Chapter 7 of the AICPA's Guide support this view:

> The financial statements illustrated in this chapter are for typical open-end management investment companies and may need to be modified to fit the requirements of other types of investment companies.

In all instances, the management of investment companies and the auditor should be cognizant of the need for reporting in a manner which properly highlights significant information for shareholders and other interested parties. Content and format of reports required by regulatory authorities, e.g., the Securities and Exchange Commission and Small Business Administration, are, of course, governed by the requirements of the applicable form and related rules, regulations, and instructions.

It should be noted that SBA Policy and Procedural Release No. 2013 provides detailed instructions for the preparation of the Annual Report, SBA Form 468. The following is a brief description of the financial statements, supplementary schedules and, when applicable, standard footnotes.

A. *Statement of financial position.* The Statement of Financial Position is presented in a conventional Balance Sheet format rather than the Statement of Assets and Liabilities or the alternate Statement of Net Assets as suggested by the AICPA's Audit Guide for most investment companies. Because of the relative importance of loans and investments, they are shown as the first category of assets presented in the Statement.

As previously stated, Licensees are to report loans and investments on the fair value basis. Accordingly, the Statement will present loans and investments at cost and, through adjustments for unrealized appreciation (valuation above cost) and unrealized depreciation (valuation below cost) arrive at fair value. The net Unrealized Gain (Loss) will be reported separate from undistributed Earnings Realized in the equity section of the Statement of Financial position.

B. *Computation of retained earnings for regulatory purposes.* The note following the Statement of Financial position is for SBA purposes and is designed to compute Retained Earnings available for dividend distribution or capitalization. Undistributed net earnings realized is the amount of realized earnings retained by the Licensee net of noncash gains on sale of Securities and without effect of valuation.

"Retained Earnings" will be determined by reducing Undistributed net earnings realized by the provisions for losses established by the licensee on loan and investments.

The auditor should, either in footnote form or a supporting schedule, identify provision for losses according to lines 1 through 9 of the Statement of Financial Position.

C. *Statement of undistributed realized earnings.* This statement reflects the increases and decreases in noncash gains and net Undistributed Realized Earnings. The net change when added to the balance of the beginning of the period results in the balance at the end of the period. Item VIII, C further explains the nature of Undistributed Realized Earnings.

D. *Statement of operations realized.* The Statement of Operations Realized is designed to present the results of realized investment activities of the Licensee by reporting separately investment income or loss including management consulting activities, and realized gains or losses from sale of securities. This statement does not measure the change in unrealized gain (loss) on securities held as does the Statement of Operations suggested by the AICPA Audit Guide. Rather, such unrealized gain (loss) will be measured in a separate statement.

While Investment Income and Realized Gain (Loss) on Sale of Securities are measured separately within the Statement of Operations Realized, they are reflected in the Statement of Undistributed Realized Earnings. It should be noted that Unrealized Gain (Loss) on Securities Held is reflected directly in the equity section of the Statement of Financial Position and is not reflected in the Statement of Undistributed Earnings Realized.

E. *Statement of unrealized gain (loss) on securities held.* The Statement of Unrealized Gain (Loss) on Securities Held summarizes the results of the valuation process of securities held as of the statement date as compared to the previous statement date and discloses the net change in the Unrealized Gain (Loss) on Securities Held.

Measurement of unrealized gain (loss) on such securities is a difficult process as has been previously explained. Changes in unrealized gain (loss) on securities held is measured in a statement separate from the Statement of Operations primarily because such amount results from a judgmental estimate made by the licensee's management rather than being an amount resulting from accomplished transactions which is objectively verifiable.

Securities held are classified by the primary groupings of loans and investments as set forth in Items 1 through 12 of the statement of financial position and are as follows:

a. Portfolio securities,

b. Assets acquired in liquidation of portfolio securities, and

c. Other securities.

In arriving at net unrealized gain (loss) on securities held, consideration must be given to unrealized appreciation (valuation above cost) and Unrealized Depreciation (valuation below cost) of such securities. To the extent that unrealized appreciation exceeds unrealized depreciation, a provision for income taxes will be made.

F. *Statement of change in financial position.* The Statement of Change in Financial Position is intended to summarize the inflow and outflow of cash for the Licensee's current year's operations. The net result will be an increase or decrease in cash and invested idle funds.

G. *Statement of realized gain (loss) on sale of securities.* The Statement of Realized Gain (Loss) on Sale of Securities is a summary by category of securities sold and the resulting gain or loss on such sales. Also, it summarizes the increases in noncash gains on securities sold during the period.

This statement will be included only if securities are sold during the current year. It is an additional statement and supports the Statement of Operations Realized.

As stated in Item III, C of this Guide, gain or loss on sale of securities is realized at the point of sale whether or not realized in cash. When part of the net sales price is not in cash, gain will continue to be realized at the time of sale unless the sale is not a final transaction or unless collection of the proceeds is not reasonably assured. However, such non-cash gains wil not be available for capitalization or dividend distribution until collected.

H. *Statement of commitments and guarantees.* When the Licensee has commitments outstanding to provide financing or has guaranteed financing provided by others, a Statement of Commitments and Guarantees will be included as a supporting statement. The Statement will show outstanding commitments and guarantees to Small Business Concerns at the statement date.

I. *Schedule of loans and investments.* This Schedule will show loans and investments outstanding at the Statement date by Small Business Concerns grouped into the following categories: (1) "Portfolio securities" segregated by publicly held SBCs and privately held-SBCs; and (2) "assets acquired in liquidation of portfolio securities," (3) "other securities."

The Schedule will contain the name of the Small Business Concern, brief description of the securities, cost basis, valuation by Board of Directors and potential equity interest in the concern. Where there is a material difference between cost and value as determined by the Board, the auditor should explain in a footnote the nature and extent of the difference. On publicly traded securities, the auditor should indicate the exchange on which the security is traded by symbol and legend.

J. *Notes to financial statements.* The auditor is expected to provide explanatory information in the form of Notes to the Financial Statements. Included will be information considered necessary to achieve full disclosure. Examples are loans to officers, directors or employees, and changes in paid-in capital and surplus. In addition to the notes he considers necessary, the auditor should provide the following information:

1. *Significant accounting policies.* Explanatory information should be set forth identifying the Accounting Policies that have a material bearing on the Licensee's operations; i.e., whether the Licensee is a 40-Act company, income tax allocation, assets acquired in liquidation and other accounting policies.

2. *Other current assets.* List the material items included in Other Current Assets.

3. *Other assets.* List the material items that comprise the Other Assets.

4. *Long-term debt.* The auditor of a debtor Licensee shall analyze in a footnote form the items that comprise Long-Term Debt and give the repayment terms of each. When the licensee has obtained the "third dollar" the auditor should disclose the percent of Loans and Investments qualifying as venture capital at the statement date (§ 107.202 of SBA rules and regulations).

5. *Current maturities of long-term debt.* The auditor should list the amounts due on Long-Term Debt within one year from the Statement date.

6. *Other current liabilities.* The auditor should describe in a footnote the material items that comprise Other Current Liabilities.

7. *Other liabilities.* The auditor should describe in a footnote the material items that comprise Other Liabilities.

8. *Contingent liabilities.* The auditor should identify Contingent Liabilities of the Licensee that may exist.

9. *Unrealized depreciations.* Unrealized depreciation is usually the same amount as specific provisions for losses or loans and investments. However, there may be instances where unrealized depreciation will not be a provision for losses. For example where a licensee has unrestricted marketable securities, value is based on market value rather than fair value as determined by the Board. There may be a temporary decline in the market value of such securities below the licensee's cost basis. Although such decline is reflected in unrealized depreciation, the licensee may not expect to sell the securities at the depreciated price; therefore, no loss would be expected.

When unrealized depreciation is not the same as provision for losses, the auditor will disclose either in note form or in a supplementary schedule the composition of unrealized depreciation according to lines 1 through 9 of the Statement of Financial Position.

10. *Regulatory capital.* As a general rule, capital for regulatory purposes is the total paid-in capital stock and surplus as shown on line 44 of the Statement of Financial Position. An exception to this general rule occurs when the total in line 44 included amounts resulting from non-monetary transactions other than stock dividends and the assets received in such transactions have not been converted to cash.

In those instances where regulatory capital is less than the amount on line 44, the items comprising the difference will be disclosed in a footnote.

K. *Financial statements illustrated.* The following illustrative Financial Statements have been prepared to show where and how various items might be presented. Accordingly, the information contained on the Statements is illustrative only and not intended to indicate relationships among accounts.

GENERAL CAPITAL COMPANY

1441 L Street, N. W.

Washington, D. C. 20416

FINANCIAL STATEMENTS

as of December 31, 19X3

POTTER & POTTER
Certified Public Accountants

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POTTER & POTTER
Certified Public Accountants

1260 Marine Plaza, S.E.
Washington, D.C. 20016

To the Stockholders and Board of Directors
General Capital Company

We have examined the statement of financial position of General Capital Company including the schedule of loans and investments as of December 31, 19X3 and the related statements of operations realized, unrealized gain (loss) on securities held, and changes in financial position for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. The Company's investment securities were inspected by us or confirmed to us by the custodian.

As discussed more fully in Note 2 to the financial statements, securities amounting to $5,432,242 (54% of the total assets) have been valued at fair value as determined by the Board of Directors. We have reviewed the procedures applied by the directors in valuing such securities and have inspected underlying documentation; while in the circumstances the procedures appear to be reasonable and the documentation appropriate, determination of fair value involves subjective judgment which is not susceptible to substantiation by auditing procedures.

In our opinion, subject to the possible effect on the financial statements of the valuation of securities determined by the Board of Directors as described in the preceding paragraph, the above statements present fairly the financial position of General Capital Company at December 31, 19X3, and the results of operations, changes in financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

POTTER & POTTER
Potter & Potter

April 23, 19X4

FINANCIAL REPORT
FOR FISCAL YEAR ENDED December 31, 19X3

(Amounts rounded to nearest dollar)

LICENSE NO. 01/01-0001

NAME OF LICENSEE General Capital Company

EMPLOYER IDENTIFICATION NUMBER 92-0950250

STREET ADDRESS, CITY, AND STATE 1441 L Street, N.W. Washington, D.C.

ZIP CODE 20416

COUNTY

STATEMENT OF FINANCIAL POSITION
AS OF December 31, 19X3

ASSETS	COST	VALUATION UNREALIZED DEPRECIATION	 UNREALIZED APPRECIATION	VALUE
LOANS AND INVESTMENTS:				
Portfolio Securities				
1. Loans	$1,215,783.	$ 150,000.	$ 5,112.	$1,070,895.
2. Debt Securities	2,383,399.	118,998.	-	2,264,401.
3. Equity Interests	321,402	29,082.	1,546,591	1,838,911.
4. TOTAL	$3,920,584.	$ 298,080.	$1,551,703.	$5,174,207.
Assets Acquired in Liquidation of Portfolio Securities				
5. Receivables From Debtors on Sale of Assets Acquired	$ 85,000.	$ 12,000.	$ -	$ 73,000.
6. Operating Concerns Acquired	275,035	190,000.	-	85,035.
7. Other Assets Acquired (Net of Mortgages Payable $ -)	-	-	-	-
8. TOTAL	360,035.	202,000.	-	158,035.
Other Securities				
9. Notes and Other Securities Received	100,000.	-	-	100,000.
10. Total Loans and Investments	$ 4,380,619.	$ 500,080.	$ 1,551,703.	$5,432,242.
11. Less Current Maturities				395,289.
12. Loans and Investments Net of Current Maturities				$5,036,953.
Investment in 301(d) Licensee* (Note 3)				
13. Name Central Mesbic, Inc. License No. 01/01-5000				425,000.
Current Assets				
14. Cash		$ 268,317.		
15. Invested Idle Funds		3,600,263	$ 3,868,580.	
16. Interest and Dividends Receivable	$ 88,807.			
17. Accounts Receivable	-	$ 88,807.		
18. Less: Allowance for Losses		10,881	77,926.	
19. Current Maturities of Portfolio Securities		$ 360,289.		
20. Current Maturities of Assets Acquired		15,000.		
21. Current Maturities on Other Securities		20,000.	395,289.	
22. Other Current Assets *			-	4,341,795.
Other Assets:				
23. Furniture & Equipment		$ 14,250.		
Less: Accumulated Depreciation		3,550.	$ 10,700.	
24. Funds in Escrow			1,613.	
25. Other (Note 4)			9,727.	22,040.
26. TOTAL ASSETS				$9,825,788.

NOTE: Column headings apply to items 1 through 12 only.

(Cost - Unrealized Depreciation + Unrealized Appreciation = Value)

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STATEMENT OF FINANCIAL POSITION (CONTINUED)
AS OF December 31, 1973

LIABILITIES & CAPITAL			
Long-Term Debt (Net of Current Maturities)* (Note 5)			
27. Notes and Debentures Payable To or Guaranteed by SBA		$4,940,320.	
28. Notes and Debentures Payable to Others		-	
29. TOTAL			$4,940,320.
Current Liabilities			
30. Accounts Payable		$ 10,000.	
31. Accrued Interest Payable		111,146.	
32. Accrued Taxes Payable		97,919.	
33. a. Current Maturities of Line 27	$ 13,520.		
b. Current Maturities of Line 28	-	13,520.	
34. Dividends Payable		165,603.	
35. Other Current Liabilities*		-	
36. TOTAL			398,188.
Other Liabilities			
37. Trust Receipts		$ 196,512.	
38. Deferred Credits		232,400.	
39. Other Liabilities*		-	428,912.
40. TOTAL LIABILITIES			$5,767,420.
CAPITAL			
41. Capital Stock	$ 636,936.		
42. Paid-in Surplus	1,936,909.	$2,573,845.	
43. Less: Treasury Stock, at cost		-	
44. Paid-in Capital Stock and Surplus (Reg. Capital $ Same)		$2,573,845.	
45. 3% Preferred Stock Issued to SBA (301 (d) Licensee's only)		-	
46. Unrealized Gain (Loss) on Securities Held		839,223.	
47. Non-Cash Gain on Sale of Securities	$ 73,000.		
48. Undistributed Net Realized Earnings	572,300.	645,300.	
49. TOTAL CAPITAL			4,058,368.
50. TOTAL LIABILITIES & CAPITAL			$9,825,788.

NOTE: Retained Earnings Available for Dividend Declaration or Capitalization In Accordance With SBA Regulations Computed As Follows:

Undistributed Net Realized Earnings (Line 48)	$ 572,300
Less: Provision for Losses on Loans and Investments * (Note 7)	471,170
Retained Earnings	$ 101,130

STATEMENT OF UNDISTRIBUTED REALIZED EARNINGS

DESCRIPTION	NON-CASH GAINS	UNDISTRIBUTED NET EARNINGS	TOTAL
1. Beginning Balance	$ 60,000.	$ 390,272.	$ 450,272.
2. Additions:			
a. Net Investment Income	$ -	$ 112,400.	$ 112,400.
b. Realized Gain (Loss) on Sale of Securities	73,000.	175,231.	248,231.
c. ______	-	-	-
d. Total Additions	73,000.	287,631.	360,631.
3. Adjust: Collections of non-cash Gain	(60,000)	60,000.	///////
4. Total (Lines 1,2,3)	$ 73,000.	$ 737,903.	$ 810,903
5. Deductions:			
a. Dividends - Cash	$ ////////	$165,603.	$ 165,603.
b. Dividends - Stock	////////	-	-
c. Dividends - in Kind**	////////	-	-
d. ______	-	-	-
e. Total Deductions	-	165,603.	165,603.
6. Ending Balance	$ 73,000	$572,300.	$ 645,300.

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*Provide in note form the composition of these items. Note to Item 13 should include percent owned, cost basis and changes resulting from equity method of accounting.

**Name of SBC ______ ID No. ______

Number of shares being distributed ______

NAME OF LICENSEE: General Capital Company

STATEMENT OF OPERATIONS REALIZED
FOR 12 MONTHS ENDED December 31, 19X3

INVESTMENT INCOME			
REVENUE			
From Portfolio			
1. Interest on Loans and Debt Securities		$ 440,112.	
2. Dividend Income		9,511.	$ 449,623.
From Services Provided			
3. Management Services		$ 15,000.	
4. Application and Other Fees		43,000.	58,000.
From Other Sources			
5. Interest on Invested Idle Funds		$ 188,373.	
6. Income from Assets Acquired in Liquidation of Loans and Investments (Net of $ ______ Expenses)		-	
7. Other Income		5,000.	193,373.
8. TOTAL REVENUE			$ 700,996.
EXPENSES			
Financial Expenses			
9. Interest on Long-term Debt	$ 332,800.		
10. Commitment Fees	-		
11. Other Financial Costs	1,227.		
12. Total Financial Expenses		$ 334,027.	
Remuneration			
13. Officer Salaries	$ 39,234.		
14. Employee Salaries	29,614.		
15. Employee Benefits	12,030.		
16. Investment Advisory and Management Services	-		
17. Director's and Stockholder's Meetings	8,295.		
18. Total Remuneration		89,173.	
Initiating & Servicing Costs			
19. Advertising & Promotion	$ 7,795.		
20. Appraisal & Investigation			
21. Communication	3,550.		
22. Legal Fees	6,600.		
23. Travel Expense	7,069.		
24. Total Initiating & Servicings Costs		25,014.	
Fixed Facilities			
25. Cost of Space Occupied	$ 5,643.		
26. Depreciation Expense	2,359.		
27. Amortization Expense	-		
28. Total Fixed Facilities		8,002.	
Other Costs			
29. Audit and Examination Fees	$ 8,922.		
30. Insurance Expense	3,189.		
31. Taxes Expense (Excluding Income Taxes)	3,595.		
32. Miscellaneous Expenses	4,263.		
33. Total Other Costs		19,969.	
34. TOTAL EXPENSES			476,185.
35. NET INVESTMENT INCOME BEFORE PROVISION FOR INCOME TAXES			$ 224,811.
36. a. Provision for Income Taxes		$ 112,411.	
b. Less Deferred Credit to Future Taxes		-	112,411.
37. NET INVESTMENT INCOME			$ 112,400.
REALIZED GAIN (LOSS) ON SALE OF SECURITIES			
38. Net Sale Price:			
a. Cash	$1,335,100.		
b. Non-monetary Receipts	100,000.	$1,435,100.	
39. Cost of Securities Sold		1,104,129.	
40. Net Prior to Income Tax Provision		$ 330,971	
41. Less Provision for Income Taxes		82,740	
42. NET REALIZED GAIN (LOSS) ON SALE OF SECURITIES			$ 248,231.

LICENSEE: General Capital Company

STATEMENT OF UNREALIZED GAIN (LOSS)
ON SECURITIES HELD

FOR 12 MONTHS ENDED December 31, 19X3

DESCRIPTION	Beginning Balance (1)	Ending Balance (2)	Net Change (3) (2) - (1)
Unrealized Appreciation:			
1. Portfolio Securities	$ 1,507,400	$ 1,551,703	$ 44,303
2. Assets Acquired in Liquidation of Portfolio Securities	24,047	-	(24,047)
3. Other Securities	-	-	-
4. Total	$ 1,531,447	$ 1,551,703	$ 20,256
Unrealized Depreciation:			
5. Portfolio Securities	$ 258,823	$ 298,080	$ 39,257
6. Assets Acquired in Liquidation of Portfolio Securities	12,000	202,000	190,000
7. Other Securities	-	-	-
8. Total	270,823	500,080	229,257
9. Net Unrealized Appreciation (Depreciation) on Securities Held	$ 1,260,624	$ 1,051,623	$ (209,001)
10. Less: Provision for Taxes	315,156	212,400	(102,756)
11. Net Unrealized Gain (Loss) on Securities Held	$ 945,468	$ 839,223	$ (106,245)

NAME OF LICENSEE General Capital Company

STATEMENT OF CHANGE IN FINANCIAL POSITION
FOR 12 MONTHS ENDED December 31, 19X3

SOURCE OF FUNDS		
From Operations Realized		
1. Net Investment Income (Loss)	$ 112,400.	
2. Add: Depreciation, Amortization, Provision for loss on Receivables	3,809.	
3. TOTAL		$ 116,209
4. Net Realized Gain (Loss) on Sale of Securities		248,231
5. TOTAL		$ 364,440
Decrease in Portfolio Securities		
6. Repayment of Loans & Debt Securities	$ 1,589,296.	
7. Sale of Equity Interests	34,682.	1,623,978
Decrease in Assets Acquired:		
8. Collection from Debtors on Sale of Assets Acquired	$ -	
9. Sale of Assets Acquired	69,916.	69,916
10. Decrease in Current Assets (Net of Cash and Invested Idle Funds)		10,699
11. Decrease in Other Assets		-
Increase in Long-term Debt:		
12. Due to or Guaranteed by SBA	$ -	
13. Due to Others	600,000	600,000
14. Increase in Current Liabilities		110,646
15. Increase in Other Liabilities		-
16. Sale of Licensee's Stock		-
17. TOTAL FUNDS PROVIDED		$2,779,679
APPLICATION OF FUNDS		
Increase in Portfolio Securities		
18. Loans and Debt Securities	$ 889,000	
19. Equity Interests	40,660	$ 929,660
20. Increase in Assets Acquired		-
21. Increase in Current Assets (Net of Cash and Invested Idle Funds)		-
22. Increase in Other Assets		51,655
Decrease in Long-term Debt:		
23. Due to or Guaranteed by SBA	$ 9,160	
24. Due to Others	600,000	609,160
25. Decrease in Current Liabilities (Net of Dividends)		-
26. Payment of Dividends		184,711
27. Decrease in Other Liabilities		-
28. TOTAL FUNDS APPLIED		$1,775,186
29. Increase (Decrease) in Cash and Invested Idle Funds (Line 17 minus Line 28)		$1,004,493

NAME OF LICENSEE General Capital Company

STATEMENT OF REALIZED GAIN (LOSS) ON SALE OF SECURITIES
FOR 12 MONTHS ENDED December 31, 19X3

DESCRIPTION	(1) NET SALE PRICE	(2) LESS CASH RECEIVED	(3) NON-MONETARY RECEIPTS*	(4) COST OF SECURITIES SOLD	(5) (1)-(4) NET GAIN (LOSS)	(6) (5)-(3) CASH GAINS	(7) (5)-(6) NON-CASH GAINS
Portfolio Securities							
1. Loans	$ -	$ -	$ -	$ -	$ -	$ -	$ -
2. Debt Securities	-	-	-	-	-	-	-
3. Equity Interests	331,762	231,762	100,000	34,682	297,080	197,080	100,000
4. Total (Lines 1 thru 3)	$331,762	$231,762	$100,000	$ 34,682	$ 297,080	$ 197,080	$ 100,000
Assets Acquired							
5. Receivables from Debtors on Sale of Assets Acquired	$ -	$ -	$ -	$ -	$ -	$ -	$ -
6. Operating Concerns	-	-	-	-	-	-	-
7. Other Assets Acquired	93,963	93,963	-	69,916	24,047	24,047	-
8. Total (Lines 5 thru 7)	93,963	93,963	-	69,916	24,047	24,047	-
9. Other Securities							
10. Invested Idle Funds	1,009,375	1,009,375	-	999,531	9,844	9,844	-
11. Total (Lines 4, 8, 9 and 10)	$1,435,100	$1,335,100	$100,000	$1,104,129	$330,971	$230,971	$100,000
Less: Estimated Income Taxes:							
12. Federal Income Taxes					$ 80,000	$ 54,000	$ 26,000
13. State and Local Income Taxes					2,740	1,740	1,000
14. Total (Lines 12 and 13)					82,740	55,740	27,000
15. Net Realized Gain (Loss) on Sale of Securities (Line 11 minus Line 14)					$248,231	$175,231	$ 73,000

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*Describe in note form the Non-monetary Receipts of Each Sale.

NAME OF LICENSEE General Capital Company

STATEMENT OF COMMITMENTS & GUARANTEES
AS OF December 31, 19X3

DESCRIPTION	PORTFOLIO	ASSETS ACQUIRED	TOTAL
Commitments Of Funding			
Universal, Inc.	$120,000		$120,000
New England Tool Co.	200,000		200,000
Micro Space, Inc.	75,000		75,000
TOTAL	$395,000	$ -	$395,000
Guarantees to Others:			
Security National Bank (Patron Food Products, Inc.)	$100,000		$100,000
General Paper Co. (Creditor of Mid-South Printers Co.)		$150,000	150,000
TOTAL	$100,000	$150,000	$250,000
Total Commitments & Guarantees Outstanding	$495,000	$150,000	$645,000

NAME OF LICENSEE: General Capital Company

SCHEDULE OF INVESTMENTS IN
SMALL BUSINESS CONCERNS

As of December 31 19X3

SMALL BUSINESS CONCERN Publicly Held SBC's	Cost(a)	Valuation by Board of Directors (b)	Potential Equity Interest (c)
American Builders, Inc.			
Warrants for the purchase of 48,391 shares of common stock (which expire November 1, 1974)	$ -0-	$ 527,349	3.89%
Argo, Inc.			
9-1/2% subordinated note with warrant, due 1976-1981....................	160,000	100,000	9.03%
10,050 shares common stock..	40,100	18,090	
Brentwood Village			
Warrants for the purchase of 4,999 shares of common stock (which expire February 14, 1977)........	-0-	-0-	10.00%
1 share common stock........	5	5	
Broad Areo Shoe Co. (d)			
9% subordinated note with warrant, due 1973-1979....	198,276	198,276	30.00%
Charleston Corporation			
12% capital note, due 1974	100,000	100,000	6.25%
50 shares common stock....	50	50	
The Chemical House, Inc.			
7,875 shares common stock..	23,100	63,000	19.48%
Confederate Telephone Corp.			
1,200 shares common stock..	34,800	27,900	0.004%
Connoisseur Corporation			
881.760 shares 3% non-cumulative preferred stock ($100 stated value)..	140,739	640,582	20.48%
Hobbs & Company (e)			
12% secured note with warrant, due 1973-1974...	300,000	200,000	17.55%
Total....................	$ 997,070	$1,935,252	

* * * * * * * *

SMALL BUSINESS CONCERN Privately Held SBC's	Cost(a)	Valuation by Board of Directors (b)	Potential Equity Interest (c)
Indulge, Inc. (f)			
12% corporate note, due 1976....................	$ 100,000	-0-	13.72%
12% corporate note, due 1976....................	50,000	-0-	
56,247.8 shares common stock..................	172	-0-	
Lancer General, Inc.			
8-3/4% subordinated note with warrant, due 1977-1986..............	500,000	500,000	5.05%
Mirage, Inc.			
10% chattel mortgage note, due 1973...............	511	574	33.79%
10-1/2% capital note, due 1973-1977..............	347,299	347,299	
90% promissory note, due 1973....................	37,500	37,500	
1 share common stock....	673	673	
Warrants for the purchase of 72.5 shares of common stock..................	-0-	199,522	
Patron Food Products, Inc.			
8-1/2% subordinated note, due 1973...............	27,169	[illegible]8,618	85.03%
12% subordinated note, due 1973-1975...........	138,460	138,460	
9-1/4% capital note, due 1973-1976..............	296,400	300,000	
60,620 shares common stock..	81,011	340,988	
Richfields & Son, Inc.			
Warrants for the purchase of 1,895 shares each of Class "A" common stock (which expire June 17, 1980...................	-0-	20,000	13.72%
Standard Corporation			
10% capital note with warrant, due 1973-1978..	233,156	214,158	15.19%
10% promissory note, due 1973...................	25,000	25,000	
5,000 shares common stock..	50	50	

SMALL BUSINESS CONCERN Privately Held SBC's (cont.)	Cost(a)	Valuation by Board of Directors (b)	Potential Equity Interest (c)
United Company			
9% subordinated note with warrant, due 1975-1982....	300,000	300,000	15.39%
10 shares common stock......	163	163	
Universal, Inc.			
9-3/4% secured promissory note, due 1978...........	180,000	180,000	3.20%
Williams Packing Co. Inc.			
11% first mortgage note with warrant, due 1976-1985....	500,000	500,000	17.16%
Thrashing Electronics, Inc.			
10% capital note with warrant, due 1973.................	14,800	14,800	33.35%
15% promissory note, due 1973-1976................	90,612	90,612	
1 share common stock......	41	41	
Total..........	$ 2,923,514	$ 3,238,955	
Total - Portfolio Securities	$ 3,920,584	$ 5,174,207	

* * * * * * *

Assets Acquired in Liquidation of Portfolio Securities			
Mid South Printers Co. (g)			
11-1/2% promissory note, due 1975.................	$ 15,000	$ 15,000	100.0%
11-1/2% capital note with warrant, due 1973-1980....	260,000	70,000	
4 shares common stock.....	35	35	
Amounts Due From Debtors....	85,000	73,000	
Total Assets Acquired.....	$ 360,035	$ 158,035	
Other Securities			
Gemni General, Inc.			
10,000 shares common stock..	$ 100,000	$ 100,000	10.0%
Total Loans and Investments	$ 4,380,619	$ 5,432,242.	

NOTES TO SCHEDULE

OF

LOANS & INVESTMENTS

AT DECEMBER 31, 19X3

(a) "Cost" is the amount of securities less unearned discounts, fees, etc.

(b) Valuation practices are summarized in note 2 of "notes to Financial Statements".

(c) The equity percentage shown represents the percent of shares owned or optioned to General Capital, Co. based on the number of shares outstanding at December 31, 19X3. The exercise of options issued to third parties by certain small business concerns may reduce this percentage of present or potential equity.

(d) The interest rate on the notes varies depending upon the local bank rate as determined at annual intervals; the rate at December 31, 19X3 was 9%.

(e) Hobbs & Company, which has filed a petition for reorganization under Chapter XI of the Bankruptcy Act, is in default on required interest and principal payments and in violation of net worth and working capital provisions of their loan agreement. At March 31, 19X3 the Company held $189,976 of cash as collateral for the account of Hobbs & Company.

(f) The notes are subordinated to other debt of Indulge, Inc. Principal repayments will begin when such other debt has been retired if before July 30, 1976, when the notes by their terms become due. or will be payable in full at any time after July 30, 1976 upon payment of said other debt. Also see Note 6 of "Notes to Financial Statements."

(g) Mid-South Printers Company, which is in liquidation, is in default on required interest and principal payments. Several other concerns in which the Company has investments have defaulted under certain loan covenants. These defaults are not considered significant by the Company.

GENERAL CAPITAL CO.
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 19X3

Note 1 - Significant Accounting Policies

The following is a summary of significant accounting policies applied by the Company in the preparation of its financial statements. The policies are in conformity with generally accepted accounting principles for investment companies.

Change in accounting for investments - In accordance with recommendations included in the American Institute of Certified Public Accountants' recently published investment company industry audit guide, the Company has changed its method of accounting for investments. In prior years, investments were stated at cost less a reserve for unrealized decline in value of specific securities. In connection with the change, investments are stated at fair value as determined by the Directors (see Note 2) and the net unrealized gain or loss on securities, less a provision for deferred income taxes, is included in stockholders' equity. Prior year's financial statements have been restated to give retroactive effect to this change.

Investment valuation - Reference is made to the schedule Loans and Investments for a listing of the Company's investments and to Note 2 for information concerning the Board of Directors' valuation procedures.

Recognition of interest income - It is the Company's policy to record interest on loans and debt securities only to the extent that management and the Board of Directors anticipate such amounts may be collected. A reserve for losses is established to the extent there is doubt as to collectibility of amounts recorded in prior years.

Gains or losses on securities - Cost of securities sold is reported on the average cost basis. Amounts reported as realized gains and losses are measured by the difference between the proceeds of sale and the cost basis of the investment without regard to unrealized gain or loss reported in prior years.

No gain is recognized on the exchange of one investment security for another, or on the exchange of an equity or debt investment for other tangible or intangible assets, regardless of the federal income tax treatment of the exchange.

Recognition of dividend income - The Company records dividends and other distributions from investee companies on the date dividends are received. Distributions by companies without accumulated earnings are recorded as a return of capital regardless of the federal income tax treatment of the distribution.

Income taxes - In the calculation of a provision for federal income taxes, realized net operating losses and capital loss carryforwards are applied against unrealized gains. It should be recognized that under such procedures it may be necessary to provide additional income taxes in a future year if unrealized gains are not realized within the carryforward period of such losses, which under Internal Revenue Service regulations is limited to five years.

Note 2 - Board of Directors' Valuation of Loans and Investments

Loans and Investments were valued at $5,432,242 at December 31, 19X3, of which $1,935,252 has been based on market value and $3,496,990 has been based on a good faith determination by the Board of Directors. The values assigned to the investments are considered to be the amounts which could be realized from an orderly sale or other disposition of the investments over a reasonable period of time.

In making its valuations, the Board of Directors also took into account the cost of the investments to the Company, developments since the acquisition of the investments, the quoted prices of securities that are publicly traded and other factors pertinent to the valuation of investments generally. There is no public market for most of the investments; the markets for other investments are not wide. The Board is making its evaluation has in many instances, relied on financial data of investees and on estimates by the managements of the Company and of the investee companies as to the effect of future developments. In certain cases the Board relied on independent appraisals of certain investments. The Board has reviewed such documentation as is available.

The Company has acquired most of the securities by direct purchase from the issuer under investment representation, and the Board of Directors has valued the securities on the premise that they may not be sold without registration under the Securities Act of 1933. Except in the case of the purchase of shares pursuant to rights offerings, the Company has not purchased any securities at a price less than quoted market prices. The price of securities purchases by the Company from the issuer has been determined by direct negotiation between the Company and the issuer. In cases where registration may be required to dispose of an investment, the Company has a right to request at least one registration at the issuer's expense.

3. Investment in 301(d) Licensee.

The Company acquired a 20% interest in Central Mesbic, Inc. on January 1, 19X9 for $400,000. The investment is carried and reported on the equity method of accounting.

4. Other Assets.

Cash Surrender Value of Life Insurance	$ 7,200
Miscellaneous	2,527
Total	$ 9,727

5. Long-Term Debt

The long-term debt (exclusive of current maturities) owed to the Small Business Administration at March 31, 19X3 consists of the following:

5-1/2% Note Payable, payable in five annual instalments of $30,000 each beginning July 23, 1976	$ 150,000
5% Subordinated Debenture, payable in semi-annual instalments of $2,400 each concluding May 27, 1974, nine semi-annual instalments of $4,800 each beginning November 27, 1974, and $74,800 on May 27, 1979	120,400

5% Subordinated Debenture, payable in semi-annual instalments of $4,360 each concluding September 18, 1977, eight semi-annual instalments of $10,675 each beginning March 18, 1978, and $129,000 on September 18, 1982..........................	244,920
5% Subordinated Debenture, payable in ten semi-annual instalments of $5,000 each beginning December 15, 1974, eight semi-annual instalments of $12,500 each beginning December 15, 1979, and $150,000 on June 15, 1984..........................	300,000
5-3/4% Subordinated Debentures, payable August 29, 1978...	625,000
7% Subordinated Debenture, payable May 26, 1980..........	1,000,000
7-3/8% Subordinated Debentures, payable May 1, 1981.......	2,500,000
Total..............................	$4,940,320

Although the Note Payable is unsecured, the Company man not pledge, assign or otherwise encumber any investments without prior written approval of the Small Business Administration.

6. Contingent Liability

The Company has been advised by its legal counsel that it may have a substantial contingent liability in connection with the registration with the Securities and Exchange Commission and offer of sale to the public in July 1972 by Indulge, Inc. of 100,000 shares of its common stock, which, it is understood, is presently under investigation by the Commission. The Company owns 56,247.8 of the approximately 410,000 outstanding shares of Indulge and $150,000 principal amount of 12% subordinated notes of Indulge. These securities were acquired in 1970 and 1971. An officer of the Company was a director of Indulge from 1971 through January 22, 1973.

7. Unrealized Depreciation

Of unrealized depreciation totaling $500,080 as of December 31, 19X3, $471,170 was provision for losses and $28,910 was temporary market decline as summarized below:

Description	Provision for Losses	Temporary Market Decline	Total
Portfolio Securities:			
Loans	150,000	——	150,000
Debt Securities	118,998	——	118,998
Equity Interests	172	28,910	29,082
Total	269,170	28,910	298,080
Assets Acquired:			
Receivables from Debtors	12,000	——	12,000
Operating concerns Acquired	190,000	——	190,000
Total	202,000	——	202,000
Unrealized Depreciation	471,170	28,910	500,080

8. Pension plan

Pension benefits are being provided through the purchase of individual insurance policies for the benefit of eligible employees. The costs of such policies for 19X3 were $7,376. There is no past service cost under the plan.

XII. INDEPENDENT ACCOUNTANT'S REPORT

A. *Report format*. The Independent Accountant's Report will be a "Short-Form Report" as set forth in Section 500 of the Statement on Auditing Standards issued by the American Institute of Certified Public Accountants. (See illustration) The financial statements that constitute Part I of the Financial Report, SBA Form 468, and will accompany the auditor's report as well as footnotes the auditor considers necessary.

The Accountant's Report shall be dated, signed, and will indicate city and state where issued. It should also identify without detailed enumeration the financial statements covered by the report.

B. *Accountant's opinion*. The accountant's examination should be directed toward the expression of an opinion as to whether the statement contained in the Financial Report, Part I, SBA Form 468 present fairly the financial position of the licensee as of the examination date and the results of its operations and changes in financial position for the period then ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Results of operations of a licensee as expressed in the auditor's opinion of necessity must include both realized activities reported in the Statement of Operations Realized and changes in unrealized activities as reported in the Statement of Unrealized Gain (Loss) on Securities Held. The purpose for the two statements as previously explained, is to measure separately realized activities and unrealized activities. Another purpose for the two statements is that the unrealized activities result from good faith valuations of loans and investments by the licensee's Board of Directors rather than completed transactions which is the basis for realized activities.

The accountant should, when possible, render an unqualified opinion, or an opinion whose qualification is related to the valuation of securities determined by the Board of Directors. Such a qualification is a usual opinion for an investment company.

When the accountant finds it necessary to otherwise qualify or to disclaim an opinion, then he should cite, when applicable, the specific loans, investments, or other items causing such qualification or disclaimer and the reason for such qualification or disclaimer.

The accountant is not required to extend his opinion to include the information contained in Part II of the Annual Report. He should, however, satisfy himself that the information reported thereon is consistent with the statements upon which he is expressing an opinion.

C. *Accountant's report illustrated*. The following sample independent accountant's Short-Form Report is intended to illustrate pertinent matters discussed in this Guide including matters that involve valuation of securities. It is not all inclusive, nor is it intended to cover all of the different situations that may arise in practice.

POTTER & POTTER,
CERTIFIED PUBLIC ACCOUNTANTS,
1260 MARINE PLAZA SE.,
Washington, D.C. 20016.

To the Stockholders and Board of Directors,
General Capital Company.

We have examined the statement of financial position of General Capital Company including the schedule of loans and investments as of December 31, 19X3 and the related statements of operations realized, unrealized gain (loss) on securities held, and changes in financial position for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. The Company's investment securities were inspected by us or confirmed to us by the custodian.

As discussed more fully in Note 2 to the financial statements, securities amounting to $5,432,242 (54 percent of the total assets) have been valued at fair value as determined by the Board of Directors. We have reviewed the procedures applied by the directors in valuing such securities and have inspected underlying documentation; while in the circumstances the procedures appear to be reasonable and the documentation appropriate, determination of fair value involves subjective judgment which is not susceptible to substantiation by auditing procedures.

In our opinion, subject to the possible effect on the financial statements of the valuation of securities determined by the Board of Directors as described in the preceding paragraph, the above statements present fairly the financial position of General Capital Company at December 31, 19X3, and the results of operations, changes in financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

POTTER & POTTER.

April 23, 1974.

XIII. THE ACCOUNTANT'S WORK PAPERS

As a normal practice, the SBA Examiners review the accountant's work papers in determining the scope of the SBA compliance examination. Therefore, the agreement between the Licensee and the accountant whereby the accountant is engaged to perform the audit (financial examination) should provide that the accountant's work papers will be made available for review upon request from the SBA.

XIV. GLOSSARY

Certain terms are defined below to assist the reader of the Guide. Other terms are defined in § 107.3 of the SBA rules and regulations or in the glossary to the AICPA Audit Guide.

Assets acquired in liquidation of portfolio securities. Are those securities or assets acquired by the licensee through foreclosure or other action taken to protect its investment.

Current maturities. Are the amounts reasonably expected to be collected (if assets) or paid (if liabilities) during the following year.

Cost of securities. The amount paid for securities including closing cost but net of unearned discounts, fees, etc.

Distribution. Any payment to stockholders of cash, property or shares, including any form of dividend.

Equity interest of SBC. Is a primary grouping of portfolio securities and includes (a) stock of SBC, (b) warrants, options or other stock rights and (c) equity interest of unincorporated concerns.

Equity method of accounting. A method of accounting for investments in common stock whereby the investment account is increased (or decreased) to reflect the investor's proportionate share of an investee's current earnings (or losses) regardless of whether earnings are paid out as dividends. Dividends, when paid, are a reduction of the carrying value of the investment.

Fair value. Value determined by the Licensee's Board of Directors for securities where no market quotations are readily available or where the securities contain restrictions.

Interest subsidy. A term used in section 317 of the Small Business Investment Act to describe the 3 percent deferment of interest on 301(d) licensee leverage funds.

Loans and investments. Are the securities held by the licensee for investment (excluding invested idle funds) and includes portfolio securities, assets acquired in liquidation of portfolio securities and other securities.

Net investment income. Income from interest and dividends on the licensee's loans and investments, and all other realized income except realized gain (loss) from security transactions, less operating expenses.

Net sales price. Sale price of securities less cost of selling such securities; i.e., commission, transfer tax, etc.

Non-monetary receipts. Proceeds from a securities transaction that are other than cash.

Non-cash gain on securities sold. The amount of gain realized on the sale of securities to the extent that the net sales price is other than cash.

Non-monetary transactions. Includes either reciprocal or nonreciprocal transactions not involving cash.

Other securities. Are securities held by the licensee that are not classified as portfolio securities or assets acquired.

Portfolio securities. Are securities resulting from financings made to small business concerns and include loans, debt securities and equity interests.

Securities. Include loans and Investments as well as invested idle funds.

Undistributed realized earnings. The cumulative balance of period net investment income including realized gain (loss) on securities sold net of dividend distribution.

Undistributed net realized earnings. The amount of undistributed realized earnings net of non-cash gains on securities sold.

Unrealized appreciation. The amount by which the value of loans and investments exceeds cost.

Unrealized depreciation. The amount by which the value of loans and investments are less than cost.

Unrealized gain (loss) on securities held. The gain (loss) on securities held that would have been realized after taxes had such securities been sold in the normal course of business.

E. *Summary of portfolio—schedule A*. This schedule is a summary of the licensee's portfolio by type of security and showing three separate measurements as follows: The activity within the portfolio during the period on a cost basis; the portfolio at Lower of cost or market at the statement date; and the portfolio at value at the statement date.

The amounts shown on this schedule are the totals of schedules 1 through 5.

1. *Activity within the portfolio* is to be shown net of unearned discounts and fees. Such activity is measured according to cash and non-cash additions, cash and non-cash deductions. The balance at the beginning of the period is adjusted by the net increase (decrease) during the period and thereby resulting in the balance at the end of the period.

2. *Portfolio at lower of cost or market* is determined by reducing the balances of types of securities at the end of the period carried on cost basis by the unrealized depreciation in the portfolio.

3. *Portfolio at value* is determined by increasing the balances of types of securities reflected on the lower of cost or market basis by the amount of unrealized appreciation in the portfolio.

The following schedule shows how the amounts are obtained.

NAME OF LICENSEE	Report for the	months ended
LICENSE NO.		SCHEDULE A

SUMMARY OF PORTFOLIO (In Dollars Only—No Cents)
(Including Participations Purchased and After Deduction of Participations Sold)

DESCRIPTION	LOANS	DEBT SECURITIES	EQUITY INTERESTS				(1)+(2)+(8)=(9) TOTAL
	(1)	(2)	(3) +	(4) +	(5) =	(8)	
	AMOUNT	AMOUNT	STOCK OF SBC	EQUITY INTEREST OF UNINCORPORATED SBC	WARRANTS, OPTIONS & OTHER RIGHTS	TOTAL	
1. Balance Beginning of Period *							
2. Add: Cash Additions							
3. Non-Cash Additions							
4. TOTAL (Lines 2 & 3)							
5. Less: Cash Deductions							
6. Non-Cash Deductions							
7. TOTAL (Lines 5 & 6)							
8. Net Increase (decrease) (Line 4 Minus 7)	Totals of Schedule 1	Totals of Schedule 2	Totals of Schedule 3	Totals of Schedule 4	Totals of Schedule 5	Total Col. 3, 4, & 5	Total
9. Balance at End of Period (Lines 1 & 8) (Portfolio on Cost Basis)							
10. Less Unrealized Depreciation *							
11. Lower of Cost or Market (Line 9 Minus 10)							
12. Add: Unrealized Appreciation							
13. Portfolio on Fair Value Basis (Line 11 Plus 12)							

* Balance at Beginning of Period is Net of Unearned Discounts, Fees, Etc.

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Page 1

1. *Schedule 1—Loans.* This schedule will include loans held, made, or otherwise obtained, as well as loans disposed of by the company during the period. Such data shall be reported as indicated by the column heading. The reporting company's portion of participation in loans shall be included.

List each loan by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions during period; noncash additions during period (include refinancing); cash deductions during period; noncash deductions during period; and principal balance at close of period. The total in columns 4 through 10 shall be entered in column 1 of the Summary of Portfolio, Schedule A.

As indicated by the footnote on the schedule 1, the beginning balances as well as additions during the period are to be net of unearned discounts, fees, etc.

An explanatory notation or footnote shall be entered in the schedule with respect to any loan (or any interest therein) obtained from another Licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all loan financings on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number. Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

NAME OF LICENSEE						Report for the		months ended		
LICENSE NO. 1-8	LOANS (In Dollars Only–No Cents) (Including Participations Purchased and After Deduction of Participations Sold)								SCHEDULE 1	
SMALL BUSINESS CONCERN (DEBTOR)	19-39			40-46	48-54			56-70		
EMPLOYER IDENTIFICATION NUMBER AND OWNER GROUP CODE NUMBER FINANCING NUMBER INTEREST RATE AND SIC CODE	NAME, STREET ADDRESS, CITY, STATE, AND ZIP CODE, NAME OF COUNTY IN WHICH LOCATED	DATE AND MATURITY DATE	PRINCIPAL BALANCE OF FINANCING AT BEGINNING OF PERIOD *	CASH ADDITIONS DURING PERIOD	NON-CASH ADDITIONS DURING PERIOD (INCLUDE REFINANCING)	CASH DEDUCTIONS DURING PERIOD	NON-CASH DEDUCTIONS DURING PERIOD	PRINCIPAL BALANCE OF FINANCING AT CLOSE OF PERIOD	MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	UNREALIZED APPRECIATION (DEPRECIATION)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(10)−(9)=(11)
EMP. I.D. NUMBER AND GROUP CODE:										
FINANCING NO.: INTEREST RATE:										
SIC 4 DIGIT CODE:										
SBA USE ONLY 9										
15										
EMP. I.D. NUMBER AND GROUP CODE:										
FINANCING NO.: INTEREST RATE:										
SIC 4 DIGIT CODE:										
SBA USE ONLY 9										
19										
EMP. I.D. NUMBER AND GROUP CODE:										
FINANCING NO.: INTEREST RATE:										
SIC 4 DIGIT CODE:										
SBA USE ONLY 9										
19										
EMP. I.D. NUMBER AND GROUP CODE:										
FINANCING NO.: INTEREST RATE:										
SIC 4 DIGIT CODE:										
SBA USE ONLY 9										
19										
	TOTALS (To Page 1, Column 1)		Item 1	Item 2	Item 3	Item 8	Item 6	Item 9	Item 13	
							Total venture capital			
							Total special discretionary portfolio			

*Balance at Beginning of Period is Net of Unearned Discounts, Fees, Etc.

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2. *Schedule 2—Debit securities.* This schedule will include debt securities (§ 107.302(b)(3)) held or acquired during the period as well as those converted, or disposed of during the period. Such data shall be reported as indicated by the column headings. The reporting company's portion of participation in debt securities shall be included.

List each debt security by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions or deductions during period; noncash addition or deductions during period; and principal balance at close of period, and fair value of debt securities as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 2 of the Summary of Portfolio, Schedule A.

As indicated by a note on this schedule, the beginning balances as well as non-cash additions during the period are to be net of unearned discounts, fees, etc.

Show in column (11) opposite each debt security financing the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any debt security (or any interest therein) obtained from another Licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all debt security financings on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate owner group code number, in parentheses, following employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "total venture capital."

NAME OF LICENSEE

Report for the months ended

LICENSE NO. 1-8

DEBT SECURITIES (In Dollars Only—No Cents)

(Including Participations Purchased and After Deduction of Participations Sold)

SCHEDULE 2

SMALL BUSINESS CONCERN (ISSUER)	29-38			40-44	48-54			64-70		71	
EMPLOYER IDENTIFICATION NUMBER AND OWNER GROUP CODE NUMBER FINANCING NUMBER INTEREST RATE AND SIC CODE	NAME, STREET ADDRESS, CITY, STATE, AND ZIP CODE, NAME OF COUNTY IN WHICH LOCATED	DATE AND MATURITY DATE	PRINCIPAL BALANCE OF FINANCING AT BEGINNING OF PERIOD *	CASH ADDITIONS DURING PERIOD	NON-CASH ADDITIONS DURING PERIOD (INCLUDE REFINANCING)	CASH DEDUCTIONS DURING PERIOD	NON-CASH DEDUCTIONS DURING PERIOD	PRINCIPAL BALANCE OF FINANCING AT CLOSE OF PERIOD	MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	PER-CENT %	UNREALIZED APPRECIATION (DEPRECIATION)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(10)−(9)=(12)
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE											
SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 19											
		TOTALS (To Page 1, Column 2)	Item 1	Item 2	Item 3	Item 5	Item 6	Item 9	Item 13		
							Total venture capital				
							Total special discretionary portfolio				

* Balance at Beginning of Period is Net of Unearned Discounts, Fees, Etc.

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3. *Schedule 3—Capital stock of SBCs.* This schedule will include capital stock (§ 107.-302(b)(1)) of small business concerns held or acquired during the period as well as those sold, or disposed of otherwise during the period. Such data shall be reported as indicated by the column headings. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number: Owner Group Code number; financing Number; Standard Industrial Classification Code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date acquired, type and class, number of shares, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; balance at cost at close of period; percent of outstanding shares of SBC's stock licensee owns; and fair value of such stock as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 3 of the Summary of Portfolio, Schedule A.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee. A similar explanatory notation or footnote is to be entered for each non-cash additions or deductions during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of capital stock on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern. Enter the appropriate Owner Group Code number in parentheses.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9) on the last sheet of this schedule. Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

NAME OF LICENSEE

LICENSE NO. 1-8

Report for the months ended

SCHEDULE 3

CAPITAL STOCK OF SBCs (In Dollars Only—No Cents)

(Including Participations Purchased and After Deduction of Participations Sold)

SMALL BUSINESS CONCERN (ISSUER)	29-38			40-46	48-54			64-70		71	
EMPLOYER IDENTIFICATION NUMBER AND OWNER GROUP CODE NUMBER FINANCING NUMBER INTEREST RATE AND SIC CODE	NAME, STREET ADDRESS, CITY, STATE, AND ZIP CODE, NAME OF COUNTY IN WHICH LOCATED	DATE ACQUIRED, TYPE AND CLASS PAR OR STATED VALUE PER SHARE NUMBER OF SHARES	PRINCIPAL BALANCE OF FINANCING AT BEGINNING OF PERIOD	CASH ADDITIONS DURING PERIOD	NON-CASH ADDITIONS DURING PERIOD (INCLUDE REFINANCING)	CASH DEDUCTIONS DURING PERIOD	NON-CASH DEDUCTIONS DURING PERIOD	PRINCIPAL BALANCE OF FINANCING AT CLOSE OF PERIOD	MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	PERCENT %	UNREALIZED APPRECIATION (DEPRECIATION)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(10)−(9)=(12)
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE: SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE: SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE: SBA USE ONLY 9 19											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE: SBA USE ONLY 9 19											
TOTALS (To Page 1, Column 3)			Item 1	Item 2	Item 3	Item 5	Item 6	Item 9	Item 13		
								Total venture capital			
								Total special discretionary portfolio			

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4. *Schedule 4—Equity interests of unincorporated concerns.* This schedule will include equity interests of unincorporated concerns (See § 107.302(b)(2)) held or acquired during the period as well as those sold or disposed of otherwise during the period. Such data is to be reported as indicated by the column headings. The reporting licensee's portion of participation in equity interests of unincorporated concerns will be included.

List each equity interest by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions and deductions during period; noncash additions and deductions during period; and principal balance at close of period, percentage of the Unincorporated concern the licensee owns; and fair value of the equity interest as determined by that licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 4 of the Summary of Portfolio, Schedule A.

Show in column 11 opposite each equity interest financing, the percentage of the Unincorporated concern and equity that is owned by the licensee.

An explanatory notation or footnote will be entered in the schedule with respect to any equity interest obtained from another Licensee. Also, a notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of equity interests on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate owner group code number, in parentheses, following employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern in engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

NAME OF LICENSEE

Report for the months ended

LICENSE NO. 1-4

EQUITY INTEREST OF UNINCORPORATED SBCs (In Dollars Only—No Cents)

(Including Participations Purchased and After Deduction of Participations Sold)

SCHEDULE 4

SMALL BUSINESS CONCERN (ISSUER)	29-38			40-46	48-54			64-70		71	
EMPLOYER IDENTIFICATION NUMBER AND OWNER GROUP CODE NUMBER FINANCING NUMBER INTEREST RATE AND SIC CODE	NAME, STREET ADDRESS, CITY, STATE, AND ZIP CODE, NAME OF COUNTY IN WHICH LOCATED	DATE ACQUIRED TYPE OF OWNERSHIP	PRINCIPAL BALANCE OF FINANCING AT BEGINNING OF PERIOD	CASH ADDITIONS DURING PERIOD	NON-CASH ADDITIONS DURING PERIOD (INCLUDE REFINANCING)	CASH DEDUCTIONS DURING PERIOD	NON-CASH DEDUCTIONS DURING PERIOD	PRINCIPAL BALANCE OF FINANCING AT CLOSE OF PERIOD	MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	PERCENT %	UNREALIZED APPRECIATION (DEPRECIATION)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(10)−(9)=(12)
EMP. I.D. NUMBER AND GROUP CODE:											
FINANCING NO.: INTEREST RATE:											
SIC 4 DIGIT CODE											
SBA USE ONLY 5 19											
EMP. I.D. NUMBER AND GROUP CODE:											
FINANCING NO.: INTEREST RATE:											
SIC 4 DIGIT CODE:											
SBA USE ONLY 5 19											
EMP. I.D. NUMBER AND GROUP CODE:											
FINANCING NO.: INTEREST RATE:											
SIC 4 DIGIT CODE											
SBA USE ONLY 5 19											
EMP. I.D. NUMBER AND GROUP CODE.											
FINANCING NO.: INTEREST RATE:											
SIC 4 DIGIT CODE:											
SBA USE ONLY 5 19											
TOTALS											
(To Page 1, Column 4)			Item 1	Item 3	Item 3	Item 5	Item 6	Item 9	Item 13		
							Total venture capital				
							Total special discretionary portfolio				

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5. *Schedule 5—Warrants, options, and other stock rights acquired*. This schedule will include warrants, options, and other stock rights acquired from small business concerns held or acquired during the period as well as those exercised, sold or otherwise disposed of during the period. Such data is to be reported as indicated by the column headings. The reporting licensee's participation in investments shall be included.

The wararnts, options or other rights to be included in this schedule shall be those for which a cost has been determined separate from that of the financing instruments which they accompanied. If no separate cost is determined, no amount will be entered in column 9. However, the fair value as determined by the Licensee's board of directors will be entered in column 10.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date acquired type and class, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period; percent of potential ownership of the financed concerns stock the licensee would acquire if the warrants, options or other rights are exercised; and fair value of such warrants, options and other rights as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 5 of the Summary of Portfolio, Schedule A.

Show in column (11) opposite each financing item the percentage of the financed small business concern's voting securities which can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth together with an explanation including the names of the other investors who are likely to exercise their rights the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of warrants, options, and other stock rights financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate owner group code number, in parentheses, following the employee identification number of each small business concern. In column 1 enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

(d) In column (9) identify each item "pledged" on "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

NAME OF LICENSEE

Report for the months ended

LICENSE NO. 1-8

WARRANTS, OPTIONS, AND OTHER STOCK RIGHTS ACQUIRED FROM SBCs (In Dollars Only—No Cents)
(Including Participations Purchased and After Deduction of Participations Sold)

SCHEDULE 5

SMALL BUSINESS CONCERN (ISSUER)		28-38		40-46	48-54			64-70		71	
EMPLOYER IDENTIFICATION NUMBER AND OWNER GROUP CODE NUMBER FINANCING NUMBER INTEREST RATE AND SIC CODE	NAME, STREET ADDRESS, CITY, STATE, AND ZIP CODE, NAME OF COUNTY IN WHICH LOCATED	DATE ACQUIRED, TYPE AND CLASS TRANSFERABLE EXERCISE DATES EXERCISE PRICES	PRINCIPAL BALANCE OF FINANCING AT BEGINNING OF PERIOD	CASH ADDITIONS DURING PERIOD	NON-CASH ADDITIONS DURING PERIOD (INCLUDE REFINANCING)	CASH DEDUCTIONS DURING PERIOD	NON-CASH DEDUCTIONS DURING PERIOD	PRINCIPAL BALANCE OF FINANCING AT CLOSE OF PERIOD	MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	PERCENT %	UNREALIZED APPRECIATION (DEPRECIATION)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(10)−(9)=(12)
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO. INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 15											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 15											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY 9 15											
EMP. I.D. NUMBER AND GROUP CODE: FINANCING NO.: INTEREST RATE: SIC 4 DIGIT CODE:											
SBA USE ONLY											
		TOTALS									
		(To Page 1, Column 5)	Item 1	Item 2	Item 3	Item 5	Item 6	Item 9	Item 13		
							Total venture capital				
							Total special discretionary portfolio				

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6. *Schedule 6—Details of certain portfolio securities listed in schedule 1 through 5.* Enter in this schedule portfolio securities shown in Schedules 1 through 5 when any one or more of the following conditions exist with respect to the financed concern:

1. New or additional financing furnished during the period, as shown in column (5) and (6) of Schedules 1 through 5.
2. The terms of existing financing amended and/or the related collateral changed during the fiscal year to date.
3. The rescheduling, refinancing, or refunding of principal and/or the interest of any portfolio security, or conversion of a delinquent item during the period. (Full details on such events are to be furnished in column (6) or on an attached sheet.)
4. Installment payments of principal and/or interest on loans or debt securities are past due more than one year.
5. An outstanding SBA loan, SBA guarantee or a bank loan or other private loan to the Licensee's portfolio concern.

List the items by employer identification number in column (1) and identify them by name of small business concern, type of financing, and financing number in columns (2), (3), and (4). In column (5) show the original principal amount or other cost. Details of the amortization plan and other significant provisions of the financing instruments, including a precise description of capital stock of SBCs, shall be set forth in column (6). The outstanding balance of any SBA direct loan, SBA participation loan, or SBA guaranteed loan to the Licensee's portfolio concern is to be shown in column (7). The Licensee is requested to obtain this information from the portfolio small business concern, if it is not already available in the Licensee's office. The value and description of collateral are to be set forth in column (8). Information as to the portion of such collateral assigned as security for the financing granted by the Licensee is required to be presented in column (8).

If any portfolio securities earmarked or pledged to SBA are in default as to payment of principal or interest, or with respect to any other covenants of the financing agreements, the repayment delinquencies will, of course, be included in Schedule 7. Any other defaults are to be described in column (6) of Schedule 6. Such earmarked or pledged portfolio securities shall be identified in the schedule by the letter (E) or (P), as securities are in default as to principal or interest payments, or as to any other covenants in the financing agreements, a statement to that effect be placed on Schedule 6.

NAME OF LICENSEE

Report for the ______ months ended ______, 19___

LICENSE NO.

DETAILS OF CERTAIN PORTFOLIO SECURITIES LISTED IN SCHEDULE 1 THROUGH SCHEDULE 5

SCHEDULE 6

EMPLOYER IDENTIFICATION NUMBER (a)	NAME OF SMALL BUSINESS CONCERN	L D S W	FINANCING NUMBER	ORIGINAL PRINCIPAL AMOUNT OR OTHER COST	AMORTIZATION PLAN, ETC. (FOR CAPITAL STOCK, GIVE TYPE AND CLASS, PAR OR STATED VALUE PER SHARE, AND NUMBER OF SHARES.)	SBA LOANS AND GUARANTEES BALANCE OUTSTANDING	VALUE AND DESCRIPTION OF COLLATERAL
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(a) To determine which financings are required to be entered in this schedule, see the Instructions for Schedule 6 in Instructions for Preparation of the Financial Report (SBA Form 468).

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7. *Schedule 7—Allowance for losses on portfolio securities (delinquent loans and debt securities)*. List in this schedule loans and debt securities for which allowance for losses have been established or allocated on a specific item basis for IRS purposes, and/or which are delinquent to the extent of having installment payments past due more than 1 month. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and record the financing number in column (3) if there has been more than one financing of the same type with respect to the same small business concern.

In columns (4) through (8), show the opening balance of the allowance for losses on each security, the additions and deductions pertaining to such allowance, and the closing balance, all relating to the period. If there exists an overall allowance for losses, established on a percentage or other basis and not allocated to individual securities, the beginning and ending balances thereof, together with changes during the period, shall be shown appropriately on the "Total" line at the bottom of the schedule.

Shown in column (9) the principal balance or other cost, as of the close of the period, of each security listed on the schedule. In columns (10) and (11) show all installments of principal and/or interest past due more than one month on loans and debt securities. Such portfolio items shall be identified and classified in columns (1), (2), and (3), and any allowances for losses related thereto shall be included appropriately in the columns provided. Any loans or debt securities earmarked or pledged to SBA shall be identified in the schedule by the letter (E) or (P), as appropriate. Show the totals of columns (10) and (11).

NAME OF LICENSEE

Report for the ______ months ended ______, 19__

LICENSE NO.

ALLOWANCE FOR LOSSES ON PORTFOLIO SECURITIES DELINQUENT LOANS AND DEBT SECURITIES

SCHEDULE 7

EMPLOYER IDENTIFICATION NUMBER (a) AND NAME OF SMALL BUSINESS CONCERN	L D E W	FINANCING NUMBER	BALANCE OF ALLOWANCE AT BEGINNING OF PERIOD	ADDITIONS TO ALLOWANCE		DEDUCTIONS FROM ALLOWANCE (DESCRIBE) (b)	BALANCE OF ALLOWANCE AT CLOSE OF PERIOD	PRINCIPAL BALANCE OR OTHER COST OF SECURITY AT CLOSE OF PERIOD	DELINQUENT LOANS AND DEBT SECURITIES INSTALLMENTS PAST DUE MORE THAN ONE MONTH		SBA USE ONLY
				CHARGED TO EXPENSE	CHARGED TO OTHER (DESCRIBE) (b)				PRINCIPAL 1-8	INTEREST 9-16	75-4 LINE NO.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
TOTALS								XXX			XXX

(a) List only portfolio securities for which an allowance for losses has been established or allocated on a specific item basis and/or which (if loans or debt securities) are delinquent to the extent of having installment payments past due more than one month.

(b) Use footnote or attached sheet for required description.

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F. *Analysis of assets acquired in liquidation of portfolio securities—Schedule B.* This schedule is a summary of the Licensee's assets acquired in liquidation of portfolio securities by type of assets acquired and showing the same measurements as does the Summary of Portfolio as follows: The activity within the assets acquired during the period on a cost basis; assets acquired at lower of cost or market at the statement date; and assets acquired at value at the statement date.

The amounts shown on this schedule of "funded assets acquired" are the totals of schedules 8 through 10. The commitments and Guarantees can be obtained from memorandum accounts CL-15 or CL-16.

It should be noted that "other assets acquired" as shown in column 3 are to be net of mortgages payable on the related assets.

The following schedule shows how the amounts contained in the analysis are obtained.

SCHEDULE B

NAME OF LICENSEE: ______

ANALYSIS OF ASSETS ACQUIRED IN LIQUIDATION OF PORTFOLIO SECURITIES
AS OF ______

DESCRIPTION	FUNDED ASSETS ACQUIRED					
	(1) +	(2) +	(3) =	(4)	(5)	(4) + (5) = (6)
	AMTS. DUE FROM DEBTORS	OPERATING SBCS	OTHER * ASSETS ACQUIRED	TOTAL	COMMITMENTS & GUARANTEES	TOTAL
1. Balance, Beg. of period **	Totals of Schedule 8	Totals of Schedule 9	Totals of Schedule 10	Total col. 1 thru 3	Memo accounts CL-15 and 16	Total
2. Add: Cash Additions						
3 Non-cash Additions						
4. TOTAL (Lines 2 and 3)						
5. Less: Cash Deductions						
6. Non-cash Deductions						
7. TOTAL (Lines 5and 6)						
8. Net Increase (Decrease) (Line 4 minus 7)						
9 Balance, End of Period (Line 1 plus 8) (Cost Basis)						
Less Unrealized Depreciation						
1 Lower of cost or market (Line 9 minus 10)						
12. Add Unrealized Appreciation						
3. Fair Value (Line 11 plus 12)						

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*This amount will include mortgages payable assumed by Licensee.

**Balance at beginning of period is net of unearned discounts, fees, etc.

1. *Schedule 8—Amounts due from debtors on sale of assets acquired in liquidation of portfolio securities.* Show in this schedule, by debtors, accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in account 200 "Receivables due from debtors on sale of assets acquired in liquidation of portfolio securities." The interest rate and other terms shall be given. The balances at the beginning and close of the period shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of the reporting company's portion of individual amounts due shall be recorded in column (9) opposite the name of the debtor. The totals of columns (5) through (9) will be entered in column 1 of Schedule B, Analysis of Assets Acquired in Liquidation of Portfolio Securities. Under column (2) identify the asset or assets originally acquired in liquidation to which the amount due relates.

NAME OF LICENSEE

Report for the ________ months ended ________, 19 ___

AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF PORTFOLIO SECURITIES ALLOWANCE FOR UNCOLLECTIBLES

SCHEDULE 8

NAME AND ADDRESS OF DEBTOR	DESCRIPTION OF RECEIVABLES	TERMS		AMOUNTS DUE FROM DEBTORS				ALLOWANCE FOR UNCOLLECTIBLES AT CLOSE OF PERIOD (*)
		INTEREST RATE	MATURITY, AMORTIZATION PLAN, ETC.	BALANCE AT BEGINNING OF PERIOD	ADDITIONS DURING PERIOD	DEDUCTIONS DURING PERIOD	BALANCE AT CLOSE OF PERIOD	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
							A/C 200	A/C 203
TOTALS		XXX	XXX					
(To Page 9, Column 1)		XXX	XXX	Item 1	Item 4	Item 7	Item 9	Item 10

(*) On this schedule or on an attached sheet, give complete details of any charges to this account during the period representing the write-offs of amounts due from debtors on sale of assets acquired in liquidation of Portfolio Securities.

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2. *Schedule 9—Operating SBCs acquired.* This schedule summarizes certain information relating to portfolio concerns the licensee has acquired control over as a result of taking action to protect its investment. Such concerns are those that are operating; accordingly, the licensee will dispose of all or at least controlling interest of such concern.

Each concern acquired by the licensee will be listed on the schedule with the appropriate information requested. The source of data on this schedule is Schedule 9(a).

Identify in column 1 the name and address of the concern acquired. In column 2, show a breakdown in percentage the ownership of the concern according to ownership by Licensee, other SBIC, Licensee's associates, and other.

Columns 3 through 6 contain information on the licensee's investment in the concern on a cost basis. Column 3 is the balance at the beginning of the period, column 4 and 5 represent additions and deductions, respectively, during the period and column 6 represents the balance at the end of the period.

Columns 7 through 9 represent valuation of such investments at the statement date. Column 7 represents the value of the investments in operating concerns acquired as determined by licensee. Column 8 represents valuation below cost (unrealized depreciation) and Column 9 represents valuation above cost (unrealized appreciation).

Schedule 9 is shown below and the source of information contained thereon is indicated.

NAME OF LICENSEE

Report for the ______ months ended ______, 19 ______

LICENSE NO.

SCHEDULE OF ACQUIRED OPERATING SMALL BUSINESS CONCERNS

SCHEDULE 9

NAME LOCATION BY CITY, COUNTY, AND STATE OF SMALL BUSINESS CONCERN (FORMER DEBTOR)	PERCENTAGE OWNERSHIP (2)				COST BASIS				MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	(6)-(7)=(8) UNREALIZED DEPRECIATION	(7)-(6)=(9) UNREALIZED APPRECIATION
	LICENSEE	OTHER SBIC	LICENSEE ASSOC.	OTHER	BALANCE AT BEGINNING OF PERIOD	ADDITIONS DURING PERIOD	DEDUCTIONS DURING PERIOD	BALANCE AT CLOSE OF PERIOD			
(1)	(a)	(b)	(c)	(d)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					Schedule 9(a), line 1, column 4	Schedule 9(a), line 4, column 4	Schedule 9(a), line 7, column 4	Schedule 9(a), line 9, column 4	Schedule 9(a), line 13, column 4	Schedule 9(a), line 10, column 4	Schedule 9(a), line 12, column 4
TOTALS (To Page 9, Column 2)					Item 1	Item 4	Item 7	Item 9	Item 13	Item 10	Item 12
								Total venture capital			

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3. *Schedule 9a—Detailed information on operating concern acquired.* For each concern listed on Schedule 9, a completed Schedule 9a will be included in the Management Report. The purpose of this schedule is to summarize the licensee's total investment in the concern acquired and the activity with respect to that investment. Attached to the schedule should be a copy of the latest annual financial statements of the concern acquired. Also attached should be a narrative summary as to the circumstances surrounding the acquisition of the concern acquired during the year of acquisition and a status summary as to action during the year to dispose of the licensee's controlling interest in the concern.

The heading of the schedule will contain the concern's name and address, employer's I.D. code, and SIC Code. The body of the schedule will disclose the licensee's investment according to loans, debt securities and/or equity investments that were previously reported as portfolio securities and will measure the activity with respect to such investment.

Further, contingent liabilities of the licensee to the concern acquired in the form of guarantees and commitments will also be disclosed in this schedule.

During the period the licensee's financings are reclassified from portfolio securities to assets acquired, there should be full disclosure as to the source of amounts that have been reclassified. Such amounts would be noncash additions during the period in this schedule and non-cash deductions on schedules where amounts were transferred from.

The source of information contained in this schedule can be found by analyzing activity in the accounts indicated on the following page.

SCHEDULE 9a

NAME OF OPERATING SBC: ____________________

ADDRESS: ____________________
Street Address City State Zip Code

EMPLOYER'S IDENTIFICATION CODE: __________ SIC CODE (4 Digit): __________

DESCRIPTION	FUNDED ASSETS ACQUIRED (1) LOANS	(2) DEBT SECURITIES	(3) EQUITY	(4) TOTAL	COL. 4 TO PAGE 11	(5) COMMITMENTS & GUARANTEES	(6) TOTAL
1. Balance, Beginning of Period*					Col. 3		
2. Add: Cash Additions							
3. Non-cash Additions							
4. Total (Lines 2 and 3)					Col. 4		
5. Less: Cash Deductions	A/C 204.1	A/C 204.2	A/C 204.3	A/C 204		CL-15, 16	
6. Non-cash Deductions							
7. Total (Lines 5 and 6)					Col. 5		
8. Net Increase (Decrease) (Line 4 minus 7)							
9. Balance End of Period (Line 1 plus 8) (at cost)					Col. 6		
10. Less: Allowance for Losses	A/C 206.1	A/C 206.2	A/C 206.3	A/C 206	Col. 8		
11. Lower of Cost or Market (Line 9 minus 10)							
12. Add: Unrealized Appreciation	A/C 205.1	A/C 205.2	A/C 205.3	A/C 205	Col. 9		
13. Fair Value (Line 11 plus 12)					Col. 7		

* Balance at Beginning of Period is Net of Unearned Discounts, Fees, Etc.

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4. *Schedule 10—Other assets acquired in liquidation of portfolio securities.* List and describe in this schedule, by former debtors (small business concerns), other assets carried during the period, in the account No. 207 of the System of Account Classification for assets acquired in liquidation of portfolio securities. This schedule will represent only the reporting licensee's portion of such assets.

In column 2, fully describe the assets acquired. The balance at the beginning of the reporting period, additions and deductions during the period, and balance at the close of the period shall be shown in columns (3), (4), (5), and (6).

The fair value, as determined by the licensee's Board of Directors for such assets held at the end of the period will be recorded in column (7). Unrealized depreciation will be measured in column 8 and unrealized appreciation will be measured in column 9. The totals of columns (3) through (9) will be entered in column 3, Schedule B "Analysis of Assets Acquired in Liquidation of Portfolio Securities."

Schedule 10 is shown on the following page.

NAME OF LICENSEE

LICENSE NO.

Report for the ______ months ended ______, 19__

SCHEDULE 10

OTHER ASSETS ACQUIRED IN LIQUIDATION OF PORTFOLIO SECURITIES ALLOWANCE FOR LOSSES

NAME LOCATION BY CITY, COUNTY, AND STATE OF SMALL BUSINESS CONCERN (FORMER DEBTOR)	DESCRIPTION OF PROPERTY	OTHER ASSETS ACQUIRED				MARKET, OR FAIR VALUE AS DETERMINED BY THE BOARD OF DIRECTORS	(6)-(7)=(8)	(7)-(6)=(9)
		BALANCE AT BEGINNING OF PERIOD	ADDITIONS DURING PERIOD	DEDUCTIONS DURING PERIOD	BALANCE AT CLOSE OF PERIOD		UNREALIZED DEPRECIATION (a)	UNREALIZED APPRECIATION
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		A/C 207					A/C 206	A/C 205
TOTALS (To Page 9, Column 3)		Item 1	Item 4	Item 7	Item 9	Item 13	Item 10	Item 11

Total venture capital

(a) On this schedule or on attached sheet give complete details of any charges to this account during the period representing the write-off of assets acquired in liquidation of Portfolio Securities.

G. *Schedule 11—Participations and joint financing.* Show in this schedule the financings in which the reporting licensee participated as well as financings made jointly by the reporting licensee and one or more other lenders or investors during the period or which were outstanding at any time during such period. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and enter the financing number in column (3) if there has been more than one financing of the same type by the reporting company to the same small business concern.

In column (4) show the original total amount contributed by all parties in the participation or joint financing. The names of such participating or joint financing entities (including the name of the reporting licensee) shall be shown in column (5) with appropriate indication as to which is the initiating (sponsoring) entity.

Show in column (6), (7), or (8), as appropriate, the reporting licensee's outstanding principal balance, or other cost, of participation purchased, participation sold, or joint financing, as of the close of the period covered in the report. Enter in column (9) a description of collateral pertaining to each financing, together with information as to the percentage applicable to each party and as to any preferences agreed upon.

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NAME OF LICENSEE

LICENSE NO.

As of ____________, 19__

SCHEDULE 11

PARTICIPATIONS (a) AND JOINT FINANCINGS

EMPLOYER IDENTIFICATION NO. AND NAME OF SMALL BUSINESS CONCERN	L O & W	FINANCING NO.	ORIGINAL TOTAL AMOUNT OF FINANCING (b)	NAMES OF PARTICIPATING ENTITIES OR THOSE TAKING PART IN JOINT FINANCING (IDENTIFY INITIATING ENTITY)	REPORTING COMPANY'S OUTSTANDING PRINCIPAL BALANCE OF			DESCRIPTION OF COLLATERAL SHOWING PERCENT APPLICABLE TO EACH PARTY AND ANY PREFERENCE TO COLLATERAL
					PARTICIPATION PURCHASED (b)	PARTICIPATION SOLD (b)	JOINT FINANCING (b)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(a) A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

(b) Show participations in, or joint financings pertaining to, capital stock or warrants or options at cost.

H. *Schedule 12—Cash and invested idle funds.* Cash will be reported on Schedule 12 (a) and Invested Idle Funds will be reported on Schedule 12(b).

Schedule 12 (a)—Cash. Show cash on hand and in general funds demand deposits; funds in imprest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund. The amount shown on line 7 should be the same amount reported on line 14 of the Statement of financial Position.

Schedule 12(b)—Invested idle funds. Show in Schedule 12b(1) securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at part of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (6) and the current market value thereof in column (7).

Show in Schedule 12b(2) funds invested in insured savings accounts and funds on time deposit evidenced by time certificates of deposit. Savings accounts shall be with institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

The amount shown in Schedule 12(b)(2) line 19 represents invested idle funds and should be the same amount as shown on line 15 of the Statement of Financial Position.

Schedule 12 is shown below and the accounts containing the amount to be reported on this schedule are indicated.

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CASH, U.S. GOVERNMENT OBLIGATIONS, INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT	SCHEDULE 12
CASH	SCHEDULE 12(a)

NAME OF DEPOSITORY (1)	LOCATION OF DEPOSITORY (2)	AMOUNT (3)
1. General funds—demand balances with:		
(a)		
(b)		A/C 100-108
(c)		
(d)		
2. Deposits in imprest accounts with:		
(a)		
(b)		A/C 110-112
(c)		
3. Cash items in process of collection	XXX	A/C 118
4. Petty cash	XXX	A/C 120
5.		
6.		
7. Total Cash....................................	XXX	

U.S. GOVERNMENT OBLIGATIONS, INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT	SCHEDULE 12(b)
U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED	SCHEDULE 12(b)(1)

NAME OF ISSUER AND TITLE OF ISSUE (1)	INTEREST RATE (2)	CALL DATE (3)	MATURITY DATE (4)	PRINCIPAL at PAR (5)	PRINCIPAL at COST (6)	MARKET VALUE (7)
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10. Totals						A/C 130

INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT	SCHEDULE 12(b)(2)

NAME AND LOCATION OF DEPOSITORY		INSURED SAVINGS BALANCE	TIME CERTIFICATES OF DEPOSIT BALANCE
INSURED SAVINGS (1)	TIME CERTIFICATES OF DEPOSIT (2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.		A/C 131 - 134	A/C 135 - 137
11.			
12.			
13.			
14.			
15.			
16.			
17. Totals..			
18. Total Insured Savings and Time Certificates of Deposit (column (3) plus column (4), item 17)			XXX
19. Total U.S. Government Obligations, Insured Savings, and Time Certificates of Deposit (item 13 plus total column (6), Schedule 12(b)(1))..............................			XXX

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I. *Schedule 13—Average daily cash and invested idle funds balances.* This schedule is designed to measure cash or cash items available for investment. It is also a basis for measuring the licensee's level of activity.

The schedule is to include the 18 months period prior to the statement date. It is to include both cash and invested idle funds. However, should there be cash or idle funds that are encumbered or restricted (compensating balances, pledged funds, etc.); such amounts will be eliminated.

The amounts contained in the schedule can be obtained from the accounts shown on the following schedule.

Name of Licensee ______________________________

SCHEDULE OF AVERAGE DAILY CASH AND INVESTED
IDLE FUNDS BALANCES ON A MONTHLY BASIS
FOR ______ MONTHS ENDED ______, 1973

	MONTH & YEAR	(1) CASH	+	(2) IDLE FUNDS	=	(3) TOTAL
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.		A/C 100 through 129		A/C 130 through 137		
13.						TOTAL
14.						
15.						
16.						
17.						
18.						

REMARKS:

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J. *Schedule 14—Obligations payable.* Show in this schedule, by creditors, all obligations payable representing (1) debentures payable to SBA, (2) SBA direct loans, (3) guaranteed loans purchased by SBA, (4) loans guaranteed by SBA, (5) loans not guaranteed by SBA, (6) mortgages payable for funds borrowed, and (7) mortgages payable on assets acquired in liquidation of portfolio securities. Such liabilities shall be grouped by the foregoing categories, and described in column (2), but subtotals are not required. Guaranteed loans purchased by SBA represent loans, originally financed by banks, which have been transferred to SBA through reassignment, transfer and delivery of the notes to SBA.

The interest rate and other terms of each obligation shall be recorded in columns (3) and (4); the unpaid balance at the beginning of the fiscal year and additions and deductions during the period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between (a) amounts owed to or guaranteed by SBA for funds borrowed and (b) amounts owed to others for funds borrowed and/or amounts representing mortgages payable on assets acquired in liquidation of portfolio securities, shall be reflected in columns (8) and (9).

NAME OF LICENSEE				Report for the ______ months ended ______, 19__				
LICENSE NO.	LONG TERM DEBT							SCHEDULE 14
NAME AND LOCATION OF CREDITOR (a)	DESCRIPTION OF OBLIGATIONS	INTEREST RATE	DATE MATURITY DATE, AMORTIZATION PLAN, ETC.	BALANCE PAYABLE AT BEGINNING OF PERIOD	ADDITIONS DURING PERIOD	DEDUCTIONS DURING PERIOD	BALANCE PAYABLE AT CLOSE OF PERIOD	
							TO SBA	TO OTHERS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					A/C 300-	320		
TOTAL	XXX	XXX	XXX					

(a) Group the obligations payable by type under the headings: (1) "Debentures payable to SBA," (2) "SBA direct loans," (3) "Guaranteed loans purchased by SBA," (4) "Loans guaranteed by SBA," (5) "Loa not guaranteed by SBA," (6) "Mortgages payable for funds borrowed," and (7) "Mortgages payable on assets acquired in liquidation portfolio securities." Show in column (8) all obligations to SBA for funds borrowed and in column (9) all obligations to other than SBA for funds borrowed and/or on assets acquired in liquidation of portfolio securities.

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K. *Schedule 15—Capital stock of licensee.* Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common-$5 par, preferred (7 percent Series of 1969), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4) shall agree with Item 41 of the Statement of Financial Position. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price.

In column (9) shall be reported the amount of subscriptions receivable.

Column (10) shall show the number of shares (other than those under option reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

Schedule 15 is shown on the following page.

L. *Schedule 16—Options on licensee's capital stock.* Furnish in this schedule full information concerning outstanding capital stock options which have been granted by the company.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common $5 par, preferred (7 percent Series of 1969), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at the date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors in good faith.

Schedule 16 is shown on the following page.

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NAME OF LICENSEE						As of ____________, 19 ____				
LICENSE NO.	CAPITAL STOCK OF LICENSEE									SCHEDULE 15
TYPE AND CLASS PAR OR STATED VALUE	NUMBER OF SHARES AUTHORIZED BY CHARTER	SHARES ISSUED AND NOT RETIRED OR CANCELLED		NUMBER OF SHARES		AMOUNT OUTSTANDING AT PAR OR STATED VALUE	AMOUNT SUBSCRIBED AT SUBSCRIPTION PRICE	AMOUNT OF SUBSCRIPTIONS RECEIVABLE	NUMBER OF SHARES RESERVED FOR OFFICERS AND EMPLOYEES	NUMBER OF SHARES RESERVED FOR OPTIONS AND OTHER RIGHTS
		NUMBER	AMOUNT AT PAR OR STATED VALUE	HELD BY OR FOR ACCOUNT OF ISSUER	OUTSTANDING					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
					A/C	400-419				
TOTAL										

OPTIONS ON LICENSEE'S CAPITAL STOCK							SCHEDULE 16
IDENTIFICATION OF PERSON OR ENTITY HOLDING OPTION	NUMBER OF SHARES OPTIONED	TYPE AND CLASS OF STOCK CALLED FOR BY OPTION	GRANT AND EXPIRATION DATES OF OPTION	PRICE OR PRICES (WITH DATES) AT WHICH OPTION EXERCISABLE	FAIR MARKET VALUE, PER SHARE, OF STOCK CALLED FOR AT DATE OPTION WAS GRANTED	PRICE OF OPTION AS PERCENT OF FAIR MARKET VALUE AT DATE OF GRANTING	PROVISIONS IN CASE OF DEATH, RETIREMENT, ETC.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			A/C	OCS-1			

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M. *Schedule 17—Shareholders, officers, and directors of the licensee.* Furnish in this schedule the information as required by the form regarding equity securities issued by the Licensee and regarding the Licensee's officers, directors and manager.

In column (1) list: (a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the company.

(b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

(c) Each officer, director, or manager of the licensee. (List and identify officers and directors, and manager regardless of whether or not they own any equity securities of the company.)

Show in column (2) whether each natural person listed in column (1) is an officer, director, manager of the Licensee or specific combination of any of the three and the total remuneration for the period received by each from the Licensee. Indicate in column (3) the type of business in which each listed person or company is engaged. Column (4) shall show the title of each class of stock owned by any person or company and column (5) shall indicate whether the securities of the specific class are owned both of record and beneficially, of record only, or beneficially only.

In columns (6), (7), and (8), respectively, show the number of shares of each class owned by each listed person or company, the total par or stated value of such shares, and the percentage of the total number of shares of this class outstanding which is represented by the shares owned by the particular person or company.

Summarize the foregoing information by class of equity security at the bottom of the schedule.

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NAME OF LICENSEE

LICENSE NO.

As of ____________, 19____

SHAREHOLDERS, OFFICERS AND DIRECTORS OF THE LICENSEE

SCHEDULE 17

NAME AND ADDRESS (1)	OFFICER, DIRECTOR, AND MANAGER (2)	TYPE OF BUSINESS IN WHICH ENGAGED (3)	TITLE OF CLASS (4)	TYPE OF OWNERSHIP (5)	AMOUNT OWNED: NUMBER OF SHARES (6)	AMOUNT OWNED: TOTAL PAR OR STATED VALUE (7)	PERCENT OWNED OF CLASS OUTSTANDING (8)
		Totals by Class		X			
				X			
				X			

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N. *Schedule 18—Actual loss experience on receivable, loans, and investments.* Furnish in this schedule by categories shown, the amount of loss experienced on loans and investments as well as receivable resulting from income realization. The loss experience will be stated by prior years experience and the actual loss experience during the current period.

Schedule 18 is the basis for the loss experience for the industry and is as follows.

DESCRIPTION	(1) ACTUAL LOSS PRIOR YEAR	(2) CURRENT YEAR LOSS	(3) BALANCE END OF PERIOD
Notes, Accounts and Accrued Interest Receivable			
Loans			
Debt Securities			
Equity Interests			
Assets Acquired in Liquidation of Portfolio Securities			
Other Securities			
TOTAL			

O. ***Management certification.*** The certification of the Annual Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The Corporate Secretary of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Annual Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Annual Report, SBA Form 468, submitted to SBA shall be original signatures in ink.

The certification is shown on the following page.

MANAGEMENT CERTIFICATION

The Annual Report for Fiscal Year Ended ______________________________, 19___, submitted by the ____ (Licensee) to the Small Business Administration, and consisting of (1) the Audited Financial Statements specified in Part I, SBA Form 468 (except those statements listed below which have been omitted) and (2) management information, pages 1 through 20 inclusive, specified in Part II, SBA Form 468 (except those schedules listed below which have been omitted) are hereby certified to be correct.

Date: ____________________ Chief Financial Officer: ______________________________

Title: ______________________________

Statements and Schedules Omitted:

VERIFICATION

I hereby attest that the minutes of the meeting of the Board of Directors of the ____ (Licensee) on ______________, 19 ____, show that the Board, at such meeting, reviewed and approved Parts I & II of the Annual Report of such company for the Fiscal Year Ended ____________, 19 ____, covered by the above certification of the chief financial officer.

Date ____________________ Secretary ______________________________

Title 18, Sections 1001 and 1006 of the U.S. Code subject to punishment by fine and/or imprisonment any person who makes any oral or written statements, entry or representation to SBA, knowing it to be false, or willfully conceals a material fact, in a matter within SBA's jurisdiction or who with intent to defraud directly or indirectly shares any benefits derived from any act of an SBIC. Title 15, Section 645(a) subjects to punishment by fine and/or imprisonment any person making a false statement or willfully overvaluing any security, for the purpose of obtaining for himself or another any loan, extension thereof, or the acceptance, release, or substitution of security therefore, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money or anything of value.

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7. Appendix B is added and reads as follows:

APPENDIX B—GUIDE FOR PREPARATION OF THE ANNUAL REPORT, SBA FORM 468

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I. INTRODUCTION

A. *Statement of policy.* Small Business Investment Companies (SBICs) licensed by the Small Business Administration (SBA) including 301(d) Licensees are to submit to SBA annual reports and interim reports when required on their operations. Such reports are to be rendered on SBA Form 468 and are to be prepared in accordance with the instructions set forth in this guide.

This Guide was prepared by the Small Business Administration (SBA). Any inquiries or comments relating to these instructions or the Annual Report SBA Form 468 should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose.* This Guide provides instruction for the preparation of the Annual Report, SBA Form 468. The report and related instructions have been prescribed to provide standard reporting requirements and to insure that uniform and comparable data is rendered to SBA by all licensees in a timely manner.

C. *Organization of the annual report.* The Annual Report, SBA Form 468, is comprised of two parts: Financial Report (Part I) and Management Report (Part II).

The Financial Report will include the financial statements and will be the basis for the auditor's opinion. Such statements will present the licensee's financial position, results of operations, and change in financial position. Also included will be a schedule of loans and investments as well as supplementary data in schedule or note form.

The Management Report is designed to provide analytical data on the licensee's operations. Accordingly, the auditor's opinion is not expected to be extended to the management report. This report will include:

1. A summary of the Licensee's status and operations.

2. An analysis of Unrealized Gain (Loss) on Securities Held.

3. Analytical and detailed information on the licensee's Loans and Investments.

4. Other selected information.

D. *Reporting requirements.* 1. *Annual report (SBA Form 468).* Three copies of the Annual Report, SBA Form 468, shall be submitted to SBA by the Licensee as soon as practicable after completion and no later than the last day of the third month following the close of the licensee's fiscal year.

The Financial Report shall be prepared in the prescribed format and shall accompany the accountant's report. Attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special reports, or similar communications furnished to the Licensee by the auditor. If adjusting entries are furnished to the Licensee with the report, they should be submitted to SBA.

The Management Report will be submitted with the Financial Report and will contain a certification that will cover both parts I and II.

2. *Interim reports.* Upon request, licensees will submit to SBA either the complete SBA Form 468 or a part thereof; i.e., the Financial Report or the Management Report. Such reports are considered interim in that they cover less than a full year of operating and the financial report is not audited by the licensee's independent accountant. Accordingly, such interim reports are in addition to, not in lieu of, the annual report.

3. *Regulated investment companies.* Concerning Licensees that are registered with the Securities and Exchange Commission, additional reports are required by SEC which are identified in Chapter 1 of the AICPA's Audit Guide. It should be noted that any report submitted by a Licensee to the SEC shall also be submitted to SBA.

4. *Where to submit reports.* All reports rendered to SBA are to be submitted to the Investment Division, 1441 L Street, NW., Washington, D.C. 20416.

E. *Accounting & Reporting Policies.* The Audit Guide for SBICs (Items III and X) and the System of Account Classification (Item II) contain considerable discussion on accounting and reporting policies to be followed by licensees. Accordingly, the preparer of the annual report should be familiar with these policies.

A primary objective to be kept in mind by Licensees is that the information should be disclosed in a manner that will cause the data to be understandable and useful to the reader and at the same time achieve a fair presentation; i.e., full disclosure. Should events or transactions occur that do not appear to fit in the report as designed, the licensee should expand or alter the report to achieve the above objective.

It is recognized that the licensee may desire to report to shareholder or others in a format that differs from the Financial Report prescribed by SBA for licensees. Such differences should be limited to classification or format presentation and should not result in substantive differences. A copy of such reports should also be furnished to SBA.

F. *Related guidelines.* In addition to this Guide (Appendix B), the preparer of the annual report should be familiar with related accounting instructions and guidelines. Such guidelines are set forth in the Audit Guide for SBICs (Appendix A) and the System of Account Classification for SBICs (Appendix C).

Guidelines for valuing securities can be found in SBA Policy and Procedural Release No. 2006. Additional guidance for valuing securities can be found in Accounting Series Releases Nos. 113 and 118 that are issued by the Securities and Exchange Commission. Finally, Chapter 3 of the AICPA's Audit Guide for Investment Companies contains information on valuation of securities that may be useful.

II. FINANCIAL REPORT

A. *General.* The Financial Report (Part I, SBA Form 468), is designed to present the Licensee's financial statements as audited by the independent public accountant. Accordingly, the statements are based on the transactions recorded in the accounts.

The Financial Report contains standard statements and schedules. Therefore, when a particular statement or schedule does not apply to the licensee's operations, it should be omitted. For example, if the licensee did not sell any securities during the period, the Statement of Realized Gain (Loss) on Sale of Securities would be omitted. The Financial Report, therefore, should be "taylored" to fit the licensee's given situation.

Such tayloring, however, does not include deviating from accounting and reporting practices prescribed in the Audit Guide (Appendix A) or System of Account Classification (Appendix C).

The following is a detailed discussion as to how the statements are prepared.

B. *Financial report heading.* Set forth in the appropriate spaces the information called for representing the identification and the principal-office address of the Licensee. As to the employer identification number, enter the number assigned to the Licensee by the U.S. Treasury Department. If such number has not yet been assigned, an Application for Employer Identification Number, Form SS-4, shall be submitted to the U.S. Director of Internal Revenue for the area in which the Licensee's principal office is located.

The preparer of this report should keep in mind that amounts are to be rounded to the nearest dollar.

C. *Statement of financial position.* This statement is designed to meausre the Licensee's financial position as of the statement date in a conventional balance sheet format. Because of their significance, loans and investments are presented before current or other assets. Likewise, long-term debt is shown before current or other liabilities.

1. *Assets* are grouped according to Loans and Investments, Investments in 301(d) Licensee, current assets and other assets.

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a. *Loans and investments* are grouped into three categories:

(1) *Portfolio securities* are those loans and investments the licensee holds in financed small business concerns that are viable.

(2) *Assets acquired in liquidation of portfolio securities* are those securities or other assets the licensee has acquired by taking action to protect its investment. Such assets are grouped according to receivables from debtors, operating concerns acquired and other assets acquired.

(3) *Other securities* are those securities the licensee holds that did not result from providing financing to small business concerns. Other securities will result when portfolio securities or assets acquired are sold and part of the net sales price is notes, or other securities. Also, dividends in kind from portfolio concerns would be classified as other securities.

The statement is designed to present loans and investments at cost and through adjustments for unrealized appreciation and unrealized depreciation arrive at their value.

b. *Investment in 301(d) licensee* is a unique investment in that the nature and purpose of the investee is similar to that of the investors. Also, the investor actively participates in the management of the investee. For these and other reasons, investments in 301(d) licensees are not classified as Loans and Investments but are shown as a separate asset group on the Statement of Financial Position. Such investments will be carried on the equity method of accounting.

c. *Current assets* are those assets that are cash, expected to be converted to cash or are expected to be expensed in the next operating business cycle; i.e., one year from the statement date. While current assets are not grouped as such for other investment companies, regulatory purposes require such a grouping for SBICs.

d. *Other assets* are those assets that are not otherwise explained above. Included are furniture and equipment, deferred charges, funds in escrow and other items.

2. *Liabilities* are classified according to long-term debt, current liabilities and other liabilities.

a. *Long-term debt* includes debt of the licensee net of current maturities. Such debt is grouped according to that which is payable to or guaranteed by SBA and that which is payable to others. It should be noted that long-term debt associated with assets acquired in liquidation is shown as a deduction from the asset rather than a liability of the licensee.

b. *Current liabilities* are those liabilities requiring the payment of cash during the next business cycle; i.e., 12 months from the statement date. Included are accounts payable, accrued interest and taxes payable, current maturities on long-term debt, dividends payable and other current items.

c. *Other liabilities* are those not otherwise classified and include trust receipts, deferred credits and other items.

3. *Capital accounts* are grouped according to paid-in capital and surplus, 3 percent preferred stock sold to SBA, unrealized gain (loss) on securities held and undistributed realized earnings.

a. *Paid-in capital and surplus* represents the licensee's capital which is the basis for leverage and other regulatory purposes. It includes the par value of capital stock issued and capital contributed in excess of par value. The total of these two items is reduced by treasury stock and the net amount becomes the leverage and regulatory base.

b. *3 percent preferred stock issued to SBA* is a part of the leverage funds obtained by a 301(d) licensee from SBA.

While such preferred stock by the nature of the instrument is equity, it is not considered paid-in capital and paid-in surplus.

c. *Unrealized gain (loss) on securities held* is the net unrealized appreciation on securities held after an allowance for taxes as of the statement date. This is the amount in column 2, line 11, on the Statement of Unrealized Gain (Loss) on Securities Held.

d. *Undistributed realized earnings* represents the cumulative balance of periodic net investment income and realized gain (loss) on securities sold, less dividend distributions. Undistributed realized earnings is comprised of:

(1) *Non-cash gain on sale of securities* which represent notes, securities or other assets that are received as part of the net sale price when securities are sold and,

(2) *Undistributed net earnings realized* which represents undistributed earnings realized net of non-cash gains on sale of securities.

4. *Retained earnings computation* in note form at the end of the Statement of Financial Position is designed to set forth "retained earnings" on the same basis and in the same manner as it was viewed on the cost basis. Such Retained Earnings will be the basis for dividend declaration (whether cash or stock) or the basis for capitalizing earnings by corporate resolution.

"Retained Earnings" is Undistributed Net Realized Earnings reduced by allowance for losses that have been established on Loans and Investments.

5. *Description by line item.* The following schedule is a description by line item as to how the amounts shown on the statement of financial position are determined.

FINANCIAL REPORT
FOR FISCAL YEAR ENDED ______________, 19___

(Amounts rounded to nearest dollar)

ICENSE NO.	NAME OF LICENSEE	
MPLOYER IDENTIFICATION NUMBER	STREET ADDRESS, CITY, AND STATE	ZIP CODE COUNTY

STATEMENT OF FINANCIAL POSITION
AS OF ______________

ASSETS	VALUATION			
	COST	UNREALIZED DEPRECIATION	UNREALIZED APPRECIATION	VALUE
LOANS AND INVESTMENTS:	(1)	(2)	(3)	(4)
Portfolio Securities				
1. Loans	A/C 170 less 173	A/C 171	—	Total
2. Debt Securities	A/C 180, 184 less 188	A/C 187	A/C 186	Total
3. Equity Interests	A/C 190, 191, 194 and 197	A/C 193, 196 and 199	A/C 192, 195 and 198	Total
4. TOTAL	Add items	1 thru 3		sub-total
Assets Acquired in Liquidation of Portfolio Securities				
5. Receivables From Debtors on Sale of Assets Acquired	A/C 200	A/C 203	—	Total
6. Operating Concerns Acquired	A/C 204	A/C 206	A/C 205	Total
7. Other Assets Acquired (Net of Mortgages Payable $ A/C 313)	A/C 207 less 313	A/C 209	A/C 208	Total
8. TOTAL	Add	items 5 thru 7		sub-total
Other Securities				
9. Notes and Other Securities Received	A/C 210 and 211	A/C 213	A/C 212	Total
10. Total Loans and Investments	Add items	4, 8, and 9		Total
11. Less Current Maturities				items 19-21
12. Loans and Investments Net of Current Maturities				item 10 minus 11
Investment in 301(d) Licensee*				
13. Name ______________ License No. ______________				A/C 160
Current Assets				
14. Cash		A/C 100 thru 120		
15. Invested Idle Funds		A/C 130 thru 137	sub-total	
16. Interest and Dividends Receivable	A/C 143, 145			
17. Accounts Receivable	A/C 140, 141	sub-total		
18. Less: Allowance for Losses		A/C 142,144	sub-total	
19. Current Maturities of Portfolio Securities		A/C 150		
20. Current Maturities of Assets Acquired		A/C 152		
21. Current Maturities on Other Securities		A/C 154	sub-total	
22. Other Current Assets*			A/C 156	Items 14 thru 22
Other Assets:				
23. Furniture & Equipment		A/C 230		
Less: Accumulated Depreciation		A/C 231	Sub-total	
24. Funds in Escrow			A/C 257	
25. Other *			a	
26. TOTAL ASSETS				Items 12, 13, 14, thru 25

NOTE: Column Headings Apply to Items 1 thouugh 12 Only

(Cost - Unrealized Depreciation + Unrealized Appreciation = Value)

a. A/C 220, 221, 240, 241, 242, 255, 256, and 259.

STATEMENT OF FINANCIAL POSITION (CONTINUED)
AS OF ____________________

LIABILITIES & CAPITAL			
Long-Term Debt (Net of Current Maturities)*			
27. Notes and Debentures Payable To or Guaranteed by SBA		A/C 300, 301, and 310	
28. Notes and Debentures Payable to Others		A/C 311, 312, and 320	
29. TOTAL			Items 27 and 28
Current Liabilities			
30. Accounts Payable		A/C 340	
31. Accrued Interest Payable		A/C 350	
32. Accrued Taxes Payable		A/C 351 and 354	
33. a. Current Maturities of Line 27	A/C 330		
b. Current Maturities of Line 28	A/C 331	sub-total	
34. Dividends Payable		A/C 360 thru 364	
35. Other Current Liabilities*		A/C 358	Items 30 thru 35
36. TOTAL			Sub-total
Other Liabilities			
37. Trust Receipts		A/C 370, 374, and 378	
38. Deferred Credits		A/C 380 and 383	
39. Other Liabilities*		A/C 390	Items 37 thru 39
40. TOTAL LIABILITIES			Items 29, 36 thru 39
CAPITAL			
41. Capital Stock	A/C 400 thru 414		
42. Paid-in Surplus	A/C 420	sub-total	
43. Less: Treasury Stock, at cost		A/C 415 thru 419	
44. Paid-in Capital Stock and Surplus (Reg. Cap. $__________)		sub-total	
45. 3% Preferred Stock Issued to SBA (301 (d) Licensee's only)		A/C 430	
46. Unrealized Gain (Loss) on Securities Held		A/C 440 Less A/C 445 and 448	
47. Non-Cash Gain on Sale of Securities	A/C 450		
48. Undistributed Net Realized Earnings	A/C 451	sub-total	
49. TOTAL CAPITAL			Items 44 thru 48
50. TOTAL LIABILITIES & CAPITAL			Items 40 and 49

NOTE: Retained Earnings Available for Dividend Declaration or Capitalization In Accordance With SBA Regulations Computed As Follows:

Undistributed Net Realized Earnings (Line 48)	A/C 451
Less: Provision for losses	*A/C 445
Retained Earnings	Total

*The balance in this account to the extent that it represents allowance for losses on loans and investments.

D. *Statement of undistributed realized earnings*. This statement is designed to analyze the activity in undistributed realized earnings by non-cash gains on Sale of Securities and undistributed net earnings realized. The Ending Balances of this statement are the same as items 47 and 48 on the Statement of Financial Position.

Column 1 "non-cash gains" activity can be determined by reviewing account 450. "Undistributed net Earnings" Column 2 activity can be determined by reviewing account 451.

1. *Beginning balance*. State the ending balances shown on the financial report for the prior period.

2. (a) *Net investment income*. State as undistributed net earnings the amount shown as item 37 on the Statement of Operations Realized.

2. (b) *Realized gain (loss) on sale of securities*. State the amount shown in column 7, item 15 of the Statement of Realized Gain (Loss) on Sale of Securities under non-cash gains. State the net of amounts of item 15, column 5 minus column 7 of the Statement of Realized Gain (Loss) on Sale of Securities under Undistributed Net Earnings. The total of this item should agree with amount in column 5, item 15 of the Statement of Realized Gain (Loss) on Sale of Securities and the amount in item 42 of the Statement of Operations.

3. *Adjustments: collections of non-cash gains* will be a decrease in column 1 "non-cash Gains" and will be an increase in column 2 "Undistributed Net Earnings." There will be no effect on column 3, "total".

4. *Total*. Aggregate of lines 1, 2, & 3.

5. *Deductions:*

5 (a), (b), and (c) *Dividends* are to be paid out of Undistributed earnings only. Therefore, dividends will be entered in column 2.

6. *Ending balance* is determined by subtracting 5(e) "total Deductions" from item 4 that represents the beginning balance plus additions.

STATEMENT OF UNDISTRIBUTED REALIZED EARNINGS

DESCRIPTION	NON-CASH GAINS	UNDISTRIBUTED NET EARNINGS	TOTAL
1. Beginning Balance			
2. Additions:			
a. Net Investment Income			
b. Realized Gain (Loss) on Sale of Securities			
c. __________			
d. Total Additions			
3. Adjust: Collections of non-cash Gain	( )		//////////
4. Total (Lines 1,2,3)			
5. Deductions.			
a. Dividends - Cash	//////////		
b. Dividends - Stock	//////////		
c. Dividends - In Kind**	//////////		
d. __________			
e. Total Deductions			
6. Ending Balance			

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*Provide in note form the composition of these items. Note to Item 13 should include percent owned, cost basis and changes resulting from equity method of accounting.

**Name of SBIC ____________________ ID No. ____________________

Number of shares being distributed ____________________

E. *Statement of operations realized*. This statement is designed to measure separately Net Investment Income and Realized Gain (Loss) on Sale of Securities. Such measurement is of realized operations only and is on the accrual basis of accounting.

1. *Net investment income* is the result of measuring revenue and expenses associated with investment and management assistance activities of a licensee other than realized gain (loss) on securities sold. Revenue is organized by source; i.e., from portfolio, from services provided; or from other sources. Expenses are grouped according to:

a. Financial Expenses;
b. Remuneration;
c. Initiating and Servicing costs;
d. Fixed Facilities; and
e. Other costs.

Provision for taxes is the final measurement prior to determination of net Investment Income.

2. *Realized gain (loss) on sale of securities* is a function of operations that is measured separately from net Investment Income. While the Statement of Realized Gain (Loss) on Sale of Securities provides a detailed analysis of realized gain or losses, the Statement of Operations shows in the aggregate, Net Sales price of securities sold during the period, the cost of such securities sold and a provision for taxes on the resulting gain. The remainder becomes net realized gain (loss) on sale of securities.

3. *Description by line item*. The following schedule is a description by line item as to how the amounts shown on the Statement of Operations Realized are developed. The amounts for Investment Income are derived primarily from the general ledger accounts. Therefore, the accounts whose balances comprise the amounts that are shown on the statement are identified by account number at the appropriate line item. The amounts for Realized Gain (Loss) on Sale of Securities are based on lines 11 through 15 of the Statement of Realized Gain (Loss) on Sale of Securities

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NAME OF LICENSEE: ____________________

STATEMENT OF OPERATIONS REALIZED
FOR ____ MONTHS ENDED ____________________

	INVESTMENT INCOME		ACCOUNTS	
	REVENUE			
	From Portfolio			
1.	Interest on Loans and Debt Securities		512,516 &541	
2.	Dividend Income		540	sub-total
	From Services Provided			
3.	Management Services		532	
4.	Application and Other Fees		500, 534 & 536	sub-total
	From Other Sources			
5.	Interest on Invested Idle Funds		510	
6.	Income from Assets Acquired in Liquidation of Loans and Investments (Net of $ A/C 710 Expenses)		582	
7.	Other Income		520 & 584	sub-total
8.	TOTAL REVENUE			Total
	EXPENSES			
	Financial Expenses			
9.	Interest on Long-term Debt	610 & 622		
10.	Commitment Fees	600		
11.	Other Financial Costs	642		
12.	Total Financial Expenses		sub-total	
	Remuneration			
13.	Officer Salaries	663-1		
14.	Employee Salaries	663-2		
15.	Employee Benefits	670		
16.	Investment Advisory and Management Services	659 & 660		
17.	Director's and Stockholder's Meetings	657		
18.	Total Remuneration		sub-total	
	Initiating & Servicing Costs			
19.	Advertising & Promotion	650		
20.	Appraisal & Investigation	651		
21.	Communication	653		
22.	Legal Fees	661		
23.	Travel Expense	665		
24.	Total Initiating & Servicings Costs		sub-total	
	Fixed Facilities			
25.	Cost of Space Occupied	654		
26.	Depreciation Expense	655		
27.	Amortization Expense	656		
28.	Total Fixed Facilities		sub-total	
	Other Costs			
29.	Audit and Examination Fees	652		
30.	Insurance Expense	658		
31.	Taxes Expense (Excluding Income Taxes)	664		
32.	Miscellaneous Expenses	672, 679, 680 & 715		
33.	Total Other Costs		sub-total	
34.	TOTAL EXPENSES			Total
35.	NET INVESTMENT INCOME BEFORE PROVISION FOR INCOME TAXES			Line 8 less 34
36.	a. Provision for Income Taxes		720	
	b. Less Deferred Credit to Future Taxes		380-1	Net tax Expense
37.	NET INVESTMENT INCOME			Line 35 less 36
	REALIZED GAIN (LOSS) ON SALE OF SECURITIES			
38.	Net Sale Price:			
	a. Cash	Line 11, Col. 2		
	b. Non-monetary Receipts	Line 11, Col. 3	Line 11, Col. 1	
39.	Cost of Securities Sold		Line 11, Col. 4	
40.	Net Prior to Income Tax Provision		Line 11, Col. 5	
41.	Less Provision for Income Taxes		Line 14, Col. 5	
42.	NET REALIZED GAIN (LOSS) ON SALE OF SECURITIES			Line 15, Col. 5

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F. Statement of unrealized gain (loss) on securities held. This statement summarizes the results of the valuation process of securities held as of the statement date as compared to the previous statement date and discloses the net change in the Unrealized Gain (Loss) on Securities Held.

The types of securities held are the primary groupings of loans and investments as set forth in items 1 through 12 of the Statement of Financial Position and are (1) portfolio Securities, (2) assets acquired in Liquidation of Portfolio Securities, and (3) other Securities.

In arriving at net unrealized gain (loss) on securities held, consideration must be given to unrealized appreciation (valuation above cost) and unrealized depreciation (valuation below cost) of such securities. To the extent that unrealized appreciation exceeds unrealized depreciation, a provision for income taxes will be made.

1. *Source of data.* The Beginning Balance (Column 1) of the items shown in this statement are those amounts shown as ending balances on the Statement of Unrealized Gain (Loss) on Securities Held for the prior period. The Ending Balance (Column 2) of items shown on this statement are based on the "Analysis of Unrealized Gain (Loss) on Securities Held" which is Page III in the Management Report, Part II of the Annual Report, SBA Form 468.

The net change (Column 3) is the difference between columns 1 and 2.

2. *Description by line item.* The following schedule is a description by line item as to how the amounts shown on the statement are developed.

LICENSEE: ______________________________

STATEMENT OF UNREALIZED GAIN (LOSS)
ON SECURITIES HELD

FOR ______ MONTHS ENDED ______________

DESCRIPTION	Beginning Balance (1)	Ending Balance (2) *	Net Change (3) (2) - (1)
Unrealized Appreciation:	SOURCE: Ending Balance of prior period statement, OR Lines 1, 8, and 19 of current period of analysis of Unrealized Gain (Loss) on Securities Held.		Column 2 minus Column 1 equals Column 3
1. Portfolio Securities		Line 7, Col. 4	
2. Assets Acquired in Liquidation of Portfolio Securities		Line 7, Col. 8	
3. Other Securities		Line 7, Col. 9	
4. Total		Line 7, Col. 10	
Unrealized Depreciation:			
5. Portfolio Securities		Line 17, Col. 4	
6. Assets Acquired in Liquidation of Portfolio Securities		Line 17, Col. 8	
7. Other Securities		Line 17, Col. 9	
8. Total		Line 17, Col. 10	
9. Net Unrealized Appreciation (Depreciation) on Securities Held		Line 18, Col. 10	
10. Less: Provision for Taxes		Line 21, Col. 10	
11. Net Unrealized Gain (Loss) on Securities Held		Line 22, Col. 10	

* See Analysis of Unrealized Gain (Loss) on Securities Held, Management Report.

G. *Statement of change in financial position.* This statement is designed to measure the "inflows" and "outflows" of cash during the period and the resulting increase or (decrease) in cash including invested idle funds. This statement is closely related to the Statement of Operations Realized and the Statement of Financial Position.

The following description by line item explains how the amounts shown on the Statement of Changes in Financial Position are developed.

Source of Funds

1. *Net investment income* (*loss*). Enter the amount shown on line 37 of the Statement of Operations Realized.

2. *Depreciation, amortization, provision for loss on receivables.* Enter the total of amounts in accounts 655, 656, and 680 which amounts have been shown in line items 26, 27, and 32 of the Statement of Operations Realized.

3. *Total.* Add amounts shown in items 1 and 2.

4. *Net realized gain* (*loss*) *on sale of securities.* Enter the amount shown on line 42 of the Statement of Operations Realized.

5. *Total.* Add amounts shown in items 3 and 4.

6. *Repayments of loans and debt securities.* Enter the total of amounts shown on line item 5 Columns 1 and 2 of Summary of Portfolio, (Schedule A) of the Management Report.

7. *Sale of equity interest.* Enter the amount shown on line 5, column 6, in the Summary of Portfolio (Schedule A) of the Management Report.

8. *Collection from debtors on sale of assets acquired.* Enter the amount shown on line 5, column 1, Analysis of Assets Acquired (Schedule B) of the Management Report.

9. *Sale of assets acquired.* Enter the total of amounts shown on line 5, columns 2 and 3, Analysis of Assets Acquired (Schedule B) of the Management Report.

10. *Decrease in current assets* (*net of cash and invested idle funds*). Enter the amount of net change from cash transactions of items 16 through 22 of the Statement of Financial Position if that amount is a decrease during the period.

11. *Decrease in other assets.* Enter the amount of net change from cash transactions of items 9, 13, 23 thru 25 of the Statement of Financial Position if that amount is a decrease during the period.

12. *Increase in long-term debt due to or guaranteed by SBA.* Enter the amount of borrowings by the licensee during the period that were reflected as increases in accounts 300, 301 and 310.

13. *Increases in long-term debt due to others.* Enter the amount of borrowings by the licensee during the period that were reflected as increases in accounts 311, 312, and 320.

14. *Increase in current liabilities.* Enter the amount of net change from cash transactions of items 30 through 33 and 35 of the Statement of Financial Position if that amount is an increase during the year.

15. *Increase in other liabilities.* Enter the amount of net change during the period from cash transactions of items 37, 38 and 39 of the Statement of Financial Position if the amount is an increase.

16. *Sale of licensee's stock.* Enter amount of increase from cash transactions during the period of items 41 through 45 of the Statement of Financial Position.

17. *Total funds provided.* Add amounts shown in items 5 through 16.

Application of Funds

18. *Loans and debt securities.* Enter the total of amounts shown on line item 2, columns 1 and 2 of Summary of Portfolio (Schedule A) of the Management Report.

19. *Equity interests.* Enter the amount shown on line 2, column 6 in the Summary of Portfolio (Schedule A) of the Management Report.

20. *Increase in assets acquired.* Enter the amount shown on line 2, column 4, Analysis of Assets Acquired in Liquidation of Portfolio Securities (Schedule B) of the Management Report.

21. *Increase in current assets* (*net of cash and invested idle funds*). Enter the amount of net change from cash transactions of items 16 through 22 of the Statement of Financial Position if that aomunt is an increase during the period.

22. *Increase in other assets.* Enter the amount of net change from cash transactions of items 9, 13, 23, thru 25 of the Statement of Financial Position if that amount is an increase during the period.

23. *Decrease in long-term debt due to or guaranteed by SBA.* Enter the amount of debt repaid by the licensee during the period that was reflected as decreases in accounts 300, 301, 310, and 330.

24. *Decrease in long-term debt due to others.* Enter the amount of debt repaid by the licensee during the period that was reflected as a decrease in accounts 311, 312, 320, and 331.

25. *Decrease in current liabilities* (*net of dividends*). Enter the amount of net change during the period resulting from cash transaction of items 30 through 33 and 35 of the Statement of Financial Position if the amount is a decrease.

26. *Payment of dividends.* Enter the amount of dividends paid in cash during the year as shown in accounts 360 through 364.

27. *Decrease in other liabilities.* Enter the amount of net change during the period from cash transactions of items 37, 38, and 39 of the Statement of Financial Position if that amount is a decrease.

28. *Total funds applied.* Add items 18 through 27.

29. *Increase* (*decrease*) *in cash and invested idle funds.* Enter the amount of net increase or (decrease) during the period of items 14 and 15 of the Statement of Financial Position. This amount should be the same as the net of item 17 minus 28 of this statement.

STATEMENT OF CHANGE IN FINANCIAL POSITION
FOR ______ MONTHS ENDED ______

SOURCE OF FUNDS

From Operations Realized
1. Net Investment Income (Loss)
2. Add: Depreciation, Amortization, Provision for loss on Receivables
3. TOTAL
4. Net Realized Gain (Loss) on Sale of Securities
5. TOTAL

Decrease in Portfolio Securities
6. Repayment of Loans & Debt Securities
7. Sale of Equity Interests

Decrease in Assets Acquired:
8. Collection from Debtors on Sale of Assets Acquired
9. Sale of Assets Acquired
10. Decrease in Current Assets (Net of Cash and Invested Idle Funds)
11. Decrease in Other Assets

Increase in Long-term Debt:
12. Due to or Guaranteed by SBA
13. Due to Others
14. Increase in Current Liabilities
15. Increase in Other Liabilities
16. Sale of Licensee's Stock
17. TOTAL FUNDS PROVIDED

APPLICATION OF FUNDS

Increase in Portfolio Securities
18. Loans and Debt Securities
19. Equity Interests
20. Increase in Assets Acquired
21. Increase in Current Assets (Net of Cash and Invested Idle Funds)
22. Increase in Other Assets

Decrease in Long-term Debt:
23. Due to or Guaranteed by SBA
24. Due to Others
25. Decrease in Current Liabilities (Net of Dividends)
26. Payment of Dividends
27. Decrease in Other Liabilities
28. TOTAL FUNDS APPLIED
29. Increase (Decrease) in Cash and Invested Idle Funds (Line 17 minus Line 28)

H. *Statement of realized gain (loss) on sale of securities.* Since gain or loss or sale of securities is considered realized at the point of sale rather than at the point of collection, this statement measures net gain (loss) on securities sold according to cash and non-cash gains. It provides supporting detail to the Statement of Operations Realized.

Although this statement is entitled "Statement of Realized Gain (Loss) on Sale of Securities" it is intended to include securities written off as worthless.

The following description by column and by line item explains how the amounts shown on the Statement of Realized Gain (Loss) on Sale of Securities are developed.

Column 1: "Net Sale Price". The net sale price will include both monetary and non-monetary assets received by the licensee upon sale of securities but will be net of normal selling expenses. It will be the total of amounts shown in columns 2 and 3.

Column 2: "Cash Received". As implied, this will include cash and cash items only. It should be noted that purpose of this column is more restrictive than "monetary assets" as defined in AFB No. 29.

Column 3: "Non-Monetary Receipts." By definition, include receipts other than cash or cash items. APB No. 29 would include notes receivable in cash to be a monetary asset and therefore, not a non-monetary receipt. Licensees, however, will consider notes receivable to be non-monetary receipts. The non-monetary assets received in each sale should be explained in note form to this schedule.

Column 4: "Cost of Securities Sold." This column will include the licensee's cost basis of securities sold. Cost will not be affected by unrealized depreciation (provision for losses) or unrealized appreciation. Rather, appreciation or depreciation previously recorded for securities sold will be reversed at the time of sale.

The one exception to this rule will be the sale of an equity interest in an unincorporated concern. Since the equity method of accounting applies, the carrying value will be other than cost. Therefore, the carrying value will be shown in column 4 rather than cost.

Column 6: "Cash Gains". This column measures gains realized in cash. Such amounts are determined by comparing cash received (column 2) on sale of securities with cost of securities sold (column 4). When cash exceeds the cost, the result is a net cash gain. However, if the cost exceeds the cash, a non-cash gain will be recognized to the extent a gain is shown in column 5. When a loss is realized there will be no amount shown in column 6 or 7.

Column 7: "Non-Cash Gain". This column will measure gains realized representing receipts other than cash. It is determined by comparing net gains shown in column 5 and cash gains shown in column 6.

2. *Line item description.* The line item organization and groupings are the same as items 1 through 10 of the Statement of Financial Position with one exception; the addition of Invested Idle Funds (item 15 of the Statement of Financial Position) as item 10. Concerning line item 3 "Equity Interests," this item includes: (a) capital stock of SBCs, (b) Equity Interests of Unincorporated Concerns, and (c) Warrants, options and other stock rights.

It should be noted that the amounts in column 5 will be the net amount of balance in the following accounts:

Line item	*Accounts*
1. Loans	701.
2. Debt securities	572, 702.
3. Equity interests	574, 576, 577, 705, 706, 707.
5. Receivables from debtors on sale of assets acquired	578, 708.
6. Operating concerns	578, 708.
7. Other assets acquired	578, 708.
9. Other securities	579, 709.
10. Invested idle funds	570, 700.
12. Federal income taxes	722.1.
13. State and local income taxes	722.2.

The amounts shown in item 11, columns 1 through 5, and item 14 are to be entered in items 38 through 42 of the Statement of Operations Realized. The amounts shown in item 15 are to be entered in item 2(b) of the Statement of Undistributed Realized Earnings. It should be noted that the amount entered in "Undistributed Net Earnings" is net amount of column 5 minus column 7, line 15 of Statement of Realized Gain (Loss) on Sale of Securities.

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NAME OF LICENSEE ____________

STATEMENT OF REALIZED GAIN (LOSS) ON SALE OF SECURITIES
FOR ______ MONTHS ENDED ____________

DESCRIPTION	(1) NET SALE PRICE	(2) LESS CASH RECEIVED	(3) NON-MONETARY RECEIPTS*	(4) COST OF SECURITIES SOLD	(5) (1)-(4) NET GAIN (LOSS)	(6) (5)-(3) CASH GAINS	(7) (5)-(6) NON-CASH GAINS
Portfolio Securities							
1. Loans					(701)		
2. Debt Securities					572 (702)		
3. Equity Interests					(a)		
4. Total (Lines 1 thru 3)					sub-total		
Assets Acquired							
5. Receivables from Debtors on Sale of Assets Acquired					578 (708)		
6. Operating Concerns					578 (708)		
7. Other Assets Acquired					578 (708)		
8. Total (Lines 5 thru 7)					sub-total		
9. Other Securities					579 (709)		
10. Invested Idle Funds					570 (700)		
11. Total (Lines 4, 8, 9 and 10)					sub-total		
Less: Estimated Income Taxes:							
12. Federal Income Taxes					722-1		
13. State and Local Income Taxes					722-2		
14. Total (Lines 12 and 13)					sub-total		
15. Net Realized Gain (Loss) on Sale of Securities (Line 11 minus Line 14)					Total		

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* Describe in note form the Non-monetary Receipts of Each Sale.

(a) 574, 576, 577, (705 thru 707)

I. *Statement of commitments and guarantees.* This statement provides a schedule of outstanding commitments of the Licensee to provide funds to small business concerns. It also shows by small business concerns the amount of such concern's debt to a third party the Licensee has guaranteed. Such amounts will be shown according to Portfolio Securities or Assets Acquired in Liquidation of Portfolio Securities.

The following schedule is a description as to how the amounts shown on the Statement of Commitments and Guarantees are developed.

NAME OF LICENSEE ____________________

STATEMENT OF COMMITMENTS & GUARANTEES

AS OF ____________________

DESCRIPTION	PORTFOLIO	ASSETS ACQUIRED	TOTAL
Commitments Of Funding			
Name of SBC that received the commitment			
SOURCE: Memorandum Accounts CL-15			
TOTAL			
Guarantees to Others:			
Name of SBC and name of third party guaranteed			
SOURCE: Memorandum Accounts CL-16			
TOTAL			
Total Commitments & Guarantees Outstanding			

J. *Schedule of loans and investments.* This Schedule will show loans and investments outstanding at the Statement date by Small Business Concerns grouped into the following categories: (1) "Portfolio securities" segregated by publicly held SBCs and privately held SBCs; and (2) "assets acquired in liquidation of portfolio securities," and (3) "other securities."

The Schedule will contain the name of the Small Business Concern, brief description of the securities, cost basis, valuation by Board of Directors and potential equity interest in the concern. On publicly traded securities, the exchange on which the security is traded should be indicated by symbol and legend.

An illustrated schedule of loans and investments is contained in the Audit Guide (Appendix A) on page 38.

III. Management Report

A. *General.* The Management Report (Part II, SBA Form 468) is designed to provide SBA with analytical data on the licensee's operations.

The schedules in this report are designed to cover a variety of situations. The preparer of the report, however, should recognize that when a particular schedule does not apply to his licensee's operations, the schedule should be omitted. Accordingly, if the licensee has no assets acquired in liquidation, pages 9 through 13 will be omitted.

The table of contents to the Management Report summarizes the information contained in the report and is as follows.

Table of Contents

	Schedules
Size and classification	
Overview of licensee's operations	
Analysis of unrealized gain (loss) on securities held	
Summary of portfolio securities	A
Schedules of:	
Loans	1
Debt securities	2
Capital stock of SBCs	3
Equity interests of unincorporated SBCs	4
Warrants, options, and other stock rights acquired from SBCs	5
Details of certain portfolio securities	6
Allowance for losses on portfolio securities	7
Analysis of assets acquired in liquidation	B
Schedules of:	
Amounts due from debtors on sale of assets	8
Operating SBCs	9
Analysis by operating SBCs	9a
Other assets acquired in liquidation	10
Participation and joint financing	11
Cash and invested idle funds	12
Average daily cash and invested idle funds balances on a monthly basis	13
Long-term debt	14
Capital stock of licensee	15
Options on licensee's capital stock	16
Shareholders, officers, and directors of licensee	17
Actual loss experienced on receivables, loans, and investments	18
Management certification	

B. *Size and classification.* This data sheet provides information on the licensee's size, ownership, investment policy and venture capital status.

1. *Size* should be measured in total assets as shown on line 26 of the Statement of Financial Position. This measurement is indicative of funds invested in or available for investment in small business.

2. *Ownership* is measured according to bank owned or related, other corporate entity, or individually owned.

Licensees are presumed to be owned by a Financial Corp. or non-financial corp. if 50 percent or more of its stock is owned by such corporation. Otherwise, the licensee's ownership is considered to be "individualy owned."

Concerning public or non-public, i.e., private ownership, a company's stock is considered to be publicly owned if the company has sold its stock in the market place to raise capital and it is regulated by the Securities and Exchange Commission. Otherwise, the company is considered to be privately owned.

3. *Investment policy* should be that which the licensee has adopted as set forth in its proposal to operate, as amended.

4. *Venture capital status* should be based on the computation made in accordance with § 107.202 of SBA regulations.

Size and Classification

SIZE—IN TOTAL ASSETS

☐ Zero to $2 million.
☐ $2 million to $5 million.
☐ $5 million to $10 million.
☐ Over $10 million.

OWNERSHIP

☐ Bank owned (95% or more).
☐ Partially Bank owned (______%).
☐ Financial corp. other than Bank or Bank Hold. Co.
  ☐ Public.
  ☐ Non-public.
☐ Non-Financial Corp.
  ☐ Public.
  ☐ Non-public.
☐ Individually owned
  ☐ Public.
  ☐ Private.

INVESTMENT POLICY

☐ Diversified.
☐ Non-diversified.
(SIC code, 2 digit______).

☐ Venture Capital Qualified.
☐ Not Venture Capital.

VENTURE CAPITAL STATUS

C. *Overview of licensee's operations.* The "Overview" is intended to be a summary of the licensee's operations for the period completed viewed from the standpoint of the Licensee's management. It should contain significant events affecting the licensee's operations that would assist the reader in understanding the data contained in the report. Accordingly, the following description is a guide as to what the overview should contain.

Overview of Licensee's Operations

The overview is intended to be a narrative summary of the Licensee's operations during the year recently completed. It will summarize activities involving such things as applications for funding received from Small Business Concerns, financings made, management assistance provided, etc.

In those instances where the Licensee has assets acquired in liquidation, progress toward disposing of such assets should be summarized. The overview will include comments on matters relating to SBA Regulations and other matters of interest considered appropriate.

It is also contemplated that the overview will include success stories where they occur, have been accomplished, and can be measured.

Regarding the coming year, significant events expected to occur and that will affect the Licensee's operations in the coming year should be highlighted.

D. *Analysis of unrealized gain (loss) on securities held.* This analysis is designed to be more comprehensive than the Statement of unrealized gain (loss) on securities held which is contained in the Financial Report. This analysis is intended to measure the component increases and decreases of both unrealized appreciation and unrealized depreciation. Such measurement is according to the classification of portfolio securities, assets acquired in liquidation of portfolio securities and other securities.

It should be noted that the information contained in this analysis should be consistent with the Statement of Unrealized Gain (Loss) on Securities Held which is included in Part I.

The information contained in this schedule is based on Schedules 1 through 5 and 8 through 10 of this report. Such information can also be obtained by analayzing the activity in the various ledger accounts shown on the following page.

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NAME OF LICENSEE ______________

ANALYSIS OF UNREALIZED GAIN (LOSS) ON SECURITIES HELD
AS OF ______________

DESCRIPTION	PORTFOLIO SECURITIES				ASSETS ACQUIRED				OTHER SECURITIES	TOTAL
	LOANS	DEBT SECURITIES	EQUITY INTERESTS	TOTAL	RECEIVABLES FROM DEBTORS ON SALE OF ASSETS ACQUIRED	OPERATING CONCERNS	OTHER ASSETS ACQUIRED	TOTAL		
UNREALIZED APPRECIATION ON SECURITIES HELD										
1. Balance, Beginning of Period										
2. Add: Increase in Fair Value										
3. Less: Unrealized Appreciation on Investments Sold			A/C 192, 195 and 198			A/C 205				
4. Decrease in Fair Value		A/C 186					A/C 208		A/C 212	
5. Total (Lines 3 and 4)										
6. Net Increase (Decrease)(Line 2 minus Line 5)										
7. Balance, End of Period (Line 1 plus Line 6)										
UNREALIZED DEPRECIATION ON SECURITIES HELD										
8. Balance Beginning of Period										
9. Add: Provisions During Period								Total: Col. 5 through 7		
10. Other Additions				Total: Col. 1 through 3						Total of Cols. 4, 8, & 9
11. Total (Lines 9 and 10)										
12. Less: Writeoffs During Period										
13. Allowance on Securities Sold									A/C 213	
14. Other Deductions			A/C 193, 196, & 199		A/C 203	A/C 206	A/C 209			
15. Total (Lines 12 through 14)	A/C 171	A/C 187								
16. Net Increase (Decrease) (Line 11 less Line 15)										
17. Balance, End of Period (Line 8 plus Line 16)										
18. Net Unrealized Gain (Loss) on Securities Held (Line 7 minus Line 17)										
PROVISION FOR TAXES ON UNREALIZED GAIN ON SECURITIES HELD										
19. Balance, Beginning of Period										
20. Increase (Decrease)				A/C 380				A/C 380	A/C 380	Total
21. Balance, End of Period										
22. NET UNREALIZED GAIN (LOSS) ON SECURITIES HELD (Line 18 minus 21)										

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8. Appendix C is added to read as follows:

APPENDIX C—SYSTEM OF ACCOUNT CLASSIFICATION

TABLE OF CONTENTS

I. Introduction

A. Statement of policy.
B. Purpose of the system.
C. Maintenance and retention of records.

II. Accounting Policies and Practices

A. Accrual basis of accounting.
B. Accounting and reporting Loans and Investments on the value basis.
C. Equity method of accounting.
D. Management consulting subsidiary.
E. Tax allocation policy.
F. Accrual of interest income.
G. Profit sharing.
H. Financing discounts and fees.
I. Realization of gain (loss) on sale of securities.
J. Unrealized gain (loss) on securities held.
K. Undistributed realized earnings.
L. Accounting for non-monetary transactions.
  1. Loans and investments.
  2. Dividends and "spin offs".
M. Special policies applying to 301(d) licensees.
  1. Interest subsidy.
  2. 3 percent non-voting preferred stock sold to SBA.
  3. Capitalized operating expenses.

III. Chart of Accounts

A. Account numbering system.
B. Additional accounts.
C. Primary classification of accounts.
D. Detail chart of accounts.

IV. Description of Accounts

I. INTRODUCTION

A. *Statement of policy*. Small Business Investment Companies (SBICs) licensed by the Small Business Administration (SBA) including 301(d) licensees are to maintain their books of account in accordance with the system of account classification and accounting policies herein prescribed. Accounting principles and practices set forth herein are in accordance with generally accepted accounting principles as set forth by the American Institute of certified public accountants for investment companies.

The system of account classification is adaptable to manual or machine accounting procedures employing the double-entry method of accounting, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended.

Nothing contained in this system of account classification can or is intended to authorize or approve any operation or action by a Licensee, or any other action, not authorized or approved by the Small Business Investment Act of 1958, as amended, or the rules and regulations promulgated thereunder.

This system of Account Classification was prepared by the SBA. Any inquiries or comments relating to the system should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose of the system*. This system has been prescribed to insure that standard books of account are maintained by licensees and that uniform accounting policies are followed. By design, the system is basic and may be expanded by a licensee if necessary.

C. *Maintenance and retention of records*. The licensee's books and records shall be maintained at its principal place of business. Books and records shall include its books of account, and other records, and memoranda which support the entries in its books of account. These supporting records shall be maintained in such manner as to be able readily to furnish information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

Complete records of nominal assets and contingent liabilities must be maintained. This is especially true with respect to (1) outstanding commitments to finance small business concerns through loans to them or the acquisition of their equity securities and to make funds available to other lenders through deferred participations, and (2) outstanding guarantees under which the company is contingently liable to lending institutions in connection with obligations of portfolio concerns. A section providing for the maintenance of appropriate memorandum records is included herein, covering nominal assets, contingent liabilities, options on the capital stock of the small business investment company, and the actual loss experience of the company.

Section 107.1102 of SBA rules and regulations specifies the time period licensee's records are to be maintained.

II. ACCOUNTING POLICIES AND PRACTICES

As a general rule, accounting policies followed by licensees are those promulgated by the American Institute of CPA's as generally accepted accounting principles and practices. Certain of these principles and practices are prescribed in the AICPA's audit guide.

The significant accounting policies licensees are to follow are summarized below. The summary is intended to highlight the more important accounting policies and practices rather than being an all inclusive statement.

A. *Accrual basis of accounting*. Books of account shall be maintained on an accrual basis and, at the end of each month transactions shall be posted to the General Ledger. Entering in the records and posting to the General Ledger of accruals applicable to each month is optional but all accruals are to be entered in the records and posted as the end of the fiscal year, and as of such other dates as mark the close of periods to be covered by interim or special financial reports required to be furnished to SBA including the annual examination by SBA Examiners.

B. *Accounting and reporting loans and investments on the value basis*. Loans and investments will be recorded at cost. However, unrealized appreciation or depreciation of such securities will be recognized in the accounts and as such will result in fair value accounting for loans and investments.

The practice of valuing loans and investments at the fair value and reflecting in the accounts the resulting unrealized gain (loss) on such securities held has been adopted by the American Institute of CPA's as being a generally accepted accounting practice for Investment companies. Accordingly, this practice is being adopted for SBICs.

The adoption of this practice causes unrealized appreciation on loans and investments to be recognized in the accounts. Unrealized depreciation, essentially allowance for losses, has always been recognized. An appropriate tax provision will be established for net unrealized appreciation on securities held.

C. *Equity method of accounting*. The carrying value of equity interests in unincorporated concerns will be determined by the equity method of accounting. However, for valuation purposes, the fair value basis of accounting will be used for the equity interest in unincorporated concerns.

The equity method of accounting will also apply to the investment in 301(d) licensees. Accordingly, an SBIC's investment account will be adjusted for its proportionate share of net income (loss) of such investee as well as dividends paid by the investee. The result will be an investment carried at the book value of such stock.

D. *Management consulting subsidiary*. According to § 107.601(c) of SBA regulations, consolidated financial statements are to be submitted to SBA when a licensee has a management consulting subsidiary. Although no provision has been made in the system of accounts for management consulting subsidiaries, books of account are to be maintained for the subsidiaries so as to properly account for its financial position and results of operations. Such accounts should also be compatible with this system of accounts.

Consolidated statements will include only the licensee and the management consulting subsidiary. Other subsidiaries are not to be reported on a consolidated basis.

E. *Tax allocation policy*. Tax allocation policies as set forth in Accounting Principals Board Opinion No. 11, Accounting for Income Taxes, effective December 31, 1967, will be followed by licensees in accounting for income taxes.

A difference between the amount of gain or loss recognized for tax purposes and that recognized for accounting purposes may constitute a timing difference to be accounted for according to APB Opinion No. 11.

F. *Accrual of interest income*. Interest Income will be accrued accordingly to terms of interest bearing loans and investments. Interest will not be accrued if the ability of the small business concern to pay such accrued interest is doubtful. Indicators of uncollectible accrued interest are when the SBC is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Other indicators are when principal and/or interest payments are in default more than 6 months or when the Board of Directors values the security below cost and considers collection to be doubtful.

G. *Profit sharing*. As a general rule, profit sharing with the financed concern is an adjustment of the interest rate. An exception to this rule is when the licensee makes an investment in an unincorporated concern which takes the form of an equity interest rather than a loan and the financed concern treats the profit sharing as an equity distribution rather than an expense.

H. *Financing discounts and fees*. Discounts on debt instruments resulting from financing made to small business concerns are considered an upward adjustment of the interest rate and are to be amortized over the stated life of the instrument on a straight-line basis. Accordingly, the discount is considered earned as it is amortized.

Fees, as a general rule, are considered earned at the time of financing since they are for services rendered in connection with the financing. To the extent fees are for services to be rendered in the future, such amount will be considered unearned until the services are performed at which time such fees will be considered earned.

I. *Realization of gain (loss) on sale of securities*. In accordance with the accrual basis of accounting, gain or loss on sale of securities or other assets of a licensee will be realized at the point of sale rather than at the point of collection. This practice assumes that the collectibility of the gain is reasonably assured and that the earnings process is complete, i.e., the licensee is not obligated to perform significant

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activities after the sale in order to earn the gain.

Any transaction with recourse upon the Licensee or involving any understanding, agreement, option, privilege, or other rights to repurchase by and/or resell to the Licensee may not be considered as a final transaction. Any reacquisition of the securities by the Licensee, resulting from prior agreements or rights, shall be construed by SBA as a nullification of the original sale transaction.

Any gain on sale of securities which does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

When part of the net sales price is other than cash, gain will continue to be realized at the time of sale unless the sale is not a final transaction or unless collection of the proceeds is not reasonably assured. However, such non-cash gains will not be available for capitalization or dividend distribution until collected. When such assets are converted to cash, application will first be made to the recovery of the licensee's cost of securities sold and then to gain, i.e., the cost recovery method.

Losses are recognized at the point of sale and are shown as a reduction of undistributed net earnings realized. They have no effect on non-cash gains.

Cost of securities sold is usually the carrying value of such assets on the licensee's books. Occasionally, a licensee will acquire shares of an investee's stock (which shares are of the same class) at different times and prices. When part of the shares are sold, the cost attributed to such shares will be based on an average cost of shares held rather than specific identity.

J. *Unrealized gain (loss) on securities held.* Unrealized gain (loss) on securities held results from the licensee's director's valuation of Loans and Investments. Unrealized appreciation represents the valuation above cost and unrealized depreciation represents valuation below cost. After considering an appropriate provision for taxes, the net amount will be "unrealized gain (loss) on securities held."

Such unrealized gain (loss) is primarily a function of valuation rather than a function of operations. Accordingly, unrealized gain (loss) on securities held will be measured separately in the equity accounts rather than being a measurement of earnings. Such accounting treatment is not at variance with Accounting Principles Board Opinion No. 9, Reporting the Results of Operations, issued by the AICPA and effective December 31, 1966, or with accounting practices set forth in the AICPA Audit Guide for Investment Companies as applied to SBICs.

K. *Undistributed realized earnings.* Undistributed realized earnings will encompass all realized earnings whether in cash or non-monetary receipts such as notes receivable, stock, etc. Earnings realized in other than cash will not be available for dividend declaration or otherwise made available for capitalization until converted to cash. Therefore, non-cash gains on sale of securities will be restricted until converted to cash. Gain or loss of securities held is unrealized and, therefore, not measured in undistributed earnings.

L. *Accounting for non-monetary transactions.* Non-monetary transactions involve both reciprocal and non-reciprocal transfers of assets or liabilities not involving cash between the licensee and another entry or person, or between the licensee and its stockholders. Accounting principals Board Opinion No. 29, issued by the AICPA and effective October 1, 1973, should be followed by licensees to the extent applicable when accounting for non-monetary transactions.

1. *Loan and investment transactions.* Non-monetary exchanges with portfolio concerns or others whereby the licensee transfers certain securities or assets for other securities or assets will not be considered transactions where gain (loss) is realized whether such transactions are taxable or non-taxable exchanges. The accounting basis for assets received will be the same basis as assets transferred and unrealized gain (loss) on securities held will be the result of the valuation process.

2. *Dividends and spin-offs.* Dividends in kind are nonreciprocal transfers of non-monetary assets to owners and should be accounted for at fair value if such fair value is objectively measurable and would clearly realizable to the licensee in an outright sale at or near the time of distribution. Otherwise, the transfer should be accounted for at cost without realizing a gain (loss). The average cost method will be used in determining cost of dividends in kind.

M. *Special policies applying to 301(d) licensees—1. Interest subsidy.* The interest subsidy applies to debentures purchased by SBA from a 301(d) licensee and is a "deferment" of interest payments rather than a "subsidy" in the true sense. Such deferred interest will be payable to SBA before the licensee can make a distribution to stockholders of any kind. Since the going concern concept must be presumed and distributions to stockholders are expected in the normal course of business, the deferred interest will be recognized as an expense in the period to which it applies, and a liability will be established for such deferred interest payments.

2. *Three percent non-voting preferred stock purchased by SBA.* Although considered leverage funds, preferred stock purchased by SBA of 301(d) licensee is treated like other equity securities for accounting purposes. Dividends on such stock receive the conventional treatment of dividends and are declared and paid out of "retained earnings."

3. *Capitalized operating expenses.* Frequently, 301(d) licensees that have parent companies will be allowed to increase capital by transfers of allocated operating expenses incurred on the part of the licensee but paid for by the parent company. Another form of the same type of transaction exists when the parent company increases private capital of a subsidiary licensee by a cash transfer which funds are designated to be used for budgeted operating expenses.

Such transfers whether monetary or non-monetary will be expenses rather than being treated as an asset on the basis that they have no future value.

III. CHART OF ACCOUNTS

A. *Account numbering system.* This system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

B. *Additional accounts.* Licensees may incorporate such additional accounts into their accounting system that are considered necessary.

Any account may be subdivided provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. Subaccounts shall refer by number and title to the accounts which they apply. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

C. *Primary classification of accounts.* The primary classification of accounts is as follows:

General ledger

Account No.	*Description*
100 to 299	Asset and valuation accounts.
300 to 399	Liability accounts.
400 to 499	Capital accounts.
500 to 599	Income accounts.
600 to 799	Expense accounts.

Memorandum records

NA–10 to NA–14	Nominal assets.
CL–15 to CL–17	Contingent liabilities.
OCS–1	Options on company's stock.
AL–1	Actual (realized) losses.

D. *Detail chart of accounts.* The detail chart of accounts is organized according to the primary classification of accounts and identifies the account number and title of each account. The page where a description of the account can be found is indicated at the right of the account title.

ASSET AND VALUATION ACCOUNTS

10–12 *Cash on hand and in banks*

100–108 Deposits in ---------------------- bank.
110–112 Deposits in imprest account in ---------------------- bank.
118 Cash items in process of collection.
120 Petty cash fund.

13 *Invested idle funds*

130 U.S. Government obligations, direct and fully guaranteed.
131 Insured savings accounts.
135–137 Time certificates of deposit in ---------------------- bank.

14 *Receivables*

140 Notes receivable.
141 Accounts receivable.
142 Allowance for uncollectable notes and accounts receivable.
143 Accrued interest receivables.
144 Allowances for uncollectible interest receivable.
145 Dividends receivable.

15 *Current maturities and other current assets*

150 Current maturities on portfolio securities.
152 Current maturities on assets acquired in liquidation of portfolio securities.
154 Current maturities on other securities.
156 Other current assets.

16 *Investment in 301(d) licensee*

160 Investment in 301(d) licensee.

17 *Loans to small business concerns*

170 Loans.
171 Depreciation of loan values.
173 Unearned discount, fees, and other charges on loans.

18 *Debt securities of small business concerns*

180 Debt securities, convertible, and with stock purchase warrants or options.
184 Debt securities divested of stock rights.
186 Appreciation of debt securities of SBCs.
187 Depreciation of debt securities values.
188 Unearned discount, fees, and other charges on debt securities.

19 *Equity interests of SBCs*

190 Capital stock of SBCs, convertible, and with stock purchase warrants or options.
191 Capital stock of SBCs—other.
192 Appreciation of capital stock of SBCs.
193 Depreciation of capital stock values.
194 Equity interests of unincorporated concerns.
195 Appreciation of equity interests in unincorporated concerns.
196 Depreciation of equity interests in unincorporated concerns.
197 Warrants, options, and other stock rights acquired from SBCs.
198 Appreciation of warrants, options, and other stock rights acquired from SBCs.
199 Depreciation of warrants, options and other stock rights acquired from SBCs.

20 *Assets acquired in liquidation of portfolio securities*

200 Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.
203 Depreciation in values of receivables from debtors on sale of assets acquired in liquidation of portfolio securities.
204 Operating concerns acquired.
205 Appreciation on operating concerns acquired.
206 Depreciation on operating concerns acquired.
207 Other assets acquired in liquidation of portfolio securities.
208 Appreciation on other assets acquired in liquidation of portfolio securities.
209 Depreciation of other assets acquired in liquidation of portfolio securities.

21 *Other securities*

210 Notes and other securities received on sale of portfolio securities.
211 Other securities received.
212 Appreciation of other securities.
213 Depreciation of other securities.

22 *Prepaid expenses and deferred charges*

220 Prepaid expenses.
221 Deferred charges.

23 *Furniture and equipment*

230 Furniture and equipment.
231 Accumulated depreciation on furniture and equipment.

24 *Corporate premises owned*

240 Corporate premises owned.
241 Accumulated depreciation on corporate premises owned.
242 Leasehold improvements.

25 *Other assets*

255 Amounts due from directors, officers, and employees.
256 Organization costs.
257 Funds in escrow.
259 Other assets.

LIABILITY ACCOUNTS

30 *Notes and other obligations payable to SBA for funds borrowed*

300 Notes payable to SBA.
301 Debentures payable issued to SBA.

31 *Notes and other obligations payable to other than SBA for funds borrowed*

310 Notes payable to other than SBA—guaranteed by SBA.
311 Notes payable to other than SBA—not guaranteed by SBA.
312 Mortgages payable for funds borrowed.
313 Mortgages payable on assets acquired in liquidation of portfolio securities.

32 *Notes payable—other*

320 Notes payable—other.

33 *Current maturities of long-term debt*

330 Current maturities of notes and debentures payable to or guaranteed by SBA.
331 Current maturities of notes and debentures payable to others not guaranteed by SBA.

34 *Accounts payable*

340 Accounts payable.

35 *Accrued expenses and other current liabilities*

350 Accrued interest payable.
351 Accrued taxes.
354 Estimated income taxes accrued.
358 Other current liabilities.

36 *Dividends payable*

360–364 Dividends payable on ---------------------- (type and class) capital stock.

37 *Trust receipts*

370 Employee taxes withheld.
374 Unapplied receipts.
376 Miscellaneous trust receipts.

38 *Deferred credits*

380 Deferred credit to future income taxes.
383 Other deferred credits.

39 *Other liabilities*

390 Other liabilities.

CAPITAL ACCOUNTS

40–41 *Capital stock*

400–404 ---------------------- (Type and class) capital stock authorized.
405–409 ---------------------- (Type and class) unissued capital stock.
410–411 ---------------------- (Type and class) capital stock subscribed.
413–414 Capital stock subscriptions receivable ---------------------- (Type and class)
415–419 Treasury stock ---------------------- (Type and class)

42 *Paid-in surplus*

420 Paid-in surplus.

43 *3 percent preferred stock (301(d) licensees only)*

430 3 percent preferred stock, cumulative, non-voting issued to SBA.

44 *Unrealized gain (loss) on securities held*

440 Unrealized appreciation on loans and investments.
445 Unrealized depreciation on loans and investments.
448 Estimated taxes on net realized gain (loss) gain on securities held.

45 *Undistributed realized earnings*

450 Non-cash gains on sale of securities.
451 Undistributed net realized earnings.

46 *Profit and loss clearing*

460 Profit and Loss summary.
461 Realized gain and loss summary in cash.
462 Non-cash realized gain summary.

INCOME ACCOUNTS

50 *Commitment income*

500 Commitment income.

51–52 *Interest income*

510 Interest on invested idle funds.
512 Interest on loans.
516 Interest on debt securities.
520 Interest income—other.

53 *Fee income*

532 Management service fees.
534 Investigation and service fees charged other lenders.
536 Application and appraisal fees.

54 *Dividends and other earnings*

540 Dividends on capital stock of SBCs.
541 Sharings in income or revenue of SBCs.

57 *Gain on securities and other assets*

570 Gain on U.S. Government securities.
572 Gain on debt securities.
574 Gain on capital stock of SBCs.
576 Gain on equity interest of unincorporated SBC.
577 Gain on warrants, options, and other stock rights acquired from SBCs.
578 Gain on assets acquired in liquidation of portfolio securities.
579 Gain on other assets.

58 *Miscellaneous income*

582 Income from assets acquired in liquidation of portfolio securities.
584 Other income.

EXPENSE ACCOUNTS

60 *Commitment expense*

600 Commitment expense.

61–62 *Interest expense*

610 Interest on obligations payable to SBA.
622 Interest on obligations payable to other than SBA.

64 *Stock record and other financial expenses*

642 Stock record and other financial expenses.

65–67 *Operating expenses*

650 Advertising and promotional costs.
651 Appraisal and investigation costs.
652 Auditing and examination costs.
653 Communications.
654 Cost of space occupied.
655 Depreciation of corporate premises owned, furniture, and equipment.
656 Amortization of leasehold improvements.
657 Directors' and stockholders' meetings costs.
658 Insurance.
659 Management services fees.
660 Investment adviser costs.
661 Legal services.
663 Salaries.
664 Taxes, excluding income taxes.
665 Travel.
670 Employee benefits expense.
672 Amortization of organization expense.
679 Miscellaneous operating expenses.

68 *Estimated losses on receivables*

680 Estimated losses on receivables.

70 *Loss on securities and other assets*

700 Loss on U.S. Government securities.
702 Loss on debt securities.
705 Loss on capital stock of SBCs.
706 Loss on equity interests of unincorporated concerns.
707 Loss on warrants, options, and other stock rights acquired from SBCs.
708 Loss on assets acquired in liquidation of portfolio securities.
709 Loss on other assets.

71 *Miscellaneous expenses*

710 Expense on assets acquired in liquidation of portfolio securities.
715 Other expenses.

72 *Income taxes*

720 Income taxes—net income.
722 Income taxes—net realized gain on investments.

MEMORANDUM RECORDS

Nominal assets

NA–10 Stock purchase warrants or options on stock of SBCs.

Contingent liabilities

CL–15 Commitments outstanding.
CL–16 Guarantees outstanding.
CL–17 Other contingent liabilities.

Options on company's stock

OCS–1 Options on company's stock.

Actual loss experience

AL–1 Actual (realized) losses.

IV. DESCRIPTION OF ACCOUNTS

ASSET AND VALUATION ACCOUNTS

100–108 Deposits in ------------------------ bank. These accounts will represent funds on demand deposit in banks which are members of the Federal Deposit Insurance Corporation.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

110–112 Deposits in imprest account in ------------------------ bank. These accounts will represent funds on demand deposit in imprest bank accounts to be drawn upon for the payment of operating expenses and to be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on the company's general funds bank account.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn.

118 *Cash items in process of collection.* This account will represent the amount of cash items placed with banks for collection.

Debit:

(a) With amount of such items placed with banks for collection.

Credit:

(a) With amount of items collected.

(b) With amount of uncollected items returned or withdrawn.

120 *Petty cash fund.* This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:

(a) With amount placed in the fund when established.

(b) With amount of increase in the fund.

Credit:

(a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 *United States Government obligations, direct and fully guaranteed.* This account will represent the cost of temporary investments made from general cash funds in direct obligations of the United States Government and obligations guaranteed as to principal and interest by the United States Government. When United States Government Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 510—Interest on invested idle funds.

Debit:

(a) With cost of such securities acquired.

(b) With increase in redemption value of United States Saving Bonds.

Credit:

(a) With redemption Value of United States Savings Bonds redeemed.

(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing will not be reflected in this account but will be debited to account No. 143—Accrued interest receivable, with concurrent credit to account No. 510—Interest on invested idle funds.

(See accounts Nos. 570 and 700.)

131. *Insured savings accounts.* This account will include the balances in subaccounts Nos. 131.1, 131.2, etc.

131.1 Insured savings in ------------------------ bank. ------------------------ This account will represent funds invested in an insured savings account (up to the amount of the insurance) in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:

(a) With amount of funds invested.

(b) With amount of dividends earned on such invested funds.

Credit:

(a) With amount of funds withdrawn.

135–137 Time certificates of deposit in ------------------------ bank. These accounts will represent funds in Time Certificates of Deposit, maturing not later than one year after issuance, in banks which are members of the Federal Deposit Insurance Corporation.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amont of funds withdrawn.

140 *Notes receivable.* This account will represent the unpaid balance of miscellaneous notes receivable, such as notes for management consulting services. Notes representing amounts due from debtors on sale of assets acquired in liquidation of portfolio securities will be reflected in account No. 200.

Debit:

(a) With amount of such miscellaneous notes received.

Credit:

(a) With amount collected on principal of such miscellaneous notes.

(b) With unpaid principal balance written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other Deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern is in default more than 6 months to the licensee, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 142.)

141 *Accounts receivable.* This account will represent the amount due on open account for management consulting, appraisal, and miscellaneous services rendered; and miscellaneous current receivable.

The account also will include the amount of accrued compensation receivable for services rendered to "participating" companies and the amount of accrued commitment fees receivable for making funds available on a deferred basis to small business concerns and to "initiating" companies in connection with the latter's financing of small business concerns.

Accounts receivable representing receivables due from debtors on sale of assets acquired in liquidation of portfolio securities will be reflected in account No. 200.

Debit:

(a) With amount due the company.

Credit:

(a) With amount collected.

(b) With amount written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropirate accounting. In less serious situations, when the debtor small business concern, is in default more than 6 months to the licensee, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectable notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 142.)

142 *Allowance for uncollectible notes and accounts receivable.* This account will represent the valuation reserve provided for estimated losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on notes and accounts receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of notes and accounts receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on notes and accounts receivable written off.

NOTE: When a note receivable or an account receivable is recorded with respect to any debtor small business is in default more than 6 months to the licensee, or the fair value of whose debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable reflected in this account should be made in an amount equivalent to the recorded receivable, or, as an alternative, the amount of the receivable recorded as an asset should be concurrently credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 140, 141, and 680.)

143 *Accrued interest receivable.* This account will represent the amount of interest accrued on portfolio loans to and debt securities of small business concerns, United States Government obligations, direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing and assets acquired in liquidation of portfolio securities as well as interest accrued on other securities.

Debit:

(a) With amount of interest accrued on all items covered by this account.

Credit:

(a) With amount of interest payments received.

(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.

(c) Upon disposition of interest-bearing obligations, with amount of accrued interest thereon included in this account.

(d) With amount of accrued interest written off or disposed of otherwise.

NOTE 1: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 374—Unapplied receipts, until the maturity date.

NOTE 2: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee; or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See account No. 144.)

144 *Allowance for uncollectible interest receivable.* This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of accrued interest receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries of accrued interest receivable written off.

NOTE: When interest receivable is accrued under circumstances in which the financed small business concern is in default over six months to the licensee, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable reflected in this account should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 143 and 680.)

145 *Dividends receivable.* This account will represent cash dividends that have been declared on capital stock of small business concerns but have not been distributed to stockholders.

Debit:

(a) With amount due the licensee of cash dividend declared.

Credit:

(a) With amount distributed to the licensee of the dividend declared.

(See account 540.)

NOTE 1: Stock splits or dividends in stock of the same class as that owned are not recorded as dividend receivable and also income because the licensee's equity interest in the company declaring the dividend or split has not changed.

Therefore, stock splits or dividends will be measured in the appropriate investment account.

(Account 190 or 191.)

NOTE 2: Dividends in kind will be recorded as income at the fair market value of the securities received and will be recorded in account No. 211, Other securities received.

150 *Current maturities of portfolio securities.* This account will represent the principal amounts due the licensee on a cost basis of loans and debt securities of small business concerns that are reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to loan or debt security accounts.

(See accounts Nos. 170, 180, and 184.)

152 *Current maturities on assets acquired in liquidation of portfolio securities.* This account will represent the current principal amounts due the licensee on a cost basis of amounts due from debtors on sale of assets acquired; or the current principal amounts of their debt instruments that are classified as assets acquired in liquidation of portfolio securities.

This account will represent only those amounts reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to the appropriate asset acquired in liquidation of portfolio securities account.

(See accounts Nos. 200, 204, and 207.)

154 *Current maturities on other securities.* This account will represent the principal amounts due the licensee on a cost basis of debt instruments classified as "other securities" that are reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to other securities accounts.

(See accounts Nos. 210 and 211.)

156 *Other current assets.* This account will represent current assets not otherwise classified of the licensee that are expected to be converted to cash or expensed in the normal course of business in the next twelve months.

Debit:

(a) With amount of such asset.

Credit:

(a) With amount collected.

(b) With the proportionate amount allocated to the period as an expense.

160 *Investment in 301(d) licensee.* This account will represent the licensee's investment in capital stock of a special purpose LBIC. The account will be maintained on the equity method of accounting basis and will show licensee's investment after considering proportionate share of realized income (loss) of the 301(d) licensee's operations and dividends declared by the 301(d) licensee.

Debit:

(a) With cost of capital stock of such 301(d) licensee.

(b) With the licensee's proportionate share of the 301(d) licensees:

(1) Net investment income, and

(2) Net realized gain on sale of securities.

Credit:

(a) With the licensee's proportionate share of:

(1) Net investment loss.

(2) Net realized loss on sale of securities.

(b) With the licensee's proportionate share of cash dividends or dividends in kind at fair value.

(c) With the value on equity basis of stock in 301(d) licensee when sold.

170 *Loans.* This account will represent the unpaid principal balance of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of direct loans.

(b) With portion retained by company of loans in which participations are sold to others.

(c) With amount of participations in loans of others.

(d) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held.

(e) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of direct loans.

(b) With company's share of amount collected on principal of loans in which participations are sold to others.

(c) With amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted.

(e) With amount transferred to assets acquired in liquidation of portfolio securities.

(f) With unpaid principal of loans written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

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Note 2: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

Note 3: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 173—Unearned discount, fees, and other charges on loans.

(See accounts Nos. 171.)

171 *Depreciation of loan values.* This account will represent the downward valuation of loans and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See accounts Nos. 170 and 445.)

Note: Usually, this account will be subdivided into at least two accounts:

171.1 *Allowance for losses* which represents losses the licensee expects to realize on specific loans.

171.2 *Other depreciation of loan values* which represents the Board of Directors downward valuation of specific loans. However, if securities are held to maturity, no loss would be expected. An example would be money mortgage discounts.

173 *Unearned discount, fees, and other charges on loans.* This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.

Credit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with its participations in loans of other lenders.

Note 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

Note 2: Unearned discount in this account will be transferred, as appropriate to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

Note 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the income account at once without first being entered in this account.

Note 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

180 *Debt securities, convertible, and with stock purchase warrants or options.* This account will represent the unpaid principal balance of small business concerns' debt securities, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 197.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(b) With company's share of amount collected on principal of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount by which participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock.

(e) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(f) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities.

(g) With upaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

Note 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidence a loan to, or equity financing of, a small business concern.

Note 2: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

Note 3: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 188—Unearned discount, fees, and other charges on debt securities, and for activities pertaining to participations purchases or sold.

(See accounts Nos. 184, 186, 187, 188, and memorandum record No. NA–10.)

184 *Debt securities divested of stock rights.* This account will represent the unpaid principal balance of small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options of debt securities, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With company's retained portion of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities divested of stock rights.

(b) With company's share of amount collected on principal of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities.

(e) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise.

Note: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 188—Unearned discount, fees, and other charges on debt securities.

(See accounts Nos. 186, 187, and 188.)

186 *Appreciation of debt securities of SBC's.* This account will represent the amount by which the licensee's Board of Directors has valued debt securities with equity features above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See account No. 440.)

Note: See Note 1 to account 187.

187 *Depreciation of debt securities values.* This account will represent the downward valuation of debt securities, convertible, and with stock purchase warrants or options, and debt securities, divested of stock rights and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for debt securities which are written off, sold, or disposed of otherwise.

(c) With amount of writedown of such debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

Note 1: When debt securities of small business concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 702 will be debited for the amount of the loss, and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 572. The amount of the reserve which has been established in this account for the debt security sold or disposed of otherwise will be reversed and offset against account No. 445.

Note 2: Usually, this account will be subdivided into at least two accounts:

187.1 *Allowance for losses* which represents losses the licensee expects to realize on specific debt securities.

187.2 *Other depreciation of debt securities values* which represents the Board of Directors downward valuation of specific debt securities. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

188 *Unearned discount, fees, and other charges on debt securities.* This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with purchases of debt securities participated in by other investors (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns which is assigned to the company in connection with its participations in purchases of debt securities by other investors (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.

Credit:

(a) With amount of unearned discount (including that equivalent to the determined cost of warrants, options, and other stock rights, as explained in Note 2 of account No. 197), fees, and other charges included in the face amount of debt securities but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with its participations in purchases of debt securities by other investors.

Note 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

Note 2: Unearned discount in this account will be transferred, as appropriate, to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

Note 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the income account at once without first being entered in this account.

Note 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

190 *Capital stock of SBCs, convertible, and with stock purchase warrants or options.* This account will represent the value at cost of small business concerns' capital stock, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 197.

Debit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of the capital stock of SBCs, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in acquisitions by others of capital stock of SBCs, convertible, and with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, which has been divested of stock purchase rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, converted to another class of capital stock.

(c) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

Note 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

Note 2: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

Note 3: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 191, 193, and memorandum record No. NA–10.)

191 *Capital stock of SBCs—other.* This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs—other acquired through (1) purchase (2) conversion of convertible debt securities or convertible capital stock of SBCs, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBCs—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the expiration of

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rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) With portion retained by company of the capital stock of SBCs—other in which participations are sold to others.

(d) With amount of participations in capital stock of SBCs—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs—other written off or disposed of otherwise.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options.

NOTE 2: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current acquisition of the capital stock will be considered the cost of the stock in those instances when the stock purchase rights surrendered have only a nominal value; otherwise, the cost of the stock will comprise the current expenditure plus the cost of the warrants of options surrendered.

NOTE 3: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBCs into another class of capital stock, the value at cost of the particular convertible security should be considered the cost of the capital stock received in the conversion.

(See accounts Nos. 190, 193, and 197.)

192 *Appreciation of capital stock of SBCs.* This account will represent the amount by which the licensee's Board of Directors has valued capital stock of SBCs above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See account No. 440.)

NOTE: See note 1 to account No. 193.

193 *Depreciation of capital stock values.* This account will represent the downward valuation of (1) capital stock of SBCs, convertible, and with stock purchase warrants or options, and (2) capital stock of SBCs—other, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is written off, sold, or disposed of otherwise.

(c) With amount of write down of such capital stock, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE 1: When capital stock of SBCs is sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 705 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 574. The amount of the reserve which has been established in the account for capital stock sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Usually, this account will be subdivided into at least two accounts:

193.1 *Allowance for losses* represents losses the licensee expects to realize on specific capital sock investments.

193.2 *Other depreciation of stock values* represents the downward valuation of specific stock investments. However, the licensee's management expects the decline to be temporary and thereby suffer no less on the investment. An example is temporary market decline of public tradeable stocks that are unrestricted.

(See accounts Nos. 190, 192, and 445.)

194 *Equity interests of unincorporated concerns.* This account will represent the licensee's investment in equity type securities of a limited partnership or other type of unincorporated concern. The account will be maintained on the equity method of accounting basis and will show the licensee's investment after considering its proportionate share of realized income (loss) of the unincorporated concern as well as distributions.

Debit:

(a) With cost of equity interest acquired.

(b) With the licensee's proportionate share of the concern's net income.

Credit:

(a) With the licensee's proportionate share of net loss.

(b) With the licensee's proportionate share of cash dividends.

(c) With the value on equity basis of the licensee's investment when sold or disposed of otherwise.

(See accounts Nos. 195 and 196.)

195 *Appreciation of equity interests of unincorporated concerns.* This account will represent the amount by which the licensee's Board of Directors has valued equity interests of unincorporated concerns above the carrying value of such securities on the equity method of accounting.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

NOTE: See Note 1 to account 196.

(See accounts Nos. 194, 196, and 440.)

196 *Depreciation of equity interests of unincorporated concerns.* This account will represent the amount by which the licensee's Board of Directors has valued equity interests of unincorporated concerns below the carrying value of such securities on the equity method of accounting.

Debit:

(a) With decrease in amount of such depreciation resulting from increase in fair value of such equity interests.

(b) With amount of depreciation attributable to equity interests sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

NOTE 1: When equity interests are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 706 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 576. The amount of the reserve which has been established in the account for equity interest sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: This account will usually be the same as allowance for loss on equity interests of unincorporated concerns. Otherwise, the account should be subdivided.

(See accounts, Nos. 194, 195, and 445.)

197 *Warrants, options, and other stock rights acquired from SBCs.* This account will represent the value at purchase price or at cost as otherwise determined of warrants, options, and other stock rights acquired by the company from small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended. The account will include conversion rights for which a separate cost has been determined.

Detachable stock purchase warrants or options on stock of SBCs for which no consideration is given distinct from that surrendered for the debt securities or capital stock which they accompany, or for which no separate cost has been determined, will be reflected in memorandum record No. NA-10, if retained after the financing instruments which they accompanied have been disposed of.

Debit:

(a) With cost of such warrants, options, or other stock rights acquired.

(b) With portion retained by company of the warrants, options, or other stock rights in which participations are sold to others.

(c) With amount of participations in acquisitions by others of warrants, options, or other stock rights.

Credit:

(a) With cost of such warrants, options, or other stock rights surrendered in exercising the stock rights.

(b) With cost of such warrants, options, or other stock rights written off or disposed of otherwise.

(c) With cost of such warrants, options, or other stock rights for which the exercise period has expired.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all warrants, options, or other stock rights acquired from SBCs.

NOTE 2: The cost of warrants, options, and other stock rights acquired from SBCs for a separate consideration will be charged to this account, with a credit to cash. If warrants, options, or other stock rights are acquired from SBCs without a separate consideration and a cost thereof is otherwise determined, such cost will be established in this account. (The determined cost of warrants, options, and other stock rights acquired with debt securities without a separate consideration therefor shall be arrived at giving full consideration to the grade of the debt security.) The payment for the debt security or capital stock certificate which accompanied the stock rights will be allocated between the obligation or stock and the stock rights. Cash will be credited for the determined cost of the stock rights. Cash also will be credited for the amount of the debt security or stock received less the amount withheld from disbursement in relation to the debt security or stock received, which is equivalent to the determined cost of the stock rights plus (in the case of a debt security) any other withholding from net funds advanced. In the purchase of a debt security the deduction equal to the determined cost of the stock rights, plus any other withholding from net funds advanced, will be treated as unearned discount on the debt security and credited to account No. 188—Unearned discount, fees, and other charges on debt securities. In the case of a purchase of capital stock, the deduction equal to the determined cost of the stock rights will serve to reduce the cost of the stock to be recorded in account No. 190—Capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 199, 577, and 707.)

198 *Appreciation of warrants, options, and other stock rights acquired from SBCs.* This account will represent the amount by which the licensee's Board of Directors has valued warrants, options and other stock rights above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See accounts Nos. 197, 199, and 440.)

NOTE: See Note 1 to account No. 199.

199 *Depreciation of warrants, options, and other stock rights acquired from SBCs.* This account will represent the Board of Directors' downward valuation of warrants, options, and other stock rights acquired from SBCs, and should represent an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for warrants, options, and other stock rights acquired from SBCs which are written off, sold, or disposed of otherwise (contra credit will be made to account No. 445).

(c) With amount of writedown of such warrants, options, and other stock rights acquired from SBCs, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE 1: When warrants, options, and other stock rights acquired from SBCs are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, account 707 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account 577. The amount of the reserve which has been established in the account for warrants, options, or other stock rights acquired, sold or disposed of otherwise will be reversed and offset against account 445.

NOTE 2: This account will usually represent the allowance for losses on warrants, options, and other stock rights. Otherwise, this account should be subdivided.

(See Accounts Nos. 197, 198, and 445.)

200 *Receivables due from debtors on sale of assets acquired in liquidation of portfolio securities.* This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of portfolio securities.

Debit:

(a) With amount of such receivables.

(b) With amount of participation in amounts due from debtors on sale of assets acquired in liquidation of portfolio securities of other lenders or investors.

Credit:

(a) With amount collected on principal of such receivables.

(b) With amount transferred to account No. 207—Other assets acquired in liquidation of portfolio securities. (Noncash assets other than receivables obtained on sale of assets acquired in liquidation of portfolio securities should be reflected at cost in account No. 207).

(c) With unpaid principal balance written off or disposed of otherwise.

NOTE: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of portfolio securities.

(See accounts Nos. 203, 204, and 207.)

203 *Depreciation in values of receivables from debtors on sale of assets acquired in liquidation of portfolio securities.* This account will represent the downward valuation on amounts due from debtors and securities received on sale of assets acquired in liquidation of portfolio securities, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount due from debtors on sale of assets acquired in liquidation of portfolio securities written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such items written off.

NOTE: Occasionally, this account will be subdivided into at least two accounts:

203.1 *Allowance for losses* which represents losses the licensee expects to realize on sepcific receivables from debtors.

203.2 *Other depreciation of receivables from debtors* represents the Board of Directors downward valuation of specific receivables from debtors. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

(See accounts Nos. 200 and 445.)

204 *Operating concerns acquired.* Occasionally, a licensee takes action to protect its investment in a portfolio concern and as a result acquires a controlling interest in an operating concern. In such cases, the licensee will reclassify the aggregate amount due from the portfolio concern to this account. If the concern has ceased operations and is being liquidated, the aggregate amount due from the portfolio concern will be classified as other assets acquired in liquidation of portfolio securities (account No. 207) rather than this account.

Debit:

(a) With total amount of the licensee's investment in the operating concern at the time of the acquisition.

(b) With additional financing provided by the licensee.

Credit:

(a) With amount collected from such operating concern.

(b) With proportionate cost of interest sold or disposed of otherwise.

(c) With amounts written off.

NOTE: It is recommended that individual ledger cards or sheets be maintained for individual loans and investments by operating concerns acquired.

(See accounts Nos. 205 and 206.)

205 *Appreciation of operating concerns acquired.* This account will represent the amount by which the licensee's Board of Directors has valued securities of operating concerns acquired above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See accounts 204, 206, and 440.)

NOTE: See Note 1 to account No. 206.

206 *Depreciation of operating concerns acquired.* This account will represent the amount by which the licensee's Board of Directors has valued securities of operating concerns acquired below cost of such securities.

Debit:

(a) With decreases in amount of such depreciation resulting from increase in fair value of such equity interests.

(b) With amount of depreciation attributable to equity interests sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

NOTE 1: When investments in operating concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 708 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 578. The amount of the reserve which has been established in the account for the investment sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Usually, this account will be subdivided into at least two accounts:

206.1 *Allowance for losses* which represents losses the licensee expects to realize on specific operating concern acquired.

206.2 *Other depreciation of values* represents the Board of Directors downward valuation of specific loans. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

(See accounts Nos. 204, 205, and 445.)

207 *Other assets acquired in liquidation of portfolio securities.* This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of portfolio securities. Judgments, sheriffs' certificates (including prop-

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erty acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in mortgaged real property acquired in liquidation of portfolio securities should be recorded at gross value as determined by the Board of Directors, reduced as necessary to bring the net recorded value to no more than the outstanding principal balance of the related portfolio securities involved. The amount of the existing mortgage or mortgages on such property acquired by the company will be reflected in account No. 313. The balance of the latter account will not be treated as a liability on the Statement of Financial Position but will be deducted from the asset account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related portfolio securities outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the assets at the time of the acquisition.

(b) With amount of the company's investment in the assets at the date of judgment, sheriff's certificate, etc.

(c) With amount of participation in assets acquired by others in liquidation of portfolio securities.

Credit:

(a) With proceeds of partial sale of the assets.

(b) With amount of the company's investment at date of sale, or other disposition of the assets.

(c) With amount written off.

Note 1: Collateral notes receivable acquired in the liquidation of portfolio securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of portfolio securities will be included in account No. 200—Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.

Note 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of portfolio securities.

(See accounts Nos. 170, 180, 184, 200, and 204.)

208 *Appreciation of other assets acquired in liquidation of portfolio securities.* This account will represent the amount by which the licensee's Board of Directors has valued other assets acquired above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

Note: See Note 1 to account No. 209.

(See accounts Nos. 207, 209, and 440.)

209 *Depreciation of other assets acquired in liquidation of portfolio securities.* This account will represent the downward valuation of other assets acquired in liquidation of portfolio securities, and should be maintained in an amount not less than a conservative estimate of probable loses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of portfolio securities which are written off, sold, or disposed of otherwise (contra credit will be made to account No. 445).

(c) With amount of writedown of such assets acquired in liquidation of portfolio securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

Note 1: When assets acquired in liquidation of portfolio securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, account 708 will be debited for the amount of the loss and account No. 209 will be credited for the related cost value carried therein. If a gain over recorded investment in the assets acquired in liquidation is realized, such gain will be credited to account No. 578. The amount of the reserve which has been established in this account for other assets acquired in liquidation of portfolio securities will be reversed and offset against account 445 when such assets are sold or disposed of otherwise.

Note 2: This account will usually represent the allowance for losses on other assets acquired in liquidation of portfolio securities. Otherwise, it should be subdivided.

(See accounts Nos. 200 and 445.)

210 *Notes and other securities received on sale of portfolio securities.* This account will represent the securities taken by the licensee as part of the net sales price of portfolio securities sold.

Debit:

(a) With assigned cost of such securities when acquired.

Credit:

(a) With cost of such securities when sold.

(b) With cost of such securities when written off or disposed of otherwise.

Note 1: It is recommended that individual ledger cards or sheets be maintained for securities received on sale of portfolio securities.

(See accounts 211, 212, and 213.)

211 *Other securities received.* This account will represent securities received by the licensee for which no funds were provided and which would not otherwise be classified as loans and investments. An example of such securities would be a dividend in kind received by licensee from a portfolio concern.

Debit:

(a) With fair value of such securities when received.

Credit:

(a) With carrying value of such securities when sold, written off or disposed of otherwise.

(See accounts 210, 212, and 213.)

212 *Appreciation of other securities.* This account will represent the amount by which the licensee's Board of Directors has valued other securities with equity features above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

Note: See Note 1 to account No. 213.

(See accounts 210, 211, 213, and 440.)

213 *Depreciation of other securities.* This account will represent the amount by which the licensee's Board of Directors has valued other securities below the carrying value of such securities.

Debit:

(a) With decreases in amount of such depreciation resulting from increase in fair value of such securities.

(b) With amount of depreciation attributable to other securities sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

Note 1: When other securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 709 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 579. The amount of the reserve which has been established in the account for securities sold or disposed of otherwise will be reversed and offset against account No. 445.

Note 2: Frequently, this account will be subdivided into at least two accounts:

213.1 *Allowance for losses* represents losses the licensee expects to realize on specific other securities.

213.2 *Other depreciation of values* represents the Board of Directors downward valuation of specific securities. However, if securities are held to maturity, no loss would be expected. An example is money mortgage discount. Another example would be temporary market decline of marketable securities.

(See accounts Nos. 210, 211, 212, and 445.)

220 *Prepaid expenses.* This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period. An example of such prepaid expense is debt discount and expense that may result from obtaining leverage funds.

Debit:

(a) With amount of prepaid expenses.

Credit:

(a) With the proportional amount of such expenses applicable to the period.

Note: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their amortization.

221 *Deferred charge.* Timing differences will exist between accounting income and taxable income and thereby may cause a prepayment of taxes which is considered to be a deferred charge to future income tax expense. The prepayment is based on accounting income and primarily will result from provision for loss on stock of SBCs. This account will represent such deferred charges recognized.

Debit:

(a) Such account for amounts when prepaid.

Credit:

(a) Such account for amounts that have been previously prepaid that are being applied during the period.

(See account No. 380.)

230 *Furniture and equipment.* This account will represent the cost of furniture, fixtures, and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit:

(a) With cost of such assets purchased.

Credit:

(a) With cost of such assets at the time of sale or other disposition.

Note: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 231.)

231 *Accumulated depreciation on furniture and equipment.* This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 230 and 655.)

240 *Corporate premises owned.* This account will represent the actual cost of acquisition of the land and building used as the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land, and any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the land and building.

(b) With actual cost of any improvement to the land and/or building.

Credit:

(a) With the acquisition cost of the land and/or building, plus the cost of improvements made thereto, when the land and/or building is sold or disposed of otherwise.

(See account No. 241.)

241 *Accumulated depreciation on corporate premises owned.* This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 240 and 655.)

242 *Leasehold improvements.* This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized through account No. 656 over the life of the lease or the life of the improvements, whichever is the shorter.

Debit:

(a) With actual cost of improvements to leasehold.

Credit:

(a) With the amount necessary to amortize the cost of leasehold improvements.

255 *Amounts due from directors, officers, and employees.* This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit:

(a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709.)

256 *Organization costs.* This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit:

(a) With amount of such costs incurred.

Credit:

(a) With the amount necessary to amortize the organization costs.

(See account No. 672.)

257 *Funds in escrow.* This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit:

(a) With amount of funds placed in escrow.

Credit:

(a) With amount of funds withdrawn from escrow.

259 *Other assets.* This account will represent the amount of assets of the company, at cost, not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments (such as the payment of taxes on mortgaged property), but not including short-term loans or debt securities issued to protect the company's interests in previously issued long-term loans or equity securities.

Debit:

(a) With amount of the company's investment in such assets.

Credit:

(a) With amount of such assets sold or disposed of otherwise.

(See account No. 709.)

LIABILITY ACCOUNTS

300 *Notes payable to SBA.* This account will represent the long-term principal balance of notes payable (1) for funds borrowed and received directly from the Small Business Administration and (2) for funds borrowed from others through guaranteed loans which subsequently have been purchased by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra debit will be made to account No. 310).

(See account 330.)

301 *Debentures payable issued to SBA.* This account will represent the long-term principal balance of funds received by the company under its debentures payable issued to the Small Business Administration for funds borrowed.

Debit:

(a) With amount of principal payments made to SBA on such debentures.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds received from SBA under such debentures.

(See account 330.)

310 *Notes payable to other than SBA—guaranteed by SBA.* This account will represent the long-term principal balance of notes payable for funds borrowed from other than the Small Business Administration and guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra credit will be made to account No. 300).

(c) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 330.)

311 *Notes payable to other than SBA—not guaranteed by SBA.* This account will represent the long-term principal balance of notes payable for funds borrowed from other than the Small Business Administration and not guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 331.)

312 *Mortages payable for funds borrowed.* This account will represent the long-term principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit:

(a) With amount of principal payments made on such indebtedness.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 331.)

313 *Mortgages payable on assets acquired in liquidation of portfolio securities.* This account will represent the unpaid principal balance of existing mortgages payable on assets acquired by the company in liquidation of portfolio securities.

Debit:

(a) With amount of principal payments made on such indebtedness.

Credit:

(a) With amount of such indebtedness.

(See account No. 207.)

320 *Notes payable—other.* This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of unpaid principal of such notes executed.

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330 *Current maturities of notes and debentures payable to or guaranteed by SBA.* This account will represent the principal amount due on a current basis (payable by the licensee in the next 12 months of operations) of long-term debt shown in accounts 300, 301 and 310.

Debit:

(a) With amounts paid by the licensee or disposed of otherwise.

Credit:

(a) With amounts that become due by the licensee on a current basis.

(See accounts Nos. 300, 301, 310.)

331 *Current maturities of notes and debentures payable to others not guaranteed by SBA.* This account will represent the principal amount due on a current basis (payable by the licensee in the next 12 months of operations) of long-term debt shown in accounts 311 through 313.

Debit:

(a) With amounts paid by the licensee or disposed of otherwise.

Credit:

(a) With amounts that become due by the licensee on a current basis.

(See accounts Nos. 311 through 313.)

340 *Accounts payable.* This account will represent amounts payable on open account. The account also will include accrued compensation payable for services rendered to the company on its participations in financing transactions, and accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies in connection with the financing of, or commitments to finance, small business concerns.

Debit:

(a) With amount of such indebtedness paid, or disposed of otherwise.

Credit:

(a) With amount of such indebtedness incurred.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See accounts Nos. 141, 600, and 715.)

350 *Accrued interest payable.* This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable. The account will also include accrued interest payable on other interest-bearing obligations of the company.

Debit:

(a) With amount of such interest paid or disposed of otherwise.

Credit:

(a) With amount of interest accrued on all interest-bearing obligations covered by this account.

351 *Accrued taxes.* This account will represent the balance of accrued taxes on payroll, such as the company's portion of social security taxes, which have not been remitted to the appropiate collectors of such taxes.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See account No. 664.)

354 *Estimated income taxes accrued.* This account will include the balances in subaccounts Nos. 354.1, 354.2, 354.3, etc.

354.1 *Estimated Federal income taxes accrued.* This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See subaccounts Nos. 720.1 and 722.1.)

354.2 *Estimated State income taxes accrued.* This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See subaccounts Nos. 720.2 and 722.2.)

358 *Other current liabilities.* This account will represent other current liabilities not provided for in other accounts.

Debit:

(a) With amount of such expenses paid or disposed of otherwise.

Credit:

(a) With amount of such expenses accrued.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–364 *Dividends payable on* __________
(type)
______________ *capital stock.* These accounts
(and class

will represent the company's liability for dividends declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

Debit:

(a) With amount of such dividends paid.

Credit:

(a) With amount of such dividends declared payable by the company's Board of Directors.

370 *Employee taxes withheld.* This account will represent the amount of income and social security taxes withheld from employees' salaries which have not been remitted to the appropriate collectors of such taxes.

Debit:

(a) With amount of such taxes remitted.

Credit:

(a) With amount of such taxes withheld.

374 *Unapplied receipts.* This account will represent the amount of funds received by the company which have not been applied to loans, debt securities, interest receivable, etc. This account will be used only in instances when the funds received cannot be applied promptly.

Debit:

(a) With amount of such funds applied or disposed of otherwise.

Credit:

(a) With amount of funds received which cannot be applied promptly.

378 *Miscellaneous trust receipts.* This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries for the purchase of United States Savings Bonds, payment of group life insurance premiums, payments of pension fund contributions, etc. The account will also include amounts due other companies that are participants in financing where the licensee is the sponsor and is servicing the debt.

Debit:

(a) With amount of such funds disbursed or disposed of otherwise.

Credit:

(a) With amount of such funds withheld or received.

380 *Deferred credit to future taxes.* Timing differences will exist between accounting income and taxable income and thereby cause a deferment of tax expense. Such deferred credits usually will result from provision for loss on loans and debt securities. This account will represent such deferred tax payments.

Debit:

(a) Such account with amount of taxes paid had been previously deferred.

Credit:

(a) Such account with amount of tax payments when deferred.

(See account No. 221.)

383 *Other deferred credits.* This account will represent the amount of deferred credits of the company not specifically provided for in other accounts.

The account will include any gain on sale of assets which does not qualify as realized gain.

Debit:

(a) With amount of such deferred credits transferred to income or gain, or disposed of otherwise.

Credit:

(a) With amount of such deferred credits established.

NOTE 1: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in this account, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to licensee over 6 months, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in this account as above indicated.

NOTE 2: Deferred gain in this account will be transferred to appropriate gain accounts as it is realized.

390 *Other liabilities.* This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

Debit:

(a) With amount of such liabilities paid or disposed of otherwise.

Credit:

(a) With amount of such liabilities incurred.

CAPITAL ACCOUNTS

400–404 ________________________ capital
(Type and class)

stock authorized. These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit:

(a) With amount of reductions of such capital stock authorized.

Credit:

(a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409 and "Note" of accounts Nos. 415–419.)

405–409 ________________________ unis-
(Type and class)

sued capital stock. These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit:

(a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit:

(a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–411).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404 and "Note" of accounts Nos. 415–419.)

410–411 ________________________ capital
Type and class

stock subscribed. These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock canceled or disposed of otherwise.

Credit:

(a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 413–414 and "Note" of accounts Nos. 415–419.)

413–414 Capital stock subscriptions receivable ________________________ These
(Type and class)

accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock subscribed.

Debit:

(a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions canceled or disposed of otherwise.

(See accounts Nos. 410–411 and "Note" of accounts Nos. 415–419.)

415–419 Treasury Stock ________________
(type and class)

________ These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra credit will be made to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained as deemed necessary.

420 *Paid-in surplus.* This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase, but not to exceed the total of credits residing in this account relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto (any amount of loss in excess of the total of such credits will be charged to account No. 451).

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to account No. 451).

Credit:

(a) With amount paid in (including stock dividends from undistributed earnings), or transferred from capital stock subscribed, representing the excess after deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchases, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

430 *3 percent cumulative preferred stock (issued to SBA).* This account will be used by 301(d) licensees only and will represent the preferred stock sold to the Small Business Administration at its par value by the licensee. Such stock is not included in capital stock accounts Nos. 400–414 because such stock is not considered private capital for leverage or regulatory purposes.

Debit:

(a) Such account with the par value of prepared stock repurchased by the licensee.

Credit:

(a) Such account with the par value of preferred stock sold to SBA by the licensee.

440 *Unrealized appreciation on loans and investments.* This is a credit balance account and will represent the amount by which the licensee's Board of Directors has valued loans and investments above cost of such securities.

Debit:

(a) With decrease in amount of appreciation resulting from decline in fair value of securities held.

(b) With amount of appreciation attributable to securities sold or disposed of otherwise.

Credit:

(a) With amount of such appreciation recognized.

(b) With amount of increase in such appreciation recognized.

(See accounts Nos. 186, 192, 195, 198, 205, and 208.)

445 *Unrealized depreciation on loans and investments.* This is a debit balance account and will represent the amount by which the licensee's Board of Directors has valued loans and investments below cost of such securities.

Debit:

(a) With amount of "depreciation" of loans and investments recognized.

(b) With amount of increase in such depreciation recognized.

Credit:

(a) With decrease in the amount of depreciation resulting from increase in fair value of securities held.

(b) With amount of depreciation attributable to securities sold or disposed of otherwise.

(See accounts Nos. 171, 187, 193, 196, 199, 203, 206, and 209.)

448 *Estimated taxes on net unrealized gain (loss) on securities held.* This is a debit balance account that will represent the provision for income taxes on net unrealized appreciation (amount by which the Board of Directors valuation of all securities exceeds cost). As the valuation of securities changes, the provision for taxes will change.

Debit:

(a) With provisions for taxes established on net unrealized gain.

(b) With increases in provision for taxes.

Credit:

(a) With established provision for taxes attributable to securities sold or disposed of otherwise.

(b) With decrease in provision established.

NOTE: Should the net amount (unrealized appreciation less unrealized depreciation) be a negative figure (i.e., a net loss) the tax effect should be computed and reflected in the accounts.

(See accounts Nos. 221 and 380.)

450 *Non-cash gains on sale of securities.* This is a credit balance account and represents gains realized on sale of securities that have not been converted to cash. While considered to be undistributed earnings, amounts in this account will not be available for distribution or capitalized by corporate action. Therefore, such amounts are considered restricted undistributed earnings realized.

Debit:

(a) With amount of cash collected of such non-cash gains previously recognized.

(b) With amount of non-cash gains written off or disposed of otherwise.

Credit:

(a) With amounts of non-cash gain when the securities generating such gain are sold.

NOTE: It is recommended that individual records be maintained for each non-cash gain realized.

(See accounts Nos. 462, 210, 579, and 709).

451 *Undistributed net realized earnings.* This is a credit balance account and represents the cumulative balance of periodic net investment income including realized gain (loss) on securities sold, less dividend distributions whether cash, stock or dividends in kind. Non-cash gains on sale of securities are included in account No. 450.

Debit:

(a) At the end of the fiscal year, with any debit balance in account No. 460 reflected in the profit and loss summary account, and/or the realized gain and loss summary account, No. 461.

(b) With amount of dividends, other than stock dividends, declared payable out of undistributed net realized earnings by the company's Board of Directors.

(c) With amount of stock dividends, at a per share value representing the higher of fair value existing at the time that the dividend is declared, which are declared by the company's Board of Directors and paid out of undistributed net realized earnings.

(d) With appropriate amount of loss on treasury stock sold which was acquired through purchase, representing the excess of such loss over the total of credits residing in paid-in surplus, account No. 420, relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto.

(e) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

Credit:

(a) At the end of the fiscal year, with the credit balances of the profit and loss summary account, No. 460 and the realized gain and loss summary account, No. 461.

(See accounts Nos. 450, 460, 461, and 462.)

460 *Profit and loss summary*. This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to undistributed net realized earnings—account No. 451).

Credit:

(a) At the end of the fiscal year, with the credit balances of all income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to undistributed net realized earnings—account No. 451).

(See account No. 451.)

461 *Realized gain and loss summary—in cash*. This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 451.)

462 *Non-cash realized gain summary*. This account will be used as a clearing account through which all accounts for non-cash realized gains on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the credit balance of the account (transfer to non-cash gains on sale of securities)—account No. 450.

Credit:

(a) At the end of the fiscal year, with the amounts of non-cash gains on investments sold during the period and recognized in accounts 572 through 579.

(See accounts Nos. 450 and 461.)

INCOME ACCOUNTS

500 *Commitment income*. This account will represent the amount of income earned on commitments to small business concerns for loans and equity securities. This account, on the books of the "participating" company, will include the amount of commitment income on deferred participations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned on commitments and deferred participations.

NOTE 1: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

NOTE 2: Recording as income in this account of accrued commitment fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 382—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern or the fair value of its debt or equity instrument held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued commitment fees taken into income in this account, or, as an alternative, the commitment income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 141 and 142.)

510 *Interest on invested idle funds*. This account will represent the amount of interest earned on (1) time certificates of deposit in banks which are members of the Federal Deposit Insurance Corporation, (2) U.S. Government obligations, direct and fully guaranteed, owned by the company, and (3) funds of the company in insured savings accounts in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on invested idle funds.

(See accounts Nos. 130 through 137, 143, and 144.)

512 *Interest on loans*. This account will represent the amount of interest earned on loans to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on loans outstanding to small business concerns.

NOTE: Accrual of interest receivable should be discontinued with respect to any loan to a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee, or the fair value of the loan as determined in good faith by the Board of Directors is less than cost or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 143, 144, 170, and 173.)

516 *Interest on debt securities*. This account will represent the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on debt securities owned.

NOTE: Accrual of interest receivable should be discontinued with respect to any debt security of a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee, or the fair value of the debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 143, 144, 180, 184, and 188.)

520 *Interest income—other*. This account will represent the amount of interest earned on miscellaneous notes receivable, funds in escrow, and interest-bearing receivables not otherwise classified.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on such receivables.

(See accounts Nos. 140, 143, and 257.)

532 *Management service fees*. This account will represent the amount of fees charged for management services rendered to small business concerns and other small business investment companies pursuant to section 107.601 of the Small Business Administration Rules and Regulations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

NOTE: Recording as income in this account of accrued management service fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the fair value of the financed concern's debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued management consulting service fees taken into income in this account, or, as an alternative, the management consulting service income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 140, 141, and 142.)

534 *Investigation and service fees charged other lenders*. This account will represent the amount of fees charged for investigation and services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will include compensation for financial services rendered in connection with participation sold.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 140, 141, and 142.)

536 *Application and appraisal fees*. This account will represent the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 173 and 188 and "Note" of accounts Nos. 140, 141, and 532.)

540 *Dividends on capital stock of SBCs*. This account will represent the amount of income from dividends on capital stock of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income from such dividends.

(See account No. 145.)

541 *Sharings in income or revenue of SBCs*. This account will represent the amount of sharings or participations in the income or revenue of small business concerns which the company has financed by means of loans or debt securities, as well as income from equity interest in unincorporated concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such sharings.

(See accounts Nos. 140, 141, and 145.)

570 *Gain on U.S. Government securities*. This account will represent the amount of gain on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited to account No. 510—Interest on invested idle funds, with concurrent debit to account No. 143—Accrued interest receivable.

572 *Gain on debt securities*. This account will represent the amount of gain on the sale or other disposition of debt securities of small business concerns carried in accounts Nos. 180 and 184, and will include recoveries on debt security losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

(b) With amount collected on portions of debt securities previously charged to the loss account.

(See accounts Nos. 383 and 702.)

574 *Gain on capital stock of SBCs*. This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 191, and will include recoveries on capital stock losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

(b) With amount realized on capital stock of SBCs previously charged to the loss account.

(See accounts Nos. 383 and 705.)

576 *Gain on equity interests of unincorporated concerns*. This account will represent the amount of gain on the sale or other disposition of equity interests of unincorporated concerns carried in account 194 and will include recoveries of losses on equity interests of unincorporated concerns previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such equity interests sold or disposed of otherwise.

(b) With amount realized on equity interests previously charged to the loss account.

(See accounts Nos. 383 and 706.)

577 *Gain on warrants, options, and other stock rights acquired from SBCs*. This account will represent the amount of gain on the sale or other disposition of warrants, options, and other stock rights acquired from SBCs, and will include recoveries on stock rights losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such warrants, options, and other stock rights acquired from SBCs sold or disposed of otherwise.

(b) With amount realized on warrants, options, and other stock rights previously charged to the loss account.

(See accounts Nos. 197, 383, 707, and memorandum record No. NA–10.)

578 *Gain on assets acquired in liquidation of portfolio securities*. This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of portfolio securities of small business concerns carried in accounts Nos. 200, 201, 204, and 207, and will include recoveries on losses on assets acquired in liquidation previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such assets acquired in liquidation of portfolio securities sold or disposed of otherwise.

(b) With amount realized on assets acquired in liquidation of portfolio securities previously charged to the loss account.

(See accounts Nos. 383 and 708.)

579 *Gain on other assets*. This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts, and will include recoveries on losses on other assets previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

(b) With amount realized on other assets previously charged to the loss account.

(See accounts Nos. 210, 211, 383, and 709.)

582 *Income from assets acquired in liquidation of portfolio securities*. This account will represent the amount of income earned on assets acquired in liquidation of portfolio securities, including the operation of properties, carried in accounts Nos. 200, 204, and 207.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation or the disposition of assets acquired in the liquidation of portfolio securities should be charged to account No. 220—Prepaid expenses.

584 *Other income*. This account will represent the income earned not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned.

EXPENSE ACCOUNTS

600 *Commitment expense*. This account will represent the amount of commitment

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expense on commitments from lending institutions.

On the books of the "initiating" company, this account also will include the amount of commitment expense on deferred participations.

Debit:

(a) With amount of expense incurred on commitments and deferred participations.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a particiaption agreement whereby the "particiapting" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See account No. 340.)

610 *Interest on obligations payable to SBA*. This account will represent the amount of interest expense accrued on obligations payable to the Small Business Administration for funds borrowed.

Debit:

(a) With amount of such interest accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300, 301, and 350.)

622 *Interest on obligations payable to other than SBA*. This account will represent the amount of interest expense accrued on obligations payable to other than the Small Business Administration for funds borrowed.

Debit:

(a) With amount of such interest accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 310, 311, 312, 313, 320, and 350.)

642 *Stock record and other financial expenses*. This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock, and will include other financial expenses not provided for elsewhere.

Debit:

(a) With amount of such expenses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340.)

650–679 *Operating expenses*. The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account:

(a) With amount of operating expenses incurred.

Credit appropriate account:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 *Advertising and promotional costs*. This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 *Appraisal and investigation costs*. This account will represent the amount of charges made by outside firms and individuals for appraisal, investigation, and related services rendered to the company.

652 *Auditing and examination costs*. This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 *Communications*. This account will represent telephone, telegraph, and postage expense.

654 *Cost of space occupied*. This account will represent the cost of space occupied such as rent, alterations, light, heat, power, janitor service, maintenance and repair expense on buildings, furniture, and equipment (other than automobiles), etc.

655 *Depreciation of corporate premises owned, furniture, and equipment*. This account will represent the amount of provision applicable to the fiscal year for depreciation of the buildings and other depreciable improvements of corporate premises owned and used as the company's office quarters. The account also will include the amount of provision applicable to the fiscal year for depreciation of furniture and equipment (other than automobiles) owned by the company.

656 *Amortization of leasehold improvements*. This account will represent the amortization of leasehold improvements.

657 *Directors' and stockholders' meetings costs*. This account will represent directors' fees and travel expense for attendance at directors' and stockholders' meetings. The account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 *Insurance*. This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond, premiums and insurance on automobiles. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378. Insurance premiums to be amortized will be charged to account No. 220.

659 *Management services fees*. This account will represent the amount of charges made by outside firms or individuals for management services provided to licensee pursuant to management agreement approved by SBA.

660 *Investment adviser costs*. This account will represent the amount of charges made by outside firms and individuals for furnishing consultation and advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property.

661 *Legal services*. This account will represent the cost of legal services rendered to the company.

663 *Salaries*. This account will include the balances in subaccounts Nos. 663.1 and 663.2.

663.1 *Salaries of officers*. This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 *Salaries of employees*. This account will represent the salary cost of all employees other than officers, including salaries of any temporary or part-time employees engaged for specific assignments.

664 *Taxes, excluding income taxes*. This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, and personal property, social security taxes (company's portion), and other taxes charged to the company, exclusive of income taxes.

665 *Travel*. This account will represent all travel expense, including transportation charges, automobile maintenance, operating expense, and depreciation expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

670 *Employee benefits expense*. This account will represent the cost assumed by the company in contributing to funds providing for employee retirement benefits and other types of employee benefits, except group life insurance. The portion, if any, of the cost of employee benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 *Amortization of organization expense*. This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 256.

679 *Miscellaneous operating expenses*. This account will represent the amount of operating expenses not specifically provided for in other accounts. There will be included expenses incurred in connection with dues, subscriptions, donations, and similar items; charges made to the company for custodial or safekeeping services in connection with its portfolio securities; and bank service charges, exchange on checks, protest fees, etc., and the cost of office supplies such as stationery, accounting forms, binders, pencils, etc.

680 *Estimated losses on receivables*. This account will represent the amount of estimated losses applicable to the fiscal year on notes and accounts receivable, and interest receivable.

Debit:

(a) With amount of such estimated losses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

700 *Loss on U.S. Government securities*. This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in accounts Nos. 130–135.

Debit:

(a) With amount of loss on such securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 460 or 462).

(See account No. 570.)

702 *Loss on debt securities*. This account will represent the amount of loss on the sale or other disposition of debt securities of small business concerns carried in accounts Nos. 180 and 184.

Debit:

(a) With amount of loss on such debt securities written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary—account No. 461).

(See account No. 572.)

705 *Loss on Capital stock of SBCs*. This account will represent the amount of loss on sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 191.

Debit:

(a) With amount of loss on such capital stock written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 574.)

706 *Loss on equity interest of unincorporated concern*. This account will represent the amount of loss resulting from sale or other disposition of equity interests of unincorporated concerns carried in account No. 194.

Debit:

(a) With amount of loss on such equity interests sold, written off, or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 576.)

707 *Loss on warrants, options, and other stock rights acquired from SBCs*. This account will represent the amount of loss on the sale or other disposition of warrants, options, and other stock rights acquired from SBCs.

Debit:

(a) With amount of loss on such warrants, options, and other stock rights written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See accounts Nos. 197, 577, and memorandum record No. NA–10.)

708 *Loss on assets acquired in liquidation of portfolio securities*. This account will represent the amount of loss on the sale or other disposition of assets acquired in liquidation of protfolio securities of small business concerns carried in account No. 200, 204, and 207.

Debit:

(a) With amount of loss on such assets written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 578.)

709 *Loss on other assets*. This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 579.)

710 *Expense on assets acquired in liquidation of portfolio securities*. This account will represent the amount of expense incurred on assets acquired in liquidation of portfolio securities, including the operation and depreciation of properties, carried in account No. 204 (if an unincorporated SBC) or account No. 207. The account also will include the amount of interest expense accrued on mortgages payable on assets acquired in liquidation of portfolio securities.

Debit:

(a) With amount of such expense incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses and deferred charges.

715 *Other expenses*. This account will represent the amount of nonoperating expenses not specifically provided for in other accounts, including, on the books of the "participating" company, the amount of compensation expense for financial services received from "initiating" companies in connection with participations purchased.

Debit:

(a) With amount of such expenses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

(See account No. 340.)

720 *Income taxes—net income*. This account will include the balances in subaccounts Nos. 720.1, 720.2, 720.3, etc.

720.1 *Federal income taxes—net income*. This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

720.2 *State income taxes—net income*. This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

(See subaccounts Nos. 354.1 and 354.2.)

722 *Income taxes—net realized gain on investments*. This account will include the balances in subaccounts Nos. 722.1, 722.2, 722.3, etc.

722.1 *Federal income taxes—net realized gain on investments*. This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary account No. 461 or 462).

(See subaccount No. 354.1.)

722.2 *State income taxes—net realized gain on investments*. This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary account No. 461 or 462).

(See subaccount No. 354.2.)

MEMORANDUM RECORDS

Nominal assets

NA–10 *Stock purchase warrants or options on stock of SBCs*. This record will show the company's ownership of detachable stock purchase warrants or options on stock of SBCs, retained after the accompanying financing instruments have been disposed of, for which no consideration was given distinct from that surrendered for such financing instruments and for which no separate cost has otherwise been determined.

Each such detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00). Upon sale of such a detached stock purchase warrant or option, upon exercise or expiration of rights conveyed by such a detached stock purchase warrant or option, or upon the determination of a cost to be recorded for such a detached stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit:

(a) With nominal value of such detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of such detached stock purchase warrants or options upon exerice or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of such detached stock purchase warrants or options sold or disposed of otherwise.

(c) With nominal value of such detached stock purchase warrants or options for which a separate cost has been established.

(See accounts Nos. 180, 190, and 197.)

Contingent liabilities

CL–15 *Commitments outstanding*. This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concerns' capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–16 *Guarantees outstanding*. This record will show the amount for which the company is contingently liable under guarantees issued to lending institutions in connection with obligations of portfolio concerns under notes, debentures, or other evidences of indebtedness, or short-term advances to such concerns.

CL–17 *Other contingent liabilities*. This record will show the amount of miscellaneous contingent obligations not otherwise classified.

Options on company's stock

OCS–1 *Options on company's stock*. This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture

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of options provided for under the company's stock option plan.

Actual loss experience

AL-1 *Actual (realized) losses.* This record will show for each fiscal year, and also accumulatively, the amount of actual (realized) losses incurred through disposition, writedown, or writeoff of loans and investments. Losses shall be stated in total for all loans and investments and also separately for loans; debt securities; capital stock of small business concerns; warrants, options, and other stock rights of small business concerns; assets acquired in liquidation of loans and debt securities; and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities. Losses realized shall be determined in relation to cost of the assets involved without regard to the existence or nonexistence of related allowances for losses.

[FR Doc.74-12111 Filed 5-31-74;8:45 am]

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TUESDAY, JUNE 4, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 108
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register
Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4295

Flag Day and National Flag Week, 1974

By the President of the United States of America

A Proclamation

The Continental Congress met in Philadelphia on June 14, 1777, and its journal for that date, now in the National Archives, shows that its members primarily concerned themselves with routine matters. But two resolutions approved on that day were to be of great moment.

The first: "Resolved, that Captain John Paul Jones be appointed to command the said ship Ranger." It was an appointment that made naval history.

The second: "Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation." This short and unadorned declaration gave birth to our flag.

The outcome of the Revolutionary War remained in doubt on that Saturday in June 197 years ago. But the simple words that created our national standard epitomized the sense of purposeful determination of the people of this land to live together in independence.

We won our independence and an enduring Union was forged. The flag that had been adopted in those uncertain days flew over a new nation. With the addition of stars, it remains our flag today and symbolizes our commitment, as a people, to freedom, equality, and independence.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress also requested the President, by joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag of the United States on those days.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning

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June 9, 1974, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord nineteen hundred and seventy-four, and of the independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-12881 Filed 5-31-74;4:04 pm]

MEMORANDUM OF MAY 16, 1974

[Presidential Determination No. 74-20]

Security Supporting Assistance to Egypt

Memorandum for the Secretary of State and the Secretary of Agriculture

THE WHITE HOUSE, *Washington*, MAY 16, 1974.

Subject: Determinations and Authorization under Sections 614(a) and 653(a) of the Foreign Assistance Act of 1961, as amended; Finding and Determination under Sections 103(d)(3) and (4) and 410 of the Agricultural Trade Development and Assistance Act of 1954, as amended—Egypt.

I. DETERMINATION AND AUTHORIZATION UNDER THE FOREIGN ASSISTANCE ACT

Pursuant to the authority vested in me by the Foreign Assistance Act of 1961, as amended (hereinafter "the Act"), I hereby:

(a) Determine, pursuant to section 614(a) of the Act, that the use of not to exceed $730,000 of funds available in the fiscal year 1974 for security supporting assistance to Egypt in addition to funds previously made available, without regard to the requirements of the Act, is important to the security of the United States;

(b) Authorize, pursuant to section 614(a) of the Act, such use of not to exceed $730,000 as security supporting assistance to Egypt for the purpose of providing assistance in clearing the Suez Canal of wrecked ships and other debris;

(c) Determine, pursuant to section 653(a) of the Act, that it is in the security interests of the United States that Egypt receive not to exceed $730,000 in security supporting assistance in addition to funds previously made available from funds available under section 532 of the Act for the fiscal year 1974;

(d) Determine, pursuant to section 614(a) of the Act, that the use of not to exceed $3 million in United States-owned excess Egyptian pounds in furtherance of security supporting assistance to Egypt, without regard to the requirements of the Act and without regard to any law relating to receipts or credits accruing to the United States, is important to the security of the United States; and

(e) Authorize, pursuant to section 614(a) of the Act, the use of not to exceed $3 million equivalent of such excess Egyptian pounds for the purpose of defraying costs payable in local currency incurred by the United States Government in connection with clearing the Suez Canal

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of mines, providing technical and advisory assistance in disposing of unexploded ordnance in the Canal and along its banks, and providing assistance in clearing the Suez Canal of wrecked ships and other debris.

II. FINDING AND DETERMINATION UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under title I of the Act, of tobacco in an amount not to exceed $10 million in value is in the national interest of the United States;

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of tobacco in furtherance of such an agreement is in the national interest of the United States; and

(c) Determine and certify, pursuant to Section 410 of the Act and Section 620(e) of the Foreign Assistance Act of 1961, as amended, that it is important to the national interests of the United States to waive the prohibitions contained in those sections against assistance under title I of the Act for the sale to Egypt of tobacco in an amount not to exceed $10 million in value.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

THE WHITE HOUSE, *Washington.*

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUB. L. 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Institution of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country tobacco in the amount not to exceed $10 million in value, financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). This amount is not based on Egypt's needs for more than one fiscal year.

In order to enter into an agreement with the government of Egypt for such a sale under Title I, it is necessary that the President find, determine, and certify that such sales would be in the national interest of the United States. Section 103(d)(3) of Pub. L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to the furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic raw materials for agriculture, and non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d)(4) prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interests of the United States. Finally, Section 410 applies to assistance under Title I of Pub. L. 480, the prohibitions contained in Section 620(e) of the Foreign Assistance Act of 1961,

as amended, relating to nationalization or expropriation of property owned by Americans; the prohibitions of Section 620(e), however, may be waived by the President if he determines and certifies that such a waiver is important to the national interests of the United States.

Although Egypt has been trading with Cuba in recent years, our information indicates that it has not traded with North Vietnam. Egyptian ships or aircraft have not called at Cuba or North Vietnam. The best information available indicates that current Egyptian trade with Cuba is limited to non-strategic agricultural commodities and medical supplies within the meaning of Section 103(d)(3).

Since 1961 Egypt has enacted agrarian reform laws and certain nationalization, sequestration, and restrictive measures with a view to extending public ownership and control of its economy. These measures adversely affected property rights and interests of Americans in Egypt and thus make Section 410 applicable to Egypt.

The considerations noted above, however, make it important to the national interest of the United States that the proposed sale be made notwithstanding the prohibitions contained in Section 103(d)(3) and (4) and Section 410 of Pub. L. 480.

[FR Doc.74-12862 Filed 5-31-74;3:15 pm]

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 640, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 26 to June 1, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 640 (39 FR 18446). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until July 5, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.940 (Lemon Regulation 640) (39 FR 18446) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 26, 1974, through June 1, 1974, is hereby fixed at 315,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 30, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12753 Filed 6–3–74;8:45 am]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $38,250 for the Avocado Administrative Committee under Marketing Order No. 915, for the 1974–75 fiscal year and fixes a rate of assessment of $0.05 per bushel of avocados handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On May 3, 1974, notice of rule making was published in the FEDERAL REGISTER (39 FR 15488) inviting written comments not later than May 21, 1974, regarding proposed expenses, and the related rate of assessment for the period beginning April 1, 1974, through March 31, 1975, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee during the period April 1, 1974, through March 31, 1975, will amount to $38,250.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 915.41, is fixed at $0.05 per bushel of avocados.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately $19,306, which are in excess of expenses incurred during the fiscal year ending March 31, 1974, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until July 5, 1974 (5 U.S.C. 553) in that (1) shipments of avocados are expected to begin on or about June 17, 1974, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable avocados handled during the aforesaid period, and (3) such period began on April 1, 1974, and said rate of assessment will automatically apply to all such avocados beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: May 30, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12754 Filed 6–3–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined or Released

These amendments quarantine a portion of Douglas County in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

The amendments release a portion of Antelope County in Nebraska and a portion of Weld County in Colorado from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained

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in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Colorado remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to Nebraska is amended and paragraph (e) relating to the State of Colorado is deleted.

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease.

(1) That portion of Douglas County comprised of sec. 36, T. 14–15 N., R. 9–10 E.

(2) The premises of Hammond Farms in Otoe Precinct of Otoe County, sec. 20.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f) 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective May 30, 1974.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–12751 Filed 6–3–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

By notice of proposed rule making published in the FEDERAL REGISTER on July 13, 1973 (38 FR 18691), the Board of Governors proposed to amend § 225.4(a)(4) of Regulation Y to clarify the boundaries upon deposit-taking activities that are properly incidental to trust company activities which the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, and to provide that the kinds of activities authorized under § 225.4(a)(4) include those performed not only by trust company subsidiaries that are State-chartered, but also by any such subsidiaries that may operate as limited purpose trust companies under national bank charters and that do not both accept demand deposits and make commercial loans. After considering the comments on such proposal, the Board published a revised proposal in the FEDERAL REGISTER on October 11, 1973 (38 FR 28082) which retained the provision authorizing limited purpose trust companies to operate under either a State charter or a national bank charter and further clarified the scope of permissible deposit-taking and lending activities of such trust companies.

The Board has considered all of the material submitted on the July 13, 1973 proposal, and the October 11, 1973 proposal. After considering all relevant aspects of the proposal to amend § 225.4 (a)(4) to clarify the deposit-taking and incidental lending activities of bank holding company trust company subsidiaries, the Board has determined that the trust company activities published for comment in the October 11, 1973 proposal are activities that are closely related to banking and has decided to adopt such proposal without any modification.

Pursuant to this amendment, bank holding company trust company subsidiaries, operating under Federal or State charter, are authorized to accept deposits that are generated from trust funds not currently invested and deposits representing funds received for a special use in the capacity of a managing agent or custodian for an owner of, or investor in, real property, or as agent for an issuer of, or broker or dealer in, securities, provided that such agency or custodian accounts are not employed by or for the account of a customer in the manner of a general purpose checking account and do not bear interest. However, such trust company subsidiaries are prohibited from making loans or investments, except the sale of federal funds, the making of call loans to securities dealers or the purchase of money market instruments such as certificates of deposit, commercial paper, government or municipal securities, and bankers acceptances. Such authorized loans and investments, however, may not be used as a method of channeling funds to nonbanking affiliates of the trust company. Such limitations on the lending activities of trust company subsidiaries of bank holding companies are necessary in order to carry out the purposes of section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)), which limits the commercial banking business of bank holding companies to the State in which their principal banking subsidiaries operate. In order to engage in broader lending activities, it is recognized that bank holding companies may, in their home State, choose to apply for limited purpose trust companies under section 3 of the Act.

The text of the amendment to § 225.4 (a)(4) which supersedes existing § 225.4 (a)(4) reads as follows:

§ 225.4 Nonbanking activities.

(a) * * *

(4) Performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency, or custodian nature), in the manner authorized by Federal or State law, so long as the institution does not make loans or investments or accept deposits other than (i) deposits that are generated from trust funds not currently invested and are properly secured to the extent required by law, or (ii) deposits representing funds received for a special use in the capacity of managing agent or custodian for an owner of, or investor in, real property, securities, or other personal property, or for such owner or investor as agent or custodian of funds held for investment or escrow agent, or for an issuer of, or broker or dealer in securities, in a capacity such as paying agent, dividend disbursing agent, or securities clearing agent, and not employed by or for the account of the customer in the manner of a general purpose checking account or bearing interest, or (iii) sale of federal funds, making of call loans to securities dealers or purchase of money market instruments such as certificates of deposit, commercial paper, government or municipal securities, and bankers acceptances (such authorized loans and investments, however, may not be used as a method of channeling funds to nonbanking affiliates of the trust company);

* * * * *

Effective date: June 24, 1974.

By order of the Board of Governors of the Federal Reserve System, May 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–12712 Filed 6–3–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–26–AD; Amdt. 39–1863]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH–12D and UH–12E Helicopters

Amendment 261 to Regulations of the Administrator Part 507, AD 61–5–4, as amended (Airworthiness Directives issued under R.O.A. Part 507 have been incorporated into Part 39 of the Federal Aviation Regulations), requires the removal and replacement of transmission gears that do not bear certain heat treat lot numbers and accomplishment of certain subsequent period inspections. Amendment 411 to Part 507, AD 62–6–3, requires certain modifications to the transmission and lubrication system to provide additional lubrication for the transmission. Amendment 730 to Part 507, AD 64–11–2, requires the removal and replacement of certain tail rotor pinion gears that are acceptable under the provisions of AD 61–5–4. After issuing these amendments, the agency determined that the inspections required by AD 61–5–4 may be discontinued upon compliance with paragraph (d) of AD 62–6–3, and that some confusion exists among the requirements of Item 1 of AD 61–5–4 and those of AD 64–11–2. Therefore, AD 61–5–4 is being amended to delete these inspections upon compliance with paragraph (d) of AD 62–6–3 and to clarify the relationship of AD's 61–5–4, 62–6–3, and 64–11–2. The AD is reprinted in its entirety, as amended.

Since this amendment relieves a restriction and provides clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 261 to Regulations of the Administrator, Part 507, AD 61–5–4, as amended, is further amended as follows:

HILLER. Applies to Hiller Model UH–12D and UH–12E Helicopters Certificated in all Categories

Compliance required as indicated unless previously accomplished.

To minimize failures of the main transmission:

(a) Prior to next flight:

(1) Inspect the planet spur gear, bevel ring gear and tail rotor bevel gear shaft for part number and heat treat lot number.

NOTE: The heat treat lot number, if any, is etched on the parts. The 1962 series parts do not bear heat treat lot numbers.

(2) Remove any planet spur gear, Part No. 23527, that does not have one of the following lot numbers:

(i) For Model UH–12D only—35, 59, 71, 125, 171, 180, 181, 182, 185, 186, 196, 217, 245, 275, 309 and subsequent prefaced by "VHI", or any number prefaced by "HA".

(ii) For Model UH–12E only—180, 185, 186, 196, 275, 309 and subsequent prefaced by "VHI", or any number prefaced by "HA".

(3) Replace with planet spur gears Part No. 1962C171 or 23527–3, or with Part No. 23527 having one of the above heat treat lot numbers specified in subparagraph (a)(2) above.

NOTE: Part No. 23527–3 gears must not be intermixed with Part No. 1962C171 or Part No. 23527 gears in the same transmission.

(4) Remove any bevel ring gear, Part No. 23528, that does not have one of the following lot numbers—40, 40R, 277, 279, 286, 288, 293, 293A, 295, 309 and subsequent prefaced by "VHI", or any number prefaced by "HA".

(5) Replace with bevel ring gear Part No. 1962D58, 23528–5 or 23633, or with Part No. 23528 having one of the heat treat lot numbers specified in subparagraph (a)(4) above.

(6) Remove any tail rotor bevel gear shaft, Part No. 23522, that does not have one of the following lot numbers—291, 292, 309 and subsequent prefaced by "VHI", or any number prefaced by "HA".

(7) Replace with tail rotor bevel gear shaft Part No. 23634–3 or 1962D65.

NOTE: Airworthiness Directive 64–11–2 applicable to Model UH–12E helicopters further requires the replacement of all tail rotor bevel gear shafts Parts Nos. 23522 and 23634 with Part No. 23634–3 within the time period specified in that AD.

(8) For any bevel ring gear not replaced in acocrdance with subparagraph (5) above and any tail rotor bevel gear shaft not replaced in accordance with subparagraph (7) above or AD 64–11–2, inspect for proper gear tooth pattern.

NOTE: Refer to earlier transmission overhaul manual for description of acceptable pattern.

(9) Replace any bevel ring and tail rotor bevel gear shaft found to have improper gear tooth pattern in acocrdance with subparagraphs (5) and (7) above.

(b) For all Models UH–12D and UH–12E, Serial Numbers 942, 954, and 2001 through 2198, inclusive, accomplish the following prior to next flight and thereafter at intervals not to exceed 25 hours' time in service from the last inspection until modified in accordance with paragraph (d) of Airworthiness Directive 62–6–3:

(1) Remove and check the oil nozzle orifice, P/N 23607, located at lower right-hand side of main transmission for obstruction. If this nozzle is obstructed, inspect the Borg Warner clutch for evidence of lack of lubrication. If such evidence is found, replace the clutch with a serviceable clutch of the same or FAA-approved equivalent Part Number.

(2) Using a piece of 0.020-inch wire, check for obstruction in oil orifices located at forward topside of upper case, forward side of tachometer drive cover, and (if generator is installed on transmission) upper outboard side of generator drive housing. If any of these orifices are found obstructed, inspect the first stage planetary gear system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system with a serviceable first stage planetary system of the same or FAA-approved equivalent Part Number.

(c) For all Model UH–12D and UH–12E Serial Nos. 942, 954 and 2001 through 2198 inclusive, accomplish the following prior to the next flight and thereafter at intervals not to exceed 10 hours' (Model UH–12D) or 25 hours' (Model UH–12E) time in service from the last inspection until modified in accordance with paragraph (d) of Airworthiness Directive 62–6–3: Remove, disassemble, and inspect the engine oil filter and transmission oil filter for the presence of metallic particles. If aluminum, bronze, or steel particles are found in either or both of these filters, inspect the first stage planetary system for abnormal wear or overheating. If signs of such wear and/or overheating are noticed, overhaul or replace the first stage planetary system with a serviceable first stage planetary system of the same or FAA-approved equivalent Part Number.

(d) Within the next 150 hours' time in service, incorporate Part Nos. 23549–3 and 23549–5 bushings and Part No. 23578 planet gear shafts in the first stage planetary gear system of Model UH–12D helicopters with main transmission Part No. 23500, 23500–3 or 23500–7.

This amendment becomes effective June 4, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on May 20, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74–12679 Filed 6–3–74;8:45 am]

[Docket No. 73–CE–23–AD; Amdt. 39–1764]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95–55, 95–A55, 95–B55, 95–C55, D55, D55A, E55 and E55A Airplanes

Correction

In FR Doc. 73–26991, appearing on page 35232 in the issue of Wednesday, December 26, 1973, line 5 of the applicability statement should read as follows "TE–1 through TE–199 and TC–350), air-".

Issued in Kansas City, Missouri, on May 24, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–12680 Filed 6–3–74;8:45 am]

[Airspace Docket No. 74–AL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Colored Airways, Controlled Airspace, and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, and reporting points as a result of the conversion and renaming of the Big Delta, Alaska, low frequency four course radio range (LFR) to the Delta Junction, Alaska, nondirectional radio beacon (RBN) at its present location and the renaming of the Middleton Island, Alaska, RBN to the Wessels, Alaska, RBN.

A plan for the conversion of all LFRs to RBNs in the State of Alaska was circulated January 14, 1972, with a request for comment. All comments received were favorable. Renaming the Middleton Island RBN to Wessels RBN eliminates

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the duplication of names for navaids at this location.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is a minor matter in which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be made on appropriate aeronautical charts, this amendment will be made effective July 18, 1974.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t. July 18, 1974, as hereinafter set forth.

1. § 71.105 (39 FR 305, 38 FR 34728) is amended as follows:

a. In A-2 "Big Delta, Alaska, RR; INT northwest course Big Delta RR;" is deleted and "Delta Junction, Alaska, RBN;" is substituted therefor.

b. In A-15 "Big Delta, Alaska," is deleted and "Delta Junction, Alaska, RBN;" is substituted therefor.

2. § 71.107 (39 FR 306, 10116, 15259) is amended as follows:

In R-103 "Middleton Island, Alaska, RBN." is deleted and "Wessels, Alaska, RBN." is substituted therefor.

3. § 71.109 (39 FR 306, 3670) is amended as follows:

In B-25 "Middleton Island, Alaska, RBN 296° bearing;" is deleted and "Wessels, Alaska, RBN 296° bearing;" is substituted therefor, also "Big Delta, Alaska, RR." is deleted and "Delta Junction, Alaska, RBN." is substituted therefor.

4. § 71.163 (39 FR 346) is amended as follows:

In Control 1310 "Middleton Island RBN to the Sandspit," is deleted and "Wessels, Alaska, RBN to the Sandspit," is substituted therefor, and "from the Middleton Island RBN and northwest from the Sandspit RBN," is deleted and "from the Wessels, Alaska, RBN and northwest from the Sandspit RBN," is substituted therefor, also "midway between Middleton Island and Sandspit," is deleted and "midway between Wessels and Sandspit," is substituted therefor.

5. § 71.181 (39 FR 440) is amended as follows:

In Middleton Island, Alaska "the Middleton Island RBN 011° bearing," is deleted and "the Wessels, Alaska, RBN 011° bearing," is substituted therefor.

6. § 71.211 (39 FR 632) is amended as follows:

a. "Big Delta, Alaska, RR" is deleted and "Delta Junction, Alaska, RBN" is added.

b. "Middleton Island, Alaska, RBN" is deleted and "Wessels, Alaska, RBN" is added.

c. In Porpoise INT: "INT 122° bearing Middleton Island," is deleted and "INT 122° bearing Wessels," is substituted therefor.

d. In Shrimp INT: "INT 122° bearing Middleton Island, Alaska (MDO), RBN," is deleted and "INT 122° bearing Wessels, Alaska, RBN," is substituted therefor.

7. § 71.213 (39 FR 634) is amended as follows:

In Porpoise INT: "INT 122° bearing Middleton Island, Alaska, RBN," is deleted and "INT 122° bearing Wessels, Alaska, RBN," is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 16, 1974.

Charles H. Newpol,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12678 Filed 6-3-74;8:45 am]

[Airspace Docket No. 74-EA-21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Route

On April 8, 1974, a Notice of Proposed Rule Making (NPRM) was published in the Federal Register (39 FR 12769) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-864R east of Front Royal, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 15, 1974, as hereinafter set forth.

§ 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

In J-864R "Herndon, Va., 39°01'10" N. 77°27'42" W." is deleted, and "Armel, Va., 38°56'04" N. 77°28'01" W." is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 29, 1974.

Gordon E. Kewer,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12677 Filed 6-3-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 15307 of the Federal Register of May 2, 1974, there was published a notice of proposed rulemaking to revise the minimum wage rates at 20 CFR 602.10b (a)(1), which are applicable to the importation of aliens for certain temporary agricultural work. Interested persons were given 15 days in which to file written statements of data, views, or arguments regarding the proposed amendment. No comments were received. After consideration of all relevant matters, the amendment as so proposed is hereby adopted with one change and is set forth below.

The change is required because of a typographical error in the proposed minimum wage rate for the State of New York. For this reason the wage rate for New York is reserved in this amendment A proposed amendment setting forth the correct wage rate for New York, $2.26 per hour, is being published today.

The amendments herein reflect findings regarding changes in wage rates of U.S. workers in agricultural occupations to be used pursuant to the Secretary's responsibility in the immigration process. Full opportunity was provided for participation in the rulemaking process. Any additional advance notice of these changes would be contrary to the public interest. Accordingly, this amendment becomes effective on June 4, 1974.

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	*Rate*
Connecticut	$2.28
Maine	2.24
Massachusetts	2.25
New Hampshire	2.43
New York [Reserved]	
Rhode Island	2.21
Vermont	2.37
Virginia	2.27
West Virginia	2.25

(8 U.S.C. 1184, 8 CFR 214.2(h), 34 FR 6502)

Signed at Washington, D.C., this 30th day of May 1974.

William H. Kolberg,
Assistant Secretary for Manpower.

[FR Doc.74-12740 Filed 6-3-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Spiced, Flavored Standardized Natural Cheese; Identity; Label Statement of Optional Ingredients

A proposal to establish a standard of identity for spiced, flavored standardized natural cheeses in 21 CFR Part 19 was published in the Federal Register of February 13, 1973 (38 FR 4347), based on a petition submitted by the National Cheese Institute, Inc., 110 North Franklin St., Chicago, IL 60606. The petition proposed to establish a standard of identity for natural cheeses which contain added spice, or flavoring, or both, but in other respects conform to existing natural cheese standards of identity.

Eleven consumers and one member of industry submitted comments in response to the proposal. The comments and the responses of the Commissioner of Food and Drugs are as follows:

1. Eight of the consumers were in favor of the proposal based on provisions in the proposal that required labeling which to them would distinguish a spiced and/or flavored cheese from the natural cheese variety and would at the same time allow for new and distinctive variations of historical foods.

2. Three consumers were not in favor of the proposed standard based on the issue that they would not want spices or flavors added to natural cheeses.

The Commissioner points out that natural cheeses without added spices and flavors will still be available. The labeling provisions of this standard require that cheese which has added spices or flavors be clearly identified by name so that consumers will have the choice of purchasing cheese with or without added spices and flavors.

3. The single industry comment suggested deletion of the words "by weight" from the phrase "in order of predominance by weight" in § 19.____(b)(1)(i), and in addition suggested deletion of the portion of (b) which requires the name of the characterizing flavor or spice to be in the same size, style, and color of type as the rest of the name of the food.

The Commissioner has concluded that the labeling provisions of this standard should be consistent with the applicable requirements of 21 CFR Part 1. Therefore, the label provisions for the foods covered by this standard have been cross-referenced to § 1.12 *Food labeling; spices, flavorings, colorings, and chemical preservatives*. The Commissioner wishes to point out that when spices are represented as being the primary recognizable flavor in the food, this constitutes a declaration of flavor and the provisions of § 1.12(i) apply.

4. The industry comment questioned why the proposed standard did not provide for the addition of foods such as tissues derived from fruit, vegetable, meat, fish, or poultry during the manufacture of the cheese.

The Commissioner has concluded that such a change is beyond the scope of the notice that was published. A separate petition, furnishing reasonable grounds, should be submitted and subjected to an adequate comment period before such a change is made.

Paragraph (b) which appeared in the proposal has been revised to reference the provisions of 21 CFR 1.12 (38 FR 27622) which deal with the manner in which the use of spices and flavorings are to be declared on the label of foods.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to establish the standard of identity for spiced, flavored standardized natural cheeses as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 19 be amended by adding thereto a new section as follows:

§ 19.792 Spiced, flavored standardized cheeses; identity; label statement of optional ingredients.

(a) Except as otherwise provided for herein and in applicable sections in this part, a spiced or flavored standardized cheese conforms to the applicable definitions, standard of identity and requirements for label statement of optional ingredients prescribed for that specific natural cheese variety promulgated pursuant to section 401 of the act. In addition a spiced and/or flavored standardized cheese shall contain one or more safe and suitable spices and/or flavorings, in such proportions as are reasonably required to accomplish their intended effect: *Provided,* That no combination of ingredients shall be used to simulate the flavor of cheese of any age or variety.

(b) The name of a spiced or flavored standardized cheese shall include in addition to the varietal name of the natural cheese, a declaration of any flavor and/or spice that characterizes the food, in the manner prescribed in § 1.12 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before July 5, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective Aug. 5, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the Federal Register.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: May 28, 1974.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.74-12719 Filed 6-3-74;8:45 am]

SUBCHAPTER F—BIOLOGICS

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

Sterility Test Media

An order was published in the Federal Register of September 22, 1971 (36 FR 18795), which required in part that Soybean-Casein Digest Medium be used in place of Fluid Sabouraud's Media for testing the sterility of biological products as specified in § 610.12(a)(2) (21 CFR 610.12(a)(2)), formerly 42 CFR 73.730 (a)(2), recodified in the Federal Register of November 20, 1973 (38 FR 32057). However, it has come to the attention of the Commissioner of Food and Drugs that due to an oversight, a corresponding reference to this substitution was not reflected in the additional standards for allergenic products under § 680.3(c) (2) and (3), which continue to erroneously reference Fluid Sabouraud Medium, rather than Soybean-Casein Digest Medium.

Accordingly, in order to correct this inadvertent discrepancy, 21 CFR 680.3(c) is being amended as set forth below to change references from Fluid Sabouraud Medium to Soybean-Casein Digest Medium.

Therefore, pursuant to the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 680 is amended by revising § 680.3(c) (2) and (3) to read as follows:

§ 680.3 Tests.

* * * * *

(c) * * *

(2) For lots consisting of no more than 5 final containers, the final container test shall be performed in accordance with § 610.12(g)(7) of this chapter using the sample therein prescribed or using a sample of no less than 0.25 ml. of product from each final container, divided in approximately equal proportions for testing in Fluid Thioglycollate and Soybean-Casein Digest Media. The test sample in the latter alternative method may be an overfill in the final container.

(3) For products prepared in sets of individual dilution series, a test sample of 0.25 ml. shall be taken from a final container of each dilution, which samples may be pooled and one half of the pooled material used for the test with Fluid Thioglycollate Medium and one half used for the test with Soybean-Casein Digest Medium.

* * * * *

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner finds that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this order since it is of a minor nature and does not alter, but rather maintains consistent requirements for sterility testing.

Effective date. This order shall become effective June 4, 1974.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: May 28, 1974.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.74-12720 Filed 6-3-74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-271]

PART 1700—INTRODUCTION

Amendment and Delegation of Authority

The Secretary is amending 24 CFR, Part 1700 in order to notify the public of the reorganization of the Office of Interstate Land Sales Registration and of the establishment of a new Division of that Office. The new Division is named the Policy Development and Control Division, and is headed by a Director who is delegated and assigned certain authorities and responsibilities, as reflected by this amendment.

The section dealing with separability of provisions is renumbered and placed under Part 1700, Subpart A, where it is felt to be more appropriately ordered.

This amendment relates to agency management; therefore, notice of proposed rule making and postponement of the effective date are unnecessary.

Accordingly, Chapter IX of Title 24 CFR, Part 1700 is amended to read as follows:

PART 1700—INTRODUCTION

Subpart A—Authority and Organization

Sec.
1700.1 Scope of authority and purpose.
1700.5 Authority of Secretary.
1700.10 Delegation of authority.
1700.15 Establishment of office.
1700.20 Administrator.
1700.25 Principal divisions.
1700.30 Public information.
1700.35 Separability of provisions.

Subpart B—Delegations of Basic Authority and Functions

1700.80 Director of Examination Division, Office of Interstate Land Sales Registration, and Deputy.
1700.85 Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and Deputy.
1700.90 Director of the Policy Development and Control Division, Office of Interstate Land Sales Registration.
1700.95 Acting Administrator.
1700.100 Assistant Deputy Administrator.

AUTHORITY: The provisions of this Part 1700 issued under sec. 1419, 82 Stat. 598 (15 USC 1718).

Subpart A—Authority and Organization

§ 1700.1 Scope of authority and purpose.

A land developer is required by the Interstate Land Sales Full Disclosure Act, Title XIV of Public Law 90-448, 82 Stat. 590, 15 USC 1701, enacted on August 1, 1968 (hereafter sometimes referred to as the Act) to make full disclosure in the sale or lease of certain undeveloped, subdivided land. The Act makes it unlawful (except with respect to certain exempted transactions) for any developer to sell or lease, by use of the mail or by any means in interstate commerce, any such land offered as part of a common promotional plan unless the land is registered with the Secretary of Housing and Urban Development and a printed property report is furnished to the purchaser or lessee in advance of the signing of an agreement for sale or lease.

§ 1700.5 Authority of Secretary.

Section 1416(a) of the Act vests authority and responsibility for its administration in the Secretary of Housing and Urban Development (hereafter in this part referred to as the Secretary), and authorizes the Secretary to delegate any of his functions, duties and powers thereunder to employees of the Department of Housing and Urban Development.

§ 1700.10 Delegation of authority.

(a) The Secretary has delegated to the Interstate Land Sales Administrator and the Deputy Administrator all of the authority to exercise the power and authority vested in him under the Act except the authority to:

(1) Conduct hearings in accordance with 5 USC 556 and 557.

(2) Issue orders or determinations after such hearings.

(3) Issue rules and regulations under section 1416(a) of the Interstate Land Sales Full Disclosure Act 15 USC 1701–1720, Title XIV of the Housing and Urban Development Act of 1968 prescribing rights of appeal from the decisions of hearing examiners.

(4) Transmit evidence of apparent violations of the Act to the Attorney General of the United States for the institution of any appropriate criminal proceedings under section 1415(a) of the Act.

(5) Sue and be sued.

(b) The Secretary has further authorized the Administrator to redelegate any of the delegated authority to employees of the Department.

§ 1700.15 Establishment of Office.

There is established, as an organizational unit of the Department of Housing and Urban Development, the Office of Interstate Land Sales Registration.

§ 1700.20. Administrator.

The Office of Interstate Land Sales Registration is headed by the Interstate Land Sales Administrator who shall be designated by the Secretary.

§ 1700.25 Principal divisions.

The following Divisions have been established within the Office of Interstate Land Sales Registration:

(a) Examination Division.

(b) Land Sales Enforcement Division.

(c) Policy Development and Control Division.

§ 1700.30 Public information.

(a) *In general.* The identifiable records of the Office of Interstate Land Sales Registration are subject to the provisions of 5 USC 552, as implemented by Part 15—Public Information, Subtitle A, of this title.

(b) *Availability of information and records.* Information concerning land sales registrations and copies of statements of record may be obtained from the following address:

Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

In addition, statements of record may be reviewed at such address on any business day from 9 a.m. to 4:15 p.m.

(c) *Nonapplicability of exemptions authorized by 5 USC 552.* Section 1405(d) of the Act specifically provides that information contained in or filed with any statement of record shall be made available to the public. The exemptions from public disclosure authorized by 5 USC 552, as set forth in § 15.21 of this title, are not applicable to information contained in or filed with a statement of record.

(d) *Duplication fee—property report.* Notwithstanding the provisions of § 15.14, Schedule of Fees, of this title, copies of a Property Report on file with the Office of Interstate Land Sales Registration will be provided upon request for a fixed fee of $2.50 per copy regardless of the number of pages duplicated. Payment may be made in cash or by check or money order payable to the Department of Housing and Urban Development. Personal checks are acceptable.

§ 1700.35 Separability of provisions.

If any clause, sentence, paragraph, or part of these regulations shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined by its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Subpart B—Delegations of Basic Authority and Functions

§ 1700.80 Director of the Examination Division, Office of Interstate Land Sales Registration, and Deputy.

To the position of Director of the Examination Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director there are delegated and assigned the following authorities and responsibilities:

(a) To receive and examine all statements of record (other than those partial statements of record filed in connection with requests for Exemption Orders or Exemption Advisory Opinions) and property reports filed under the provisions of the Interstate Land Sales Full Disclosure Act and all amendments and corrections to such statements.

(b) To determine the adequacy of disclosure of statements of record and property reports and amendments thereto and to effect corrections, additions, and deletions in such statements and reports deemed necessary to achieve the purposes of the Interstate Land Sales Full Disclosure Act.

(c) To recommend to the Administrator that he find effective or declare not effective statements of record filed under the Interstate Land Sales Full Disclosure Act and to prepare evidence in connection with hearings and other administrative proceedings relative to statements of record declared not effective.

§ 1700.85 Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and Deputy.

To the position of Director of the Land Sales Enforcement Division, Office of Interstate Land Sales Registration, and under his supervision to the position of Deputy Director, there are delegated and assigned the following authorities and responsibilities:

(a) To receive, examine, and make determination with respect to complaints arising from the alleged failure of a developer subject to the Act to comply with the requirements of the Act and Regulations issued thereunder and to negotiate resolutions of such complaints and compliance by such developers.

(b) To recommend actions by the Administrator to achieve compliance by developers deemed subject to the Act who have not complied with any or all of the requirements of the Act and Regulations issued thereunder.

(c) To conduct, on his own initiative, or in response to information received, reviews to determine the existence of such noncompliance and secure compliance with the requirements of the Act and Regulations thereunder.

(d) To recommend suspension by the Administrator of statements of record on a determination of noncompliance with the requirements of the Act and Regulations thereunder.

(e) To recommend action to secure permanent or temporary injunctions or restraining orders to prevent acts or practices in violation of the provisions of the Act and Regulations thereunder and to require compliance therewith.

(f) To prepare evidence in connection with hearings or other administrative proceedings or injunctions or restraining orders in connection with suspensions of statements of record or other action in connection with noncompliance under the Act and Regulations thereunder.

§ 1700.90 Director of the Policy Development and Control Division, Office of Interstate Land Sales Registration.

To the position of Director of the Policy Development and Control Division there are delegated and assigned the following authorities and responsibilities:

(a) To receive, examine, and recommend approval or disapproval of developers' claims and requests for statutory and regulatory exemptions from the Act.

(b) To perform all functions incident to mail and correspondence control.

(c) To develop and recommend regulatory and legislative changes.

(d) To recommend office policy, to review examinations to determine consistency of application of office policy, and to develop training programs to implement office policy as needed.

(e) To maintain and coordinate the efforts of the Office of Interstate Land Sales Registration with the efforts of those State agencies having responsibility for land sales functions.

§ 1700.95 Acting Administrator.

The Deputy Administrator and the Assistant Deputy Administrator in the order named, are designated by the Administrator to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Administrator" with the powers, duties, and rights delegated by the Secretary's Delegation of Authority published in the FEDERAL REGISTER on March 9, 1972, 37 FR 5071.

§ 1700.100 Assistant Deputy Administrator.

The Assistant Deputy Administrator is designated by the Administrator to perform routine matters concurrently with the Deputy Administrator.

Effective date. These amendments are effective on June 4, 1974.

(Section 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670 (42 USC 3535(d)), 1419, 82 Stat. 598 (15 USC 1718), Secretary's delegation of authority published at 37 FR 5071.)

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-12759 Filed 6-3-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the New Jersey Transportation Control Plan

On December 7, 1973 (38 FR 33775), EPA published in the FEDERAL REGISTER proposed revisions to the New Jersey Transportation Control Plan concerning the employer's provisions for mass transit priority incentives. Public hearings were held on the proposed revisions in Camden, Trenton, and Newark, New Jersey on January 10, 11, and 12, 1974. At the public hearings, representatives of various industries, civil organizations, industrial associations, and private citizens presented testimony on the New Jersey Transportation Control Plan.

Representatives from two industrial concerns expressed their support of the intent of the regulation but were concerned that the proposed revision discriminated against larger employers because it applied only to employers who provide 700 or more parking spaces for their employees. One representative also stated that there were estimated to be only 4 or 5 employers in the New Jersey portion of the Metropolitan Philadelphia Region who maintained 700 employee parking spaces and that to be effective this program must be applicable to more than 4 employers. It was suggested that the criteria be based on the number of employees at a facility rather than on the number of parking spaces provided. It was further suggested that an employer whose incentive/disincentive program is disapproved be allowed an inexpensive and rapid review. One specific recommendation was that the proposed regulation should apply to employers with 200 or more employees. On the basis of the testimony presented, the Administrator has modified the size criterion to include all employers who provide 400 or more parking spaces. Recognizing that the total number of persons employed is often unrelated to the number of persons who commute by private automobile, EPA has rejected the use of the criterion based on the number of employees.

Spokesmen for two motoring organizations continued to oppose the proposed regulation on the grounds that they believed that carpooling and other mass transit programs should be "voluntary" for employers and that EPA should instead work to develop mass transit alternatives. They also urged that additional park-and-ride facilities and exclusive bus lanes should be established along major commuter routes.

In order to assure that needed reductions in pollutant emission levels take place, the Administrator feels an employer incentive program of a mandatory nature is definitely necessary. Furthermore, it has been and is EPA's policy to encourage mass transportation expansion and improvements. A list of short-term control strategies for reducing VMT was prepared by the New Jersey State Department of Transportation in September 1973 for inclusion in the transportation control plan that the State of New Jersey is developing. Since the list included possible additional park-and-ride facilities to be established, the Administrator felt that a regulation requiring the establishment of such facilities would not be necessary. The Administrator has further concluded that the bus lanes which are required by § 52.1598 of the New Jersey Transportation Control Plan as promulgated on November 13, 1973 are sufficient to meet the plan objectives.

The remaining testimony was addressed to other sections of the New Jersey Transportation Control Plan. EPA will consider these statements in its continuing plan evaluation process.

During the 30-day public comment period following the hearings, EPA received additional comments on the proposed revisions and on the other aspects of the New Jersey Transportation Control Plan. Five industrial corporations commented on the proposed revision. Three of these corporations have opposed the measure on the basis that it would "discriminate" against certain employees or groups of employees and would strain employee-employer relationships.

The Administrator has determined that this measure would not place a strain on employee-employer relationships. This determination is based upon review of programs that have been submitted to EPA by employers to comply with similar regulations in Texas and California. These programs consist primarily of providing benefits rather than detriments to employees and do not appear to "discriminate" against any employee or group of employees.

A fourth company generally supported the objectives of the proposed measure but expressed some concern with the proposed definition of "employer" and with the use of surcharges in a program. EPA has revised its definition of employer. It is no longer based upon the number of employees but on the number of employee parking spaces provided at

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one location. Furthermore, EPA is not requiring the use of surcharges. An employer may utilize any measures that he feels would be most effective in his situation; however, all programs would be subject to EPA approval.

The fifth company was confused about the relationship between the Administrator's action of January 15, 1974 and EPA's proposed revision to § 52.1590 published on December 7, 1973. The Administrator's action on January 15, 1974 prohibits EPA from promulgating a regulation that places surcharges on employee parking spaces. His action in no way affects EPA's revision to § 52.1590 because it does not contain a provision for surcharges on employee parking.

This regulation now being promulgated differs from the proposal in a number of ways. "Employer" is now defined as a person who provides 400 parking spaces for his employees. This lower number will increase the number of employers who are affected by the regulation, particularly in the Metropolitan Philadelphia Region. Also, the date for submittal of the plans has been extended because this rulemaking is being published at a later date than originally anticipated. The date used to determine baseline information concerning the number of employees at each facility, the modes of employee commuting, and an estimate of vehicle miles traveled by employees has also been modified. This date may now be any date between August 1, 1973 and April 1, 1974, for which valid data or estimates are available.

It should be noted that an added advantage of this regulation will be to reduce fuel consumption within the two Air Quality Control Regions to which the regulation is applicable.

EPA may expand this program to a second stage. This expansion will be dependent upon the success of the program as it applies to the larger employers.

The second stage, which may take effect in July 1975, and which may apply to employers who supply some number of parking spaces less than 400 will be promulgated at a later date. No regulatory language for it is included in this promulgation; however, EPA currently intends to model it very closely on the requirements as set forth above. This regulation shall take effect July 5, 1974.

(Sections 110(c) and 301(a) of the Clean Air Act, 42 U.S.C. 1857-5(c) and 1857g).

Dated: May 24, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. Section 52.1590 is revised to read as follows:

§ 52.1590 Employer's provision for mass transit priority incentives.

(a) Definitions:

(1) "Carpool" means a vehicle containing two or more persons.

(2) "Employee parking space" means any parking space reserved or provided by any employer for the use of his employees.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate AQCR's (the "Regions").

(c) Each employer in the Regions who maintains 400 employee parking spaces at any of his facilities shall submit to the Administrator, on or before July 1, 1974, an adequate transit incentive program for that facility designed to encourage the use of mass transit and carpooling by his employees. The employer's program employees. The employer's program should contain the mix of incentive or disincentive provisions most likely to obtain maximum use of carpooling and mass transit so as to reduce vehicle miles travelled (VMT). Some incentive examples are: Subsidies to employees using mass transit, preferential parking or other benefits for those who travel in carpools, provision of special charter or employer buses to and from mass transit stops and formal information systems so that employees can select optimum carpool arrangements. Some examples of disincentive provisions are: Reduction in employee parking spaces, surcharges on use of parking spaces for single passenger drivers and non-preferential parking for single passenger drivers.

(d) By September 1, 1974, the Administrator shall approve or disapprove such program for each employer. Notice of such approval or disapproval will be published in Part 52 to Title 40, Code of Federal Regulations.

(e) Such program shall contain procedures whereby the employer shall supply the Administrator with semi-annual reports which shall show the following information:

(1) The number of employees at each of the employer's facilities within the Regions on April 1, 1974 or any date before April 1, 1974 but not earlier than August 1, 1973, for which valid data or estimates are available, and as of the date of the report.

(2) The number of employees regularly commuting to and from work by (i) single passenger automobile, (ii) carpool, and (iii) mass transit at each affected facility on April 1, 1974 or any date before April 1, 1974 but not earlier than August 1, 1973 for which valid data or estimates are available, and as of the date of the report.

(3) An estimate of employee vehicle miles travelled per day as of April 1, 1974 or any date before April 1, 1974, but not earlier than August 1, 1973 for which valid data or estimates are available, and as of the last typical work day preceding the date of preparation of the report.

(4) Such other information as the Administrator may prescribe.

(f) If, after the Administrator has approved a transit incentive program, the employer fails to submit any reports in full compliance with paragraph (d) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines that the program is not in operation or is not providing adequate incentives or disincentives for employee use of carpools and mass transit, the Administrator may revoke the approval of such plan.

(g) By October 1, 1974, the Administrator shall prescribe a transit incentive program for each employer to whom paragraph (c) of this section is applicable if such employer has not submitted a program or has submitted a program found to be inadequate. Within two months after any revocation pursuant to paragraph (e) of this section, the Administrator shall prescribe a transit incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52 of Title 40, Code of Federal Regulations.

[FR Doc.74-12732 Filed 6-3-74;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Mississippi:

Mississippi

County; Place for filing; beginning date.

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Pearl River; Picayune—Community Recreation Center; Library; Rosa and Beech Streets; June 3, 1974.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Pub. L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-12745 Filed 6-3-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. No. 195-7; Docket No. HM-6B]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Movement of Pipelines Containing Liquefied Gases

This amendment modifies the restriction on movement of pipelines containing liquefied gases under § 195.424.

On June 21, 1971, the Federal Railroad Administrator issued Notice 71-19 (36 FR 12175, June 26, 1971), proposing to delete the requirement in § 195.424(b) for isolation of the line section being moved and substitute a new requirement that continuous flow of the commodity be maintained but at a substantially reduced line pressure. As stated in the notice, isolation of a line section during movement is costly to the industry and may create an unnecessary hazard. When a line section is isolated, valves upstream and downstream of the section are closed, stopping the flow of commodity in the section. If a line section so isolated is

exposed to the sun, the heat generated can cause the internal line pressure to rise above the normal operating pressure of the pipeline, resulting in stresses which could be harmful. On the other hand, continuous flow of commodity in the section being moved will dissipate added heat from the sun, and the internal line pressure will not rise above the normal operating pressure. In addition to proposing that pipelines containing liquefied gases be moved under flow conditions, the notice also proposed a concomitant reduction in line pressure below that required by § 195.424(a) to provide a further safeguard against accidental escape of the unusually hazardous liquefied gases.

Interested persons were invited to participate in making the proposed amendment by submitting written comments by August 20, 1971. Two commenters responded to the notice: the American Petroleum Institute, who favored the amendment as proposed, and the National Transportation Safety Board (NTSB), who suggested several changes.

After Notice 71-19 had been issued, section 6(f)(3)(A) of the Department of Transportation Act was amended to delete the authority of the Federal Railroad Administrator to carry out the liquid pipeline safety functions under 18 U.S.C. 831-835. On November 7, 1972, this authority was delegated to the Assistant Secretary for Environment, Safety, and Consumer Affairs (37 FR 24674) and redelegated to the Director, Office of Pipeline Safety (OPS) (37 FR 24901).

The OPS has reviewed this rule making proceeding and fully considered each comment received. In § 195.424, the existing requirement in paragraph (b) is revised and a new paragraph (c) is added to provide greater safety in moving pipelines containing liquefied gases. The final rule also places additional conditions on movement which were not included in the proposed version. These additional conditions reflect the OPS response to NTSB suggestions concerning the safety of moving pipelines containing liquefied gases. The conditions are within the general scope of the notice which was to modify the existing restriction on moving these pipelines in view of the hazard the restriction may create in practice.

The NTSB noted that most pipelines transport other commodities as well as liquefied gases and suggested that these pipelines should be moved only when they contain the other commodities. Moving pipelines when they contain a commodity other than liquefied gases is a desirable safeguard and is followed by industry. For this reason, OPS has adopted the suggestion, but with modification. Making the practice suggested by NTSB mandatory in all situations would unfairly restrict the operation and maintenance practices of carriers who transport a variety of commodities as compared with those who only transport liquefied gases. The NTSB suggestion also could result in maintenance delay and considerable expense in some cases. Therefore, in the final rule, the language has been tempered to apply only in practical situations. The rule provides that a pipeline which contains liquefied gases may not be moved unless moving that pipeline when it contains some other commodity is impractical.

The NTSB also suggested that the public would be better protected if pipelines containing liquefied gases were isolated and drained as a condition to movement in certain circumstances, and moved under flow conditions only in areas of low population density. Except as to areas of low population density, following this suggestion would introduce additional hazards involved in emptying a pipeline containing liquefied gases. The practice of isolating and draining pipelines also would be a very costly safety measure which is unwarranted in view of the good accident record of carriers in moving pipelines. The OPS believes, however, in light of the NTSB recommendation, that the public should be afforded additional safeguards when a pipeline containing liquefied gases is moved. Therefore, § 195.424 now requires as a condition to moving pipelines containing liquefied gases, that the carrier have procedures under § 195.402 designed to protect the public before the pipeline is moved, including procedures to warn the public when evacuation of the surrounding area is necessary.

The NTSB further pointed out that pipelines with mechanical joints present a more hazardous situation when being moved than pipelines with welded joints. The OPS believes the hazard would be worse if mechanically joined pipelines containing liquefied gases were moved with the commodity flowing. Moreover, the extra risk involved would outweigh the safety advantage to be gained from permitting movement under flow conditions in lieu of requiring isolation to prevent flow. As a consequence, the final rule permits movement with continuous flow at reduced pressure for pipelines joined by welding but not for pipelines joined by other means. The existing requirement for isolation of the line section involved is continued in effect for pipelines joined other than by welding. The OPS is considering the problems associated with different pipe characteristics as the subject of a future rule making proposal, particularly with regard to the transportation of highly volatile liquids.

In consideration of the foregoing, in § 195.424 of Title 49 of the Code of Federal Regulations, paragraph (b) is revised and paragraph (c) is added to read as follows, effective July 15, 1974:

§ 195.424 Pipe movement.

*　*　*　*　*

(b) No carrier may move any pipeline containing liquefied gases where materials in the line section involved are joined by welding unless—

(1) Movement when the pipeline does not contain liquefied gases is impractical;

(2) The procedures of the carrier under § 195.402 contain precautions to protect the public against the hazard in moving pipelines containing liquefied gases, including the use of warnings, where necessary, to evacuate the area close to the pipeline; and

(3) The pressure in that line section is reduced to the lower of the following:

(i) Fifty percent or less of the maximum operating pressure; or

(ii) The lowest practical level that will maintain the commodity in a liquid state with continuous flow, but not less than 50 psig above the vapor pressure of the commodity.

(c) No carrier may move any pipeline containing liquefied gases where materials in the line section involved are not joined by welding unless—

(1) The carrier complies with paragraphs (b) (1) and (2) of this section; and

(2) That line section is isolated to prevent the flow of commodity.

This amendment is issued under the authority of sections 831-835 of Title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on May 28, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74-12686 Filed 6-3-74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-9; Notice 6]

PART 570—VEHICLE IN USE INSPECTION STANDARDS

Response to Petitions for Reconsideration Correction

In FR Doc. 74-7966, appearing at page 12867 in the issue of April 9, 1974, the following correction is made:

Section 570.9(b) is revised to read:

§ 570.9 Tires.

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(b) * * * (1) *Inspection procedures.* Examine visually. A major mismatch in tire size designation, construction, and profile between tires on the same axle, or a major deviation from the size as recommended by the manufacturer (e.g., as indicated on the glove box placard on 1968 and later passenger cars) are causes for rejection.

(Secs. 103, 108, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401); delegation of authority at 49 CFR 1.51.)

Issued on May 29, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-12687 Filed 6-3-74;8:45 am]

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[Docket No. 72-6; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motorcycle Helmets

This notice is in response to a petition for reconsideration and petition for rulemaking to amend Motor Vehicle Safety Standard No. 218, "Motorcycle helmets" (49 CFR 571.218).

A notice responding to petitions for reconsideration and petitions for rulemaking to amend the standard established on August 20, 1973 (38 FR 22390; 49 CFR 571.218), was published on January 28, 1974 (39 FR 3554). Pursuant to 49 CFR 553.35, a petition for reconsideration of the January 28, 1974, notice was filed by the Safety Helmet Council of America (SHCA). Pursuant to 49 CFR 553.31, a petition for rulemaking to amend the standard as published on August 20, 1973, was filed by the California Highway Patrol. Both of these petitions are denied.

The petition for rulemaking submitted by the California Highway Patrol was received by the NHTSA before the issuance of the January 28, 1974, notice but after it had already been finally processed. This comment requested that the 105° minimum peripheral vision clearance to each side of the midsagittal plane be increased to 120°. After reviewing the information contained in the petition for the support of this view, the agency adheres to its position that the 105° minimum requirement strikes the best balance between visibility and protection.

The SHCA requested that the March 1, 1974, effective date of the standard be suspended for one year, and that the time duration criterion at the 200g level for the flat anvil phase of the impact attenuation test be changed from 2.0 to 3.0 milliseconds. These same requests had been included by the SHCA in a previous petition for reconsideration to amend the standard as published on August 20, 1973 (38 FR 22390; 49 CFR 571.218). In response to information contained in that earlier petition as well as from other comments that had been received, the standard was amended by the notice of January 28, 1974 (39 FR 3554), in some minor respects, and its effective date was temporarily suspended for helmets that must be tested on headform sizes A, B, and D. The additional data which the SHCA has supplied in support of its recent requests have been carefully considered and have been determined by the agency to be insufficient to justify the recommended changes in the standard.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51.)

Issued on May 29, 1974.

James B. Gregory,
Administrator.

[FR Doc.74-12688 Filed 6-3-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

APPLICATIONS FOR TEMPORARY WITHHOLDING OF DEPORTATION

Consideration of Nonrecord Information

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 242.17(c) of Title 8 of the Code of Federal Regulations, pertaining to the use of nonrecord information.

Section 242.17(c) currently provides that the determination of an application for the temporary withholding of deportation under section 243(h) of the Immigration and Nationality Act may be based upon nonrecord information if, in the opinion of the special inquiry officer or the Board, the disclosure of such information would be prejudicial to the interests of the United States. The amendment to § 242.17(c) is being proposed to provide that nonrecord information should be used only in cases involving national security. The proposed amendment also provides that the respondent should be informed of the receipt of such nonrecord information by the special inquiry officer and that whenever the special inquiry officer believes he can do so, consistent with safeguarding both the information and its source, he should inform the respondent of the general nature of the information in order that he may have an opportunity to offer opposing evidence.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by June 28, 1974, will be considered.

It is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.17, the existing last sentence of paragraph (c) is revoked and four new sentences are added in lieu thereof to read as follows:

§ 242.17 Ancillary matters, applications.

* * * * *

(c) *Temporary withholding of deportation.* * * * The trial attorney may also present evidence or information for the record, and he may submit information not of record to be considered by the special inquiry officer provided that the special inquiry officer or the Board has determined that such information is relevant and is classified under Executive Order No. 11652 (37 FR 5209; March 10, 1972) as requiring protection from unauthorized disclosure in the interest of national security. When the special inquiry officer receives such nonrecord information he shall inform the respondent thereof and shall also inform him whether it concerns conditions generally in a specified country or the respondent himself. Whenever he believes he can do so consistently with safeguarding both the information and its source, the special inquiry officer should state more specifically the general nature of the information in order that the respondent may have an opportunity to offer opposing evidence. A decision based in whole or in part on such classified information shall state that such information is material to the decision.

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: May 29, 1974.

L. F. Chapman, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-12682 Filed 6-3-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 11]

RESPIRATORY PROTECTIVE DEVICES

Proposed Requirements

On March 25, 1972, the Department of Health, Education, and Welfare and the Department of the Interior jointly adopted Part 11 of Title 30, Code of Federal Regulations which provides for the testing of occupational respirators and the issuance of joint approvals for those which meet certain requirements for performance and respiratory protection (37 FR 6244). On March 15, 1973, the Departments jointly adopted miscellaneous amendments to Part 11 to reflect an agreement whereby the site for the testing of respiratory protective devices was transferred from the Bureau of Mines (now Mining Enforcement and Safety Administration) laboratory in Pittsburgh to the Testing and Certification Laboratory of the National Institute for Occupational Safety and Health in Morgantown, West Virginia.

Notice is hereby given that the Secretary of the Interior and the Secretary of Health, Education, and Welfare propose new amendments to Part 11 as set forth below. Section 11.85-12(d) would be amended to permit approval of lightweight escape apparatus by increasing to 1.5 percent the permissible concentration of carbon dioxide in closed-circuit, self-contained apparatus which use only a mouthpiece. Section 11.90(b) would be amended by deleting the maximum use concentrations which were recommendations to gas mask users of the typical maximum concentration of gas or vapor in which the device could be used. Recent investigations indicate that these values are too high. The user should refer to the National Institute of Occupational Safety and Health, the Mining Enforcement and Safety Administration, or the Occupational Safety and Health Administration for information concerning the safe use of gas masks. It is also proposed to change the test atmospheres involving nitrogen dioxide for both front- and back-mounted gas mask canisters from 20,000 to 10,000 parts per million. The sorbent capacity of the material in the canisters has been found to be less for NO_2 than for the other acid gases listed. Finally, § 11.93 would be changed by substituting the newly published American National Standard for Identification of Air Purifying Respirator Canisters and Cartridges for the previous standard concerning identification of canisters.

Interested persons may address written comments concerning the proposed amendments, in writing, to the Regulations Officer, National Institute for Occupational Safety and Health, Room 3-32, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received in response to this notice will be available for public inspection at the foregoing address on weekdays between the hours of 8:15 a.m. and 4:45 p.m. All comments received on or before July 5, 1974 will be considered. It is proposed to make the regulations effective on the date of their republication in the Federal Register.

Dated: May 22, 1974.

C. K. Mallory,
Deputy Assistant Secretary of the Interior.

Caspar W. Weinberger,
Secretary of Health, Education and Welfare.

March 28, 1974.

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1. In § 11.85–12, paragraph (d) is revised to read as follows:

§ 11.85–12 Test for carbon dioxide in inspired gas; open- and closed-circuit apparatus; maximum allowable limits.

* * * * *

(d) In addition to the test requirements for closed-circuit apparatus set forth in paragraph (b) of this section, gas samples will be taken during the course of the man tests described in Tables 1, 2, 3, and 4. These gas samples will be taken from the closed-circuit apparatus at a point downstream of the carbon dioxide sorbent, and they shall not contain more than 0.5 percent carbon dioxide at any time, except that for escape-only apparatus where only a mouthpiece is used, a sample shall not contain more than 1.5 percent carbon dioxide at any time.

§ 11.90 [Amended]

2. The heading of paragraph (a)(2) of § 11.90 is changed to read: "Other front-mounted or back-moumted gas mask."

3. In § 11.90, paragraph (b) is revised to read as follows:

(b) Gas masks shall be further described according to the specific gases or vapors against which they are designed to provide respiratory protection, as follows:

Type of Front-Mounted or Back-Mounted Gas Mask

Acid Gas [3,4].
Ammonia [5].
Carbon Monoxide [3].
Organic Vapors [3,4].

Type of Chin-Style Gas Mask

Acid Gas [3,4].
Ammonia.
Organic Vapors [3,4].

Type of Escape Gas Mask

Acid Gas [3,4,5].
Ammonia [5].
Carbon Monoxide.
Organic Vapors [3,4,5].

NOTE: It is suggested that the gas mask user refer to the National Institute for Occupational Safety and Health, the Mining Enforcement and Safety Administration, or the Occupational Safety and Health Administration for information governing selection, use, and maintenance of gas masks and for information on safe use concentrations.

§ 11.102–5 [Amended]

4. In § 11.102–5, paragraph (c)(1) is revised to read as follows:

(c)(1) Front-mounted and back-mounted canisters designated for acid gases, ammonia, organic vapors, carbon monoxide and particulate contaminants shall have a window or other indicator to warn the gas mask wearer when the canister will no longer satisfactorily remove carbon monoxide from the inhaled air.

5. In Table 5 of § 11.102–5, the number 20,000 in the column designated "Concentration, p.p.m." for the gas NO, is deleted for that gas wherever it appears and the number 10,000 is substituted therefor, and in the column designated "Canister Type" the classification "Type N" is deleted and the words "acid gases, ammonia, organic vapors, carbon monoxide, and particulate contaminants" are substituted therefor.

6. Section 11.93 is revised to read as follows:

§ 11.93 Canisters and cartridges; color and markings; requirements.

The color and markings of all canisters and cartridges or labels shall conform with the requirements of the American National Standard for Identification of Air Purifying Respirator Canisters and Cartridges, K 13.1, obtainable from the American National Standards Institute, Inc.; 1430 Broadway; New York, N.Y. 10018.

[FR Doc.74–12723 Filed 6–3–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of fresh avocados grown in South Florida by establishing minimum quality and maturity requirements, pursuant to § 915.51 *Issuance of regulations*, which were recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The proposed regulation would establish U.S. No. 3 as the minimum grade and would prescribe minimum weights or diameters by specified dates as the maturity requirements for the handling of designated varieties of avocados, effective on and after June 17, 1974. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 6, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

A reasonable determination as to the quality and maturity of avocados must await the development of the crop and adequate information thereon was not available to the Avocado Administrative Committee until May 8, 1974, on which date an open meeting was held after giving due notice thereof to consider the need for and the extent of regulation of shipments of such avocados. Interested persons were afforded an opportunity to submit information and views at this meeting. Inview of this, and the need for making the regulation effective on June 17, 1974, to prevent shipment of immature avocados in the interest of producers and consumers, preliminary notice beyond that herein provided is impractical.

The recommendations of the Avocado Administrative Committee reflect its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 17, 1974. The committee has considered and recommended the quality and maturity requirements, including shipping periods, for the designated varieties and types of avocados, to prevent the handling of immature and other undesirable quality fruit. Such recommendation is designed to recognize the differences in the consumer demand within and outside the production area and to provide the trade and consumers with an adequate supply of mature avocados of a satisfactory quality commensurate with crop conditions in the interest of producers and consumers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.316 Avocado Regulation 16.

(a) *Order*. (1) During the period June 17, 1974, through April 30, 1975, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR 915; 37 FR 11314; 38 FR 1921), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, no avocados of the varieties listed in column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), (7), and (8) hereof.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	6-24-74	14 oz. 3 5/16 in.	7-8-74	12 oz. 3 3/16 in.	7-22-74	10 oz. 2 15/16 in.	8-12-74
K-5	7-1-74	16 oz. 3 5/16 in.	7-15-74	14 oz. 3 3/16 in.	7-29-74		
Dr. DuPuis	6-24-74	16 oz. 3 9/16 in.	7-8-74	14 oz. 3 7/16 in.	7-22-74		
Hardee	7-8-74	16 oz. 3 7/16 in.	7-15-74	14 oz. 2 15/16 in.	8-5-74		
Pollock	7-8-74	18 oz. 3 11/16 in.	7-22-74	16 oz. 3 9/16 in.	8-5-74		
Simmonds	7-8-74	16 oz. 3 9/16 in.	7-22-74	14 oz. 3 7/16 in.	8-5-74		
Nadir	7-8-74	14 oz. 3 5/16 in.	7-15-74	12 oz. 3 1/16 in.	7-22-74	10 oz. 2 15/16 in.	8-5-74
Katherine	7-8-74	16 oz.	7-22-74	14 oz.	8-5-74		
Halle	7-22-74	16 oz.	7-29-74	14 oz.	8-19-74		
Dawn	7-22-74	12 oz. 3 5/16 in.	8-5-74	10 oz. 3 3/16 in.	8-19-74		
Peterson	7-29-74	14 oz. 3 5/16 in.	8-12-74	10 oz. 3 3/16 in.	8-26-74	8 oz. 2 13/16 in.	9-9-74
Gretchen	8-5-74	14 oz.	8-19-74	12 oz.	9-2-74		
Trapp	8-19-74	14 oz. 3 10/16 in.	9-2-74	12 oz. 3 7/16 in.	9-16-74		
Waldin	8-19-74	16 oz. 3 9/16 in.	9-2-74	14 oz. 3 7/16 in.	9-16-74	12 oz. 3 5/16 in.	9-30-74
Ruehle	7-22-74	18 oz. 3 11/16 in.	7-29-74	16 oz. 3 9/16 in.	8-5-74	14 oz. 3 7/16 in.	9-2-74
Pinelli	8-5-74	18 oz. 3 12/16 in.	8-19-74	16 oz. 3 10/16 in.	9-2-74		
Miguel	8-5-74	22 oz.	8-19-74	20 oz.	9-2-74	18 oz.	9-16-74
Webb 2	7-22-74	18 oz.	8-5-74	16 oz.	8-19-74		
Nesbitt	8-5-74	22 oz.	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74
Beta	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74		
Tower 2	8-19-74	14 oz.	9-2-74	12 oz.	9-30-74		
Tonnage	9-2-74	14 oz. 3 5/16 in.	9-9-74	12 oz. 3 3/16 in.	9-16-74	10 oz. 2 13/16 in.	9-23-74
Fairchild	9-2-74	16 oz. 3 10/16 in.	9-16-74	14 oz. 3 7/16 in.	9-30-74	12 oz. 3 5/16 in.	10-7-74
Nirody	9-2-74	18 oz. 3 13/16 in.	9-16-74	16 oz. 3 12/16 in.	9-30-74		
Black Prince	9-16-74	23 oz.	9-30-74	16 oz.	10-21-74		
Catalina	9-16-74	24 oz.	9-23-74	22 oz.	10-7-74		
Blair	9-30-74	14 oz. 3 9/16 in.	10-21-74				
Collinson	9-30-74	16 oz. 3 10/16 in.	10-28-74				
Chica	9-30-74	12 oz. 3 7/16 in.	10-14-74	10 oz. 3 5/16 in.	10-28-74		
Rue	9-30-74	30 oz. 4 5/16 in.	10-7-74	24 oz. 3 15/16 in.	10-21-74	18 oz. 3 9/16 in.	11-4-74
Booth 5	10-7-74	16 oz. 3 11/16 in.	10-28-74				
Hickson	10-7-74	18 oz. 3 5/16 in.	10-21-74	12 oz. 3 1/16 in.	10-28-74		
Simpson	10-7-74	16 oz. 3 9/16 in.	10-28-74				
Vaca	10-7-74	16 oz. 3 9/16 in.	10-28-74				
Sherman	10-7-74	16 oz.	10-21-74	14 oz.	11-4-74	10 oz.	11-25-74
Marcus	10-7-74	32 oz.	11-18-74				
Booth 10	10-14-74	16 oz. 3 10/16 in.	11-11-74				
Booth 7	10-1-74	18 oz.	10-14-74	16 oz. 3 10/16 in.	10-28-74	14 oz. 3 9/16 in.	11-11-74
Avon	10-14-74	15 oz. 3 11/16 in.	11-4-74				
Booth 11	10-14-74	16 oz. 3 12/16 in.	11-4-74				
Leona	10-14-74	18 oz. 3 10/16 in.	10-28-74				
Winslowson	10-14-74	18 oz. 3 14/16 in.	11-4-74				
Nelson	10-14-74	14 oz. 3 9/16 in.	10-28-74	12 oz. 3 5/16 in.	11-11-74	10 oz. 3 1/16 in.	12-2-74
Hall	10-14-74	26 oz. 3 14/16 in.	10-28-74	20 oz. 3 9/16 in.	11-11-74		
Lula	10-21-74	18 oz. 3 11/16 in.	11-4-74	14 oz. 3 9/16 in.	11-18-74		
Choquette	10-21-74	24 oz. 4 1/16 in.	11-4-74	20 oz. 3 14/16 in.	11-25-74		
Monroe	10-21-74	24 oz. 4 1/16 in.	11-4-74	20 oz. 3 14/16 in.	11-25-74		
Herman	10-21-74	16 oz. 3 7/16 in.	11-4-74	14 oz. 3 5/16 in.	11-8-74		
Murphy	10-21-74	16 oz.	11-4-74	14 oz.	11-18-74	11 oz.	12-9-74
Ajax (B7-B)	10-28-74	18 oz. 3 15/16 in.	11-18-74				
Booth 1	10-28-74	16 oz. 3 12/16 in.	11-18-74				
Booth 3	10-28-74	16 oz. 3 10/16 in.	11-18-74				
Taylor	10-28-74	14 oz. 3 5/16 in.	11-11-74	13 oz. 3 7/16 in.	11-25-74		
Dunedin	11-11-74	16 oz. 3 10/16 in.	11-25-74	14 oz. 3 5/16 in.	12-9-74	10 oz. 3 1/16 in.	12-30-74
Byars	11-18-74	16 oz. 3 14/16 in.	12-9-74				
Linda	11-18-74	18 oz. 3 12/16 in.	12-9-74				
Nabal	11-18-74	14 oz. 3 9/16 in.	12-9-74				
Zio	12-2-74	12 oz.	12-16-74	10 oz.	12-30-74		
Wagner	12-9-74	12 oz. 3 9/16 in.	12-23-74	10 oz. 3 9/16 in.	1-6-75		
Maya	12-30-74	13 oz.	1-13-75	11 oz.	1-27-75		
Brookslate	1-13-75	14 oz.	1-27-75	12 oz.	2-10-75	10 oz.	2-24-75
Schmidt	1-20-75						
Itsamna	2-17-75						

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[3] Approvals may be for acid gases or organic vapors as a class or for specific acid gases, ammonia, or organic vapors. Approval may also be granted for combinations of acid gases, organic vapors, and other gases and vapors.

[4] Not for use against acid gases or organic vapors with poor warning properties (except where an indicator is incorporated in the canister to advise the wearer of impending or occurring leakage) or which generate high heats of reaction with sorbent materials in the canister.

[5] Eye protection may be required in certain concentrations of acid gases, ammonia, and organic vapors.

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(3) From the date listed for the respective variety in column 2 of Table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of Table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of Table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle during the period June 17, 1974, through July 22, 1974, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least $3\frac{3}{16}$ inches in diameter;

(7) No handler shall handle (i) prior to August 26, 1974, any Lisa variety avocados, (ii) during the period August 26, 1974, through September 1, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period September 2, 1974, through September 8, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 9, 1974, through September 15, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 16, 1974, through September 23, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(8) No handler shall handle (i) prior to September 16, 1974, any Booth 8 variety avocados, (ii) during the period September 16, 1974, through October 6, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3-9/16 inches in diameter, or (iii) during the period October 7, 1974, through October 20, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, (iv) during the period October 21, 1974, through November 3, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (v) during the period November 4, 1974, through November 18, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces.

(9) Except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 8, 1974.

(ii) from July 8, 1974, through August 4, 1974, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 5, 1974, through September 8, 1974, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 9, 1974, through October 6, 1974, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(10) Except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, varieties of avocados not covered by paragraphs (a) (2) through (9) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 23, 1974.

(ii) From September 23, 1974, through October 20, 1974, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 21, 1974, through December 22, 1974, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(11) Notwithstanding the provisions of paragraphs (a) (2) through (10) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), (9), and (10) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(12) The provisions of paragraphs (a)(2) through (11) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the terms "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(c) The provisions of this regulation shall become effective June 17, 1974.

Dated: May 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–12605 Filed 6–3–74;8:45 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

ABANDONED APPLICATIONS REFERRED TO IN DEFENSIVE PUBLICATIONS

Public Inspection

Notice is hereby given that, pursuant to authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793 (35 U.S.C. 6)), as amended October 5, 1971, Pub. L. 92–132, 85 Stat. 364, the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising § 1.14(b).

All persons are invited to present in writing their views, objections, recommendations or suggestions in connection with the proposed amendment to the Commissioner of Patents, Washington, D.C. 20231 no later than June 30, 1974. Submissions made pursuant to this notice may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

The proposed amendment would open to public inspection those abandoned patent applications which are referred to in Defensive Publication applications opened to public inspection pursuant to §§ 1.11(b) and 1.139. The purpose of the proposal is to encourage greater use of the Defensive Publication Program provided under § 1.139.

The objective of the Defensive Publication Program is "to provide better service to the public by making available the technical disclosure of certain applications in which the owner may prefer to publish an abstract in lieu of obtaining an examination by the Patent Office" (notice published on April 11, 1968, in 33 FR 5623, and in 849 O.G. 1221 on April 30, 1968). To accomplish that objective, §§ 1.11(b) and 1.139 open the complete Defensive Publication application to inspection by the general public upon publication of the abstract. The proposed amendment would have the effect of placing a Defensive Publication application on the same footing as an issued patent, insofar as making technical disclosures available to the public is concerned, by opening to public inspection an abandoned patent application referred to in the Defensive Publication application as well as in an issued patent. Applicants would benefit from the assurance that the disclosure of an abandoned application, which is referred to in a Defensive Publication application, would be open to public inspection and need not be repeated in the Defensive Publication application.

The text of the proposed revised rule is as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(b) Except as provided in § 1.11(b) abandoned applications are likewise not open to public inspection, except that if an application referred to in a U.S. patent, or in an application which is open to inspection pursuant to § 1.139, is abandoned and is available, it may be inspected or copies obtained by any person on written request, without notice to the applicant. Abandoned applications may be destroyed after 20 years from their filing date, except those to which particular attention has been called and which have been marked for preservation. Abandoned applications will not be returned.

* * * * *

Dated: May 20, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

Approved: May 28, 1964.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.74–12726 Filed 6–3–74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 602]

PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates

On May 2, 1974, 39 FR 15307, there appeared a proposed amendment to 20 CFR 602.10b(a)(1), which would revise the hourly minimum wage rates which an employer must offer to U.S. workers in order to be eligible to apply for alien workers in nine States. Due to a typographical error, the amendment did not set forth the correct minimum wage rate for the State of New York, $2.26 per hour. The minimum wage rates for the other eight States were adopted as proposed and appear on another page of this issue of the FEDERAL REGISTER. Time for comment on the proposed minimum wage rate of $2.26 per hour for the State of New York is hereby extended to June 19, 1974.

(8 USC 1184, 8 CFR 214.2(h), 34 FR 6502)

Signed at Washington, D.C. this 30th day of May 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74–12739 Filed 6–3–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19987]

UNITED STATES-MEXICO FM BROADCASTING AGREEMENT

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Subpart B (FM Broadcast Stations) of Part 73 in Certain Respects.

1. On March 28, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 10, 1974, 39 FR 13007. Comment and reply comment dates are presently May 28 and June 11, 1974, respectively.

2. On May 24, 1974, the Corporation for Public Broadcasting (CPB) filed a request for extension of time in which to file comments to and including June 11, 1974. CPB states that it has been holding consultations with National Public Radio and the Association of Public Radio Stations and because of the unexpected complex engineering and policy questions raised by this matter the additional time is necessary.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including June 11 and June 25, 1974, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: May 24, 1974.

Released: May 28, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOSEPH F. ZIAS,
Acting Chief, Broadcast Bureau.

[FR Doc.74–12730 Filed 6–3–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-144]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Tuesday, June 25, 1974, at the Department of State, Room 1207, from 4 to 5:30 p.m. The agenda will include a progress report of the work of the Panel on International Information, Education and Cultural Relations; consideration of a proposal for creation of a North-South Center; consideration of the Cultural Presentations program of the Bureau of Educational and Cultural Affairs; miscellaneous reports by the Chairman and members; and such new business as may be brought to the attention of the members.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

MAY 24, 1974.

[FR Doc.74-12710 Filed 6-3-74,8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of the Mint

CONSTRUCTION OF NEW UNITED STATES MINT—DENVER, COLORADO

Notice of Availability of Final Revised Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of the Mint in the Department of the Treasury has prepared a Final Revised Environmental Impact Statement for the location and, in general terms, the construction of a new United States Mint at Denver, Colorado. The Statement was filed with the Council on Environmental Quality on May 29, 1974.

The Statement considers two possible sites: (1) The northwest corner of the Clayton Trust Property in Denver (Park Hill) and (2) the northwest corner of the Denver Federal Center in Lakewood.

The Mint is being planned for a production capacity of 10.5 billion domestic coins per year and 25 million proof coins and medals per year. It would be designed to provide space for expansion of critical operations and to make possible reasonable expandability of the facility to accommodate increased production requirements as they develop in future years. Although detailed design of the facilities has not yet been started, it has been determined that building space of approximately 700,000 square feet would be needed. The structures would reflect the importance of the governmental function to be performed.

Copies of the Statement are available for inspection during regular working hours at the office of the

Facilities Project Manager
Bureau of the Mint
Denver Mint
320 West Colfax Avenue
Denver, Colorado

and at the

Office of the Director
Bureau of the Mint
Room 2064
U.S. Treasury Department
15th Street & Pennsylvania Avenue, NW.
Washington, D.C. 20220

Copies are also on file in the Departmental Library in the Main Treasury Building.

It is anticipated that a decision on the location of the Mint will be made shortly after July 7, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary
of the Treasury.

[FR Doc.74-12746 Filed 6-3-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Proposed OCS Order No. 9]

GULF OF MEXICO AREA

Approval Procedure for Oil and Gas Pipelines

Notice is hereby given that pursuant to 30 CFR 250.11 and in accordance with 30 CFR 250.19(b), the Chief, Conservation Division, Geological Survey, proposes to approve OCS Order No. 9 for the Gulf of Mexico Area as set forth below.

The purpose of proposed OCS Order No. 9 is to provide requirements to oil and gas operators for the Approval Procedure for Oil and Gas Pipelines.

Interested persons may submit written comments, suggestions, and objections concerning the proposed order to the Director, U.S. Geological Survey, National Center, Mail Drop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092 on or before July 1, 1974.

V. E. MCKELVEY,
Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

[OCS Order No. 9]

Effective ____________

APPROVAL PROCEDURE FOR OIL AND GAS PIPELINES

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.19(b). Section 250.19(b) provides as follows:

> The Supervisor is authorized to approve the design, other features, and plan of installation of all pipelines for which a right of use or easement has been granted under paragraph (c) of § 250.18 or authorized under any lease issued or maintained under the Act, including those portions of such lines which extend onto or traverse areas other than the Outer Continental Shelf.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Definition of terms.* As used in this Order, the following terms shall have the meanings indicated:

A. *Pipeline.* Lines installed for the purpose of transporting oil, gas, water, sulphur, or other minerals, including lines sometimes referred to as flow or gathering lines, but excluding lines confined to a platform or structure.

B. Internal Pressure at Minimum Yield Strength (IP@MYS). The internal pressure exerted by a fluid being transferred at which permanent deformation of the pipe will occur. IP@MYS is calculated as follows (refer to ANSI B 31.4, 1971, and USAS 31.8, 1068, for details):

$$\text{IP @ MYS} = \frac{2\,St \times E \times T}{D}$$

where:

S = Fiber stress at the specified minimum yield strength of the pipe material in psi.
t = Nominal wall thickness in inches.
D = Outside diameter in inches.
E = Longitudinal joint factor obtained from Appendix 1.
T = Temperature derating factor:
250° F. or less = 1.00
300° F. = .967
350° F. = .933
400° F. = .900

C. *Maximum allowable pressure (MAP).* The pressure in the pipe when circumferential fiber stress has reached either 60 percent or 72 percent (dictated by location) of the IP@MPS. The smaller MAP is the maximum pressure to which a pipeline or segment of pipeline shall be subjected under maximum

working pressure conditions. MAP is calculated as follows (refer to USAS B 31.8, 1969, for details):

(1) For platform or structure piping, pipeline risers, and submerged pipeline within 300 feet from the riser:

$$\text{MAP} = 0.60 \times \text{IP @ MYS}$$

(2) For submerged pipelines:

$$\text{MAP} = 0.72 \times \text{IP @ MYS}$$

D. *Maximum working pressure (MWP).* The maximum pressure to which the pipeline or segment of pipeline could be subjected in the event of a safety system malfunction. For pipelines receiving production from separation facilities (working pressure of vessels), pumps, compressors, and other pipelines, the maximum pressure which can be exerted by the system will be considered the MWP. The shut-in tubing pressure of a well producing into a pipeline will be considered as the MWP of that pipeline. When a pipeline is used to transport production from more than one well, the well with the highest shut-in tubing pressure will constitute the MWP. The MWP shall not exceed the MAP.

E. *Maximum operating pressure (MOP).* The maximum pressure to which the pipeline will be subjected over a period of time under normal operations with fluid flow. The MOP shall not exceed the MWP.

F. *Minimum operating pressure.* The minimum pressure to which the pipeline will be subjected over a period of time under normal operations with fluid flow.

G. *Hydrostatic test pressure (HTP).* HTP means the required pressure to which a pipeline will be subjected for a specified period of time in order to verify its integrity.

2. *Requirements.* All pipelines shall be designed, installed, maintained, and abandoned in accordance with the following:

A. *Safety equipment.* The operator shall be responsible for the installation of the following control devices on all oil and gas pipelines connected to a platform or structure, including such pipelines which are not operated or owned by the operator. Operators of platforms or structures installed prior to the effective date of this Order shall comply with the requirements of paragraph 2A(1) with regard to required check valves on pipelines departing platforms or structures within six months of the effective date of this Order.

(1) All pipelines boarding a platform or structure shall be equipped with a check valve to prevent backflow. All pipelines departing a platform or structure shall be equipped with a check valve to prevent backflow.

(2) All pipeline pumps and compressors shall be equipped with high and low pressure shut-in sensing devices. The low pressure sensor must be located upstream of any check valves. Time delay devices to prohibit the low pressure sensor from functioning when pumps are started are permissible, provided the time delay does not exceed the time required for the pressure in the pipeline to reach the low pressure sensor setting plus 60 seconds.

(3) All pipelines departing a platform or structure receiving production from the platform or structure and which do not receive production from any boarding pipeline shall be equipped with high and low pressure sensors, located upstream of any check valves on any departing line, to directly or indirectly shut-in the wells on the platform or structure.

(4) All pipelines departing a platform or structure receiving production from a boarding pipeline, and which do not receive production from the platform or structure, shall be equipped with high and low pressure sensors at the departing locale, located upstream of any check valve on the departing pipeline, to activate an automatic fail-close valve to be located in the upstream portion of the pipeline boarding the platform or structure. This automatic fail-close valve shall be operated by either the platform or structure automatic and manual emergency shut-in system or by an independent automatic and manual emergency shut-in system.

(5) All pipelines departing a platform or structure receiving production from a boarding pipeline, and which receive production from the platform or structure, shall be equipped with a set of high and low pressure sensors at the departing locale located upstream of any check valve on the departing pipeline and downstream of the junction point of the pipelines. These high and low pressure sensors shall activate an automatic fail-close valve located on the boarding pipeline and directly or indirectly shut-in the wells on the platform or structure. This automatic fail-close valve on the boarding pipeline shall be operated by either the platform or structure automatic and manual emergency shut-in system or by an independent automatic and manual emergency shut-in system.

(6) All pipelines boarding a platform or structure and delivering production to production vessels on the platform or structure shall be equipped with an automatic fail-close valve operated by the shut-in sensing devices of the production vessel and by the manual emergency shut-in system.

(7) All pipelines boarding a platform or structure and delivering production to a departing pipeline that does not receive production from the platform or structure shall be equipped with an automatic fail-close valve operated by high and low sensors on the departing pipeline and a manual emergency shut-in system.

(8) The deletion of safety equipment on a gas lift gas pipeline supplying gas lift to wells on platforms or structures with four or less producing or shut-in completions per platform or structure and no production equipment is allowed, except that a check valve shall be installed in each casing annulus line. The gas lift gas line shall have a check valve and high and low pressure sensors to shut off the gas supply at the source in case of a malfunction.

(9) Where bi-directional gas flow is necessary for gas lift or compressor suction, deletion of check valves on departing or boarding pipelines is allowed provided high and low pressure sensors and an automatic fail-close valve are installed on or near each pipeline riser.

(10) All pressure sensors shall be equipped to permit external testing.

B. *General requirements.* (1) The size, weight, and grade of all pipe to be installed, including valves, fittings, flanges, bolting, and other required equipment, shall be determined by the anticipated volumes and pressures pursuant to paragraphs 1A, 1B, 1C, 1D, and 2D of this Order. This determination shall conform with the expression $\text{MAP} \geqq \text{MWP} \geqq \text{MOP}$.

(2) All pipelines shall be designed for the protection of the pipeline against water currents, storm scouring, soft bottoms, and other environmental factors.

(3) All pipeline risers shall be protected from physical damage by floating vessels.

C. *Corrosion protection.* All pipelines shall be protected against loss of metal due to corrosion, using such means as protective coatings and cathodic protection in accordance with the most current National Association of Corrosion Engineers Recommended Practice entitled, Control of Corrosion of Offshore Steel Pipelines, and as follows.

(1) All pipelines shall be provided with external protective coating capable of preventing underfilm corrosion. This coating shall have sufficient ductility to resist cracking in required service. All pipe coating shall be inspected on the lay barge prior to installation of the pipe, and any coating damage shall be repaired to maintain overall coating integrity.

(2) All pipelines shall have a cathodic protection system designed to mitigate corrosion. This system will be designed based on minimum of 2 percent holidays in the protective coating and a current density of 5 milliamperes per square foot. The cathodic protection life shall be based on a minimum of 20-year design.

(3) The cathodic protection system of a pipeline protected by sacrificial anodes attached directly to the pipeline shall be designed as if the pipeline were insulated at each end.

(4) A pipeline cathodically protected by a rectifier shall be equipped with a continuous monitor.

(5) All pipelines will be designed to facilitate the installation of corrosion monitoring and control devices at both ends of the line.

(6) All pipelines, with the exception of pipelines transporting production from four or less wells, shall be designed for the installation of pig launchers and receivers. Pipelines transporting production from four or less completions shall be designed for installation of pig traps or be treated with paraffin solvents and corrosion inhibitors to protect the internal integrity of the pipeline.

D. *Hydrostatic testing requirements.* All pipelines shall be designed to allow for hydrostatic testing to at least 1.25 times the MWP. In no case will the pipeline be tested with a hydrostatic pressure in excess of 90 percent of the IP@MYS. This design shall conform with the expression $(0.90)\ \text{IP@MYS} \geqq \text{HTP} \geqq 1.25\ \text{MWP}$.

(1) Prior to placing a new pipeline in service, the pipeline shall be hydrostatically tested at least 1.25 times the MWP for a minimum period of 24 hours.

(2) Prior to returning a pipeline to service after repair of a leak caused by corrosion or rupture due to exceeding the MAP, the pipeline shall be hydrostatically tested to at least 1.25 times the MWP for a minimum period of 24 hours.

(3) Prior to returning a pipeline to service after repair of a leak caused by damage due to foreign objects, storms, manufacturing flaw, or malfunction of a submerged valve, the pipeline shall be hydrostatically tested to at least 1.25 times the MWP for a minimum period of 8 hours.

(4) Pipelines that have operated for a period of one year shall not be operated at a higher MOP unless it meets the hydrostatic test requirements for a new line.

(5) A report of all hydrostatic tests conducted shall be submitted to the Supervisor. The report shall include all hydrostatic test data, including procedure, test pressure, hold time, and results.

E. *Installation requirements.* All pipelines shall be responsible for the required setting to be compatible with trawling operations and other uses.

(1) Pipelines installed in water depths less than 300 feet shall be buried a minimum of three feet below the Gulf floor.

(2) Pipelines installed in water depths greater than 300 feet need not be buried unless the Supervisor has determined that the pipeline constitutes a hazard to trawling operations or other uses. In such event, the pipeline shall be buried a minimum of three feet below the Gulf floor.

F. *Operating requirements.* The operator shall be responsible for the required setting of pressure sensing devices on all oil and gas pipelines connected to a platform, including pipelines which are not operated or owned by the operator.

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(1) The high-pressure sensors, required by this Order, shall not be set at a pressure higher than the MAP or 10 percent above the MOP of the pipeline, whichever is less.

(2) The low-pressure sensors, required by this Order, shall not be set at a pressure lower than 30 psig or 10 percent below the minimum operating pressure of the pipeline, whichever is greater.

(3) These high and low sensor settings and the time interval for any time delay device shall be determined from a pressure recording chart showing the pipeline pressure profile under normal operating conditions over a minimum continuation time span of 24 hours.

G. *Abandonment requirements*. All pipelines shall be abandoned as follows:

(1) Lines shall be flushed and filled with seawater.

(2) Lines shall be cut and capped below the mud line on each end.

(3) A line to be temporarily abandoned may be either blind flanged or isolated with a closed block valve, in lieu of cutting and capping below the mud line.

(4) Pipelines to be removed shall be flushed with seawater prior to removal.

3. *Pipeline applications*. Pipeline applications shall be submitted, in duplicate, to the Supervisor in accordance with the following:

A. *New pipelines*. Applications for the installation of new pipelines shall include:

(1) Plat for plats, with a scale of 1''≦2,000', showing the major features and other pertinent data, including water depth, route, location, length, connecting facilities, size, type of products to be transported, and burial depth.

(2) A schematic drawing showing the following pipeline safety equipment and the manner in which the equipment functions, sensing devices with associated pressure-control lines, automatic fail-close valves, check valves, vessels, manifolds, and the rated working pressure of all valves and fittings. This schematic drawing or an additional drawing shall also show the placement of corrosion monitoring equipment.

(3) General information including:

(a) Product or products to be transported by the pipeline.

(b) Size, weight, grade, and class of the pipe and risers.

(c) Length in feet of the line.

(d) Maximum and minimum water depth.

(e) Description of cathodic protection system. If sacrificial anodes are used on the pipeline or platform or structure, specify the type, size, weight, and spacing of anodes. Provide calculations used in designing the sacrificial anode system, including anticipated life of the line. If a rectifier is to be used, include size of unit or units, voltage and ampere rating and pipelines and platforms or structures to be protected. Provide calculations used in designing the size of unit or units and maximum capability.

(f) Description of external pipeline coating system and type coating.

(g) Description of internal protective measures including internal coating and provision for corrosion inhibition program.

(h) Specific gravity of the empty pipe.

(i) Anticipated gravity or density of the product or products.

(j) Maximum and minimum operating pressure.

(k) Maximum working pressure.

(l) Maximum allowable pressure. Provide calculations used in determining MAP.

(m) Hydrostatic test pressure and period of time to which the line will be tested after installation. This test must conform to paragraph 2D of this order.

(n) Type, size, pressure rating, and location of pumps and prime movers.

(o) Proposed inspetcion procedures.

(p) Other information as may be required by the Supervisor.

B. *Pipeline repairs*. Applications for pipeline repair shall include:

(1) Date and time problem detected. (Example: leak, X-ray of riser indicates wall thickness less than minimum acceptable valve, etc.)

(2) Estimated volume of product lost.

(3) Pipeline size and service.

(4) Location of pipeline.

(5) Approximate location of leak and distance from nearest end.

(6) Cause.

(7) Remedial action to be taken.

(8) Proposed hydrostatic pressure test. This test must conform to paragraph 2D of this order.

C. *Pipeline abandonment*. Applications for pipeline abandonment shall include:

(1) The proposed procedure for compliance with paragraph 2G of this order.

(2) A location plat describing the pipeline or segment of pipeline to be abandoned in such a manner as to be identifiable for reference purposes.

4. *Operational test and reporting requirements—A. New pipeline completion report*. The pipeline operator shall submit a report to the Supervisor when installation of a pipeline is completed. The report shall include a drawing or plat, with a scale of 1''≦2,000', showing the location of the line as installed and the hydrostatic test data required in paragraph 2D.

B. *Pipeline damage report*. Pipeline operators shall immediately report orally to the Supervisor any leak, break, flow restriction or stoppage, or other indicated damage due to the following: corrosion, stuck pig, paraffin, kinking, flattening or non-destructive testing. Proposed methods of repair may be requested and approvals granted orally subject to written confirmation as required in paragraph 3B.

C. *Pipeline repair report*. This report shall be submitted to the Supervisor within a week after completion of the repairs. The report shall include:

(1) Location of pipeline.

(2) Location of Leak.

(3) Detailed description of cause.

(4) Detailed description of remedial action.

(5) Hydrostatic test results.

(6) Date returned to service.

D. *Equipment testing*. Safety and antipollution devices required in paragraph 2A of this Order shall be tested for operation at least once each calendar month, but at no time shall more than six weeks elapse between tests. Records of the tests shall be maintained at the field headquarters for a period of one year showing the present status and past history of each device including dates and details of inspection, testing, repairing, adjustments, and re-installation. A report of these tests shall be submitted to the Supervisor during February of each year.

E. *Pipeline abandonment report*. The operator shall submit written notification to the Supervisor of the date the abandonment is completed and confirm that the pipeline was abandoned as approved.

F. *Corrosion detection test and report*. All pipelines shall be tested on both ends for the possible existence of internal corrosion. This determination may be by the use of coupons, probes, water analysis (iron count, pH, and scale), and CO_2 (particle pressure) at a minimum of 6-month intervals. The results and conclusions shall be submitted to the Supervisor during February of each year.

5. *Inspections and reporting requirements—A. Visual inspection*. All pipelines shall be inspected monthly for indication of leakage, using aircraft, floating equipment, or other methods. The results of the inspections will be submitted during February of each year to the Supervisor.

B. *Hazard damage corrective action report*. If the hazards of storm scouring, soft bottoms, and other environmental factors are observed to be detrimentally affecting the pipeline, the operator shall return the pipeline to an acceptable condition and submit a report of the remedial action taken to the Supervisor.

C. *Pipeline failure investigation*. All pipeline operators shall inspect and analyze every pipeline failure and, where possible, select samples of the failed section for laboratory examination for the purpose of determining the cause. A comprehensive written report of the information obtained shall be submitted to the Supervisor as soon as available.

D. *Cathodic protection report*. All pipeline cathodic protection facilities shall be inspected and pipe-to-electrolyte potential measurements conducted at a minimum of 6-month intervals to assure their proper operation and maintenance. The results and conclusions shall be submitted to the Supervisor during February of each year.

E. *Internal corrosion inspection*. (1) All pipelines shall be pigged on a regular schedule and treated with inhibitors as necessary. A record of pigging runs and inhibitor treatments shall be submitted to the Supervisor during February of each year.

(2) All pipelines of 8-inch or larger size shall be inspected for corrosion by the use of instrumented pigs at intervals not to exceed five years. Any internally coated line is excluded from this requirement. The results and conclusions from the data obtained shall be submitted to the Supervisor within two months after completion of the inspection.

F. *Riser inspection and reports*. All pipeline risers shall be visually inspected semiannually for physical and corrosion damage in the splash zone. If damage is observed on protected risers, radiographic or ultrasonic inspection shall be conducted. The pipe shall either be inspected to determine the wall thickness and repaired or replaced. All bare risers shall be similarly inspected semiannually to determine wall thickness, and, if necessary, repaired or replaced. The safe operating wall thickness shall be determined by the following formula and the measured thickness compared to the calculated minimum acceptable thickness.

$$\frac{t=1.2\times SET}{DP(1.25)}$$

where:

t = Maximum thickness for the riser to remain in service.
D = Outside diameter in inches.
P = Maximum working pressure at time of inspection strength of the pipe material in psi.
E = Longitudinal joint factor obtained from Appendix 1.
T = Temperature derating factor:
- 250° F. or less = 1.00
- 300° F. = .967
- 350° F. = .933
- 400° F. = .900

S = Fiber stress at the specified minimum yield strength of the pipe material in psi.

A report of all riser inspections shall be submitted to the Supervisor during February of each year.

If physical corrosive damage has occurred, necessitating repair or replacement, an application shall be submitted pursuant to paragraph 3B and 4B.

APPENDIX 1.—*Longitudinal joint factor E*

Specification No.	Pipe class	E factor
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
ASTM A 134	Electric fusion arc welded	.80
ASTM A 135	Electric resistance welded	1.00
ASTM A 139	Electric fusion welded	.80
ASTM A 155	Electric fusion arc welded	1.00
ASTM A 211	Spiral welded steel pipe	.80
ASTM A 381	Double submerged-arc-welded	1.00
API 5 L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Furnace butt welded	.60
	Furnace lap-welded [1]	.80
API 5 LX	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5 LS	Electric resistance welded	1.00
	Submerged arc welded	1.00

[1] Manufacture was discontinued and process deleted from API 5 L in 1962.

[FR Doc.74–12592 Filed 6–3–74;8:45 am]

[Power Site Cancellation 326]

YUBA RIVER BASIN, CALIFORNIA

Cancellation of Power Site Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 326 is hereby cancelled to the extent that it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 34, lots 1 and 2, SE¼NE¼, SW¼NW¼, N½N½SE¼NW¼, E½NE¼SW¼, NE¼SE¼, and NW¼SE¼.

The lands described aggregate about 221 acres.

The effective date of this cancellation is September 24, 1974.

HENRY W. COULTER,
Acting Director.

MAY 24, 1974.

[FR Doc.74–12709 Filed 6–3–74;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 19, 1974, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 5 (39 FR 8357–8362), April 2 (39 FR 12042–12046), and May 7 (39 FR 16173–16177). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since May 7, 1974:

California

Fresno County

Fresno, *Old Administration Building, Fresno City College*, 1101 University Avenue (5–1–74).

Inyo County

Death Valley, *Skiddo*, Death Valley National Monument (4–16–74).

Lassen County

Susanville, *Roop's Fort (Roop's Trading Post)*, North Weatherlow Street (5–2–74).

Los Angeles County

Los Angeles, *Centinela Adobe*, 7634 Midfield Avenue (5–2–74).

South Pasadena, *Longley, Howard, House*, 1005 Buena Vista Street (4–16–74).

Nevada County

Grass Valley, *Mount St. Mary's Academy and Convent*, Church and Chapel Streets (5–3–74).

Nevada City, *Nevada City Firehouse #2*, 420 Broad Street (5–3–74).

Colorado

Park County

Fairplay, *Summer Saloon*, Third and Front Streets (5–8–74).

District of Columbia

Lansburgh, Julius, Furniture Co., Inc., 909 F Street NW. (5–8–74).

National Bank of Washington, Washington Branch, 301 Seventh Street NW. (5–8–74).

National Cathedral (Cathedral Church of St. Peter and St. Paul and Close), Wisconsin and Massachusetts Avenues NW. (5–3–74).

Old Naval Hospital, 921 Pennsylvania Avenue SE. (5–3–74).

Florida

Dade County

South Miami, *Allen, Hervey, Study (Glade Estates)*, 8251 Southwest 52d Avenue (5–7–74).

Escambia County

Pensacola, *Old Christ Church*, 405 South Adams Street (5–3–74).

Pensacola, *St. Michael's Creole Benevolent Association Hall*, 416 East Government Street (5–3–74).

Jackson County

Greenwood, *Pender's Store*, near intersection of Florida 71 and 69 (5–3–74).

Leon County

Tallahassee vicinity, *Pisgah United Methodist Church*, north of Tallahassee, off Florida 151 (5–3–74).

Martin County

Stuart vicinity, *House of Refuge at Gilbert's Bar*, Hutchinson Island, between Negro and Bessie Coves (5–3–74).

Palm Beach County

Palm Beach, *Brelsford House*, 1 Lake Trail (5–3–74).

Volusia County

Enterprise, *All Saint's Episcopal Church*, corner of DeBary Avenue NE., and Clark Street (5–3–74).

Georgia

Bartow County

Cartersville vicinity, *Valley View*, Euharlee Road, southwest of Cartersville (5–8–74).

Fulton County

Atlanta, *Martin Luther King, Jr. Historic District*, bounded roughtly by Irwin, Randolph, Edgewood, Jackson, and Auburn Avenues (5–2–74).

Atlanta, *U.S. Post Office and Courthouse*, 76 Forsyth Street (5–2–74).

Roswell, *Roswell Historic District*, essentially original area laid out by Roswell and King (5–2–74).

Hancock County

Sparta, *Sparta Historic District*, bounded roughly by Burwell, West, Elm, and Hamilton Streets; and north on Jones to Clinch Terrace. (4–16–74).

Sparta vicinity, *Glen Mary*, Linton Road, south of Sparta (5–8–74).

Talbot County

Talbotton vicinity, *Zion Episcopal Church*, south of Talbotton on U.S. 80 (5–8–74).

Troup County

LaGrange vicinity, *Nutwood*, south of La Grange off Big Springs Road (5–8–74).

Guam

Agana, *Plaza de Espana*, Saylor Street (5–1–74).

Umatac vicinity, *Fort San Jose*, northwest of Umatac on Route 2 (5–1–74).

Idaho

Butte County

Arco vicinity, *Goodale's Cutoff*, south of Arco off U.S. 20 (5–1–74).

Madison County

Rexburg, *Rexburg State Tabernacle*, 25 North Center Street (5–3–74).

Illinois

Randolph County

Prairie du Rocher and vicinity, *French Colonial Historic District*, from Fort de Chartres State Park to Kaskaskia Island (4–3–74) (also in Monroe County).

Prairie du Rocher vicinity, *Kolmer Site*, northwest of Prairie du Rocher off Illinois 155 (5–1–74).

Iowa

Davis County

Bloomfield, *Davis County Courthouse*, Bloomfield Town Square (5–3–74).

Centerville vicinity, *Stringtown House*, east of Centerville on Iowa 2 (4–16–74).

Kansas

Atchison County

Atchison, *Waggener, B. P., House*, 819 North Fourth Street (5–3–74).

Geary County

Junction City vicinity, *Main Post Area, Fort Riley*, northeast of Junction City on Kansas 18 (5–1–74).

Rice County

Sterling, *Cooper Hall, Sterling College*, North Broadway Avenue (5–3–74).

Kentucky

Carter County

Grayson vicinity, *Kitchen, Van, House*, south of Grayson off Kentucky 7 (5–2–74).

Fayette County

Lexington, *McGarvey, Dr. John, House*, 362 South Mill Street (5–15–74).

Lexington, *McPheeters, Charles, House*, 352 South Mill Street (5–15–74).

Lexington, *Poindexter, William, House*, 359 South Mill Street (5–15–74).

Johnson County

Paintsville, *Mayo, John C. C., Mansion and Office*, Third Street (5–3–74).

Louisiana

Pointe Coupee Parish

Innis vicinity, *St. Stephen's Episcopal Church*, north of Innis off Louisiana 418 (4–24–74).

Maine

Cumberland County

Portland, *Butler, A. B., House*, 4 Walker Street (5–8–74).

Portland, *Portland Waterfront*, Waterfront Area (5–2–74).

Westbrook, *Cumberland Mills Historic District*, roughly both sides of Presumpscot River between railroad tracks and Warren Avenue (5–2–74).

Knox County

Thomaston, *Thomaston Historic District*, roughly both sides of U.S. 1 between Maine 131 and Wadsworth Street and both sides of Knox Street to river (5–2–74).

Lincoln County

Damariscotta, *Cottrill, Matthew, House*, Main Street (5–2–74).

New Castle, *Kavanaugh, Governor Edward, House*, Maine 213 (Damariscotta Mills) (5–3–74).

Penobscot County

Bangor, *Adams-Pickering Block*, corner of Main and Middle Streets (5–2–74).

Maryland

Baltimore (independent city)

Davidge Hall, 522 West Lombard Street (4–24–74).

Harford County

Forest Hill, *St. Ignatius Church*, 533 East Jarrettsville Road (4–16–74).

Howard County

Elkridge, *Trinity Church*, 7474 Washington Boulevard (5–6–74).

Savage, *Savage Mill*, southwest corner of Foundry Road and Washington Street (4–18–74).

Massachusetts

Bristol County

Seekonk, *Martin House*, 940 Court Street (5–2–74).

Essex County

Gloucester, *Front Street Block*, West End, 55–71 Main Street (5–8–74).

Hampden County

Springfield, *Ames Hill/Crescent Hill District*, roughly both sides of Maple Street between Mill and Central Streets (both sides) (5–1–74).

Springfield, *Court Square Historic District*, bounded by Main, State, Broadway, Pynchon Streets and City Hall Place (5–2–74).

Springfield, *Quadrangle-Mattoon Street Historic District*, bounded by Chestnut, State, and properties on either side of Mattoon, Salem, Edwards and Elliot Streets (5–8–74).

Middlesex County

Lincoln, *The Grange*, Codman Road (4–18–74).

Nantucket County

Nantucket, *NOBSKA* (steamship), Steamboat Wharf, Nantucket Harbor (5–2–74).

Norfolk County

Medfield, *First Parish Unitarian Church*, North Street (4–18–74).

Milton, *Holbrook, Dr. Amos, House*, 203 Adams Street (4–18–74).

Suffolk County

Boston, *Ames Building*, 1 Court Street (4–26–74). .

Boston, *Copp's Hill Burial Ground*, Charter, Snowhill, and Hull Streets (4–18–74).

Boston, *King's Chapel Burying Ground*, Tremont Street (5–2–74).

Boston, *Park Street District*, Tremont, Park and Beacon Streets (5–1–74).

Boston, *Suffolk County Courthouse*, Pemberton Square (5–8–74).

Boston, *Winthrop Building*, 7 Water Street (4–18–74).

Boston, *Youth's Companion Building (Sawyer Building)*, 209 Columbus Avenue (5–2–74).

Charlestown, *Phipps Street Burying Ground*, Phipps Street (5–15–74).

Dorchester, *Blake, James, House*, 735 Columbia Road (5–1–74).

Dorchester, *Clapp Houses*, 199 & 195 Boston Street (5–2–74).

Dorchester, *Dorchester North Burying Ground*, Stoughton Street and Columbia Road (4–18–74).

Dorchester, *Pierce House*, 24 Oakton Avenue (4–26–74).

Minnesota

Hennepin County

Minneapolis, *Milwaukee Avenue Historic District*, Milwaukee Avenue from Franklin Avenue to 24th Street (5–2–74).

Minnetonka, *Burwell House*, McGinty Road and Minnetonka Boulevard (5–2–74).

Missouri

Platte County

Weston vicinity, *McCormick Distillery*, southeast of Weston off Route JJ (4–16–74).

Nevada

Washoe County

Reno, *Morrill Hall, University of Nevada/Reno*, University of Nevada campus (5–1–74).

New Jersey

Monmouth County

Freehold, *Hankinson, Moreau, Covenhoven House (Clinton's Headquarters)*, 150 West Main Street (5–1–74).

Holmdel vicinity, *Kovenhoven*, north of Holmdel off New Jersey 34 (4–26–74).

Middletown, *Kings Highway District*, irregular pattern, both sides of Kings Highway, south and west of New Jersey 35 (5–3–74).

Shrewsbury, *Allen House*, Broad Street and Sycamore Avenue (5–8–74).

New Mexico

San Miguel County

Las Vegas vicinity, *Montezuma Hotel Complex*, northwest of Las Vegas in Gallinas Canyon (5–3–74).

New York

Columbia County

Chatham, *Union Station*, at intersection of New York 66 and New York 295 (5–1–74).

Madison County

Hamilton, *Smith, Adon, House (Village Office Bldg.)*, 3 Broad Street (5–2–74).

Rensselaer County

Troy, *Powers Home*, 819 Third Avenue (4–16–74).

St. Lawrence County

Canton, *Herring-Cole Hall, St. Lawrence University*, St. Lawrence University campus (5–1–74).

Canton, *Richardson Hall, St. Lawrence University*, St. Lawrence University campus (5–1–74).

Suffolk County

East Hampton, *East Hampton Village District*, bounded by Main Street, James and Woods Lanes (5–2–74).

Washington County

Whitehall, *Potter, Judge Joseph, House*, Mountain Terrace (5–2–74).

Westchester County

Rye, *Widow Haviland's Tavern*, Purchase Street (4–16–74).

North Carolina

Carteret County

Beaufort, *Beaufort Historic District*, roughly bounded by Beaufort Channel, Pine, Craven, Broad, Gordon Ann Fulford Streets and approximately 1 mile offshore of waterfront (5–6–74).

New Hanover County

Wilmington, *Federal Building and Courthouse*, North Water between Market and Princess Streets (5–2–74).

Wilmington, *Wilmington Historic District*, roughly 100 yards west of Cape Fear River, Ninth Street on the east, Wright Street on the south and Harnett Street on the north (5–6–74).

Polk County

Columbus vicinity, *Green River Plantation*, east of Columbus off State Route 1006 (3–28–74).

Rockingham County

Reidsville, *Reid, Governor David S., House*, 219 Southeast Market Street (4–26–74).

Reidsville vicinity *High Rock Farm* southeast of Reidsville on State Route 2619 (4–26–74).

Ohio

Adams County

Manchester vicinity, *Buckeye Station*, east of Manchester off U.S. 52 (5–1–74).

Champaign County

Saint Paris, *Monitor House*, 375 West Main Street (5–2–74).

Clermont County

Neville vicinity, *Schafer House*, east of Neville off U.S. 52 (5–13–74).

Crawford County

Crestline, *Crestline City Hall*, 121 West Bucyrus Street (5–8–74).

Cuyahoga County

Cleveland, *Old Federal Building (and Post Office)*, 201 Superior Avenue NE. (5–3–74).

Cleveland Heights, *Overlook Road Carriage House District*, 2141 Kenilworth, 2141, 2171, and 2187 Overlook Road (5–6–74).

Fairfield County

Carroll vicinity, *Coon Hunters Mound*, southwest of Carroll (5–2–74).

Franklin County

Canal Winchester vicinity, *Bergstresser Covered Bridge*, south of Canal Winchester off Ohio 674 (5–3–74).

Georgesville vicinity, *Cannon, Tom, Mound*, north of Georgesville (5–2–74).

Worthington vicinity, *Jeffers, H.P., Mound*, west of Worthington (5–2–74).

Hamilton County

Norwood, *Norwood Mound*, east of Indian Mound Avenue (5–2–74).

Highland County

Rainsboro vicinity, *Rocky Fort Park Site*, southwest of Rainsboro (5–2–74).

Huron County

Monroeville, *Brown, Seth, House*, 29 Brown Street (5–3–74).

Monroeville, *Hosford, John, House*, 64 Sandusky Street (5–3–74).

Monroeville, *Zion Episcopal Church*, Ridge Street at Monroe Street (5–3–74).

Knox County

Mount Liberty, *Mount Liberty Tavern*, U.S. 36 (5–3–74).

Licking County

Utica vicinity, *McDaniel Mound*, west of Utica (5–2–74).

Lorain County

Oberlin, *Westervelt Hall*, 39 South Main Street (5–3–74).

Meigs County

Chester vicinity, *Mound Cemetery Mound*, north of Chester (5–2–74).

Ottawa County

Port Clinton, *Ottawa County Courthouse*, West Fourth and Madison Streets (5–3–74).

Paulding County

Paulding, *Paulding County Courthouse*, Courthouse Square (5–3–74).

Pickaway County

Fox vicinity, *Clemmons, W.C., Mound*, west of Fox (5–2–74).

Pike County

Piketon vicinity, *Piketon Mounds*, south of Piketon (5–2–74).

Putnam County

Ottawa, *Putnam County Courthouse*, Courthouse Square (5–3–74).

Richland County

Mansfield, *Bushness, Martin, House*, 34 Sturges Avenue (4–26–74).

Scioto County

Otway vicinity, *Otway Covered Bridge*, south of Otway off Ohio 348 (5–3–74).

Portsmouth, *Horseshoe Mound*, Hutchins Avenue between Grant and 17th Avenues (5–2–74).

Portsmouth, *Lyric Theatre*, 820 Gallia Street (5–15–74).

Summit County

Twinsburg, *Twinsburg Congregational Church*, Twinsburg Public Square (5–3–74).

Vinton County

Zaleski, *Markham Mound*, Webb Hollow Road (5–3–74).

Oklahoma

Cherokee County

Tahlequah vicinity, *First Cherokee Female Seminary Site*, southeast of Tahlequah 4–30–74).

Oregon

Benton County

Kings Valley vicinity, *Fort Hoskins Site*, southwest of Kings Valley (5–1–74).

Clatsop County

Astoria, *Astoria Column*, Coxcomb Hill (5–2–74).

Hood River County

Cascade Locks, *Cascade Locks Marine Park*, on Columbia River (5–15–74).

Jackson County

Rogue River vicinity, *Birdseye, David N., House*, U.S. 99, south of Rogue River (5–1–74).

Lincoln County

Newport, *Old Yaquina Bay Lighthouse*, Yaquina Bay State Park (5–1–74).

Marion County

Aurora, *Aurora Colony Historic District*, roughly includes both sides of 99E from Bob's Street to east city limits, and to the northwest to include Market Road and cemetery (4–16–74).

Hubbard vicinity, *Stauffer, John, House and Barn*, northeast of Hubbard off U.S. 99E (5–1–74).

Multnomah County

Portland, *St. Patrick's Roman Catholic Church and Rectory*, 1635 Northwest 19th Avenue (5–1–74).

Portland, *U.S. Customhouse*, 220 Northwest Eighth Avenue (5–2–74).

Polk County

Zena, *Spring Valley Presbyterian Church*, southeast of McCoy (5–8–74).

Pennsylvania

Adams County

Gettysburg, *Lutheran Theological Seminary-Old Dorm*, Seminary Ridge, Lutheran Theological Seminary campus (5–3–74).

Allegheny County

Pittsburgh, *Emmanuel Episcopal Church*, North and Allegheny Avenues (5–3–74).

Berks County

Lobachsville vicinity, *Keim Homestead*, west of Lobachsville (5–1–74).

Fayette County

Uniontown vicinity, *Gaddis, Thomas, Homestead*, off U.S. 119, south of Uniontown (4–26–74).

Indiana County

Georgeville vicinity, *McCormick, John B., House*, west of Georgeville off Pennsylvania 210 (5–3–74).

Montgomery County

Elkins Park, *Anselm Hall*, 915 Spring Avenue (5–8–74).

Washington County

California, *Old Main, California State College*, California State College campus (5–2–74).

Rhode Island

Kent County

Coventry, *Paine House*, Station Street (5–1–74).

Warwick, *Greene-Bowen House*, 698 Buttonwoods Avenue (5–2–74).

Newport County

Little Compton, *Little Compton Common Historic District*, bounded by properties on Simmons Road, Willow Avenue, South Commons Road, Meeting House Lane, West Road, School House Lane; surrounding Common (5–3–74).

Newport, *Commandant' Residence, Quarters Number One, Fort Adams*, Harrison Avenue (5–8–74).

Newport, *Common Burying Ground and Island Cemetery*, Farewell and Warner Streets (5–1–74).

Providence County

Foster, *Foster Center Historic District*, irregular pattern, surrounding intersection of Foster Center Road, Howard Hill Road, and South Killingly Road (5–1–74).

Foster vicinity, *Mount Vernon Tavern*, Plainfield Pike, (Rhode Island 14) (5–8–74).

Georgiaville vicinity, *Smith-Appleby House*, north of Georgiafield off Rhode Island 116 on Stillwater Road (5–1–74).

North Providence, *Olney, Captain Stephen, House*, 138 Smithfield Road (5–1–74).

Providence, *Broadway-Armory Historic District*, bounded by Dean, Carpenter, Bridgham, Durfee, Cranston, Superior, Messer, Barton, Grove, Vinton, Federal, America, and Kenyon Streets (5–1–74).

Providence, *Corliss, John, House*, 201 South Main Street (5–1–74).

Providence, *Roger Williams Park Historic District*, Roger Williams Park (5–2–74).

Providence, *Winsor-Swan-Whitman Farm*, 416 Eaton Street (5–1–74).

Woonsocket, *Woonsocket City Hall*, 169 Main Street (5–1–74).

Washington County

Carolina, *Carolina Village Historic District*, in irregular pattern on both sides on Rhode Island 112 from Shannock Hill Road to Rhode Island 91 (5–2–74).

Hopkinton, *Hopkinton City Historic District*, in irregular pattern surrounding intersection of Hopkinton-Clarks Falls Road, North Road, Route 3, Woodville and Burdickville Roads (5–1–74).

Kingston, *Kingston Village Historic District*, irregular pattern, both sides of Rhode Island 138 (5–1–74).

New Shoreham, *Old Harbor Historic District*, bounded by waterfront and inland in semicircle from Mineral Spring through Continental and Harbor Pond (5–8–74).

Wyoming, *Wyoming Village Historic District*, both sides of Bridge Street and Routes 138 and 3 from Route 138 to Old Nooseneck Road, includes Prospect Street (5–2–74).

South Carolina

Beaufort County

Beaufort, **Marshlands*, 501 Pinckney Street.

Charleston County

Charleston, **Blacklock, William, House*, 18 Bull Street.

Charleston, **Farmers' and Exchange Bank*, 14 East Bay Street.

Charleston, **Huguenot Church*, 136 Church Street.

Charleston, **Manigault, Joseph, House*, 350 Meeting Street.

Charleston, **Old Marine Hospital*, 20 Franklin Street.

Charleston, **Parish House of the Circular Congregational Church*, 150 Meeting Street.

Charleston, **Roper, Robert William, House*, 9 East Battery.

Charleston, **St. Philip's Church*, 146 Church Street.

Charleston, **Unitarian Church*, 6 Archdale Street.

Orangeburg County

Orangeburg vicinity, *White House United Methodist Church*, north of Orangeburg on U.S. 301 (5–13–74).

Sumter County

Stateburg, **Church of the Holy Cross*.

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South Dakota

Minnehaha County

Sioux Falls, *Federal Building and U.S. Courthouse,* 400 South Phillips Avenue (5–2–74).

Tennessee

Greene County

Greenville, *Greenville Historic District,* roughly both sides of Main Street, from McKee to railroad tracks and Irish Street to East Church (5–3–74).

Maury County (also in Hickman County)

Williamsport vicinity, *Gordon, John, House,* northwest of Williamsport off Tennessee 50 (4–18–74).

Scott County

Huntsville, *Old Scott County Jail,* Courthouse Square (4–18–74).

Texas

Ellis County

Waxahachie, *Waxahachie Chautauqua Building,* Getzendaner Park (5–3–74).

Wise County

Decatur, *Waggoner Mansion,* 1003 East Main (5–1–74).

Utah

Salt Lake County

Salt Lake City, *Culmer, William, House,* 33 C Street (4–18–74).

Virginia

Amherst County

Clifford, *Winton,* west of Virginia 151 (5–2–74).

Fairfax (independent city)

Fairfax County Courthouse, 4000 Chain Bridge Road (5–3–74).

Loudoun County

Leesburg vicinity, *Oatlands Historic District,* south of Leesburg on U.S. 15 (5–3–74).

Suffolk (independent city)

Riddick House, 510 Main Street (5–2–74).

Washington

Okanogan County

Nespelem, *Chief Joseph Memorial (Nez Perce Cemetery),* near intersection of Washington 10A and Cache Creek Road (5–15–74).

Skagit County

LaConner, *LaConner Historic District,* roughly bounded by Second, Calhoun, Commercial, and Morris Streets and the Swinomish Channel (4–24–74).

Walla Walla County

Walla Walla, *Fort Walla Walla Historic District,* 77 Wainwright Drive (4–16–74).

West Virginia

Kanawha County

St. Albans, *St. Albans Site,* between U.S. 60 and the Kanawha River (5–3–74).

Wisconsin

La Crosse County

La Crosse, *Cargill, William W., House,* 235 West Avenue South (5–1–74).

Ozaukee County

Cedarburg, *Cedarburg Mill,* 215 East Columbia Avenue (5–8–74).

Cedarburg vicinity, *Concordia Mill,* southeast of Cedarburg at 252 Green Bay Road, Hamilton (4–26–74).

Walworth County

Elkhorn, *Elderkin, Edward, House (Round House),* 127 South Lincoln (5–3–74).

Wyoming

Park County

Cody vicinity, *Dead Indian Campsite,* north of Cody in Shoshone National Forest (5–3–74).

The following are corrections to previous listings in the FEDERAL REGISTER:

South Carolina

Beaufort County

Beaufort, *_Beaufort Historic District_, bounded on the north by Boundary Street, on the west by Hamar and Bladen Streets, and on the south and east by the Beaufort River (12–17–69).

Charleston County

Charleston, *_Fireproof Building_, 100 Meeting Street (7–29–69).

Charleston, *_Market Hall and Sheds_, 188 Meeting Street (6–4–73).

Charleston, *_Russell, Nathaniel, House_, 51 Meeting Street (8–19–71).

Charleston, *_Simmons-Edwards House_, 12–14 Legare Street (1–25–71).

Lancaster County

Lancaster, *_Lancaster County Courthouse_, 104 North Main Street (2–24–71).

Lancaster, *_Lancaster County Jail_, 208 West Gay Street (8–19–71).

Richland County

Columbia, *_Hall, Ainsley, House_, 1616 Blanding Street (7–16–70).

Columbia, *_Mills Building, South Carolina State Hospital_, 2100 Bull Street (6–5–70).

Sumter County

Pinewood vicinity, *_Milford Plantation_, 2 miles west of Pinewood on South Carolina 261 (11–19–71).

The following property has been demolished and removed from the National Register:

New York

Saratoga County

Ballston Spa, *Saratoga County Courthouse Complex,* 46 West High Street.

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comment are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2(b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

Alabama

Dallas County

Selma, *Gill House,* 1109 Selma Avenue.

Madison County

Huntsville, *Lee House,* Red Stone Arsenal.

Alaska

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

Arizona

Cochise County

Sierra Vista, *Garden Canyon Petroglyphs,* Garden Canyon Road.

Yuma County

Yuma, *Southern Pacific Depot.*

Arkansas

Ouachita County

Camden, *Old Post Office,* Washington Street.

California

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Marin County

Point Reyes, *Point Reyes Light Station.*

Modoc County

Canby vicinity, *Cuppy Cave,* near Pitt River in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*

Pacific Grove, *Point Pinos Light Station.*

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*

Hillsborough, *Point Montara Light Station.*

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.

Santa Rosa, *Santa Rosa Post Office.*

Colorado

Denver County

Denver, *Eisenhower Memorial Chapel,* Building No. 27, Reeves Street, on Lowry AFB.

Connecticut

Hartford County

Hartford, *Church of the Good Shepherd and Parish House,* intersection of Wyllys Street and Van Block Avenue.

Hartford, *Colt Factory Housing,* Huyshope Avenue between Sequassen and Weehasset Streets.

Hartford, *Colt Factory Housing ("Potsdam Village"),* Curcombe Street between Hendricxsen Avenue and Locust Street.

Hartford, *Colt Park,* bounded by Wethersfield Avenue, Stonington Street, Wawarme, Curcombe and Marseek streets, and by Huyshope and Van Block avenues.

Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings,* Van Dyke Avenue.

Hartford, *Flat-iron Building (Motto Building),* intersection of Congress Street and Maple Avenue.

Hartford, *Houses on both sides of Congress Street.*

Hartford, *Houses on Charter Oak Place.*

Hartford, *Houses on Wethersfield Avenue,* between Morris and Wyllys Streets, particularly Nos. 97, 81, 65.

Middlesex County

Middletown, *Mather-Douglas-Santangelo House,* 11 South Main Street.

New London County

New London, *Thames Shipyard,* west bank of Thames River north of the U.S. Coast Guard Academy.

Delaware

Suffolk County

Lewes, *Delaware Breakwater.*

Lewes, *Harbor of Refuge Breakwater.*

District of Columbia

Riggs Bank, 800 17th Street NW.

Florida

Hillsborough County

Tampa, *Feedral Building, U.S. Courthouse Downtown Postal Station,* 601 Florida Avenue.

Tampa, *Firehouse No. 10, Ybor City.*

Georgia

Chatham County

Archeological Site, north end of Skidway Island.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry,* Souther Field.

Hawaii

Moanaloa Valley.

Idaho

Ada County

Boise, *Ada Theater,* 700 Main Street.

Boise, *Alexanders,* 826 Main Street.

Boise, *Falks Department Store,* 100 North Eighth Street.

Boise, *Idaho Building,* 216 North Eighth Street.

Boise, *Idanha Hotel,* 928 Main Street.

Boise, *Simplot Building (Boise City National Bank),* 806 Idaho Street.

Boise, *Union Building,* 712½ Idaho Street.

Illinois

Cook County

Chicago, *Delaware Building,* 155 North Dearborn.

Chicago, *McCarthy Building (Landfield Building),* northeast corner of Dearborn and Washington.

Chicago, *Methodist Book Concern* (later Stop and Shop Warehouse), 12 West Washington.

Chicago, *Ogden Building,* 130 West lake Street.

Chicago, *Oliver Building,* 159 North Dearborn Street.

Chicago, *Springer Block* (Bay, State and Kranz Buildings), 126–46 North State.

Chicago, *Unity Building,* 127 North Dearborn Street.

De Kalb County

De Kalb, *Haish Barbed Wire Factory,* corner of Sixth and Lincoln Streets.

Lake County

Fort Sheridan, *Water Tower, Building 49,* Leonard Wood Avenue.

Indiana

Monroe County

Bloomington, *Carnegie Library.*

Kentucky

Estill County

Fitchburg Iron Furnace, Kentucky 975, in Daniel Boone National Forest.

Jefferson County

Louisville, *Old Louisville Historic District,* bounded on North by Broadway; on the west by Seventh and the Louisville/Nashville Railroad tracks; on the east by Interstate 65 and Brook Street; on the south by Eastern Parkway and Gaulbert Avenue.

Maryland

Anne Arundel County

Skidmore, *Sandy Point Shoal Light,* on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light,* on Chesapeake Bay.

Sparrows Point, *Craighill Channel Range Front Light,* on Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light,* Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Nallin Farm House* (Fort Detrick Building 1652).

Harford County

Aberdeen, *Gunpowder Meeting House* (Building No. E–5715), Magnolia Road.

Aberdeen, *Presbury House (Quiet Lodge)* (Building No. E–4730), Austin and Parrish Roads.

Havre De Grace, *Havre De Grace Light.*

St. Marys County

Piney Point, *Piney Point Light Station.*

St. Inigoes, *Manor House,* Naval Electronic Systems Test and Evaluation Facility.

St. Marys City, *Point No Point Light,* on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light,* on Chesapeake Bay.

Michigan

Livingston County

Fenton, *Fenton Downtown Historic District,* east and west sides of Leroy Street in two blocks bounded by Ellen on the south and Silver Lake on the north, north side of Caroline Street and east side of River Street.

Missouri

Jackson County

Kansas City, *Folly's (Standard) Theater,* 12th and Central Streets.

Montana

Lewis and Clark County

Marysville, *Marysville Historic District.*

Park County

Mammouth, *Chapel at Fort Yellowstone,* Yellowstone National Park.

Nebraska

Madison County

Norfolk, *Federal Building (U.S. Post Office and Courthouse),* corner of Fourth Street and Madison Avenue.

Nevada

Nye County

Emigrant's Trail, approximately 75 miles northwest of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam,* on the Truckee River 19 miles east of Sparks, along Interstate 80.

New Hampshire

Grafton County

Bedell Covered Bridge.

New Jersey

Warren County (also in Sussex County)

Old Mine Road Historic District.

New York

Bronx County

New York, *North Brothers Island Light Station,* in center of East River.

Greene County

New York, *Hudson City Light Station,* in center of Hudson River.

Richmond County

New York, *Romer Shoal Light Station,* located in lower bay area of New York Harbor.

Suffolk County

New York, *Fire Island Light Station,* U.S. Coast Guard Station.

New York, *Little Gull Island Light Station,* off North Point of Orient Point, Long Island.

New York, *Plum Island Light Station,* off Orient Point, Long Island.

New York, *Race Rock Light Station,* located south of Fishers Island, 10 miles north of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station,* middle of Hudson River.

New York, *Rondout North Dike Light,* center of Hudson River at junction of Rondout Creek and Hudson River.

New York, *Saugerties Light Station,* Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station,* lower southwest portion of Long Island Sound.

White Plains, *Westchester County Courthouse Complex,* corner of Main and Court Streets.

North Carolina

Brunswick County

Southport, *Fort Johnston,* Moore Street.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks,* 28 Ramsey Street.

Dare County

Buxton, *Cape Hatteras Light,* Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

Jones County

Trenton, *Trenton Historic District,* bounded by Trent, Weber and Jones Streets, the

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cemetery, Lake View and Market Streets, Brock Mill Pond, Pollock, Jones, and King Streets.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th Streets.

Ohio

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport.

Oregon

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Light House.*

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Light House.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yaquina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Pennsylvania

Brumbaugh Homestead, Raystown Lake Project.

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Gettysburg, Gettysburg Battlefield Historic District.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.
Pittsburgh, *Main Building (A)*, U.S. Bureau of Mines, Pittsburgh Experiment Station, 4800 Forbes Avenue.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, *Harvey, Judge, House*, 29 North Jay Street.
Lockhaven, *McCormick, Robert, House*, 234 East Church Street.
Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

Cumberland County

Carlisle, *Hessian Guardhouse Museum*, corner of Guardhouse and Garrison Lanes.

Mercer County

Greenville vicinity, *Kidd's Mills Historical Area* (Shenago River Lake), via Pennsylvania 58 and Township Road 653.
Greenville vicinity, *New Hamburg Historical Area*, south of Greenville on both banks of the Shenango River, off Pennsylvania 58.

Northampton County

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

Westmoreland County

Blairsville vicinity, *Western Division-Pennsylvania Canal* (Conemauth River Lake), east of Blairsville.

Tennessee

Gibson County

Milan, *Browning House*, Line "Z," Milan Army Ammunition Plant.

Jackson County

Gainesboro vicinity, *Ft. Blount-Williamsburg Site*, on Cumberland River.

Texas

Bexar County

Fort Sam Houston, *Pershing House*, Quarters No. 6, Staff Post Road.
Fort Sam Houston, *Post Chapel*, Building 2200 Wilson Street.

Vermont

Windsor County

Windsor, *Post Office Building.*

Washington

Clallam County

Sequim, *New Dungeness Light Station.*

Clark County

Vancouver, *Officers Row*, Fort Vancouver Barracks.

Grays Harbor County

Westport, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Kittitas County

CleElum vicinity, *Salmon la Sac Guard Station*, 18 miles north of CleElum on County Highway 9235.

Pacific County

Ilwaco, *Cape Disappointment Light Station.*
Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Wilkes, Captain, July 4, 1841, Celebration Site.*

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

West Virginia

Cabell County

Huntington, *Old Bank Building*, 1208 Third Avenue.

Wood County

Parkersburg, *Wood County Courthouse.*

Wisconsin

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip Chambers Island in Green Bay, Lake Michigan.

Wyoming

Goshen County

Torrington, *Union Pacific Depot.*

Puerto Rico

Mona Island, *Sardinero Site and Ball Courts.*

ERNEST A. CONNALLY,
Associate Director,
Professional Services.

[FR Doc.74-12445 Filed 6-3-74;8:45 am]

Office of the Secretary

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Notice of Meeting

Notice is hereby given that the Oil Shale Environmental Advisory Panel will meet June 12 and 13, 1974 at the Dinaland Country Club, Vernal, Utah. The agenda will include an on the ground tour of the two Federal oil shale tracts in Utah, adoption of policy guidelines to be recommended to the responsible Federal officials, presentations by the local BLM District Office, State and local government units and two Utah lessee groups, recommendations to the USGS Mining Supervisor on a supplemental exploration plan for Colorado Tract C–b and on the full exploration plan for Colorado Tract C–a and discussion of any additional plans submitted to the panel by June 12. The panel will assemble at 8 a.m. on Wednesday, June 12, at the Field House of Natural History, 235 East Main Street, Vernal, Utah. The meeting will conclude at 4 p.m., Thursday, June 13, 1974.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Panel Chairman prior to the meeting. Any interested person may file a written statement with the Panel for its consideration. The advisory Panel Chairman is Mr. William L. Rogers. Written statements may be submitted at the meeting or mailed to Mr. William L. Rogers, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver Colorado 80225. Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Department of the Interior, Denver Federal Center, Denver, Colorado at (303) 234–3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Office of the Special Assistant to the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

JACK O. HORTON,
Assistant Secretary
of the Interior.

MAY 29, 1974.

[FR Doc. 74-12734 Filed 6-3-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

EAST BRADFIELD TIMBER SALE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the East Bradfield Timber Sale, USDA-FS-FES (Adm) 74-42.

The environmental statement concerns a proposed action to harvest approximately 80 million board feet of over-mature Sitka spruce and western hemlock from the East Fork of the Bradfield River drainage located near Wrangell, Alaska.

This final environmental statement was filed with CEQ on May 30, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20230

USDA Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99801

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99865

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GENE S. BERGOFFEN,
Acting Deputy Chief,
Forest Service.

MAY 30, 1974.

[FR Doc.74-12750 Filed 6-3-74;8:46 am]

RED RIVER GORGE PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Red River Gorge Unit, USDA-FS-R8-FES (Adm.)-74-17.

The environmental statement concerns the proposed management direction and resource allocation for a portion of the Daniel Boone National Forest known as the Red River Gorge Planning Unit.

This final environmental statement was transmitted to CEQ on May 24, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southern Region
1720 Peachtree Road, NW
Atlanta, Georgia 30309

USDA, Forest Service
Stanton Ranger District
Highway No. 15
Stanton, Kentucky 40380

A limited number of single copies are available upon request to John E. Alcock, Forest Supervisor, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

DAVID E. KETCHAM,
Acting Deputy Regional Forester.

MAY 24, 1974.

[FR Doc.74-12705 Filed 6-3-74;8:45 am]

Soil Conservation Service

CLAM RIVER WATERSHED PROJECT, MASSACHUSETTS

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Clam River Watershed Project, Berkshire County, Massachusetts.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Dr. Benjamin Isgur, State Conservationist, Soil Conservation Service, USDA, 29 Cottage Street, Amherst, Massachusetts 01002, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, recreation, and fish and wildlife water storage. The planned works of improvement include conservation land treatment supplemented by one multiple purpose structure, modification of the principal spillway of one floodwater retarding structure and recreational facilities.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
29 Cottage Street
Amherst, Massachusetts 01002

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice..

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: May 23, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-12701 Filed 6-3-74;8:45 am]

FLAT ROCK CREEK WATERSHED PROJECT, ARKANSAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Flat Rock Creek Watershed Project, Crawford County, Arkansas, USDA-SCS-EIS-WS-(ADM)-74-7(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment measures, one floodwater retarding structure, one multiple-purpose structure for flood prevention and recreation, and 7.4 miles of channel work. The channel work consists of concrete lining, clearing and debris removal, and enlargement on 4.2 miles of man-made ditches on ephemeral streams and 3.2 miles of clearing and debris removal on an intermittent stream.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Ave., SW., Washington, D.C. 20250.
Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, Arkansas 72203.

Copies of the draft environmental statement have been sent to various federal, state, and local agencies for comment as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before July 24, 1974 in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 24, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-12702 Filed 6-3-74;8:45 am]

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NEWMAN LAKE WATERSHED PROJECT, WASHINGTON

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Newman Lake Watershed Project, Spokane County, Washington, USDA-SCS-ES-WS-(ADM)-74-37(D).

The environmental statement concerns a plan for watershed protection, flood prevention and fish and wildlife. The planned works of improvements include conservation land treatment, supplemented by about 3.8 miles of channel work, a gated outlet structure with fish screens, a water level control structure and stream gage in the channel, improvement of a floodwater barrier along the lake and sink area improvement.

A limited supply of copies is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Soil Conservation Service, USDA, 360 U.S. Courthouse, Spokane, Washington 99201.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Galen S. Bridge, State Conservationist, Soil Conservation Service, Room 360, U.S. Courthouse, Spokane, Washington, 99201.

Comments must be received on or before July 24, 1974 in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 24, 1974.

William B. Davey,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-12703 Filed 6-3-74;8:45 am]

SPRING CANYON WATERSHED PROJECT, WYOMING

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Spring Canyon Watershed Project, Goshen County, Wyoming, USDA-SCS-ES-WS-(ADM)-74-31-(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by one floodwater detention reservoir and diversion outlet works.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th & Independence Avenue, S.W., Washington D.C. 20250.

Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Blaine O. Halliday, State Conservationist, Soil Conservation Service, P.O. Box 2440, Casper, Wyoming 82601.

Comments must be received on or before July 24, 1974 in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 23, 1974.

William B. Davey,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-12704 Filed 6-3-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BRIDGEWATER STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00322-99-46040. Applicant: Bridgewater State College, Bridgewater, Massachusetts 62324. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article will be used in, or in conjunction with, several biology courses for the training of college freshmen, sophomores, juniors and seniors in the techniques of electron microscopy and the operation of the electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 30, 1973).

Reasons: The foreign article provides low distortion magnifications of × 140 to × 60,000 with × 140 to × 1,000 in the normal microscope range, which permits an overlap of light and electron microscopy. Domestic instruments from Adam David Company, Langhorne, Pennsylvania and Elektros Incorporated, Tigard, Oregon do not have an equivalent overlap of light and electron microscopy (the Model EMU-4C provides a low distortion magnification as low as × 500 with the × 500 to × 70,000 pole piece: the Model ETEM 101 provides a magnification range of × 600 to × 38,000 in 21 steps). The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 6, 1974 that the capability of the article to overlap light and electron microscopy is pertinent to the applicant's intended extensive use in teaching undergraduate biology students the capability of electron microscopy to show cell structure at extended light microscopy magnifications. HEW also advised that domestic transmission electron microscopes do not provide the pertinent capability.

For these reasons, we find that the Model EMU-4C and the Model ETEM-101 are not of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director, Special Import Programs Division.

[FR Doc.74-12721 Filed 6-3-74;8:45 am]

National Bureau of Standards

AUTOMOTIVE LIFTS; COMMERCIAL STANDARD

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 142-65, "Automotive Lifts."

It has been tentatively determined that the standard has become technically inadequate, and in view of the existence of an up-to-date Automotive Lift Institute, Inc., standard identified as American National Standard B 153.1-1974, "Safety Standard for Construction, Care, and Use of Automotive Lifts," revision of this Commercial Standard would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, within 30 days of the date of publication this notice. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: May 29, 1974.

Richard W. Roberts,
Director.

[FR Doc.74-12684 Filed 6-3-74;8:45 am]

GAGE BLANKS; COMMERCIAL STANDARD

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 8-61, "Gage Blanks." It has been tentatively determined that this standard serves no useful purpose due to the fact that the subject is adequately covered by a replacement document published by the American National Standards Institute as B47.1, "Gage Blanks (American Gage Design)."

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C, 20234, within 30 days after publication of this notice. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: May 29, 1974.

Richard W. Roberts,
Director.

[FR Doc.74-12685 Filed 6-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4B3010]

GENERAL MILLS CHEMICALS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 USC 348(b)(5)), notice is given that a petition (FAP 4B3010) has been filed by General Mills Chemicals, Inc., 2010 East Hennepin Ave., Minneapolis, MN 55413, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for safe use of starch-*g*-poly(acrylamide-co-β-methacryloyloxyethyl-trimethylammonium monomethyl sulfate) prepared by radiation induced graft polymerization using either a cobalt 60 source or an electron beam accelerator. The additive is to be used in paper and paperboard intended to contract dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 23, 1974.

Virgil O. Wodicka,
Director, Bureau of Foods.

[FR Doc.74-12718 Filed 6-3-74;8:45 am]

[Docket No. FDC-D-670; DESI 4687; NDA No. 12-216]

SCHERING CORP.

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and published his conclusion in the Federal Register of July 22, 1970 (35 FR 11712) that the drug is possibly effective for its recommended use: symptomatic treatment of acute and chronic diarrhea.

NDA 12-216; Sorboquel Tablets; polycarbophil 0.5 gram and thihexinol methylbromide 15 milligrams; Schering Corporation, 60 Orange Street, Bloomfield, New Jersey 07003.

Other drugs were also included in the notice of July 22, 1970, but are not affected by this notice.

Subsequent to the notice, Schering submitted a summary of data from a double blind crossover comparison of sorboquel, polycarbophil, and placebo in oral treatment of chronic diarrheas, and an abstract presenting a summary of results of clinical trials of polycarbophil and Sorboquel. The data are inadequate to characterize any investigation of the combination drug product as adequate and well-controlled in that there is no basis for concluding that the essential elements of an adequate and well-controlled study, as set forth in 21 CFR 314.111(a)(5), have been met. For example, no protocol was presented; therefore, the report does not include information on the method of patient selection used to provide assurance that patients were suitable for the study, assurance that patients were assigned so as to minimize bias, and assurance of comparability of pertinent variables in test and control groups. (21 CFR 314.111(a)(5)(ii) (*a*)(2)). It does not explain methods of observation (21 CFR 314.111(a)(5)(ii)(*a*)(3)) and does not provide a summary of the methods of analysis and evaluation of data including appropriate statistical methods. (21 CFR 314.111(a)(5)(ii)(*a*)(5)). In addition, the data do not comply with the requirements of 21 CFR 3.86 in that there was no comparison of the combination product with a control containing the component thihexinol methylbromide as the only active ingredient.

On the basis of all of the data and information available to him, including the data discussed above, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 3.86, demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an

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opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 5, 1974, a written notice of appearance and request for hearing, and (2) on or before August 5, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 USC 331(j) or 18 USC 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-53, as amended; 21 USC 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: May 28, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-12717 Filed 6-3-74;8:45 am]

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Notice of Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled, created to advise the Secretary on regulations and evaluation of programs for Public Law 91-517, will hold a regular meeting on June 10 and 11, 1974, at the Department of Health, Education, and Welfare North Building, Room 5051, 330 Independence Avenue, SW., Washington, D.C. 20201.

On June 10 the meeting will begin at 9 a.m. and recess at 5:30 p.m.

On June 11 the meeting will reconvene at 8:30 a.m. and adjourn at 5 p.m. The agenda will include a progress report by the Executive Secretary, issues arising in legislation and regulations, participatory discussion with National Constituency Organizations, and a report from the Project on Classification of Exceptional Children. The meeting will be open to the public. Additional information can be obtained by calling the Executive Secretary at 202-245-0772.

FRANCIS X. LYNCH,
Executive Secretary.

MAY 28, 1974.

[FR Doc.74-12722 Filed 6-3-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 & 2

Notice of Meeting

MAY 30, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2 will hold a meeting on June 28, 1974 in the East Ball Room of the Holiday Inn, 257 East Main Street, Painesville, Ohio 44077. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, June 28, 1974, 1:30 p.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 1 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 21, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on June 28, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 27, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5640) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 1, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy 1717 H Street NW., Washington, D.C. 1717 H Street NW., Washington, D.C. 20545 after August 28, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-12872 Filed 6-3-74;8:45 am]

[Docket No. 50-186]

CURATORS OF THE UNIVERSITY OF MISSOURI

Proposed Issuance of Amendment to Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to Facility License No. R-103 to The Curators of the University of Missouri at Columbia, Missouri. The proposed amendment would authorize the University (1) to operate the nuclear research reactor at steady state power levels up to 10 MWt, an increase from 5 MWt, (2) to receive, possess, and use a 100 curie source of antimony-beryllium, and (3) to incorporate revised Technical Specifications in the license. This proposed amendment would revise the license in its entirety to delete the record keeping and reporting requirements from the license because they will be incorporated in the revised Technical Specifications.

The Commission has found that the application for amendment and supplements comply with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations which are set forth in the proposed amendment and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

The applicant may file a request for a hearing on or before June 24, 1974, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for amendment dated August 25, 1972, and supplements dated October 5, 1973, January 11, 1974, February 28, 1974, and March 13, 1974, (2) the proposed amendment, (3) the revised Technical Specifications, (4) the related Safety Evaluation by the Directorate of Licensing, and (5) the original Safety Evaluation for operation of the MURR dated July 27, 1966, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy of Items (2), (3), (4), and (5) may be obtained upon request sent to the U.S. Atomic Energy Commission, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 24th day of May 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-12871 Filed 6-3-74;8:45 am]

[Docket Nos. 50-346A; 50-440A, 50-441A]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order for Prehearing Conference

Take notice, that pursuant to the Atomic Energy Commission's "Memorandum and Order" dated January 21, 1974, in the matter of the antitrust proceedings involving the Davis-Besse Nuclear Power Station and Perry Plants, Units 1 and 2, and in accordance with § 2.751a of the Commission's rules of practice, a special prehearing conference will be held on this matter on June 14, 1974 at 9:30 a.m., local time, at the Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C.

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The subject of this prehearing conference will be: (1) issues in controversy; (2) scope and extent of discovery; (3) consolidation matters; (4) schedule for this proceeding; and (5) such other matters as may aid in this proceeding.

It is so ordered.

Issued this 31st day of May 1974 at Bethesda, Maryland.

Atomic Safety and Licensing Board,
John B. Farmakides,
Chairman.

[FR Doc.74-12873 Filed 6-3-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 25513, 25661, Agreement C.A.B. 24392 R-1 through R-3, Agreement C.A.B. 24398]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Agreement Relating to North Atlantic, South Pacific and North/Central Pacific Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of May, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at a meeting held in New York, April 17, 1974, is for effectiveness May 15, 1974 on the Atlantic and North/Central Pacific and for varying dates of effectiveness on the South Pacific.[1] The agreement has been assigned C.A.B. agreement number 24392.

The agreement would revise proportional fares used in constructing through fares between points in North America and points in Europe/Middle East/Africa, across the South Pacific and North/Central Pacific areas. These changes result from the recent six percent domestic fare increase as well as several U.S.-Canada transborder fare increases and result in proportional fares which do not exceed the appropriate published domestic fares between the U.S. point involved and the specified U.S. gateway. We will also approve, insofar as it has indirect application in air transportation, a mail vote agreement which would permit holding normal and economy-class fares between Vancouver, B.C. and points in the South West Pacific to the level of the corresponding Los Angeles/San Francisco/Portland/Seattle fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24392 as indicated, are adverse to the public interest or in violation of the Act; provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24392:			
R-1	015	North Atlantic Proportional Fares—North American	1/2
R-2	015a	South Pacific Proportional Fares—North America	3/1
R-3	015b	North and Central Pacific Proportional Fares—North America	3/1

2. It is not found that the following resolution, which is incorporated in Agreement C.A.B. 24398, and which is indirectly applicable in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24398	003x	Special Application Resolution—South Pacific	3/1

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24392, R-1 through R-3 and Agreement C.A.B. 24398 be and hereby are approved; subject, where applicable, to conditions previously imposed by the Board; and

2. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than June 1, 1974. The authority granted in this paragraph expires with June 30, 1974.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.74-12747 Filed 6-3-74;8:45 am]

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[1] Revisions to proportionals for South Pacific special fare categories are proposed to be effective June 1, 1974 and will reflect changes to currently effective domestic and transborder fares. Revisions to proportionals for South Pacific normal first- and economy-class fares are proposed to be effective July 1, 1974 and will reflect recently filed six percent increases to U.S.-Hawaii fares due to become effective by July 1, 1974. This two-step approach reflects the Board's condition to its recent approval of South Pacific normal fares to require that these IATA through fares from mainland points to South Pacific points not exceed the sum of the local sector fares over Hawaii.

[Docket No. 22859; Order 74-5-139]

OZARK AIR LINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of May, 1974.

By tariff revisions filed April 29, 1974, and marked to become effective June 1, 1974, Ozark Air Lines, Inc. (Ozark) proposes to increase its domestic air freight rates as follows:

1. Bulk minimum charges from $10 to $12;
2. Adjust general commodity rates systemwide by variously increasing and reducing these rates on a mileage block basis. The increases range from 0.4 to 36 percent (with most below 17 percent) and reductions of from 2 to 16 percent;
3. Specific commodity rates on cut flowers and magazines to equal 70 and 75 percent of the applicable general commodity rate, respectively; and
4. Cancel all other specific commodity rates except some 1,000-pound rates on automobile parts.

In support of its proposal, Ozark asserts, inter alia, that it is attempting to eliminate inconsistencies in its rate structure by establishing more uniform, competitive rates based on a mileage block formula. The carrier has incurred an operating loss exceeding $1,574,000 from its air freight operations for the 12 months ended December 31, 1973. Furthermore, the carrier contends that spiralling costs, especially those related to fuel, have increased its expenses considerably. Even with the proposed rate increase, which it expects will generate more than $525,000 of additional revenue in 1974, Ozark estimates that it will incur an operating loss of $260,000 from its air freight operations.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Ozark filing is one of a group of rate increases filed in recent weeks. The Board has reviewed these proposed rates in the light of industry costs of carrying air freight (including a full return on investment), which reflect recognition of sharp increases in fuel costs recently experienced. Most of Ozark's proposed rates do not exceed those costs and will be permitted to become effective.

The rates on human remains, however, significantly exceed costs in all markets. In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it results in higher rates for movements of human remains, should be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the increased rates described in Appendix A[1] hereto are suspended and their use deferred to and including August 29, 1974, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Copies of this order shall be filed with the tariffs and served upon Ozark Air Lines, Inc.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.74-12748 Filed 6-3-74;8:45 am]

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[1] Appendix filed as part of the original document.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

STRUCTURE AND PROCEDURES OF FEDERAL COURT

Notice of Hearing

May 29, 1974.

The Commission on Revision of the Federal Court Appellate System will hold hearings in Chicago on June 10 and June 11, 1974 on the structure and internal procedures of the Federal courts of appeal system. The hearings will commence at 10 a.m. in the Court of Appeals Courtroom, 27th Floor, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois.

Prospective witnesses are invited to communicate with the Executive Director of the Commission at the address listed below as soon as convenient, if they wish to testify:

209 Court of Claims Building
717 Madison Place, NW.
Washington, D.C. 20005
Telephone: (202) 382-2943

A. Leo Levin,
Executive Director.

[FR Doc.74-12708 Filed 6-3-74;8:45 am]

DEFENSE MANPOWER COMMISSION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Defense Manpower Commission on June 14, 1974, at 9:00 a.m. in room 705, 1016 16th Street, NW., Washington, D.C. 20036.

The purpose of the meeting is to discuss the study plan of the Commission, its objectives and phasing.

The meeting will be open to the public. Interested persons wishing to attend should telephone 202/382-1331 by close of business Monday, June 10, 1974.

Curtis W. Tarr,
Chairman.

May 31, 1974.

[FR Doc.74-12924 Filed 6-3-74;9:30 am]

DEFENSE NUCLEAR AGENCY

STEMMING AND CLOSURE PANEL (SACPAN)

Notice of Meeting

The next meeting of the Stemming and Closure Panel (SACPAN), sponsored by the Defense Nuclear Agency (DNA), will be held 5-6, June 1974. SACPAN members will be asked to provide advice on on-going and future DNA underground test programs. The meeting will be closed to the public.

Jack R. Kelso,
Acting Executive Secretary,
SACPAN.

[FR Doc. 74-12713 Filed 6-3-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-10002]

INSECTICIDES IN FOOD HANDLING ESTABLISHMENTS

Extension of Time Period

The Environmental Protection Agency (EPA) published in the Federal Register of August 10, 1973 (38 FR 21686), a notice concerning definitions and a policy statement regarding insecticides intended for use in food handling establishments. That notice also required that labeling modifications concerning crack and crevice treatments in food areas be made to pesticide products. That notice provided a 6-month period from its date of publication for such labeling modifications to be approved.

Applications for label modifications have been so numerous that it has not been possible to complete the review within the time allocated. For this reason, the time originally established for labeling amendments is hereby extended to October 21, 1974.

The previous notice also discussed the requirement for food additive regulations. A protocol for determining residues in food areas of food handling establishments has been developed through coordination with the Federal Working Group on Pest Management. This protocol is intended for the generation of information to support food additive regulations. A copy of this protocol may be obtained by writing to the Director, Registration Division (HM-567), Attention: Special Registration Section, Environmental Protection Agency, Washington, D.C. 20460.

Dated: May 29, 1974.

James L. Agee,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-12731 Filed 6-3-74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION ET AL.

New Proposed 706 Agencies

Pursuant to § 1601.12(g), Title 29, Chapter 14 of the Code of Federal Regulations as revised and published in the Federal Register, Volume 37, No. 89, pages 9214-9220, May 6, 1972, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes designation of the agencies listed below as 706 agencies (§ 1601.12(c)), provisional 706 agencies (as defined in § 1601.12(d)(1)), and Provisional Notice agencies (as defined in § 1601.12(d)(2)), for purposes of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended, and for purposes of according weight to the final findings and orders of those agencies pursuant to § 1601.12 (g)(1), and commences the 15-day period within which any person or organization may file written comments as provided for under § 1601(g)(1). At the expiration of the 15-day period, the Commission may effect designation of each of these agencies by publishing the list of them as an amendment to § 1601.12(k). Additions to the list may be made by the Commission by similar notice and publication. The designated 706 Agency is:

1. Massachusetts Commission Against Discrimination.

The Provisional 706 Agencies are:

1. The Baltimore Community Relations Commission.
2. Bloomington Human Rights Commission.
3. Dade County Fair Housing and Employment Commission.
4. East Chicago Human Relations Commission.
5. Gary Human Relations Commission.
6. Idaho Commission on Human Rights.
7. Kansas Commission on Civil Rights.
8. Kentucky Commission on Human Rights.
9. New York City Commission on Human Rights.
10. Ohio Civil Rights Commission.
11. Oklahoma Human Rights Commission.
12. Philadelphia Commission on Human Relations.
13. Seattle Human Rights Commission.
14. Tacoma Human Rights Commission.
15. Washington State Human Rights Commission.

The Provisional Notice Agencies are:

1. Florida Commission on Human Relations.
2. South Carolina Governors Advisory Commission on Human Relations (Sec. 713(a), 76 stat. 265, 42 U.S.C. Sec. 2000e-12(a)).

Signed this 29th day of May 1974.

John H. Powell, Jr.,
Chairman.

[FR Doc.74-12767 Filed 6-3-74;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20053, 20054; File Nos. BPH-7606, 8353]

JAPAT, INC., AND DOWN EAST BROADCASTING, INC.

Memorandum Opinion and Order

In re applications of Japat, Inc., Westbrook, Maine, Docket No. 20053, File No. BPH-7606, requests: 100.9 MHz, #265; 891 W (H & V); 508 feet; Down East Broadcasting, Inc., Westbrook, Maine, Docket No. 20054, File No. BPH-8353, requests: 100.9 MHz, #265; 900 W (H & V); 504 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting under delegated authority, has before it the above applications which are mutually exclusive since each of the applicants has requested authority to operate on the same FM broadcast channel allocated to the same community.

2. Although both applicants appear to have made substantial efforts to ascertain the community problems of their proposed service areas, neither of them has complied fully with the requirements of our Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). Specifically, although both applicants assert that the economic life of Westbrook is dominated by the S. D. Warren Company, Japat, Inc., has not interviewed any officials of that company or of the union to which employees of that company belong. This is a serious defect since, as explained in answer 16 of our Primer, supra, "the omission of consultations with leaders of a significant interest group would make the applicant's showing defective, since those consulted would not reflect the composition of the community." See Voice of Dixie, Inc., 45 FCC 2d 1027 (1974). In addition, neither applicant has explained the method used to assure that random sample of members of the general public was consulted to determine relevant community problems. See paragraph 41 of the Primer, 27 FCC 2d 650 (1971), at 667. Thus, appropriate issues will be specified as to both applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by the applicants to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. *It is further ordered*, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

6. *It is further ordered*, That the hear-applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonally file the statement required by § 1.594(g).

Adopted: May 22, 1974.

Released: May 28, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12729 Filed 6-3-74;8:45 am]

[Docket No. 20005, RM-1635, RM-1849, RM-2045]

PUBLIC UTILITY METERS

Order Extending Time

In the matter of the development of frequency allocations and regulations applicable to the use of radio for the remote reading of public utility meters.

1. The Commission has before it for consideration a Motion for Extension of Time in the above named proceeding filed on behalf of the Utilities Telecommunications Council (UTC) requesting a 60 day extension in the time for filing comments and an additional 30 days for reply comments in response to the Commission's notice of inquiry herein, adopted April 9, 1974.

2. According to UTC, a preliminary examination of the Commission's notice of inquiry reveals that the subject matter is of great interest and importance to the utility industry. UTC says that in order for it to properly evaluate the subject matter and file responsive and meaningful comments, additional time is required for securing data from the various member utilities and for preparing and coordinating the comments.

3. The Commission recognizes the importance of this proceeding to the utility industry and it is our hope to obtain meaningful comments on the several issues raised in the notice of inquiry. We also recognize the difficulty UTC may have in developing comments representing its diverse and widespread membership, as well as its desire to coordinate its proposed filing at the Annual UTC Meeting in June. We believe therefore that good cause has been shown for the requested extension of time and that such extension would not seriously delay the proceeding nor inconvenience other parties intending to file.

4. *Accordingly, it is ordered*, pursuant to authority contained in section 5(d) of the Communications Act of 1934, as amended [47 U.S.C. 155(d)] and § 0.251(b) of the Commission's rules [47 CFR 0.251(b)] the date for filing comments in this proceeding is extended from May 23, 1974, to July 22, 1974, and the date for filing reply comments is extended from June 3, 1974, to August 21, 1974.

Adopted: May 21, 1974.

Released: May 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHTON HARDY,
General Counsel.

[FR Doc.74-12728 Filed 6-3-74;8:45 am]

[Docket No. 20055; File No. BPH-8066, etc.]

PRAIRIELAND BROADCASTERS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend and Reynold Fischman, d/b as PRAIRIELAND BROADCASTERS, Decatur, Illinois, Docket No. 20055, File No. BPH-8066, Requests: 95.1 MHz, #236; 50 kW (H & V); 500 feet; WBIZ, INCORPORATED, Decatur, Illinois, Docket No. 20056, File No. BPH-8267, Reqeusts: 95.1 MHz, #236; 50 kW (H & V); 500 feet; SUPERIOR MEDIA, INC., Decatur, Illinois, Docket No. 20057, File No. BPH-8351, Requests: 95.1 MHz, #236; 500 kW (H & V); 500 feet; DECATUR BROADCASTING, INC., Decatur, Illinois, Docket No. 20058, File No. BPH-8390, Requests: 95.1 MHz, #236; 50 kW (H & V); 500 feet; L.E.G., Inc., and John G. Cheeks, d/b as SOY COMMUNICATIONS COMPANY, A JOINT VENTURE, Decatur, Illinois, Docket No. 20059, File No. BPH-8682, Requests: 95.1 MHz, #236; 50 kW (H & V); 500 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Examination of the application of Prairieland Broadcasters indicates that the applicant conducted a general audience survey, there is no indication of the number of persons contacted or the method used to insure that a random sample was achieved as required by the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). Accordingly, a Suburban[1] issue will be included.

3. The application of WBIZ, Inc., indicates that although its consultations with community leaders was personally conducted by principals or management-level employees, its telephone survey of the general public was made under the direction and supervision of a principal "by two staff members of the Millikin University radio station." Since it is not clear whether the two individuals are also employees or prospective employees of the applicant, the survey does not meet the requirements of answer 11(b) of the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). Accordingly, an issue with respect thereto has been specified.

4. With reference to the general audience survey of Superior Media, Inc., the applicant states that it was conducted by "an experienced interviewer hired by the applicant for this purpose." The applicant further states that the interviewer worked under the direction and supervision of the applicant's stockholders. Since it is not clear whether the interviewer was a representative of a professional research organization, as required by answer 11(b) of the Primer, an issue will be included.

5. Decatur Broadcasting, Inc., will require $109,804 to construct and operate the proposed facility for a period of one year, itemized as follows:

Down payment on equipment	$16, 912
Fourteen months' payments on principal and interest	15, 648
Land	15, 000
Miscellaneous items	4, 645
Working capital requirement	54, 204
Interest on bank loan at 10.5 percent	3, 400
Total	109, 804

To meet this requirement, the applicant relies upon existing capital, a bank loan, and stock subscriptions. Existing capital and prepaid expenses total $8,000. However, of the $82,000 in subscriptions and $40,000 loan, only $41,000 has been established as available. The balance sheet of Mr. Christofilakos, dated June 30, 1973, shows inadequate funds to meet his commitment. The balance sheets of Mr. Farrow and Mr. Squires refer to the availability of "marketable securities". However, there is no indication of which specific securities are held or on which exchange those securities traded. Mr. Gair's balance sheet lists stock in a company known as Hen House, Inc. However, the stock is not listed on any major exchange. As a result, only $41,000 of the $82,000 in subscriptions has been established as available. In addition, the bank loan is not acceptable since it requires the firm guarantees of several of the parties to the applicant. The guarantees submitted by these parties were equivocal and therefore unacceptable. Accordingly, an appropriate financial issue will be specified.

6. By letter of March 1, 1974, the Commission noted that the number of interviews which Decatur Broadcasting, Inc., had conducted with community leaders appeared to be inadequate and requested that additional leaders from both the city of Decatur and Macon County be consulted. By amendment received May 3, 1974, the applicant submitted a list of an additional 18 community leaders. However, it appears that a total of 32 community leaders is insufficient to meet the Primer requirements, considering the size of the Decatur community. Moreover, although labor unions are numerous in the Decatur area, apparently no labor leaders were interviewed. Accordingly, an issue will be specified. Voice of Dixie, Inc., 45 FCC 2d 1027 (1974).

7. Soy Communications, Inc.'s application states that interviews with the general public were made by C. Grabb and B. Mowry, under the "general supervision" of L. E. Grabb. L. E. Grabb is president of the applicant; C. Grabb and B. Mowry are not identified. Thus, since a substantial question exists as to whether the requirements of answer 11(b) of the Primer have been met, an issue will be included.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by the applicants to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

2. To determine, with respect to the application of Decatur Broadcasting, Inc.:

(a) The source and availability of funds in addition to those noted in paragraph 5, supra;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 22, 1974.

Released: May 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12727 Filed 6-3-74;8:45 am]

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[1] Suburban Broadcasters, 20 RR 951 (1961).

FEDERAL ENERGY OFFICE

PROJECT INDEPENDENCE ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties delegated to the Federal Energy Office by Executive Order No. 11748 to establish the Project Independence Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Because of the short time in which we must prepare the Project Independence Report and the complexity of the tasks to be performed by the group, the Office of Management and Budget has authorized filing of the charter seven days after publication of this notice.

CHARTER

PROJECT INDEPENDENCE ADVISORY COMMITTEE

A. *Establishment*. The Administrator, Federal Energy Office, having determined after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order #11748, dated December 4, 1973, which delegated to the Administrator, Federal Energy Office, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), and Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended, hereby establishes the Project Independence Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, functions and administrative provisions*—1. *Objectives and scope*. The objective of the Project Independence Advisory Committee is to provide independent advice and review to the Federal Energy Office (FEO) with respect to the strategies, goals, and analysis of Project Independence.

2. *Committee tenure*. In view of the goals and purposes of the Committee, it will be expected to continue for two years or 30 days following the submission of the Project Independence Report, whichever comes first.

3. *Official to whom Committee reports*. The Committee will report to the Administrator, Federal Energy Office.

4. *Support services*. Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties*. The duties of the Committee are solely advisory and are to provide the Federal Energy Office with direct and timely access to the Committee members' expertise relating to various segments of the economy.

6. *Estimated annual cost*. The estimated annual operating costs for the Committee are $20,000.00 and approximately one-half man years of staff support.

7. *Meetings*. The committee will meet approximately bimonthly during its tenure.

8. *Termination date*. The Committee will terminate two years from date of this Charter or 30 days after the submission of the President's report on Project Independence, whichever comes first, unless prior to those

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dates renewal action is taken by the Administrator, FEO.

Dated: May 28, 1974.

John C. Sawhill,
Administrator.

[FR Doc.74-12672 Filed 5-31-74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01058	States Steamship Co.: *C. E. Dant.*
01181	Smith Sorensen Tankrederi A/S: *O. B. Sorensen.*
01258	Skibsaktieselskapet Baumare: *Baune.*
01305	Royal Mail Lines, Ltd.: *Majestic.*
01330	Shell Tankers (U.K.), Ltd.: *Mactra.*
01383	Mariehamns Rederi AB, Mariehamn: *Sommaro.*
01450	Hall Brothers Steamship Co., Ltd.: *Cilurnum.*
01515	M. Thorviks Rederi A/S: *Bris.*
01649	Compania Laconia de Navegacion, S.A.: *Capetan Lukis.*
02198	Peninsular & Oriental Steam Navigation Co.: *Opawa.*
02286	China Union Lines, Ltd.: *Taipei Victory.*
02341	Royal Netherlands Steamship Co.: *Chiron Ladon.*
02416	Boland and Cornelius, Inc.: *Harris N. Snyder.*
02449	A/S Ivarans Rederi: *Rio de Janeiro.*
02835	Hongkong Shipowners & Managers Co., Ltd.: *Idalia.*
03083	Overseas Maritime Co., Inc.: *Hongkong Clipper.*
03094	Malaysia Marine Corp. Liberia: *Malaysia Fortune.*
03173	Athina Maritime Co., Ltd. of Monrovia, Liberia: *St. Athina.*
03196	N.V. Motor Scheepvaartmaat Schappis: *Mathilda.*
03329	Hudson Waterways Corp.: *Transoneida, Transontario.*
03391	Societe Maritime Shell: *Siam.*
03544	Herness Shipping Co. A/S: *Naess Meteor, Naess Comet.*
03564	A/S Mosvolds Rederi: *Mosdale.*
03722	Kerr-McGee Corp.: *Tank Barge II, Yon 183.*
03883	Ohio Barge Line, Inc.: *OBL 910-B.*
03916	Mobil Oil Francaise: *Athos.*
04022	Sinclair-Koppers Co.: *SCC 614, SK 100.*
04078	Ina Tankers Corp.: *Noto.*
04339	Bilbao Compania Naviera, S.A.: *John P. G.*
04408	Compania de Navegacion Glofo Azul S.A. of Panama: *Aghios Spyridon.*
04410	Tenneco Oil Co.: *Tenneco 150.*
04423	Marcona Carriers, Ltd.: *San Juan Prospector, San Juan Exporter, San Juan Pathfinder, San Juan Pioneer, San Juan Trader, San Juan Voyager, San Juan Traveler, San Juan Venturer, San Juan Vangard.*
04502	Kotoshiro Gyogyo Kabushiki Kaisha: *Kotoshiro Maru No. 7.*
04504	Sumiyoshi Gyogyo Kabushiki Kaisha: *Sumiyoshi Maru No. 62.*
04601	American Tunaboat Association: *Quo Vadis.*
04630	L. Smit & Co.'s Internationale Sleepdienst: *Barentsz-Zee, Elbe, Hudson, Mississippi, Noordzee, Orinoco, Poolzee, Rode Zee, Smit Salvor, Thames, Tazman Zee, Witte Zee, Zwarte Zee.*
04887	Walsh Stevedoring Co., Inc.: *D.B. 235.*
05039	Inland Oil & Transport Co.: *IOT 6.*
05046	Magnolia Marine Transport Co.: *Miss Kathy.*
05147	Arne Presthus Rederi A/S: *Arne Presthus.*
05399	Martin Marietta Corp.: *J. H. Duffy, Kentucky.*
05494	Moore Terminal & Barge Co., Inc.: *MTB 500.*
05713	W. B. Enterprises, Inc.: *The Independent.*
05791	Kanaris Shipping Enterprises S.A.: *Aegis Legend, Aegis Save I.*
05857	Coral Marine Enterprise Co., S.A.: *Coral Green.*
06318	Heiner Braasch Schiffahrts-Gesellschaft MS "Hamburger Damm" Kommanditgesellschaft: *Hamburger Damm.*
06660	Petroleum Distributing Co., Inc.: *Luminetta.*
06925	Bibby Bulk Carriers, Ltd.: *Toronto City.*
07016	Riverland Barge Co., Inc.: *MV 205.*
07126	Ramses Shipping A/S: *Rubi Binti.*
07162	Camden Shipping Co., Ltd.: *Camden.*
07163	Casterbridge Shipping Co., Ltd.: *Casterbridge.*
07164	Cadogan Shipping Co., Ltd.: *Cadogan.*
07165	Cadwalader Shipping Co. Ltd.: *Cadwalader.*
07492	The Crystal Shipping Co., S.A.: *Dahlia.*
07604	Alfred Tannis Investments, Ltd.: *Alftan, Cranborne.*
07938	Arenad & Cia Ltda.: *Tico.*
07961	Thomas Marine Co.: *Ellis 1256, Ellis 1301.*
08071	Anglo Nordic Bulkships (Management), Ltd.: *Stolt Norness, Stolt Sydness.*
08344	Hammerton Shipping Co. S.A.: *Cape Canaveral.*
08476	Kea Shipping Corp.: *Kassos.*
08572	MS "Cape Charles" Shipping Co., S.A.: *Cape Charles.*
08777	Jebsens (U.K.), Ltd.: *Fonnes.*
08788	I/S Sunore: *Arabella.*

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc.74-12755 Filed 6-3-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01150	Chevron Transport Corp.: *L. W. Funkhouser.*
01305	Royal Mail Lines, Ltd.: *Kayeson.*
01383	Mariehamns Rederi AB: *Evofrio.*
01428	Ocean Transport & Trading, Ltd.: *Ras Lanuf, Tantalus, Troilus.*
01861	BP Tanker Co., Ltd.: *British Severn.*
01988	Angfartygsaktiebolaget Tirfing: *Lappland.*
02199	Atlantic Richfield Co.: *Arco Juneau.*
02246	Blue Star Line, Ltd.: *Starman.*
02492	Interstate Oil Transport Co.: *Tide 119.*
02519	S.A. Louis Dreyfus & Cie.: *Alain L.D.*
02528	Marfiel Compania Naviera S.A.: *Holy Cross.*
02526	Vespucio Compania Armadora S.A.: *Holy Trinity.*
02527	Astromarine Corp.: *Mount Athos.*
02715	Allied Towing Corp.: *Gregory.*
02858	Intermarine, Inc.: *Ivory.*
02862	Ocean Shipping & Enterprises, Ltd.: *Ocean Energy.*
02917	Arya National Shipping Lines S.A.: *Arya Far Arya Chehr, Arya Pand, Arya gol.*
02928	PHS Van Ommeren (France): *Port Cros.*
02977	J. Ray McDermott & Co., Inc.: *McDermott Derrick Barge No. 25.*
02982	The Shipping Corp. of India, Ltd.: *Vishva Bandhan, Vishva Amitabh.*
03305	Grand Bassa Tankers, Inc.: *Grand Alliance.*
03387	Deutsche Shell Tanker G.M.b.H.: *Lagena.*
03398	Interessentskapet Norse Mountain: *Norse Queen.*
03471	Nippo Kisen Kabushiki Kaisha: *Hokaku Maru.*
03737	Interocean Shipping, Co.: *Oremar.*
03893	Skaarup Shipping Corp.: *Colon Brown.*
03918	Mobil Shipping & Transportation Co.: *Mobil Venture.*
04160	Marine Transport Co.: *Cad 603.*
04173	Foss Launch & Tug Co.: *Foss 275, Foss 253, Foss 287, Foss 99, Vanliner 286.*
04226	National Marine Service, Inc.: *N.M.S. No. 67, N.M.S. No. 88.*
04404	Lars Rej Johansen: *Joboy.*
04430	Birdsall Shipping Co., Ltd.: *Tropic Flyer.*
04466	Hiwasacho Gyogyo Kyodo Kumiai: *Kyoshinmaru No. 3.*
04468	Kotoshiromaru Gyogyo Kabushiki Kaisha: *Kotoshiromaru No. 7, Kotoshiromaru No. 11.*
04504	Sumiyoshi Gyogyo Kabushiki Kaisha: *Sumiyoshimaru No. 75.*
05130	Naviera Humboldt S.A.: *Yerupaja.*
05278	Twin City Barge & Towing Co.: *TCB 303, TCB 304, TCB 309.*
05383	Lineas Pinillos: *Jalon.*
05432	Lloyd Triestino, Societa' per Azioni di Navigazione: *Mediterranea.*
05762	Consolidated Edison Co. of New York, Inc.: *GM 127.*
05792	Korea Wonyang Fisheries Co., Ltd.: *Kwang Myong 71, Kwang Myong 73.*
05854	Levin Metals Corp.: *Procyon, DE 701, DE 796, DE 202, DE 340, DE 705, DE 438, DE 534.*
05894	Yutana Barge Lines, Inc.: *Yukon, Tanana.*
05895	Black Navigation Co., Inc.: *OB 2, OB 6.*
06494	Great West Towing & Salvage, Ltd.: *Great West No. 3.*
06566	Occidental Petroleum Corp.: *N.M.S. 1403, N.M.S. 1406.*
06906	Directia Navigatiei Maritime Navrom: *Dacia.*
07206	Australian Coastal Shipping Commission: *Alnwick Castle.*
07366	Compagnie Maritime des Chargeurs Reunis: *Heraklides I.*
07404	Hanseatic Shipmanagement, Ltd.: *Samossand, Reefer Trader, Reefer Merchant.*
07550	Erato Shipping, Inc.: *Asia Falcon.*
07582	Msss. Co., S.A.: *Dae Bong No. 1.*
07598	Vroon Shipping (Liberia), Ltd., Monrovia: *European Express, Arabian Express.*
07607	Takebayashi Kisen Co., Ltd.: *Hakuyo Maru.*
07817	Yick Fung Shipping & Enterprises Co., Ltd.: *Drake Sea, Beaufort Sea.*
07880	Logicon, Inc.: *Logicon 2306.*
08057	Carmel Transport Corp.: *Stolt Surf, Stolt Castle, Stolt Crown.*
08263	Selvick Marine Towing Corp.: *Sea Castle.*
08414	I.F.R. Services, Ltd.: *Lapland.*
08726	Scheepvaartbedrijf Arctic: *Arctic.*
08788	I/S Sunore: *Sunny Prince.*
08876	Virginia Transport Corp.: *Virginia Lily.*
08878	Sea Bird Navigation, Inc.: *Fay.*
08903	Union Partenreederei Ms Blumenthal: *Blumenthal.*
08943	Orient Express Container Services, Inc.: *Hong Kong Container.*
08944	Viamares Benignos Navegacion S.A. Panama: *Theano.*
08945	Marlineas Generales S.A. Panama: *Aristokleidis.*
08946	C. Avramides Maritime Enterprises S.A.: *Maria A.*
08950	Chelsea Maritime, Ltd.: *Irene Success.*
08968	Anthemis Shipping Co., Ltd.: *Petingo.*
08970	Naves Maritime Co., Ltd.: *Papageorgis.*
08971	Magnum Maritime Co., Ltd.: *Papamaurice.*
08973	Compania Maritima Elxan, Ltd.: *Spartan Leader.*
08976	Medina Shipping Co.: *World Promise.*
08979	Diakan Truth S.A.: *Diakan Truth.*
08981	Champion Bay Shipping Co., Ltd.: *Rio de Janeiro.*
08982	Fodele Shipping Co.; Ltd.: *Fodele II.*
08985	Agia Anna Corp.: *Hadjanna.*
08987	Ananagel Fortune Compania Naviera S.A. Panama: *Anangel Fortune.*
08988	Cayman Shipping Corp.: *Eaglescliffe, Westcliffe.*
08990	Compagnie Navale des Petroles: *Aldebaran.*
08994	Tranquility Shipping and Trading Corp. S.A.: *Hellas.*
08996	Iphigenia Shipping & Trading Corp.: *Spiro.*
08997	Henrietta Shipping & Trading Corp.: *Apollo XI.*
08998	Gardenia Compania Naviera S.A.: *Kriti Sun.*
08999	Sause Bros. Ocean Towing Co., Inc.: *Coquille.*
09001	Nitto Senpaku Kabushiki Kaisha: *Koa Maru.*
09004	Berman Enterprises, Inc.: *The Independent, Perth Amboy No. 2.*
09005	Kalogeratos Compania Naviera S.A. Panama: *Nissos Kefallinia.*
09006	Stena Line AB.: *Stena Trailer.*
09007	Maganogyros Compania Naviera S.A.: *Aegis President.*
09008	Union Bulk Carriers, Inc.: *Portofino.*
09009	Kaigai Shipping Corp.: *Tripharos.*
09011	Summit Service Corp.: *Performance.*
09012	Antillean Reefers N.V.: *Caracas Bay.*
09013	Caribbean Reefers N.V.: *Aruba Bay.*
09014	United Faith Transport, Inc.: *Golden Venture.*
09015	Kingsland Maritime Corp.: *Scol Eminent.*
09017	Cryotrans Gastanker Gesellschaft Mbh MV "Sophie Schulte" KG.: *Sophie Shculte.*
09018	Sigurd Herlofson & Co. A/S: *Amax Trader.*
09021	Daeyang Shipping Corp., Ltd.: *Daeyang Prosperity.*
09033	Mopas A/S: *Go-Nega.*
09034	Oleoductos Nicaraguenses S.A.: *Rama.*
09035	Tong Shin Navigation, Ltd.: *Tong Shin.*
09037	East Aegean Navigation S.A. Panama: *Aegean Navigator.*
09040	Seiju Kato: *Fukuyoshimaru No. 38.*
09041	A/S S/S Mathilda: *Bow Cecil, Bow Queen.*

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc.74-12756 Filed 6-3-74;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Notice of Applications Filed

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 USC 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Auto Overseas, Ltd.
230 West 41st Street
New York, New York 10036

Officers and Directors

Harvey Blackman, President
Nancy Behrens, Vice President
Albert Lefkowitz, Secretary/Treasurer
Paul Zola, Director
Ralph Zola, Director
Irving Zola, Director

Specialty Forwarding Services Inc.
11938 Aviation Blvd.
Inglewood, California 90304

Officers

Mogens D. Hansen, President
Richard W. Beaudet, Vice President

Fernando L. Cancetty
5701 Boulevard East, Apt. 4J
West New York, New Jersey 07093

Magna Forwarding, Inc.
1027 E. Burgrove Street
Carson, California 90746

Officers and Directors

Cayetano Siringo, President/Director
Sofia M. Siringo, Vice President
Marvin E. Chance, Secretary/Treasurer/Director
Garland G. Steven, Director

Robertson Forwarding Co. Inc.
175-14 147th Avenue
Jamaica, New York 11434

Officers

A. Robertson, President
J. Robertson, Secretary

Benjamin C. Federico
Ben Federico Freight Consolidator, Inc.
1015 N. America Way, Dodge Island
Miami, Florida 33132

By the Federal Maritime Commission.

Dated: May 30, 1974.

Francis C. Hurney,
Secretary.

[FR Doc.74-12757 Filed 6-3-74;8:45 am]

[Docket No. 74-20]

NONCOMPLIANCE WITH REPORTING REQUIREMENTS OF GENERAL ORDERS 5 AND 11

Notice of Intent To Cancel Tariffs

The files of the Federal Maritime Commission contain domestic offshore tariffs filed by the following carriers including their last known addresses:

Alaskan Barge & Salvage, Inc.
Suite 720, First National Building
425 G Street
Anchorage, Alaska 99501

Alaska Marine Lines, Inc.
226 West Lake, Sammamish Boulevard, SE.
Bellevue, Washington 98008

Arison Shipping Company
820 Biscayne Boulevard
Miami, Florida 33132

Atlantic Caribbean Express, Inc.
13176 NE. 6th Avenue, Suite 19
North Miami, Florida 33161

Caribbean Ferry Service, Inc.
Caribbean Towers Building, Suite 23
760 Ponce De Leon Avenue
Miramar, Puerto Rico 00907

Indian Towing Company, Inc.
2200 Surekote Road
New Orleans, Louisiana 70117

Marine and Marketing International Corporation
PO Box 3310
Miami, Florida 33101

Motonaves Florida Lines, S. A.
c/o Florida Motorships Corporation
PO Box 13138—Port Everglades Station
Fort Lauderdale, Florida 33316

Southeast & Caribbean Shipping Co., Inc.
750 NE 7th Avenue
Dania, Florida 33004

Star Shipping Corporation
1177 Brickell Avenue
Miami, Florida 33131

Virgin Islands Container Line
17 Battery Place—Room 600
New York, New York 10004

These carriers have failed to comply with the provisions of §§ 511.2 and 511.3 of the Commission's General Order 5, as amended, and § 512.3 of its General Order 11, as amended. These provisions provide for the submission of annual financial and operating data of all common carriers by water who operate in the

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domestic offshore trades of the United States. Authority for these regulations is provided by section 21 of the Shipping Act, 1916, as amended, the pertinent part of which reads as follows:

> That the board may require any common carrier by water, or other person subject to this Act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or change, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this Act * * *

Although numerous letters have been dispatched to the carriers under reference, the Commission's staff has been unable to persuade them to file the required financial and operating data that is essential to the Commission's purposes in discharging its regulatory responsibilities. Without annual financial and operating data the Commission is unable to determine whether or not the level of the rates shown in the domestic offshore tariffs of the carriers listed above are reasonable, or provide for an unfairly high rate of return, or are so low as to be detrimental to the commerce of the United States. Accordingly, the Commission proposes to cancel their tariffs in the absence of a showing of good cause as to why they should not be canceled.

Now, therefore, it is ordered, That the above carriers advise the Secretary, Federal Maritime Commission, at 1100 L Street, NW., Washington, D.C., 20573, in writing on or before July 5, 1974 of any reasons why the Commission should not cancel their domestic offshore tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed with all tariffs that may be canceled pursuant to this notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-12758 Filed 6-3-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-122; Docket No. RP74-94-1]

ARKANSAS ELECTRIC COOPERATIVE CO. ET AL.

Order Granting Motion, Setting Petition for Hearing, Consolidating Proceedings, and Establishing Procedures

MAY 24, 1974.

On March 22, 1974, Arkansas Electric Cooperative Corporation (Cooperative), filed a motion in Docket No. RP74-94-1 requesting authorization to transfer volumes of gas which it receives from Arkansas Louisiana Gas Company (Arkla), at two of its power plants to a third plant located at Camden, Arkansas, hereafter referred to as the McClellan plant.

Cooperative stated in its motion that it required the transfer of volumes to permit the McClellan plant to continue operation because its gas supply was cut off by Arkla at that plant on February 20, 1974, when Arkla initiated the implementation of its currently effective curtailment plan. Cooperative further states that its two plants now receiving gas, located at Augusta and Ozark, Arkansas, respectively, are equipped to operate without natural gas and that the volumes they require can be transferred to the McClellan plant without detrimental effect upon any other Arkla customer.

We will grant the instant motion allowing the transfer of delivery points. By doing so, Cooperative will be able to continue at least partial operation of the McClellan plant until such time as the hearings herein are concluded and a decision is rendered regarding the propriety of granting their Petition for Individualized Treatment.

Our authorization of Cooperative's motion is without prejudice to any pending or future proceeding involving the issues of conjunctive billing, group billing, or the practice of permitting multiple delivery points under single contracts or service agreements. Each authorization rests on its own merits. In this particular case, Cooperative is proceeding with prompt dispatch to convert its McClellan plant to use of an alternate fuel. Also, no additional industrial consumption of natural gas will occur over that which is presently allocated under Arkla's curtailment plan. This authorization will expire on October 30, 1974, when Cooperative expects to complete conversion of its McClellan plant to use an alternate fuel, or, when Cooperative's Petition for Individualized Treatment is adjudicated based on facts developed in a formal proceeding as hereinafter provided for, whichever occurs sooner.

On March 28, 1974, Cooperative filed in Docket No. RP74-94-1 the above petition pursuant to Ordering Paragraph (C) of Opinion No. 643 requesting the Commission to authorize an allocation of gas under the Arkla curtailment plan to the McClellan plant based on a percentage of the plant's current requirements since it is alleged by Cooperative that the McClellan plant was not in operation during the three-year period ending September 30, 1971, the period prescribed as the base period for determining customer volumes within a given priority when curtailment necessitates the cutting back of gas deliveries in such priority.

Because of the factual and legal issues presented in the above petition, we find it appropriate to order an evidentiary hearing thereon. In addition, we will order this proceeding to be consolidated with our previously ordered hearing[1] involving the implementation of Arkla's curtailment plan because of common issues of law and fact involved in both proceedings.

The Commission finds. (1) Good cause exists to grant Cooperative's motion requesting authorization to transfer volumes between delivery points.

(2) Good cause exists to set for hearing Cooperative's Petition for Individualized Treatment and to consolidate that petition for purposes of hearing and decision with the proceeding involving the similar requests filed by Mississippi River Transmission Corporation and Cities Service Gas Company and to establish the procedures for the consolidated hearing, all as hereinafter ordered.

The Commission orders. (A) Cooperative's Motion requesting authorization to transfer volumes between delivery points is granted, subject to the terms and conditions set forth in the body of this order.

(B) Cooperative's Petition for Individualized Treatment is hereby consolidated with the proceeding ordered by Order of March 27, 1974, in the above-referenced docket to commence on June 11, 1974, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the implementation of Arkla's currently effective curtailment plan in accordance with the provisions of Opinion No. 643, 643-A, and 643-B.

(C) On or before June 4, 1974, Cooperative shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties to this proceeding including Commission staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12695 Filed 6-3-74;8:45 am]

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[1] Order Providing for Hearing and Prescribing Procedures, Arkansas Louisiana Gas Company, Docket No. RP71-122, issued March 27, 1974.

[Docket No. CI74-357]

DAVIS OIL CO. ET AL.

Order Providing for Hearing, Granting Interventions and Prescribing Procedures

MAY 24, 1974.

On December 19, 1973, Davis Oil Company (Operator), et al. (Davis) filed an application for a limited-term certificate of public convenience and necessity with pregranted abandonment authorizing a sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) for a period of two (2) years from the date of certification of the sale. The acreage is in the South Thornwell Area, Cameron Parish, Louisiana. The proposed price for the gas is 50.0 cents per Mcf subject to upward Btu adjustment. Davis has been selling gas to Texas Eastern on an emergency basis from the acreage covered by the instant application since October 31, 1973, under Commission Order No. 491, and claims that its application should be granted because of a shortage of firm gas supplies on Texas Eastern's system.

We take note that the Commission in a recent order recognized that an emergency exists on Texas Eastern's system. See Ceja Corporation, ---- FPC ----, Docket No. CI74-278, issued on January 16, 1974. We conclude, therefore, that there is an emergency on Texas Eastern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted by the pipeline in the hearing hereinafter ordered (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)) and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ---- FPC ----, Docket No. CI73-691, order issued August 30, 1973, and ---- FPC ----, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through nonaffiliated entities.

Timely petitions to intervene were filed by Texas Eastern, the pipeline purchaser, and by Algonquin Gas Transmission Company (Algonquin). Algonquin, in support of its petition, states that Texas Eastern is its sole supplier of gas supplies.

The Commission finds. (1) Good cause exists for setting for immediate formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Texas Eastern and Algonquin may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly §§ 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter 1) a public hearing shall be held commencing July 30, 1974, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(B) On or before July 10, 1974, the applicant and any supporting party shall file with the Commission and serve upon all parties, including the Staff, their testimony and exhibits in support of their position.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority (18 CFR 3.5 (d))] shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12698 Filed 6-3-74;8:45 am]

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[1] Section 2.70 of the Commission's general policy and interpretations.

[2] Commissioners Brooke and Smith (both concurring) and Moody (dissenting) submitted separate statements filed as part of the original document.

[Docket No. CI74-405]

EXXON CORP.

Order Establishing Procedures, Setting Hearing Date and Granting Intervention

MAY 24, 1974.

On January 28, 1974, Exxon Corporation (Exxon) filed in Docket No. CI74-405 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the South Carlsbad Field, Eddy County, New Mexico (Permian Basin), all as more fully set forth in the application in this proceeding.

Exxon proposes to sell approximately 51,000 Mcf per month to El Paso from the South Carlsbad Com. #3 well for a period of one year at a rate of 60¢ per Mcf (14.65 psia) subject to upward and downward adjustment from 1,000 Btu per cubic foot. The proposed rate is in excess of 35¢ per Mcf established by Commission Opinion No. 662. This application was noticed on February 7, 1974 and was published in the FEDERAL REGISTER on February 14, 1974. On February 28, 1974, El Paso petitioned to intervene in these proceedings.

In Order 431, issued April 15, 1971, the Commission stated, inter alia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however, that the Commission in a recent order has already held that an emergency exists on El Paso's system. See Superior Oil Co., —— FPC ——, Docket No. CI74-327, issued March 25, 1974. We therefore conclude that there is an emergency on El Paso's system.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, —— FPC ——, Docket No. CI73-691, order issued August 30, 1973, and —— FPC ——, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competi-

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

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tive bidding through nonaffiliated entities.

The Commission finds. (1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of El Paso in this proceeding may be in the public interest.

The Commission orders. (A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74–405 is hereby set for hearing.

(B) El Paso is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: Provided, however, that the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and Provided, further, that the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly §§ 7, 15 and 16 and the Commission's rules and regulations under that Act, a public hearing shall be held commencing July 22, 1974, at 10 a.m. (EDT) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all petitioners supporting the application shall, on or before July 15, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12697 Filed 6–3–74;8:45 am]

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[1] Commissioners Brooke, Smith (both concurring) and Moody (dissenting) submitted separate statements filed as part of the original document.

[Docket No. RI74–104]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject To Refund

MAY 24, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74–104..	Gulf Oil Corp.	138	¹ ² 3 to 14	West Texas Gathering Co. (Emperor Devonian and Emperor Wolfcamp Fields, Winkler County, Tex.) (Permian Basin).	$2,599	4–23–74	....	6–3–74	³ 42.0	42.1575	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.

¹ Amendment to prior increase to include tax reimbursement that was omitted from prior filing.

² Applicable only to production from the Emperor Devonian and Emperor Wolfcamp Fields.

³ Suspended in Docket No. RI74–104.

The proposed rate increase of Gulf Oil Corporation reflects tax reimbursement that was inadvertently omitted from a prior increase which is currently under suspension until June 3, 1974, in Docket No. RI74–104. The proposed tax increase is suspended for the same period of time and in the same proceeding that Gulf's underlying rate is suspended.

[FR Doc.74–12693 Filed 6–3–74;8:45 am]

TECHNICAL ADVISORY COMMITTEE TASK FORCES

Order of Renewals of National Gas Survey

MAY 24, 1974.

This order renews the terms of three Distribution-Technical Advisory Committee Task Forces (Facilities, Finance, and Regulation and Legislation) of the Federal Power Commission's National Gas Survey, from and after May 25, 1974, to and including a date not later than December 31, 1974.

These Task Forces were established pursuant to Commission order issued May 25, 1972, 37 FR 11210. This order is in accord with earlier Commission orders issued February 23, 1971, 36 FR 3851, April 6, 1971, 36 FR 6922, May 10, 1971, 36 FR 8910, and December 21, 1971, 36 FR 25183. These Task Forces are affected by later Commission orders amending prior Survey orders issued April 25, 1972, 37 FR 8578, June 27, 1972, 37 FR 13306 and December 19, 1972, 37 FR 28658. As so constituted, they are consistent with the provisions of applicable statutory and Executive order requirements.

By notice published May 9, 1974, 39 FR 16517, the Chairman of the Commission has determined and certified that renewal of these Task Forces for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law.

Pursuant to section 14(a)(1) of the Federal Advisory Committee Act, 86 Stat. 776, and Office of Management and Budget (OMB) Circular No. A–63, "Advisory Committee Management", revised March 27, 1974, paragraph 7, the Federal Power Commission, prior to the termination date of May 25, 1974, of these Task Forces, requested renewal thereof through December 31, 1974, by letter

dated May 6, 1974, to OMB. Subsequently, OMB ascertained that the renewal of the subject Task Forces is in accord with the requirements of the Federal Advisory Act, 86 Stat 770, et seq., and granted the request for renewal.

The Federal Power Commission hereby determines that the continued establishment of the Task Forces herein is in the public interest in connection with the performance of duties imposed on the Commission by law. Reports by the Task Forces have been submitted to the Commission through their respective Technical Advisory Committees. It is contemplated that they will be published, along with the reports of their parent Advisory Committees and the Commission's report prior to December 31, 1974. The rapidly developing energy crisis and long-term energy strategy has been more fully delineated since commencement of this Survey in 1971. It is clear, therefore, that certain aspects of the present gas shortage originally studied by the Survey require further investigation and analysis.

The Commission establishes and continues these Task Forces in accordance with the provisions of this order, and the provisions of an earlier Commission order issued February 23, 1973, 38 FR 5940, which restates, for convenience purposes, the content of the Commission's order of February 23, 1971, so as to reflect in one order format provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time-to-time by reason of Commission determinations and subsequently enacted Executive orders and the Federal Advisory Committee Act.

1. *Purpose.* The purposes of the Technical Advisory Task Forces are set forth in the Commission's April 6, 1971, Order Establishing National Gas Survey Technical Advisory Committees and Designating Initial Membership. The Technical Advisory Committee Task Forces are organizationally subordinate to their respective Technical Advisory Committees.

The Commission's order issued February 23, 1973, states in part as follows:

> To assist the actions of the Commissioners and Commission staff, the Commission will use various advisory committees which shall be conducted under the general direction of the Commission. All will be conducted pursuant to the general requirements as set forth in this order. The Commission contemplates the issuance of specific order or orders from time-to-time establishing each committee and denominating its membership and chairmanship.
>
> The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the National Gas Survey. The Commission will have complete responsibility for the National Gas Survey with respect to its conduct, scope, the ultimate recommendations and the acceptance of the final report. In discharging these responsibilities, the Commission will approve the Survey's objectives, scope of work, organization and schedule of performance, make any required policy determinations and give its advice directed toward the coordination and cooperation between the Survey and any intergovernmental, state, industry, agency or representative, including any other expertise as required.

2. *Membership.* With respect to each Task Force, the Task Force Chairman (who shall be designated Director), the Deputy Director, the FPC Survey Coordinating Representative and Secretary, the FPC Representative and the other Task Force members, shall be selected by the Chairman of the Commission with the approval of the Commission, and are designated in the Appendix[1] hereto, and any additional persons that may be designated to serve on the Task Forces shall be selected by the Chairman of the Commission, with the approval of the Commission, provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of Alternate FPC Survey Coordinating Representative and Secretary. The person or persons who are designated as the FPC Survey Coordinating Representative and Secretary shall be full-time salaried officers or employees of the Commission. The FPC Survey Coordinating Representative and Secretary, or alternates, shall be designated by the Chairman and serve as Secretary of the Task Force Committee for which selected. The Directors, Deputy Directors, FPC Survey Coordinating Representatives and Secretaries and alternates, the FPC Representatives and the other Task Force members, as selected and approved in accordance with this order, are designated in the Appendix hereto.

The following paragraphs of the aforementioned Commission order, issued February 23, 1973, are hereby incorporated by reference:

3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recomendations Offered by the Committee.
8. Duration of the Committee.

Neither the Executive Advisory Committee, the respective Technical Advisory Committees, the Coordinating Committee, nor such other committee or committees as may be established shall be permitted to receive, compile or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the National Gas Survey, or to such person on his staff as designated by the Director, and such data or reports will be composited with that submitted by other identified business enterprises and reported on a composite basis and the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717(g), and the Freedom of Information Act, 5 U.S.C. 552(b)(4), shall apply.

The Technical Advisory Committee Task Forces, as established, continued, and described by this order, shall terminate not later than December 31, 1974.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Office of Management and Budget, Department of Justice, Office of Legal Counsel and the Library of Congress, copies of this order, as constituting the charter of the National Gas Survey Committees hereinabove described.

This order is effective May 26, 1974.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12694 Filed 6–3–74;8:45 am]

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[1] Appendix filed as part of the original document.

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Notice of Meeting

Agenda for a meeting of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., 10 a.m., June 18, 1974, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   a. Correction and additions to minutes of previous meeting.
   b. Discussion of the May 6, 1974 memorandum "Definition of Shortfall" by Rene H. Males and Frank J. Alessio.
   c. Report on Dr. Stelzer's meeting with large industrial firms.
   d. Report on conditions in Great Britain during the recent electric power shortage.
   e. Setting of timetable for drafting committee report.
   f. Other business.
   g. Set date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12690 Filed 6–3–74;8:45 am]

[Dockets Nos. RM74–22, E–8589, E–8550, et al.]

NEW ENGLAND POWER POOL ET AL.

Notice of Extension of Time

MAY 21, 1974.

On May 20, 1974, Richmond Power and Light of the City of Richmond, Indiana

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(Richmond), filed a motion for an extension of time to and including May 23, 1974, within which to file comments pursuant to paragraph (A) of the notice issued April 30, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including May 22, 1974, within which Richmond may file its comments in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc 74-12691 Filed 6-3-74;8:45 am]

[Docket No. CI74-289]

PATRICIA J. MITCHELL

Order Providing for Formal Hearing and Establishing Procedures

MAY 24, 1974.

On November 5, 1973, Patricia J. Mitchell (Applicant) filed in Docket No. CI74-289 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations thereunder for a limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) from acreage in Live Oak County, Texas. The limited-term certificate application provides for Applicant to sell to Transco approximately 30,000 Mcf per month at a rate of 50.0 cents per Mcf. Applicant requests authorization of the proposed sale to Transco for a term of 12 months from the date of delivery. Applicant will commence deliveries to Transco pursuant to § 157.29 of the Commission's Regulations, and such sale will not exceed 60 days from the date of first delivery.

In Order 431, issued April 15, 1971, the Commission stated, inter alia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however that the Commission in a recent order has already held that an emergency exists on Transco's system. See Texaco, Inc., —— FPC ——, Docket No. CI74-185, issued November 30, 1973. We therefore conclude that there is an emergency on Transco's system.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, —— FPC ——, Docket No. CI73-691, order issued August 30, 1973, and —— FPC ——, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

No petitions to intervene have been filed in this proceeding; however, a letter in support of the application was filed by Transco on November 23, 1973, in Docket No. CI74-289.

The Commission finds. (1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

The Commission orders. (A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74-289 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly §§ 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing June 25, 1974, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Applicant and all petitioners supporting the application shall, on or before June 18, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(D) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12699 Filed 6-3-74;8:45 am]

[Docket No. RI74-238]

SUN OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject To Refund

MAY 24, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and §1.54-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

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[1] Section 2.70 of the Commission's general policy and interpretations.

[2] Commissioners Brooke, Smith (both concurring) and Moody (dissenting) submitted separate statements filed as part of the original document.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[*]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI74-238	Sun Oil Co.	174	10	El Paso Natural Gas Co. (Coyanosia (Devonian) Field, Pecos County, Tex.) (Permian Basin).		4-29-74	5-30-74	([4])			
	do		[1] 11		$36,206	4-29-74	5-30-74	([4])	19.3278	[1] [3] 24.5	
	do		[1] 12		143,500	4-29-74		10-30-74	[3] 24.5	45.0	

[*] Unless other wise stated, the pressure base is 14.65 lb/in^{2}a.

[1] Contract amendment dated Dec. 20, 1973.

[2] Applicable only to production from the J. O. Neal, No. 4 well, pursuant to Supplement No. 10.

[3] Subject to Btu adjustment.

[4] Accepted 30 days after filing as shown in the "Effective Date Unless Suspended" column.

The proposed rate increase of Sun Oil Company (Sun) to 45.0 cents per Mcf is suspended for five months because it exceeds the applicable area ceiling rate in the Permian Basin Area.

[FR Doc.74-12692 Filed 6-3-74;8:45 am]

[Docket No. CI74-406]

TEXAS EASTERN EXPLORATION CO.

Order Providing for Hearing, Granting Interventions, and Prescribing Procedures

MAY 24, 1974.

On January 28, 1974, Texas Eastern Exploration Co. (Exploration Co.), filed an application for a limited term certificate of public convenience and necessity with pregranted abandonment authorizing a sale of natural gas to Texas Eastern Transmission Co. (Texas Eastern), for a period of two years from the date of FPC certification. The acreage is in the South Thornwell Field, Cameron Parish, Louisiana. The proposed price for the gas is 50.0 cents per Mcf subject to upward and downward Btu adjustment. Exploration Co. has been selling gas from the acreage covered by the instant application since October 31, 1973, and claims that their application should be granted because of a shortage of firm gas supplies on Texas Eastern's system.

We take note that the Commission in a recent order recognized that an emergency exists on Texas Eastern's system. See Ceja Corporation —— FPC —— Docket No. CI74-278 issued on January 16, 1974. We conclude, therefore, that there is an emergency on Texas Eastern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted, in the hearing hereinafter ordered, by the pipeline (to the extent not hereinabove found to exist), (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act, Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)], and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, —— FPC ——, Docket No. CI73-691, order issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arms-length negotiations and competitive bidding through non-affiliated entities.

On February 28, 1974, Texas Eastern filed a petition to intervene, alleging that it should be granted intervenor status by virtue of the fact that they are the purchaser of the gas herein involved.

Also on the same date, Philadelphia Gas Works (Philadelphia) submitted a petition to intervene, claiming the requisite interest in the proceeding because it purchases quantities of gas from Texas Eastern.

Both petitions to intervene, timely filed, will be granted as participation by both parties may be in the public interest and no other party to the proceeding can adequately represent their interest.

The Commission finds. (1) Good cause exists for setting for immediate formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Texas Eastern and Philadelphia may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly §§ 7 and 15 thereof, the Commission rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing July 2, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capital Street, NE., Washington, D.C. 20426 concerning the propriety of issuing a certificate of public convenience and necessity to the applicant for the limited term sale of natural gas as requested in its application filed herein on January 28, 1974.

(B) On or before June 18, 1974, applicant and any supporting party shall file and serve its testimony and exhibits comprising its case-in-chief in support of its application upon all parties to this proceeding including Commission Staff.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority, 18 CFR, 3.5(d)] shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; Provided, however, that participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and, Provided, further, that the admission of said intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12696 Filed 6-3-74;8:45 am]

[Docket No. CI74-256]

TEXAS EASTERN EXPLORATION CO.

Order Providing for Hearing, Granting Interventions, and Prescribing Procedures

MAY 24, 1974.

On October 17, 1973, Texas Eastern Exploration Company (Exploration Co.),

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[1] Section 2.70 of the Commission's general policy and interpretations.

[2] Commissioners Brooke, Smith (both concurring) and Moody (dissenting) submitted separate statements filed as part of the original document.

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filed an application for a limited term certificate of public convenience and necessity with pregranted abandonment authorizing a sale of natural gas to Texas Eastern Transmission Company (Texas Eastern), for a period of one year from the date of certification of the sale. The acreage is in the Hospital Bayou Field, Lafourche Parish, South Louisiana. The proposed price for the gas is 50.0 cents per Mcf subject to upward and downward Btu adjustment. Exploration Co. has been selling gas to Texas Eastern on an emergency basis from the acreage covered by the instant application since September 28, 1973, and claims that their application should be granted because of a shortage of firm gas supplies on Texas Eastern's system.

We take further note that the Commission in a recent order recognized that an emergency exists on Texas Eastern's System. See Ceja Corporation, ---- FPC ----, Docket No. CI74–278, issued on January 16, 1974. We conclude, therefore, that there is an emergency on Texas Eastern's System which would warrant the issuance of certificates if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act, Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market, [Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)], and whether that rate is in line with the prevailing normal intrastate market, (Atlantic Richfield Company, ---- FPC ----, Docket No. CI73–691, order issued August 30, 1973 ---- FPC ----, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

A timely petition to intervene was tendered by Algonquin Gas Transmission Company (Algonquin), on November 7, 1973, alleging that Algonquin should be granted intervenor status by virtue of the fact that their natural gas supplies are obtained solely from Texas Eastern, who is the proposed purchaser of the gas supply involved here.

A late petition to intervene was received November 12, 1973, from Texas Eastern, which claimed sufficient interest in the proceeding as buyer of the gas.

Both petitions to intervene will be granted since participation of both parties may be in the public interest and no other party to the proceeding could adequately represent their respective interests.

The Commission finds. (1) Good cause exists for setting for immediate formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Texas Eastern and Algonquin may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly §§ 7 and 15 thereof, the Commission rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter 1) a public hearing shall be held commencing June 27, 1974, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the propriety of issuing a certificate of public convenience and necessity to the applicant for the limited term sale of natural gas as requested in its application filed herein on October 17, 1973.

(B) On or before June 13, 1974, applicant shall file and serve its testimony and exhibits comprising its case-in-chief in support of its application upon all parties to this proceeding including Commission staff.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority, (18 CFR, 3.5 (d))] shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and Provided, further, that the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12700 Filed 6–3–74;8:45 am]

FEDERAL RESERVE SYSTEM

FIDELITY UNION BANCORPORATION

Order Approving Acquisition of Bank

Fidelity Union Bancorporation, Newark, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 USC 1842(a)(3)) to acquire all of the voting shares of Colonial First National Bank, Red Bank, New Jersey ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 USC 1842(c)).

Applicant, the fourth largest bank holding company and banking organization in New Jersey, controls four banks with aggregate deposits of approximately $916 million, representing 4.8 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase applicant's share of State deposits by 1.5 percentage points to a total of 6.3 percent, but would not alter applicant's ranking among the State's other banking organizations. The four largest multibank holding companies in New Jersey control 26.5 percent of total commercial bank deposits in the State while the remaining five multibank holding companies control 13.5 percent of such deposits. The lead banks in these institutions compete with substantially larger banks located in New York and Philadelphia for commercial business and for personal accounts of a large number of persons who work in one area and live in another.[2]

Bank holds aggregate deposits of approximately $294 million and operates a total of 18 banking offices, 16 of which are located in Monmouth County and 2 of which are located in Mercer County.

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[1] Section 2.70 of the Commission's general policy and interpretations.

[2] Commissioners Brooke, Smith (both concurring) and Moody (dissenting) submitted separate statements filed as part of the original document.

[1] Unless otherwise noted, all banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through March 30, 1974.

[2] See Board's Order of April 7, 1972, approving application of Midlantic Banks, Inc., Newark, New Jersey, to acquire Citizens National Bank, Englewood, New Jersey. 58 *Federal Reserve Bulletin* 478 (1972).

The relevant geographic markets for analysis of the competitive effects of the proposed acquisition are the Asbury Park and Freehold banking markets.[3] In the Asbury Park market, Bank is the third largest of 12 banking organizations and holds deposits of approximately $170 million, representing 19 percent of the market deposits. In the Freehold market, Bank is the second largest of seven banking organizations and holds deposits of approximately $60 million, representing about 40 percent of market deposits. Applicant does not have a subsidiary bank located in either of the relevant markets. Applicant's banking subsidiary closest to Bank (National Bank of New Jersey) has an office situated less than 8 miles away from an office of Bank. However, neither of these institutions derive an appreciable amount of deposits or loans from the service area of the other, nor do any of Applicant's other subsidiaries compete with Bank to any significant extent. As a result, there appears to be no meaningful competition existing between Applicant and Bank. Accordingly, the Board concludes that the proposed transaction would not have a significantly adverse effect on existing competition.

Although applicant is not presently represented in the area served by Bank, it appears to have the financial and managerial resources to establish branch offices in Monmouth County. However, many of the communities that are now open to branching or that will soon be open to branching (due to changes in the State branching and protection statutes) have population and deposits per banking office ratios below the State average, or the communities are not centrally located in the county so as to serve as a desirable location for a bank office. Furthermore, there has been significant branching activity by the existing banks in Monmouth County, with the result that many of the attractive sites for branch offices have been preempted. Thus, it appears unlikely that Applicant will enter the relevant markets by de novo branching. With respect to foothold entry into the markets, it appears that Applicant would be unable to enter Monmouth County through such means because of the unavailability of an appropriate entry vehicle. Most banks in either market are larger than Bank, or already subsidiaries of other bank holding companies, or newly chartered banks with charters prohibiting merger or acquisition by a bank holding company for the first five years; the remaining two banks have specifically rejected proposed affiliation with Applicant. Therefore, the Board concludes that consummation of the proposed transaction would not have significantly adverse effect on potential competition with the relevant markets.

Consideration relating to the financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application.

Applicant proposes to introduce new services and improve certain services presently offered by Bank. These services would include: introducing no-charge checking (with a minimum balance) with overdraft privileges and bank credit card services; providing the maximum interest rates allowable on regular savings accounts, maximum interest rates on 4-year savings certificates and lower rates on auto and other consumer loans. Affiliation with Applicant should also enhance Bank's capability to provide construction financing, large commercial loans, farm lending, computer services, and international and trust services. These considerations relating to the convenience and needs of the communities to be served lend weight toward approval. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record,[4] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[5] effective May 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–12715 Filed 6–3–74;8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Order Denying Acquisition of Bank

General Financial Systems, Inc., Riviera Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 USC 1842(a)(3)) to acquire 55 percent or more of the voting shares of Jupiter National Bank, Jupiter, Florida ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 USC 1842(c)).

Applicant controls three banks with aggregate deposits of $189.5 million, representing approximately 1 percent of total deposits in commercial banks in Florida.[1] In addition, Applicant owns between 15 percent and 24.9 percent of each of six other banks ("affiliated banks"), with aggregate deposits of approximately $70.8 million, including two banks which are located in the West Palm Beach County banking market. Through its subsidiary and affiliated banks, Applicant holds approximately 19 percent of the total deposits in commercial banks in the West Palm Beach County banking market[2] and ranks thereby as the largest banking organization in the market. In the northernmost part of the market, which includes the Jupiter area, Applicant's position appears to be substantial.

Bank would be located in Jupiter in the West Palm Beach County banking market, where applicant is presently represented by three subsidiary banks and two affiliated banks. Applicant's closest banking subsidiary is located 1.7 miles north of the proposed site of Bank and one of applicant's affiliated banks is located about six miles south of the proposed site of Bank. There are no banks located in the area between these two banks and the proposed site of Bank, and residents of Jupiter must pass by one of Applicant's banks in order to reach the nearest unaffiliated competing bank. Moreover, the service area of Bank would completely overlap the service areas of these other two banks, and applicant's banks would be the most convenient source of banking services to area residents. Since this acquisition involves the establishment of a proposed new bank, no existing competition would be eliminated and no immediate increase in concentration of banking resources would result in any relevant area. However, as the proposal appears to preempt a location which would be attractive to competing banking organizations not represented in the area, approval of the application would foreclose the probable development of competition in the future and would entrench applicant's already significant competitive position in the area. By preempting Bank's site, the proposal would eliminate the likelihood that another banking organization would establish a de novo bank in the Jupiter area, which would serve to increase competition by introducing an alternative source of banking services to Applicant's subsidiary and affiliated banks now in the area. Such an alternative would also

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[3] The Asbury market is approximated by the eastern and coastal portions of Monmouth County, not extending beyond 10 miles inland. The Freehold market is approximated by six communities and part of a seventh in central Monmouth County. The deposit data for these markets is as of June 30, 1972.

[4] Dissenting Statement of Governors Brimmer and Bucher filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[5] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Voting against this action: Governors Brimmer and Bucher. Absent and not voting: Chairman Burns.

[1] Banking data are as of June 30, 1973, adjusted to reflect holding company acquisitions and formations approved by the Board through March 31, 1974.

[2] Approximated by the upper two-thirds of Palm Beach County.

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have the salutary competitive effect of preserving the possibility of the area's banking resources becoming less concentrated.

The U.S. Supreme Court, in another context, has noted that "if concentration is already great, the importance of . . . preserving the possibility of eventual deconcentration is correspondingly great."[3]

This principle is particularly relevant when considering the possible deconcentration of an area such as Jupiter. Given the present competitive structure in the Jupiter area, the effect of the elimination of the possibility of deconcentration as a result of applicant's de novo entry may be to substantially lessen competition. The Board has previously denied applications in which a bank holding company sought to acquire a de novo bank where the bank holding company was already the dominant banking organization in the area of the proposed new bank.[4] Even in a case where a real need for a new bank has been clearly demonstrated,[5] the Board has taken such action. In one such case, the Board noted:

> Determination of the competitive effects of a proposed holding company acquisition, whether the proposal is one to acquire an existing bank or a new bank to be organized under the holding company's direction, turns on the issue of whether consummation of the proposal will result in a substantially less competitive banking market than is likely to exist or develop in the event that the proposal is not consummated. In the present case, consummation of the proposal would result in expansion of the dominant banking organization in Milwaukee County and would tend to preclude entry which could lessen the extent of Applicant's dominance in the county, and provide competition to offices of Applicant's present subsidiaries which serve the immediate area.[6]

In the instant case, the record discloses that another banking organization has applied for a bank charter in the Jupiter area. It appears that Jupiter is a growing area with favorable prospects for the future. However, as of June 1972, there were more banking offices per capita in the area than on a Statewide basis and, through the addition of Bank, the population per banking office ratio would be decreased further. In light of those characteristics, it is noted that entry into a commercial banking market is somewhat restricted, and chartering authorities in acting upon an application for a new bank charter consider whether there are sufficient banking alternatives for area residents. Thus, approval of the proposal herein would necessarily tend to perpetuate applicant's dominance in the Jupiter area and may present significant obstacles to the entry into the area by an alternative banking organization. On the basis of the record, it appears probable that consummation of Applicant's proposal would result in a substantially less competitive and significantly more concentrated banking market in the Jupiter area than would likely develop if the proposal were not consummated. Accordingly, the Board is precluded from approving the application unless such anticompetitive effects are clearly outweighed in the public interest by the proposal's effect in meeting the convenience and needs of the community to be served.

The financial and managerial resources and future prospects of applicant and its subsidiary banks appear generally satisfactory in view of Applicant's commitment to inject additional equity capital into its three subsidiary banks. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of applicant appear favorable. Therefore, considerations relating to the banking factors are consistent with approval of the application. While there is no evidence in the record to indicate that the major banking needs of the community are not being adequately served, Bank would provide an additional source of full banking services. However, such benefits would be similarly derived from another organization establishing a new bank in the area, and the Board does not regard this slight increase in convenience flowing from Applicant's proposal as outweighing the adverse competitive effects inherent in the proposed transaction.

On the basis of all relevant facts in the record,[7] and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that the proposed acquisition would have adverse effects on competition, without any significant offsetting benefits under considerations relating to the banking factors or the convenience and needs of the communities to be served. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest and that the application should be, and the application is hereby denied.

By order of the Board of Governors,[8] effective May 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12714 Filed 6-3-74;8:45 am]

MIDATLANTIC BANKS, INC.

Order Approving Acquisition of Bank

Midatlantic Banks, Inc., Newark, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(3) of the Act (12 USC 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Cranbury, Cranbury, New Jersey ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The application has been considered in light of the factors set forth in section 3(c) of the Act (12 USC 1842(c)).

Applicant, the second largest banking organization in New Jersey, controls eight banks with aggregate deposits of $1.3 billion, which represents approximately 7 percent of total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $40.8 million) would not significantly increase deposit concentration or Applicant's share of total commercial bank deposits in New Jersey and its rank among banking organizations in the State would be unchanged.

Bank has three offices located in the New Brunswick and Trenton markets. Bank controls 0.3 percent of deposits and is the smallest of nineteen banks operating in the New Brunswick market.[2] A subsidiary of Applicant ranks tenth in the New Brunswick market with 4.4 percent of the market's deposits; the nearest offices of the two banks are 14.5 miles apart. Upon consummation of the proposal, Applicant would still rank tenth with 4.7 percent of total deposits. Presently, the four largest banks in the New Brunswick market control 46.1 percent of market deposits. Also, if the proposal were approved, home office protection would be eliminated from Cranbury as of January 1, 1975.[3]

Bank controls 2.4 percent of deposits and is the ninth largest of thirty banks

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[3] United States v. Philadelphia National Bank, 374, U.S. 321, 365, n. 42 (1963).

[4] Application of First at Orlando Corporation, Orlando, Florida, to acquire Citrus First National Bank of Leesburgh, Florida (1973 Federal Reserve Bulletin 302).

[5] Application of First Wisconsin Bankshares Corporation to acquire shares of proposed First Wisconsin National Bank of Greenfield (54 Federal Reserve Bulletin 1024 (1968)).

[6] Id. at 1026–1027.

[7] Dissenting Statement of Governors Bucher and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[8] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Voting against this action: Governors Bucher and Wallich. Absent and not voting: Chairman Burns.

[1] Banking data are as of December 31, 1973, adjusted to reflect holding company acquisitions and formations approved through March 31, 1974.

[2] The New Brunswick market includes all of Middlesex County except the communities of Cranbury, Dunellen, Middlesex, Piscataway, Plainsboro, and Plainfield, and also includes East Millstone, Franklin and Millstone in Somerset County.

[3] Commencing January 1, 1975, branch office protection will be completely eliminated in New Jersey. Concurrently, the principal office of each State bank and National bank that is a subsidiary of a multi-bank holding company is to be considered a branch office under the State's branching law. Accordingly,

operating in the Trenton market.[4] Presently, the four largest banks in the Trenton market control 57.2 percent of the market deposits. Applicant is not presently represented in the Trenton market, but an application to open a branch there has recently been approved.

There is no substantial existing competition between any of applicant's banking subsidiaries and Bank. While both applicant's New Brunswick subsidiary and Bank have applied to open additional offices in the New Brunswick market, there is no reasonable likelihood of substantial future competition developing between any of applicant's banking subsidiaries and Bank due to the large number of competitors in the markets and the combined small share of deposits held by applicant's subsidiary and Bank in the New Brunswick market. Accordingly, it is concluded that consummation of the proposed acquisition would not have any significant adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory, particularly in view of Applicant's commitment to add capital to its subsidiary banks. This latter factor weighs in support of approval of the application. Considerations relating to the convenience and needs of the communities to be served lend sufficient weight to warrant approval of the application.

It is the judgment of the Federal Reserve Bank of New York that the proposed acquisition would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting for the Board of Governors of the Federal Reserve System pursuant to delegated authority, effective May 20, 1974.

[SEAL] FRED W. PIDERIT, Jr.,
Vice President,
Federal Reserve Bank of New York.

MAY 20, 1974.

[FR Doc.74-12716 Filed 6-3-74;8:45 am]

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if the proposal were consummated, the main office of The First National Bank of Cranbury would be considered a branch office as of January 1, 1975. Inasmuch as no other bank is presently headquartered in Cranbury Township, protection would be eliminated in the municipality at that time.

[4] The Trenton market includes Mercer County plus communities located in Hunterdon, Somerset, Middlesex (including Cranbury), Monmouth and Burlington Counties in New Jersey and Bucks County in Pennsylvania.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-222]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding.

2. *Effective date.* This regulation is effective March 11, 1974.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 USC 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding involving the Pacific Gas and Electric Company gas rate increase applications (Nos. 54616, 54617, and 54618).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Service.

MAY 23, 1974.

[FR Doc.74-12706 Filed 6-3-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-33]

ESTABLISHMENT OF ADVISORY SUBCOMMITTEE

Notice of Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator of NASA has determined that the establishment of the following advisory subcommittee is in the public interest in connection with the performance of duties imposed upon NASA by law:

Ad Hoc Advisory Subcommittee for Evaluation of Advanced Applications Flight Experiment (AAFE) Proposals

The functions of this Subcommittee will be the review and evaluation of AAFE proposals. The reason for establishing this Subcommittee is to obtain advice for NASA as to the scientific and technical merit of the proposed research.

The Space Science and Applications Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of government employees.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

MAY 30, 1974

[FR Doc.74-12724 Filed 6-3-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the American Statistical Association Advisory Committee on Statistical Policy to be held in Room 5104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Friday, June 7, 1974, at 9:30 a.m.

The purpose of the meeting is to obtain advice associated with the responsibilities of the Statistical Policy Division of the Office of Management and Budget. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74-12850 Filed 6-3-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 29, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Federal Assistance (Nonconstruction Programs), Instructions for Migratory Programs, ESEA.

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Form OE 362, Annual, Caywood/Lowry, SEA's and LEA's.

Instructions for Financial Status Report for Adult Education State Programs—FY 1973 Carry-over Funds and FY 1974 Funds, Form oe 365, Annual, Caywood/Lowry, State agencies providing Adult Basic Education.

Instructions for Annual Adult Education Performance Report, Form OE 365–1, Annual Caywood/Lowry 56 State agencies.

National Assesament of Educational Progress, Form OE 2371, Single time, Planchon, Student and adults (26–35).

DEPARTMENT OF THE INTERIOR

National Park Service, Mandatory (Wilderness Use) Permit Systems—Who Doesn't Comply and Why? Form ----, Single time, Planchon, Back country users in No. Cascades Nat. Parks.

National Park Service, Backcountry Use Survey, Form ----, Occasional, Planchon, Individuals.

Grand Canyon User Survey, Form ----, Single time, Planchon, Individuals traversing Colorado River, thru G.C.

Roadside Questionnaires — Great Smoky Mountains, National Park Visitor Survey, Form ----, Single time, Planchon, Individuals.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Medical Exemption Petition (Operational Questionnaire), Form FAA 8500–20, Occasional, Sheftel, Airmen.

National Highway Traffic Safety Administration, Driving Exposure Survey Questionnaire, Form ----, Single time, Collins, Owners of N.C. registered motor vehicles.

Departmental, Press Service Postal Reply Card, Form ----, Occasional, Sheftel, Weekly newspapers in U.S.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Basic Institutional Development Program, Title III, HEA of 1965, Form OE 1049, Annual, Lowry, Institutions of higher education.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Aircraft Registration Eligibility, Identification, and Activity Report, Form AC 8050–73, Annual, Sheftel, Aircraft owners.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Application for License (Poultry Product Inspector-Grader), Form PY 157, Occasional, Evinger, Employees of poultry processors.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service Regulations — Determinations of Wage Rates—Sugar beets and Sugarcane, Form ----, Occasional, Evinger, Sugar beet and sugarcane producers.

User Survey Card, Form ASCS 647, Occasional, Evinger, Individuals.

Request for Agreement, Form ASCS 649, Annual, Evinger, Farms.

Public Access Agreement, Form ASCS 646, Annual, Evinger, Farms.

Economic Research Service, Egg and Poultry Prices, FOB City to Retail Stores, Washington, D.C., Form ----, Monthly, Lowry, Poultry and Egg dealers and retail stores.

Statistical Reporting Service, Poultry Slaughter and Processing Report (Non-Federally Inspected Plants), Form ----, Anual, Evinger, Poultry slaughter plants.

GENERAL SERVICES ADMINISTRATION

Financial Status Report, Form ----, Occasional, Caywood, State and local governments.

Request for Advance or Reimbursement, Form ----, Occasional, Caywood, State and local governments.

Report of Federal Cash Transactions, Form ----, Occasional, Caywood, State and local governments.

Application for Federal Assistahce (Construction), Form ----, Occasional, Caywood, State and local governments.

Application for Federal Assistance (Short Form), Form ----, Occasional, Caywood, State and local governments.

Application for Federal Assistance (Nonconstruction), Form ----, Occasional, Caywood, State and local governments.

GENERAL SERVICES ADMINISTRATION

Preapplication for Federal Assistance Form ----, Occasional, Caywood, State and local governments.

Outlay Report and Request for Reimbursement for Construction Programs, Form ----, Occasional, Caywood, State and local governments.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–12836 Filed 6–3–74;8:45 am]

LABOR ADVISORY COMMITTEE ON STATISTICS

Notice of Public Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Labor Advisory Committee on Statistics to be held in Room 10104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Thursday, June 13, 1974 at 9:30 a.m.

The purpose of the meeting is to obtain advice on the content of several important Federal statistical programs and on possible improvements in planning for Federal statistical programs. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74–12707 Filed 6–3–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Notice of Suspension of Trading

MAY 28, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 29, 1974 through June 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12741 Filed 6–3–74;8:45 am]

[70–5506]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issue and Sale of Common Stock to Holding Company

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and New England Power Company ("NEPCO"), one of the NEES electric utility subsidiary companies, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12 of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to issue and sell to NEES, its sole common stockholder, 750,000 additional shares of common stock, $20 par value per share, and NEES proposes to acquire such shares for cash at $40 per share, or a total consideration of $3,000,000. Upon such issuance and sale, NEPCO will have outstanding 5,824,896 shares of common stock of an aggregate par value of $116,497,920.

As of May 7, 1974, NEPCO had outstanding $108,000,000 of short-term notes. The proceeds from the issuance and sale of the additional common stock will be applied to the payment of then outstanding short-term notes payable evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $4,900 for NEPCO and $200 for NEES. It is stated that the proposed issuance and sale of the common stock require authorization by the Massachusetts Department of Public Utilities, The New Hampshire Public Utilities Commission and the Vermont Public Service Board and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than June 25, 1974, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12742 Filed 6–3–74;8:45 am]

[File No. S7–524; Release 34–10824]

NEW YORK STOCK EXCHANGE RULE

Notice of Proposed Amendment

The Securities and Exchange Commission today announced that it has received the following letter on a proposed amendment to New York Stock Exchange Rule 440A.11:

MAY 7, 1974.

Mr. LEE A. PICKARD,
Director, Securities and Exchange Commission, 500 North Capitol NW., Washington, D.C. 20549.

DEAR MR. PICKARD: Pursuant to Rule 17a–8, we enclose herewith three copies of a proposed amendment to Rule 440A.11. For reference purposes you will also find the language of Rule 440A.10 since that language is referred to in Rule 440A.11. The proposed amendment was adopted in principle by the Board at its meeting of May 2, 1974.

The proposed amendment would eliminate the language in Rule 440A.11 which permits the reduction of investment advisory fees in consideration of Exchange listed commissions received and would substitute new language which would prohibit such a reduction. Two implementation dates would be provided in the rule. First the rule would be implemented for any new contract arrangement on a date two weeks following the effective date of the rule. Second, the rule would be implemented for existing contracts on a date three months following the effective date of the amendment.

The proposed amendment would respond to a frequently voiced criticism that Exchange members have an unfair advantage over non-members in competing for investment advisory business by virtue of their ability to offset the investment advisory fee in consideration of brokerage commissions received.

The proposed amendment would also apply equally to members and non-member broker-dealers who have qualified for a non-member discount pursuant to Article XV, section 2 and Rule 385 of the Exchange Constitution and Rules. It would therefore correct the situation which the Commission commented on in its letter of August 21, 1973 to the Exchange with regard to amendments then proposed to Rule 385 as follows:

> To the extent a non-member money manager credits any of the access discount it received on transactions for a customer against advisory fees owed by that customer, such customer does receive a commission rate advantage. While such an arrangement appears inconsistent with the original objectives of non-member access, the Commission believes it would be unfair to restrict the use of such an arrangement by non-members while permitting its use by exchange members.

The proposed amendment would treat both members and non-members who have qualified for a non-member discount alike. Each would be prohibited from reducing investment advisory fees in consideration of commissions received. These prohibitions would not, however, apply with respect to arrangements made in connection with orders for which commissions are now competitively determined, i.e., orders of $2,000 or less or orders in excess of $300,000. Similarly the rule would not apply to arrangements made on and after the date on which commissions with respect to all orders may be competitively determined.

The proposed amendment to Rule 440A.11 will again be considered by the Board at its regular meeting on June 6, 1974. It is therefore requested that the Commission respond to this submission as promptly as possible in advance of that date.

Any questions on this matter should be directed to Henry P. Poole, Vice President and General Counsel.

Sincerely,

JAMES E. BUCK.

cc: Mr. Harvey A. Rowen
Subcommittee on Commerce and Finance
Enclosures.

PROPOSED AMENDMENT TO RULE 440A.11

New language in italics—Deleted language in brackets [ ]

* * * * *

STATISTICAL AND INVESTMENT ADVISORY SERVICES

* * * Supplementary Material: [Also See Rule 369(3)(F)(p–2369).]

.10 To whom furnished.—A member or member organization may furnish:

(1) To a professional non-member (i.e., broker-dealer in securities or commodities, insurance company, investment advisor, investment manager, bank, trust company, foundation, professional trustee, or one engaged in any closely allied activity), statistical and investment advisory services:

(A) prepared by the member or member organization; or

(B) prepared by others and reissued by the member or member organization in his or its own name with the consent of the original issuer or publisher, provided the reissuing member or member organization is not required to pay for such consent.

(EXCEPTION: This policy does not prohibit the furnishing by a member or member organization to a non-member professional (i.e., broker-dealer in securities or commodities, insurance company, investment adviser, investment manager, bank, trust company, foundation, professional trustee, or one engaged in any closely allied activity), of publications of nominal cost, i.e., aggregating not more than approximately $30 per year, per non-member professional.)

(2) To another member or member organization or to a non-member customer who is a non-professional, statistical or investment advisory services:

(A) prepared by the member or member organization; or

(B) prepared by others and reissued by the member or member organization.

The meaning of "statistical investment advisory services" above is restricted to publications or services intended to aid professional or non-professional clients of member organizations in investment decisions concerning securities or commodities. All such publications or services must be clearly and prominently identified as being a publication or service of the original issuing member organization. (The name of the original issuing member organization may be omitted if the distributing member organization clears its listed business through the issuing member organization.)

.11 Such service which is prepared or reissued by the member or member organization consistent with .10 above, may be furnished by the member or member organization to another member or member organization or to a non-member [either free of cost or on a fee basis. If such service is furnished on a fee basis, the fee may be adjusted in accordance with commission business received from the other member or member organization or from the non-member.] *Provided, however,* That where a fee for such service has been published, such fee shall be charged to and paid by the member or member organization or the non-member receiving such service. Any contract or arrangement entered into after (2 weeks following effective date), 1974, pursuant to which such service is to be furnished for the published fee, shall provide that such fee may not be adjusted in accordance with commission business received from the other member or member organization or from the non-member. Members and member organizations furnishing such service pursuant to a contract or arrangement in effect on (2 weeks following effective date), 1974 providing for the furnishing of such services for the published fee which is adjusted in accordance with the commission business received from the other member or member organization or from the non-member shall as promptly as possible and in no event later than (3 months following effective date) 197 to terminate all such adjustments.

The fee for investment advisory service may be based on a percentage of the principal amount of the funds involved but may not be based upon the profits realized.

[Different fees may be charged to different customers for the same or equivalent statistical service.]

The Commission wishes to solicit the written views of all interested persons concerning the proposed amendment of NYSE Rule 440A.11 set forth above. Such views should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capi-

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tol Street, NW. Washington, D.C. 20549, no later than July 1, 1974. Reference should be made to File Number S7–524.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1974.

[FR Doc.74–12743 Filed 6–3–74;8:45 am]

TARIFF COMMISSION

[337–38]

EXPANDED, UNSINTERED POLYTETRAFLUORETHYLENE IN TAPE FORM

Notice of Investigation, Denial of Motion To Dismiss, and Hearing

A complaint was filed with the Tariff Commission on August 29, 1972, on behalf of W. L. Gore & Associates, Inc., of Newark, Delaware, alleging there to be importation and sale in the United States of expanded, unsintered polytetrafluorethylene in tape form and alleging that such importation and sale are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 USC 1337) for the reason that expanded, unsintered polytetrafluorethylene tape is covered by the claims of U.S. Patent No. 3,664,915. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 USC 1337). Johnson and Johnson, Inc., New Brunswick, New Jersey; Anchor Packing Co., Philadelphia, Pennsylvania; Pamsco Asbestos & Rubber Co. (formerly known as U.S. Indestructible Gasket Co.), New York, New York; and Nopitape, Inc., Hackensack, New Jersey, have been named as importers and distributors of the subject products by the complainant.

Having conducted a preliminary inquiry with respect to the matters alleged by the said complainant, the United States Tariff Commission, on May 23, 1974, *Ordered:* That for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of expanded, unsintered polytetrafluorethylene in tape form made in accordance with the claims of US Patent No. 3,664,915 owned by the complainant, W. L. Gore and Associates, Inc.

That a public hearing be held on July 22, 1974, at 10 a.m., EDT, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing at least five days in advance of the opening of the hearing.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on September 19, 1972 (37 FR 19164). The complaint and supplemental complaint were served upon the parties named in the complaint and have been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission.

Issued: May 29, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–12683 Filed 6–3–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–31]

ALABAMA BY-PRODUCTS CORP.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Alabama By-Products Corporation, Post Office Box 10246, Birmingham, Alabama 35202 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.106(b)(2)(ii)(b) concerning shell-to-shell spacing between above-ground tanks.

The address of the place of employment that will be affected by the application is as follows:

The site of former Ketona Chemical Corporation's plant at Ketona, Alabama

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy of all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it will be providing a place of employment as safe as that required by 29 CFR 1910.106 (b)(2)(ii)(b) which requires that the shell-to-shell spacing between above-ground tanks used for storage of flammable liquids be no less than one sixth of the sum of the tank diameters.

The applicant has 4 fuel storage tanks located in pairs 275.74 feet apart. Two aluminum tanks have 500,000 and 1,000,000 gallon capacities and diameters of 50 and 67 feet respectively. They are spaced 11 feet apart. Two steel tanks have 945,000 and 1,932,000 gallon capacities and diameters of 60 and 85 feet respectively. They are separated by 10.3 feet.

The applicant states that these four tanks have been used only occasionally for fuel storage in the past 15 years. However, because of the present fuel allocation system the applicant and several local companies are finding it necessary to use the tanks for fuel storage or they will lose their monthly allotment. The tanks have recently been inspected and found to be structurally sound and in good condition for storing fuel.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall, 2047 Canyon Road
Birmingham, Alabama 35216

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than July 5, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 5, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an adequate distance between the tanks is being provided for employee safety, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Alabama By-Products Corporation be, and it is hereby, authorized to use the tanks described in the application for the storage of fuel, in lieu of meeting the spacing requirements of 29 CFR 1910.106(b)(2)(ii)(b).

Alabama By-Products Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 4, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 23rd day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12738 Filed 6–3–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 521]

ASSIGNMENT OF HEARINGS

MAY 30, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 4, 1974.

MC 126634 Subs 1, 3, and 4, Bucks County Construction Company now assigned June 18, 1974, at Washington, D.C., is cancelled.

I&S M 27312, Restructured Rates and Charges, Central States Territory, I&S M 27312 Sub 2, Restructured Rates and Charges, Indiana Motor Rate and Tariff Bureau, now assigned June 3, 1974, at Washington, D.C., is postponed to July 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–138879 Sub 1, Mobile Truck Control, Inc., now assigned June 5, 1974, at Birmingham, Ala., is cancelled and reassigned for hearing on June 5, 1974, in the Ramada Inn, 600 Beltline Highway, I–65 and Airport Boulevard, Mobile, Ala.

MC 20872 Sub-15, Lime City Trucking Company, Inc., now assigned June 10, 1974, at Indianapolis, Indiana, is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12760 Filed 6–3–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 30, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 17, 1974.

FSA No. 42837—*Soda Ash Between Points in Southern Territory.* Filed by M. B. Hart, Jr., Agent (No. A6337), for interested rail carriers. Rates on sodium (soda) ash, in carloads, as described in the application, between points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 58 to Southern Freight Association, Agent, tariff 822–G, I.C.C. No. S–1068. Rates are published to become effective on July 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12762 Filed 6–3–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MAY 30, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 14, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–11207 (Sub-No. E3) (Correction), filed April 25, 1974, published in the FEDERAL REGISTER May 9, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building board, insulation board, fiberboard, pulpboard, and wallboard,* and *parts, materials, and accessories* incidental to the transportation and installation thereof, from the plant and warehouse sites of the United States Gypsum Company in Pittsylvania County, Va., located at or near Danville, Va., to points in Oklahoma and Texas, and to points in Arkansas in and west of the counties of Phillips, Arkansas, Lonoke, Faulkner, Van Buren, Searcy, and Boone. The purpose of this filing is to eliminate the gateway of Greenville, Miss. The purpose of this correction is to include Little Rock and Fort Smith, Ark., in the sought destination territory.

No. MC–11727 (Sub-No. E1), filed April 25, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., on the one hand, and, on the other, Providence, R.I., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven (except those in Fairfield County). The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–15821 (Sub-No. E1), filed May 13, 1974. Applicant: GRAF BROS., INC., 111 State Street, Boston, Mass. 02109. Applicant's representative: Kenneth B. Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) beginning at the Massachusetts-New Hampshire State line and extending northward along New Hampshire Highway 125 to its intersection with U.S. Highway 202 and thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line, on the one hand, and, on the other, points in Massachusetts (except those points north of a line from Swampscott over Massachusetts Highway 114, to the intersection with Massachusetts Highway 2, and thence along Massachusetts Highway 2 to the Berkshire-Franklin County line, thence along the Berkshire-Franklin County line to the Massachusetts-Vermont State line, (b) between points in New Hampshire on, east, and south of U.S. Highway 202, on the one hand, and, on the other, points in Norfolk, Plymouth, Bristol, and Barnstable Counties, Mass. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC–16682 (Sub-No. E1), filed May 9, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* (a) between New York, N.Y., on the one hand, and, on the other, points in Illinois and Michigan; (b) between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Ohio, and the District of Columbia; (c) from Syracuse, N.Y., to points in Delaware; (d) from Flemington, N.J., to points in Connecticut and Massachusetts; and (e) from Flemington, N.J., to points in Illinois and Michigan. The purpose of this filing is to

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eliminate the gateways of in (a) and (e) Syracuse, N.Y.; in (d) New York, N.Y., and (b) and (c) Flemington, N.J.

No. MC-25798 (Sub-No. E12), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen strawberries in containers*, from points in Tennessee on and west of a line beginning at U.S. Highway 411 at the Tennessee-Georgia State line, thence north along U.S. Highway 411 to its intersection with Tennessee Highway 33, thence north along Tennessee Highway 33 to its intersection with U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Virginia State line, to points in Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, the District of Columbia and points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and thence north along U.S. Highway 505 to its intersection with U.S. Highway 15, thence north on U.S. Highway 15 to Virginia Highway 20, thence north on Virginia Highway 20 to its intersection with U.S. Highway 250, thence west on U.S. Highway 250 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-27580 (Sub-No. E1), filed April 28, 1974. Applicant: JOSEPH CORY DELIVERY SERVICE, INC., 110 First Street, Jersey City, N.J. 07302. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Jersey City, N.J., to points in Connecticut (except Fairfield County), Pennsylvania (except Pike, Monroe, Northampton, Carbon, Lehigh, Bucks, Montgomery, Philadelphia, Delaware, and Chester Counties), and New York (except Rockland, Orange, Westchester, and Putnam Counties). The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-44639 (Sub-No. E1), filed May 4, 1974. Applicant: L & M EXPRESS CO., INC., 220 Ridge Rd., Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel* (except liquid commodities, in bulk), between Crew, Va., and New York, N.Y. The purpose of this filing is to eliminate the gateway of Whiteford, Md.

No. MC-48551 (Sub-No. E1), filed May 9, 1974. Applicant: P & D LUMBER HANDLING CO., Box 69, Phoenixville, Pa. 19460. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Wilmington, Del., to New York, N.Y. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC-60437 (Sub-No. E1), filed May 6, 1974. Applicant: EDGAR J. MASON, doing business as MASON'S TRANSFER, operated by NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Tummerman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned fruit products, and canned tomato juice and puree*, from Biglerville, Pa., to points in Indiana, Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of the plantsites, warehouses, or storage facilities used by C. H. Musselman Company in Virginia (except Winchester) and in that part of West Virginia within 15 miles of Inwood, W. Va.

No. MC-105457 (Sub-No. E4), filed May 1, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10658, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), restricted in each instance against the transportation of traffic moving between any of the points authorized in No. MC-105457 (Sub-No. 19A) to be served in the carrier's regular-route operations.

(1) Between Aberdeen, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Lebanon, Louisa, Luray, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(2) Between Ahoskie, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(3) Between Albemarle, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hillsboro, Honaker, Kilmarnock, Lebanon, Luray, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Powhatan, Quantico, Radford, Riverton, Scottsville, Sparta, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(4) Between Asheboro, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bristol, Burgess, Burkeville, Calverton, Clintwood, Crozier, Culpeper, Cumberland, Dahlgren, Dillwyn, Edinburg, Fairfax, Farmville, Fredericksburg, Gate City, Grundy, Hillsboro, Honaker, Kilmarnock, Luray, Madison, Manassas, Marshall, Middleburg, Montplier, Norton, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(5) Between Bayboro, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(6) Between Belhaven, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Rarford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(7) Between Burgaw, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Cintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Raphine, Riverton, Roanoke, Roseland, Scottsville, South Boston, Sparta, Staunton, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(8) Between Burlington, N.C., on the one hand, and, on the other, Arlington, Ashlong, Blackwater, Burgess, Calverton, Crozier, Dahlgren, Edinburg, Fairfax, Fredericksburg, Kilmarnock, Manassas, Marshall, Middleburg, Montepelier, Port Royal, Quantico, Sparta, Tappahannock, Walkerton, Warrenton, and Warsaw, Va.

(9) Between Carthage, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Lebanon, Louisa, Luray, Madison, Manassas, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(10) Between Carrboro, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blackwater, Broadway, Burgess, Calverton, Crozier, Culpeper, Dahlgren, Edinburg, Fairfax, Fredericksburg, Harrisonburg, Hightown, Hillsboro, Kilmarnock, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Port Royal, Quantico, Riverton, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(11) Between Cherry Point, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(12) Between Clarkton, N.C., on the one hand, and, on the other, Amelia, Appomattox, Arlington, Ashland, Berryville, Blacksburg, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Clifton Forge, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roseland, Scottsville, Sparata, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(13) Between Clinton, N.C., on the one hand, and, on the other, Amelia, Amherst, Appomattox, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Chase City, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Powhatan, Quantico, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(14) Between Dunn, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(15) Between Durham, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blackwater, Broadway, Burgess, Calverton, Crozier, Culpeper, Dahlgren, Edinburg, Fairfax, Fredericksburg, Hightown, Hillsboro, Kilmarnock, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Port Royal, Quantico, Riverton, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Winchester, and Woodstock, Pa.

(16) Between Edenton, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(17) Between Elizabeth City, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Covington, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Lebanon, Lexington, Luray, Lynchburg, McDowell, Madison,

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Manassas, Marion, Marshall, Martinsville, Middleburg, New Castle, Norton, Orange, Pearisburg, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tazewell, Troutville, Victoria, Warrenton, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(18) Between Elizabethtown, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clifton Forge, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Radford, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(19) Between Fairview, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(20) Between Farmville, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(21) Between Fayetteville, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(22) Between Fremont, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(23) Between Fuquay Varina, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(24) Between Goldsboro, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(25) Between Grandy, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Brookneal, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarkesville, Clifton Forge, Clintwood, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Lebanon, Lexington, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Martinsville. Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart Tazewell, Troutville, Victoria, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(26) Between Greensboro, N.C., on the one hand, and, on the other, Arlington, Ashland, Blackwater, Burgess, Calverton, Crozier, Dahlgren, Edinburg, Fairfax, Fredericksburg, Kilmarnock, Luray, Manassas, Marshall, Middleburg, Montpelier, Port Royal, Quantico, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, and Woodstock, Va.

(27) Between Greenville, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(28) Between Henderson, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blackwater, Bridgewater, Broadway, Burgess, Calverton, Charlottesville, Clintwood, Culpeper, Dahlgren, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Grundy, Harrisonburg, Hightown, Hillsboro, Kilmarnock, Louisa, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Orange, Port Royal, Pulaski, Quantico, Riverton, Sparta, Staunton, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, and Winchester, Va.

(29) Between Holly Ridge, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Floyd, Va.

(30) Between Jacksonville, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Broadway, Brookneal, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, New Castle, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Raphine, Riverton, Roanoke, Rocky Mount, Roseland, Scottsville, South Boston, Sparta, Staunton, Stuart, Tappahannock, Tazewell, Troutville, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(31) Between Kinston, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Floyd, Galax, Hillsville, Martinsville, Radford, and Stuart, Va.

(32) Between Laurinburg, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Galax, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Independence, Ivanhoe, Keepville, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(33) Between Lillington, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Keysville, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(34) Between Louisburg, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(35) Between Lumberton, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Galax, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Independence, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Radford, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(36) Between Manns Harbor, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Burgess and Kilmarnock, Va.

(37) Between Monroe, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(38) Between Morehead City, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(39) Between Morven, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blacksburg, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Calverton, Charlottesville, Clifton Forge, Clintwood, Columbia, Covington, Culpeper, Dahlgren, Damascus, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Kilmarnock, Lebanon, Lexington, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Quantico, Radford, Raphine, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Winchester, and Woodstock, Va.

(40) Between Murfreesboro, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(41) Between New Bern, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Floyd, Va.

(42) Between Pittsboro, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blackstone, Blackwater, Broadway, Burgess, Calverton, Clintwood, Crozier, Culpeper, Dahlgren, Edinburg, Elkton, Fairfax, Fredericksburg, Harrisonburg, Hightown, Hillsboro, Kilmarnock, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Orange, Port Royal, Quantico, Riverton, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(43) Between Plymouth, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Burgess and Kilmarnock, Va.

(44) Between Pollocksville, N.C., on the one hand, and on the other, those points in Virginia, except Bristol, Floyd, and Radford, Va.

(45) Between Raleigh, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Spara, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(46) Between Richlands, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Floyd, Galax, Gretna, Hillsville, Martinsville, Radford, and Stuart, Va.

(47) Between Rich Square, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(48) Between Rockingham, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Burgess, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Edinburg, Elkton, Fairfax, Floyd, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Independence, Ivanhoe, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Pearisburg, Port Royal, Powhatan, Pulaski, Radford, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(49) Between Rocky Mount, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Clarksville and South Boston, Va.

(50) Between Roxboro, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blackwater, Burgess, Calverton, Dahlgren, Fairfax, Fredericksburg, Hillsboro, Kilmarnock, Manassas, Marshall, Middleburg, Port Royal, Quantico, Sparta, Tappahannock, Walkerton, Warrenton, and Warsaw, Va.

(51) Between Salisbury, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blacksburg, Black-

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water, Bridgewater, Broadway, Burgess, Calverton, Clintwood, Crozier, Culpeper, Dahlgren, Edinburg, Elkton, Fairfax, Floyd, Fredericksburg, Harrisonburg, Hillsboro, Kilmarnock, Luray, Madison, Manassas, Marshall, Middleburg, Montpelier, Orange, Port Royal, Quantico, Riverton, Sparta, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, and Woodstock, Va.

(52) Between Sanford, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Independence, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(53) Between Scotland Neck, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(54) Between Smithfield, N.C., on the one hand, and, on the other, Amelia, Appomattox, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Gretna, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, Woodstock, and Wytheville, Va.

(55) Between Tabor City, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Altavista, Bedford, Brookneal, Clarksville, Gretna, Martinsville, Rocky Mount, and South Boston, Va.

(56) Between Tarboro, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(57) Between Troy, N.C., on the one hand, and, on the other, Amelia, Arlington, Ashland, Berryville, Blackstone, Blackwater, Bristol, Burgess, Burkeville, Calverton, Clintwood, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Grundy, Hillsboro, Honaker, Kilmarnock, Lebanon, Luray, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Port Royal, Powhatan, Quantico, Riverton, Scottsville, Sparta, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Wilson, Winchester, and Woodstock, Va.

(58) Between Vandemere, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Pearisburg and Port Royal, Va.

(59) Between Shallotte, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Altavista, Bedford, Brookneal, Clarksville, Gretna, New Castle, Roanoke, Rocky Mount, South Boston, and Troutville, Va.

(60) Between Southport, N.C., on the one hand, and, on the other, those points in Virginia lised in (5) above, except Gretna, Martinsville, Rocky Mount, and South Boston, Va.

(61) Between Sunbury, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Burgess, Columbia, Crozier, Kilmarnock, Louisa, Montpelier, Sparta, Tappahannock, Walkerton, and Warsaw, Va.

(62) Between Swanquarter, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above, except Burgess and Kilmarnock, Va.

(63) Between Swansboro, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above.

(64) Between Wadesboro, N.C., on the one hand, and, on the other, Arlington, Ashland, Berryville, Blacksburg, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Calverton, Charlottesville, Clifton Forge, Clintwood, Covington, Culpeper, Dahlgren, Damascus, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Kilmarnock, Lebanon, Lexington, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middelburg, Montpelier, Norton, Orange, Port Royal, Quantico, Radford, Raphine, Riverton, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Winchester, and Woodstock, Va.

(65) Between Waliace, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlotte C. H., Charlottesville, Chase City, Clarksville, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Independence, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, New Castle, Norton, Orange, Port Royal, Powhatan, Quantico, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(66) Between Warrenton, N.C., on the one hand, and, on the other, Altavista, Arlington, Ashland, Berryville, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Calverton, Charlottesville, Clifton Forge, Clintwood, Crozier, Culpeper, Cumberland, Dahlgren, Dillwyn, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Quantico, Radford, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Winchester, and Woodstock, Va.

(67) Between Warsaw, N.C., on the one hand, and, on the other, Altavista, Amelia, Amherst, Appomattox, Arlington, Ashland, Bedford, Berryville, Blackstone, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Chase City, Clifton Forge, Clintwood, Columbia, Covington, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Fredericksburg, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, Lynchburg, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Tappahannock, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(68) Between Washington, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Blackwater, Bristol, Damascus, and Gate City, Va.

(69) Between Whiteville, N.C., on the one hand, and, on the other, Amelia, Amherst, Appomattox, Arlington, Ashland, Berryville, Blacksburg, Blackstone, Blackwater, Bluefield, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlotte C.H., Charlottesville, Chase City, Clifton Forge, Clintwood, Columbia, Crozier, Culpeper, Cumberland, Dahlgren, Damascus, Dillwyn, Edinburg, Elkton, Fairfax, Farmville, Floyd, Fredericksburg, Galax, Gate City, Glade Spring, Glasgow, Grundy, Harrisonburg, Hightown, Hillsboro, Hillsville, Honaker, Hot Springs, Independence, Ivanhoe, Keysville, Kilmarnock, Lebanon, Lexington, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Pearisburg, Port Royal, Powhatan, Pulaski, Quantico, Radford, Raphine, Riverton, Roseland, Scottsville, Sparta, Staunton, Stuart, Tappahannock, Victoria, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Wilson, Winchester, and Woodstock, Va.

(70) Between Willimaston, N.C., on one hand, and, on the other, those points in Virginia listed in (5) above.

(71) Between Wilmington, N.C., on the one hand, and, on the other, those points listed in (5) above except Brookneal, Floyd, Gretna, Roanoke, Rocky Mount, South Boston, and Troutville, Va.

(72) Between Wilson, N.C., on the one hand, and, on the other, Appomattox, Brookneal, Charlotte C.H., Chase City, Clarksville, Floyd, Galax, Gretna, Hillsville, Ivanhoe, Martinsville, Radford, Rocky Mount, South Boston, Stuart, and Wytheville, Va.

(73) Between Windsor, N.C., on the one hand, and, on the other, those points in Virginia listed in (5) above except Burgess, Va.

(74) Between Zebulon, N.C., on the one hand, and, on the other, Amelia, Appomattox, Arlington, Ashland, Berryville, Blackwater, Bridgewater, Bristol, Broadway, Burgess, Burkeville, Calverton, Charlottesville, Clintwood, Crozier, Culpeper, Dahlgren, Damascus, Edinburg, Elkton, Fairfax, Fredericksburg, Gate City, Glade Spring, Grundy, Harrisonburg, Hightown, Hillsboro, Honaker, Hot Springs, Kilmarnock, Lebanon, Louisa, Luray, McDowell, Madison, Manassas, Marion, Marshall, Middleburg, Montpelier, Norton, Orange, Port Royal, Powhatan, Quantico, Riverton, Roseland, Sparta, Staunton, Tappahannock, Tazewell, Walkerton, Warrenton, Warsaw, Washington, Waynesboro, Winchester, and Woodstock, Va. The purpose of this filing is to eliminate the gateways at Roanoke Rapids and Charlotte, N.C.

No. MC–103051 (Sub-No. E1), filed May 10, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oils and fats and blends thereof*, from points in North Carolina to points in Kentucky (except Jefferson County), Mississippi, Arkansas, and Illinois (except Jacksonville and points within 5 miles thereof, Champaign, and Chicago). (2) *Vegetable oils and vegetable oil shortening*, from Savannah, Ga., to Chattanooga, Tenn. (3) *Vegetable oils, animal oils, and fats and blends thereof* (except tall oil or naval stores), from points in Florida to points in Kentucky (except Jefferson County), Arkansas, Michigan, Illinois (except Jacksonville and points within 5 miles thereof, Champaign, and Chicago), Indiana, Ohio (except Columbus and Cincinnati), Pennsylvania, West Virginia, and New York. (4) *Oils and fats and blends thereof*, in bulk, in tank vehicles, from points in South Carolina (except animal oils and grease, from Society Hill and Bennettsville), to points in Mississippi, Kentucky, Arkansas, Michigan, Illinois (except Jacksonville and points within five miles thereof, Champaign, and Chicago) and Indiana. (5) *Vegetable oils, animal oils, and fats and blends thereof*, from points in Kentucky (except Jefferson County), to points in Georgia, South Carolina, and Florida. (6) *Oils and fats and blends thereof*, from points in Virginia (except vegetable oils) from Portsmouth, Va., to Chattanooga, Tenn., to points in Alabama, Arkansas, and Mississippi. (7) *Vegetable oils, animal oils, and fats and blends thereof* (except tall oil or naval stores), in bulk, in tank vehicles, from points in Arkansas to points in Georgia, North Carolina, New York (except Rochester), South Carolina, Virginia (except cottonseed oil, soybean oil, and peanut oil to Suffolk, Va.), Florida, Pennsylvania, Maryland, West Virginia, and New Jersey. (8) *Vegetable oils, animal oils, and fats and blends thereof*, from points in Illinois (except Jacksonville and points within 5 miles thereof, Champaign and Chicago), to points in Alabama, Georgia, South Carolina, Florida, and North Carolina. (9) *Vegetable oil, animal oil, and fats and blends thereof*, in bulk, in tank vehicles, from points in Indiana to points in Alabama, Georgia, South Carolina, and Florida. (10) *Vegetable oil, animal oils, and fats and blends thereof*, in bulk, in tank vehicles, from points in Ohio (except Columbus and Cincinnati), to points in Alabama, Georgia, South Carolina, Florida. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., in proposal numbers 1, 3, 4, 5, 6, 7 8, 9, 10, and in proposal number 2.

No. MC–107002 (Sub-No. E5), filed April 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type trailers, from Mobile, Ala., to points in Illinois, Iowa, Kansas, Missouri, Ohio, Wisconsin, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateway of a point in Arkansas at the junction of Interstate Highway 55 and Arkansas Highway 18 (which is within 10 miles of Barfield, Ark.) (except points in eastern Kentucky which are served via the Decatur, Ala., gateway).

No. MC–107478 (Sub-No. E7), filed April 16, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Martinsville, Va., on the one hand, and, on the other, points in Georgia and South Carolina on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 62 to Albany, thence along Georgia Highway 257 to its intersection with Georgia Highway 32, thence along Georgia Highway 32 to its intersection with Georgia Highway 107, thence along Georgia Highway 107 to Fitzgerald, thence along U.S. Highway 319 to McRae, thence along U.S. Highway 280 to Mt. Vernon, thence along Georgia Highway 56 to Swainsboro, thence along U.S. Highway 80 to its intersection with Georgia Highway 23, thence along Georgia Highway 23 to Millen, thence along Georgia Highway 21 to Sylvania, thence along U.S. Highway 301 to Allendale, S.C., thence along South Carolina Highway 641 to its intersection with South Carolina Highway 64, thence along South Carolina Highway 64 to its intersection with U.S. Highway 21, thence along U.S. Highway 21 to its intersection with South Carolina Highway 210, thence along South Carolina Highway 210 to Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–110525 (Sub-No. E39), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Ohio. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC–110525 (Sub-No. E132), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Montana. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E133), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Nebraska. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E134), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 667 (except bituminuous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Nevada. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E135), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa.

No. MC–110525 (Sub-No. E136), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in New Mexico. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E138), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 667 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in North Dakota. The purpose of this filing is to eliminate the gateways of Natrium and Morgantown, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E140), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E141), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19355. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Oregon. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E143), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in South Dakota. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E144), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from the District of Columbia to points in Texas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E145), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products materials), in bulk, in tank vehicles, from the District of Columbia to points in Utah. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E148), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from the District of Columbia to points in Wyoming. The purpose of this filing is to eliminate the gateways of Morgantown, and Natrium, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E149), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Florida to points in Connecticut. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E150), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell* Co., *Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of U.S. Highway 319, to points in Idaho. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E151), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of Florida Highway 121 to points in Iowa. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E168), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to Piney Pt., Fla., to those points in Utah on and west of a line beginning at the Utah-Idaho State line, thence along U.S. Highway 91 to Levan, thence along Utah Highway 28 to Salina, thence along U.S. Highway 89 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E173), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from those points in Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to junction Florida Highway 361, thence along Florida Highway 361 to Piney Pt., Fla., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E178), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in Georgia to points in Delaware. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E180), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Georgia to points in Idaho. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio.

No. MC–111729 (Sub-No. E2), filed May 3, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter L. Badanes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers* and *records* used in the preparation of punch cards, and *reports* and *other business papers*, and *records* containing information obtained from punch cards or pertaining to the use thereof (except cash letters), subject to the restriction that no service shall be performed for any bank, banking institution, or savings and loan association, between Chicago, Ill., and Lexington, Ky. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–112822 (Sub-No. E15), filed April 21, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on, north, and west of a line beginning at the Arizona-California State line and extending along U.S. Highway 66 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence south along U.S. Highway 395 to junction California Highway 74, thence west along California Highway 74 to the Pacific Ocean, to points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC–113843 (Sub-No. E6), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Nebraska. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E7), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 318 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Colorado. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E8), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Colorado. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E11), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruits and berry concentrates*, from points in Massachusetts to points in Texas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC–113843 (Sub-No. E12), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, and frozen fruit and berry concentrates*, from points in Rhode Island to points in Texas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC–113843 (Sub-No. E13), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish*, from New Bedford, Mass., to Cincinnati and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–113843 (Sub-No. E14), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Boston, Mass., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Dutffy-Mott Co., Inc., at or near Hamlin, N.Y.

No. MC–113843 (Sub-No. E24), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to ophicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E14), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor erate as a *common carrier*, by motor vevehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E24), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–114045 (Sub-No. E97), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative:

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J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, *Frozen pies and frozen bakery products*, from Lake City and Pottstown, Pa., to points in Arizona, California, Nevada, New Mexico, Oregon, anl Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E102), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Lake City and Pottstown, Pa., to points in Oregon and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–113843 (Sub-No. E25), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Minnesota. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E26), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Minnesota. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E14), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Colorado. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–114045 (Sub-No. E98), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from South Fulton, Tenn., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E100), filed May 10, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Virginia (except Exmore), to points in California. The purpose of this filing is to eliminate the gateway of points in Texas, Oklahoma, or Arkansas.

No. MC–114045 (Sub-No. E102), filed May 10, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Lewisburg, Tenn., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Wichita, Hutchinson, or Hillsboro, Kans.

No. MC–114045 (Sub-No. E106), filed May 10, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, in mechanically refrigerated vehicles, from Pittsburgh and Saltsburgh, Pa., to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Wichita, Hutchinson, or Hillsboro, Kans.

No. MC–114045 (Sub-No. E107), filed May 10, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from points in Virginia (except Winchester), to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E108), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, from Winchester, Va., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E109), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5892, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Eagle Pass, Laredo, Brownsville, El Paso, Palestine, Fort Worth, and Dallas, Tex., to points in Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–116063 (Sub-No. E2), filed May 3, 1974. Applicant: WESTERN COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Texas 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats* and *vegetable oils*, in bulk, in tank vehicles, from points in Minnesota to points in Texas on and east of U.S. Highway 277. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC–119665 (Sub-No. E1), filed May 6, 1974. Applicant: APD TRANSPORT CORPORATION, 1 Rurl Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Nassau County and those in Suffolk County within 50 miles of the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Rockland County, N.Y., and points in Somerset, Mercer, Morris, Middlesex, Union, Essex, Hudson, Bergen, and Passaic Counties, N.J. Restriction: The operations authorized herein are subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 70 pounds; no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor to one consignee on any one day. The purpose of this filing is to eliminate the gateway of Maspeth, N.Y.

No. MC–123048 (Sub-No. E12), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, other than hand, as defined by the Commission, from Menomonie, Wis., to points in Alabama, Arkansas, Indiana, Georgia, Kentucky, Louisiana, Mississippi, Ohio, Tennessee, Texas, West Virginia, and the Lower Peninsula of Michigan, restricted to traffic originating at the plant site and storage facilities of Kasten Manufacturing Corp., at Menomonie, Wis. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E13), filed May 15, 1974. Applicant: DIAMOND

TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Menomonie, Wis., to points in Arizona, California, Idaho, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the plant site and storage facilities of Kasten Manufacturing Corp., at Menomonie, Wis. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E14), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof* when moving with shipments of agricultural implements (except tractors, tractor parts, and tractor attachments), from Menomonie, Wis., to points in Delaware, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia, restricted to traffic originating at the plant site and storage facilities of Kasten Manufacturing Corp., at Menomonie, Wis. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E19), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:*Farm implements* (except commodities the transportation of which because of size, shape, or weight require the use of special equipment or special handling), from the plant site and warehouse facilities of Smalley Manufacturing Co., at Manitowoc, Wis., to points in Colorado. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E20), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements* (except commodities which because of size, shape, or weight require the use of special equipment or special handling), from St. Nazianz, Wis., to points in Colorado, Kansas, North Dakota, and South Dakota; restricted to shipments originating at St. Nazianz, Wis. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E21), filed May 15, 1974. Applicant; DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities which because of size, shape, or weight require the use of special equipment or special handling), from St. Nazianz, Wis., to points in Arizona, California, Idaho, Montana, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming, restricted to shipments originating at St. Nazianz, Wis. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E40), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities the transportation of which because of size or weight require special equipment or special handling), from Appleton, Wis., to points in Arizona, California, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E41), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors and farm machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling), from Racine, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–135444 (Sub-No. E1), filed May 10, 1974. Applicant: SOUTHERN OHIO TRUCK LINES, INC., 85 East Gay St., Columbus, Ohio 43215. Applicant's representative: Earl N. Merwin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper mill products*, from Erie, Pa., Rochester and Buffalo, N.Y., and Toledo, Ohio, to Columbus, Connersville, and Madison, Ind. (2) The *commodities* described in (1) above, from Erie, Pa., to points in Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Greene, Hamilton, Highland, Logan, Madison, Mercer, Miami, Montgomery, Pickaway, Pike, Preble, Ross, Shelby, and Warren Counties, Ohio. (3) The *commodities* described in (1) above, from Rochester, N.Y., to points in Adams, Allen, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Greene, Hamilton, Hardin, Highland, Hocking, Jackson, Logan, Madison, Marion, Mercer, Miami, Montgomery, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, and Warren Counties, Ohio. (4) The *commodities* described in (1) above from Buffalo, N.Y., to points in Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Logan, Madison, Mercer, Miami, Montgomery, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, and Warren Counties, Ohio. (5) The *commodities* described in (1) above, from Toledo, Ohio, to points in Brown, Butler, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, and Warren Counties, Ohio. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12764 Filed 6–3–74;8:45 am]

[Notice 77]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 29, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6461 (Sub-No. 13 TA), filed May 17, 1974. Applicant: B-LINE TRANSPORT CO., INC., Mail: P.O. Box 13206 (Box zip 99213), E. 7100 Broadway, Spokane, Wash. 99206. Applicant's representative: Max Gray (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, between plant site at or near Tacoma, Wash., and points in Washington, that part of Oregon on and north of the 44th parallel, that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the United States and Canada and those in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon and Elmore Counties, Idaho, for 180 days. SUPPORTING SHIPPER: United States Gypsum Company, 525 South Virgil, Los Angeles, Calif. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 35831 (Sub-No. 5 TA), filed May 20, 1974. Applicant: E. A. HOLDER, INC., P.O. Box 6625, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and concrete products*, from the plantsites of Gifford-Hill-American, Incorporated, located in Texas, to points in Arkansas, Louisiana, New Mexico, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Gifford-Hill-American, Incorporated, P.O. Box 1571, 1004 Meyers Road, Grand Prairie, Tex 75050. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 65802 (Sub-No. 55 TA), filed May 20, 1974. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., on the one hand, and, on the other, points in Oregon and Washington, restricted to traffic moving in foreign commerce, for 180 days. SUPPORTING SHIPPERS: Seaboard Lumber Export, Inc., Box 3603, 4540 W. Marginal Way SW., Seattle, Wash. 98124; Antrim Yards, Ltd., P.O. Box 5822, Vancouver, British Columbia, Canada; Garka Mill Co., Inc., 60 State St., Marysville, Wash. 98270; M. D. Truck Lumber Co., Ltd., 355 Mulgrave Place, W. Vancouver, British Columbia, Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98104.

No. MC 87103 (Sub-No. 10 TA), filed May 17, 1974. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, Ohio 44312. Off: 3917 State Rt., Edinburg, Ohio 58227. Applicant's representative: Edward P. Bocko (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal working lathes;* and (2) *electronic control consoles*, moving in connection therewith or moving separately, on air-ride vehicles having a manufacturer's rated capacity not exceeding 16,000 pounds, from the plant site and storage facilities of the Warner & Swasey Co., Cleveland Turning Machine Division, located at or near points in Cuyahoga County, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days.

NOTE.—Applicant Miller has indicated that it does not intend to tack the authority herein sought, however, in the absence of any restriction, tacking could be feasible with the authority in Docket MC–87103, Miller Transfer and Rigging Co., MC 118884, Reliable Machinery Haulers, Inc., and various Subs, and Engel Trucking, Inc., at MC 129918.

SUPPORTING SHIPPER: The Warner & Swasey Co., 5701 Carnegie Avenue, Cleveland, Ohio 44103. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 109689 (Sub-No. 268 TA), filed May 16, 1974. Applicant: W. S. HATCH CO., Off.: 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, from Cedar Rim Field near Riverton in Fremont County, Wyo., to The Arizona Fuels Refinery at or near Fredonia, Ariz., for 180 days. SUPPORTING SHIPPER: Arizona Fuels Corp., 159 East 3900 South, Salt Lake City, Utah 84107. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 269 TA), filed May 16, 1974. Applicant: W. S. HATCH CO., a Corporation, Off.: 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid gilsonite asphalt sealer*, in bulk, from Grand Junction, Colo., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, and Missouri, for 180 days. SUPPORTING SHIPPER: Gilsabind Corporation, N. 7326 Division, Spokane, Wash. 99208. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 113024 (Sub-No. 129 TA), filed May 21, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, S. DuPont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic crude rubber*, in bags, on pallets, from LaPlace, La., to McCook, Nebr., and Wilmington, Del., under a continuing contract or contracts with Electric Hose & Rubber Company, Wilmington, Del., for 180 days. SUPPORTING SHIPPER: Mr. Fred H. Evick, Director of Distribution, Electric Hose & Rubber Company, Box 910, Wilmington, Del. 19899. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 116935 (Sub-No. 17 TA), filed May 17, 1974. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 107 Trumbull Street, Elizabeth, N.J. 27206. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and parts thereof*, between the facilities of Commercial Furniture Distributors, Inc., located at Elizabeth, N.J., on the one hand, and, on the other, points in New York and Connecticut, for 180 days. SUPPORTING SHIPPERS: Cole, Div. of Litton Industries, Inc., 626 Loucks Mill Rd., York, Pa. 17405; InterRoyal Corporation, One Park Avenue, New York, N.Y. 10016; Ethan Allen, Inc., Ethan Allen Drive, Danbury, Conn. 06810; and Krebs, Stengel & Co., 200 Lexington Ave., New York, N.Y. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 124236 (Sub-No. 71 TA), filed May 20, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Alabama, Florida, and Georgia, for 180 days.

NOTE.—Carrier does not intend to tack authority.

SUPPORTING SHIPPER: Ideal Basic Industries, Inc. Division Ideal Cement Company, 821 Seventeenth Street, Denver, Colo. 82020. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 128007 (Sub-No. 63 TA), filed May 15, 1974. Applicant: HOFER, INC., P.O. Box 583, 4032 Parkview Dr., Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *dry feed ingredients*, from points in Webb County, Tex., to points in Kansas, Oklahoma, Arkansas, Missouri, New Mexico, and Louisiana; (2) *fish meal*, from Cameron, Holmwood, Abbeville, Morgan City, Empire and Dulac, La., Moss Point and Pascagoula, Miss., to points in Texas; and (3) *soybean meal*, from Memphis, Tenn., Little Rock, Newport, Pine Bluff, Wilson, and Van Buren, Ark., Clarksdale, Greenwood, Greenville, Jackson, Hollandale, Marks, and Vicksburg, Miss., to points in Louisiana, for 180 days. SUPPORTING SHIPPER: J. Paul Smith Co. Brokers, 518 Fort Worth Club Bldg., Fort Worth, Tex. 76102. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128012 (Sub-No. 2 TA), filed May 20, 1974. Applicant: R. E. McCORMACK AND D. L. McCORMACK, doing business as McCORMACK TRUCK LINES, 2608 Eagle Lane, Route 3, Box 118, Oklahoma City, Okla. 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned juices and citrus products and canned goods*, from points in Hidalgo, Cameron, Willacy, and Starr Counties, Tex., to points in Arkansas, California, and Oklahoma, for 180 days. SUPPORTING SHIPPERS: Hale Halsell Co., Leroy James, Buyer, 9111 East Pine St., Tulsa, Okla.; Jim McMannis & Assoc., Frank Kelly, G. M., 1608 Linwood Blvd., Oklahoma City, Okla.; Love and Law, Inc., Geo. Parker, Vice Pres., P.O. Box 1517, Oklahoma City, Okla. 73101; and Texsun Corporation, Manuel R. Chacon, P.O. Box 327, Weslaco, Tex. 78596. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 133119 (Sub-No. 54 TA), filed May 20, 1974. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, restricted to the transportation of traffic having an immediate prior movement by water, from Mobile, Ala., (1) to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) to ports of entry on the International Boundary between the United States and Canada located in Minnesota, North Dakota, and Montana, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, Ben E. Klein, Vice President of Marketing, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134105 (Sub-No. 8 TA), filed May 17, 1974. Applicant: CELERYVALE TRANSPORT, INC., Route 1, Box 96, Ft. Lupton, Colo. 80621. Applicant's representative: Jack H. Blanshan, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc. located at or near Cactus, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, and Texas, restricted to the transportation of traffic originating at the above specified origin and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135760 (Sub-No. 18 TA), filed May 13, 1974. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in the manufacturing, packaging, and distribution of frozen foods (except in bulk), between points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., restricted to those shipments originating at or destined to the plant and warehouse facilities of The Quaker Oats Company in or near Jackson, Tenn., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Company, Frozen Foods, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 138991 (Sub-No. 3 TA), filed May 20, 1974. Applicant: K. J. TRANSPORTATION, INC., P.O Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni and egg noodle products*, from Rochester, N.Y., to points in Ohio, Massachusetts, lower peninsula of Michigan; points in Pennsylvania on and west of U.S. Highway 15 and Shenandoah, Pa.; Milwaukee, Wis.; St. Paul, Minn.; Chicago, Ill.; Baltimore, Md.; Providence, R.I.; Hartford and E. Hartford, Conn.; and Weirton, W. Va., for 180 days. SUPPORTING SHIPPER: Bravo Macaroni Company, 89 Canal Street, Rochester, N.Y. 14601. SEND PROTESTS TO: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104 O'Donnell Bldg., 301 Erie Blvd. W., Syracuse, N.Y. 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12763 Filed 6–3–74;8:45 am]

[Notice 1]

TEMPORARY AUTHORITY TERMINATION

MAY 30, 1974.

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

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Temporary authority application	Final action or certificate or permit	Date of action
MC-10655 (Sub-No. 13)	MC-10655 (Sub-No. 14)	Aug. 6, 1973
MC-13087 (Sub-No. 34)	MC-13087 (Sub-No. 36)	Aug. 15, 1973
MC-17051 (Sub-No. 8)	MC-17051 (Sub-No. 9)	Aug. 31, 1973
MC-83835 (Sub-No. 81)	MC-83835 (Sub-No. 84)	Aug. 29, 1973
MC-93840 (Sub-No. 9)	MC-93840 (Sub-No. 10)	Aug. 3, 1973
MC-99780 (Sub-No. 20)	MC-99780 (Sub-No. 21)	Aug. 28, 1973
MC-100449 (Sub-No. 25)	MC-100449 (Sub-No. 28)	Aug. 16, 1973
MC-100795 (Sub-No. 1)	MC-100795 (Sub-No. 2)	Aug. 23, 1973
MC-103051 (Sub-No. 259)	MC-103051 (Sub-No. 265)	Aug. 21, 1973
MC-103191 (Sub-No. 36)	MC-103191 (Sub-No. 37)	Aug. 31, 1973
MC-103993 (Sub-No. 676)	MC-103993 (Sub-No. 701)	Aug. 21, 1973
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MC-103721 (Sub-No. 21)	MC-103721 (Sub-No. 19)	Aug. 9, 1973
MC-107002 (Sub-No. 424)	MC-107002 (Sub-No. 428)	Aug. 28, 1973
MC-107064 (Sub-No. 86)	MC-107064 (Sub-No. 90)	Aug. 6, 1973
MC-107496 (Sub-No. 831)	MC-107496 (Sub-No. 843)	Aug. 28, 1973
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MC-109397 (Sub-No. 284)	MC-109397 (Sub-No. 278)	Aug. 3, 1973
MC-109637 (Sub-No. 387)	MC-109637 (Sub-No. 391)	Aug. 6, 1973
MC-111346 (Sub-No. 4)	MC-111346 (Sub-No. 3)	Aug. 23, 1973
MC-112617 (Sub-No. 297)	MC-112617 (Sub-No. 299)	Aug. 29, 1973
MC-114106 (Sub-No. 89)	MC-114106 (Sub-No. 94)	June 13, 1973
MC-114106 (Sub-No. 93)	MC-114106 (Sub-No. 94)	Do.
MC-115654 (Sub-No. 17)	MC-115654 (Sub-No. 16)	June 21, 1973
MC-115703 (Sub-No. 5)	MC-115703 (Sub-No. 6)	Sept. 5, 1973
MC-115876 (Sub-No. 22)	MC-115876 (Sub-No. 23)	Apr. 13, 1973
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MC-116938 (Sub-No. 7)	MC-116938 (Sub-No. 8)	June 14, 1973
MC-124692 (Sub-No. 101)	MC-124692 (Sub-No. 94)	June 13, 1973
MC-133065 (Sub-No. 16)	MC-133065 (Sub-No. 17)	Apr. 10, 1973
MC-135750 (Sub-No. 3)	MC-135750 (Sub-No. 4)	Apr. 30, 1973

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12761 Filed 6-3-74;8:45 am]

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federal register

TUESDAY, JUNE 4, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 108

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

OVER-THE-COUNTER DRUGS

Antacid and Antiflatulent Products

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded

Pursuant to procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), a review of the safety and effectiveness of over-the-counter (OTC) antacid drugs has been undertaken by the Food and Drug Administration.

Notice inviting submission of data and information, published and unpublished, and other information pertinent to the safety and effectiveness of OTC antacid products was published in the FEDERAL REGISTER of January 5, 1972 (37 FR 102). An additional period was allowed for submission of such data and information in paragraph 18 of the preamble to the final procedural regulations published in the FEDERAL REGISTER of January 5, 1972 May 11, 1972 (37 FR 9464).

The conclusions and recommendations of the OTC Antacid Drug Panel and a proposed monograph for OTC antacid drugs was published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8714). A tentative final order pertaining to monographs for OTC antacid and OTC antiflatulent products was published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31260). Notice of a public hearing on the November 12, 1973 tentative final order was published in the FEDERAL REGISTER of January 8, 1974 (39 FR 1359), and the public hearing was held on January 21, 1974. A revision of the November 12, 1973 tentative final order containing a modification of the antacid in vitro test was published in the FEDERAL REGISTER of January 22, 1974 (39 FR 2488).

In addition, a notice of proposed rule making to establish general conditions for OTC drugs listed as generally recognized as safe and effective and as not misbranded was published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8714). The final order on this proposal was published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31258) and became effective on December 12, 1973.

In view of the fact that the regulations for drugs for human use were recodified in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680), the following preamble will identify, as necessary, both prior and current designations for the convenience of the reader.

Objections and requests for a hearing on the tentative final order were submitted by a number of persons. On January 21, 1974, the Commissioner of Food and Drugs held a public hearing to receive oral and written statements on the tentative final order. At the hearing, the Commissioner stated that he would allow 10 days for parties to submit any additional written comments to the Hearing Clerk on any of the hearing issues except that 30 days would be allowed for comments on the proposed effective date of the final order.

The Commissioner stated at the public hearing that the in vitro test in the tentative final order required revision. The test was republished in the FEDERAL REGISTER of January 22, 1974 (39 FR 2488) as a new tentative final order, with further opportunity for objections and/or requests for a public hearing on this aspect of the matter. Nine objections were received on the revised in vitro test. One request for a hearing on the revised test was made, but was subsequently withdrawn.

The Commissioner has reviewed all written and oral comments including the objections filed, the hearing record, and all other comments, pertaining to the tentative final order. Where pertinent, the Commissioner has also again reviewed the scientific information contained in the record of this proceeding. The Commissioner has reached the following conclusions and decisions.

GENERAL COMMENTS

1. There were numerous comments that the antacid monograph should be interpretive, not substantive.

The Commissioner dealt with this issue in paragraphs 85 to 91 of the preamble to the final order establishing the procedures for the OTC drug review published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464) and paragraph 3 of the preamble to the tentative final order for OTC antacid drugs published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31260). No new points were presented in the comments, and the Commissioner reaffirms the earlier statements. Every court which has to this time considered the issue has found in favor of the substantive application of the OTC drug monographs. The new monographs will be enforceable regulations requiring uniform compliance. The alternative would serve to negate the entire review process. A direct challenge to the legal authority of the Food and Drug Administration to promulgate substantive OTC drug monographs has recently been dismissed in Smart v. Food and Drug Administration (N.D. Calif., C–73–0118–RHS, April 24, 1974), and a second court has also held that section 701(a) of the act authorizes substantive rulemaking, National Nutritional Foods Association v. Weinberger (S.D. N.Y., 73 Civ 3448, April 5, 1974).

2. There were comments that a fuller description of the panel meetings (summary minutes) and/or the transcripts of the panel meetings should be made available.

The Commissioner dealt with this matter in paragraph 37 of the preamble to the final regulation establishing the OTC drug review procedures, published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464) and paragraph 8 of the preamble to the November tentative final order. The Commissioner has concluded that, when viewed in light of the report and data on file with the Hearing Clerk, the minutes amply serve their intended purpose and the transcript of the closed portion of the Panel meetings should not be made public.

Some of the comments reflected an erroneous impression about the role of a panel in the OTC drug review. Pursuant to section 9(b) of the Federal Advisory Committee Act, the OTC drug review panels are utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations to the Food and Drug Administration must be made solely by the Commissioner. Once the panel has issued its report, its advisory functions are completed. Thus, the purpose of the summary minutes is to maintain a full and accurate record of the panel's reasoning and judgments and to minimize the circulation of speculative and misleading information as to the current status of the review. They constitute part of the public record in order to assist any interested person in formulating meaningful comment on the panel report and the proposed monograph. They have no independent substantive status.

Once the panel has issued its report to the Commissioner, it is the legal responsibility of the Commissioner to review and evaluate it, and to issue a proposed order, tentative final order, and final order reflecting his own conclusions and decisions. This responsibility is independent of the recommendations contained in the panel minutes and report, and it is possible that the Commissioner may adopt conclusions and make decisions contrary to a panel's recommendations.

The transcripts of all open portions of the Antacid Panel meetings are available at cost from the recording company. The Commissioner has concluded that the transcripts of closed portions of the panel meetings should not be released. This conclusion was recently upheld in Smart v. Food and Drug Administration, supra, in which the United States District Court for the Northern District of California held that the deliberative portions of the Antacid Panel were properly closed to the public and that the transcripts of those portions are confidential and are not required to be released under the Freedom of Information Act or the Federal Advisory Committee Act.

The legal justification for closing the deliberative portion of the Antacid Panel's discussions—i.e., the discussion during which the Panel determined its conclusions and recommendations—and retaining the transcripts of those closed portions as confidential may be found in section 10 of the Federal Advisory Committee Act and exemption (5) of the Freedom of Information Act. Section 10(a)(1) of the Federal Advisory Committee Act provides that each advisory committee meeting shall be open to the public. Section 10(d) then provides that subsection (a)(1) shall not apply to any advisory committee meeting which the head of the agency determines is concerned with matters listed in 5 U.S.C. 552(b), and requires that any such determination shall be in writing and shall contain the reasons therefor.

The authority to close Food and Drug Administration advisory committee meetings has been delegated to the Commissioner, subject to the concurrence of the office of General Counsel 21 CFR 2.120(a)(18). In exercising his authority to close portions of advisory committee meetings pursuant to this delegation, the Commissioner has acted on the basis of the guidelines established by the Office of Management and Budget and the Department of Justice as set out in the FEDERAL REGISTER of January 23, 1973 (38 FR 2306). The Commissioner's formal written determination to close a portion of a meeting is published together with the notice of the meeting in the FEDERAL REGISTER.

The basis on which the purely deliberative portions of the Antacid Panel discussion have been closed pursuant to section 10(d) of the Federal Advisory Committee Act is that the discussion has been concerned with matters covered by 5 U.S.C. 552(b)(5), i.e., internal communications. As the Attorney General's Memorandum of June 1967 on this portion of the Freedom of Information Act states: "* * * internal communications which would not routinely be available to a party in litigation with the Agency, such as internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups, remain exempt so that free exchange of ideas will not be inhibited. As the President stated upon signing the new law, 'officials within the government must be able to communicate with one another fully and frankly without publicity.' "

All of the Antacid Panel members were, of course, consultants to the Food and Drug Administration and, as such, government employees during their period of actual work on the Panel. The discussion within the Panel therefore stands on no different footing than a discussion within an internal FDA staff meeting.

At the same time, the Commissioner recognizes that, consistent with the Federal Advisory Committee Act, advisory committee proceedings should remain open to public view and participation to the maximum extent feasible. It is for this reason that all interested persons were provided an opportunity to make written submissions to the Panel and to present oral views to the Panel. The Commissioner concluded, however, that the deliberations of the Panel during which their conclusions and recommendations are determined could not reasonably be made in open session, and thus that it was essential to avoid undue interference with the regulatory process that they be closed to the public.

The primary reason for closing such deliberative portions of advisory committee meetings is, of course, because of the regulatory nature of the action being considered. With respect to OTC antacid drugs, the issues involved the possibility of specific regulatory action against an individual product—e.g., relabeling the drug, requiring new testing by the manufacturer, or removing the product from the market completely. The Panel discussion included a continuous admixture of deliberations on interim regulatory decisions and thus much of the committee discussion had to be closed to protect the integrity of the regulatory process.

Once the Antacid Panel made its recommendations they were subject to all of the public procedures set out in § 330.10. The Panel's deliberations were the first step in a complex rulemaking proceeding, and there was thereafter still an opportunity for presentation of data and views to the Food and Drug Administration as the proposed regulation was considered pursuant to the public procedures required by the Administrative Procedure Act.

3. There was comment that the administrative record as defined by the Food and Drug Administration in the notice for the public hearing improperly excluded transcripts of the Antacid Panel meetings. The comment stated that the transcripts contained the deliberations of the Panel, including reasonings and facts supporting their decisions, and that it was an essential part of the administrative record. The comment stated that, without such information, it was impossible fully to develop the issues.

The designation of the "administrative record" is in paragraph 82 of the preamble to the final regulations as published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464). The record includes the panel reports and minutes, but excludes the transcript of the panel deliberations. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing to amend § 330.10 to incorporate this provision directly in the regulations.

The Commissioner is obligated to base his conclusion with respect to a monograph on the entire administrative record. In the case of the antacid monograph, the Commissioner has not read or referred to or relied upon the words recorded in the transcript of the Antacid Panel meetings. Instead, he has relied solely upon the minutes of the panel meetings, the data and information submitted to and considered by the Panel, the Panel report, the comments submitted on that report, the tentative final order, the objections submitted on the tentative final order, the transcript of and material submitted at the public hearing, and comments filed subsequent to the public hearing. This constitutes the administrative record specified in paragraph 82 of the preamble to the procedural regulations of May 11, 1972, and is the sole basis on which the decisions and orders in the tentative final order and final order were made by him.

Thus, whether the transcript of the OTC antacid panel is made public is irrelevant to the Commissioner's decision on the OTC antacid drug monograph, because it does not form a part of the administrative record on which that decision has been based.

The irrelevance of these transcripts can perhaps best be described by an analogy. The transcripts reflect deliberations and debates among a group of individuals prior to arriving at a final recommendation. The group, in this instance, is deliberating upon recommendations with respect to regulatory policy that will ultimately have the force and effect of law. Their deliberations are therefore directly analogous to the deliberations of a panel of judges of a United States Court of Appeals. It is obvious that the judges who hear a case deliberate among themselves with respect to the issues involved. Moreover, it would not be unusual that there will be several drafts of an opinion, and that the final decision might be quite different from the initial discussions or even tentative drafts. The final opinion written by the court, however, is the only document appealable to or reviewed by the United States Supreme Court. The deliberations of the Court of Appeals, and their various drafts reflecting intermediate considerations and positions, are not a part of the record and are not reviewed by the Supreme Court. The final opinion must stand or fall on its own merits. The same is true of the final report of the OTC Antacid Panel. It stands or falls on its own merits, and is either supported or unsupported by the medical and scientific evidence submitted to and considered by the Panel.

The logic of this position is further compelled by the fact that not all Panel deliberations were recorded or transcribed. Although some transcription or recording occurred with the Antacid Panel, it was necessarily incomplete. Panel members frequently conferred by telephone with each other, discussed matters over lunch and dinner, and talked about them during breaks and in the corridors. Moreover, the major reflective consideration of the issues involved would be likely to have occurred before and after meetings, when the Panel members individually reviewed the data and information and formed their conclusions with respect to it. Thus, any transcript of Panel deliberations would reflect only a part, and perhaps a small part, of the consideration given to the matter, of the reasoning which lies behind the recommendations ultimately made, and thus of the entire deliberative process. It would therefore be highly improper to consider the transcripts of Panel meetings in determining the validity of the final OTC antacid drug monograph.

4. There was comment that the administrative record should not properly be closed prior to the final order, and that a letter of objection providing new information for the public hearing should be part of the administrative record. The comment argued that no notice was given that the ability to introduce new evidence

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and information on antacids ended when the comment period on the proposal closed. The comment stated that, if the agency wished to close the administrative record, it should make a change in the monograph procedures.

The Commissioner believes that the existing regulations make it clear that new evidence could only be submitted up through the 60 day comment period on the proposed monograph. The purpose of the hearing before the Commissioner on the tentative final order is solely to review the administrative record already compiled, and not to submit new evidence. However, in view of the fact that the present regulations do not explicitly state this requirement, the Commissioner concluded to accept all proffered information in this instance and to amend the regulations to clarify this matter. An appropriate proposed change in the regulations is published elsewhere in this issue of the FEDERAL REGISTER.

5. There was comment that the phrase "ethical drug" or "ethical labeling" is an inappropriate designation in § 331.31 and § 332.31 (formerly § 130.305(f) and § 130.306(d)) because it is an outmoded term. It was suggested that a more appropriate phrase would be "practitioner labeling" or "labeling for professional person." A comment also objected that, under the monograph, such labeling would be provided only to physicians.

The Commissioner believes that both of these points are sound. Such labeling will be designated in the future as "professional labeling" or "labeling for health professionals". This will include all health professionals who prescribe, administer, or dispense medications.

6. There was comment that the 30 days allowed for comment on the January tentative final monograph was "patently unconscionable and unreasonable", because the comments had to be received by the Food and Drug Administration on the 30th day. It was stated that "private parties cannot be held responsible for the vagaries of the U.S. Mail".

The 30 day period is provided for in § 330.10(a)(7) of the regulations (formerly § 130.301(a)(7)). Requiring the comments to be received at the Food and Drug Administration by the 30th day was done so that the agency could promptly begin preparing for a hearing or final order. Under the circumstances, the Commissioner concludes that requiring the comments to be received within 30 days at the Food and Drug Administration was not unreasonable.

7. There was a comment filed after the hearing requesting that magnesium trisilicate be listed as an antiflatulent in the antiflatulent monograph.

The Commissioner stated in paragraph 67 of the preamble to the tentative final order that any other claimed antiflatulent ingredient should be submitted when the call for data for miscellaneous internal products was published. That notice was published in the FEDERAL REGISTER of November 16, 1973 (38 FR 31696). The Commissioner realizes that magnesium trisilicate was reviewed by the Antacid Panel, but only as an antacid ingredient. Reviewing the submitted magnesium trisilicate antiflatulent data would require reopening the administrative record. Since the Miscellaneous Internal Panel will review all antiflatulents, there is no reason to disrupt the orderly consideration of this monograph. The Commissioner therefore concludes that this matter is properly handled by the Miscellaneous Internal Panel. The person submitting this comment should promptly submit all pertinent data and information to that Panel if he has not already done so.

8. In the comments to the tentative final order, a proposal was made that the Food and Drug Administration establish a "third class of drugs" which would be available only from a pharmacist or pharmacy and for which a pharmacist or pharmacy would maintain a patient dispensing record.

The Antacid Panel never considered the issue of the third class of drugs, and this issue is not properly a part of the OTC drug review. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing a notice which states his conclusion that there is no health or safety justification for establishing a third class of drugs at this time.

GENERAL CONDITIONS

There were numerous comments on the general conditions for OTC drugs established in § 330.1 (formerly § 130.302). That final order was published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31258) and became effective on December 12, 1973.

9. Most of these comments concerned the question whether § 330.1(i) should be revised to include a reference to pharmacists on OTC drug labels where there is a drug interaction potential.

The Commissioner is publishing his conclusions on this matter elsewhere in this issue of the FEDERAL REGISTER.

10. There was a proposal to add the words "consult your poison control center" to the accidental overdose warning under § 330.1(g) (formerly § 130.302(g)).

The Commissioner is publishing a proposal on this matter elsewhere in this issue of the FEDERAL REGISTER.

11. There was comment that the drug interaction warning contained in § 330.1(i) (formerly § 130.302(i)) had been moved from the antacid monograph to the general conditions for OTC drugs without notice and opportunity for public comment.

The Commissioner published this warning as a proposal in the FEDERAL REGISTER of April 5, 1973 (37 FR 8714), with time for public comment. It was transferred from one section to another because of its broad applicability to all OTC drugs. This procedure was therefore entirely proper. In any event, the Commissioner heard comments on this matter at the January 21, 1974 public hearing and is now publishing a further notice on the matter elsewhere in this issue of the FEDERAL REGISTER.

12. There was comment that the agency has the authority to require the quantitative labeling of active ingredients.

The Commissioner stated in paragraph 11 of the preamble to the tentative final order that such authority does not presently exist under the Federal Food, Drug, and Cosmetic Act. No specific response to this preamble statement was included in the comment received. The regulation requests that manufacturers voluntarily place such information on their label, § 330.1(j) (formerly § 130.302(j)). There are also bills (S. 3012 and H.R. 12847) pending before Congress to amend the act to provide for quantitative labeling of active ingredients for OTC drug products.

IN VITRO ACID NEUTRALIZING TEST

13. A number of written comments were filed on the November tentative final order dealing with the in vitro test procedure proposed in that notice.

The Commissioner notes that the modification of the in vitro test published in the FEDERAL REGISTER of January 22, 1974 (39 FR 2488) answered many of the issues raised. Accordingly, only the comments filed in response to the January republication and revision of the test have been considered in preparing this final order. The only request for a hearing on the revised test has subsequently been withdrawn.

14. One comment urged the Commissioner to add more specifications, such as particular types of equipment and additional controls, to the in vitro test because it has too many variables and cannot be considered a simple test.

The Antacid Panel proposed a simple test for the present and recommended that the Food and Drug Administration and industry do research to find an in vivo test. The Commissioner concurs now and that research should promptly begin on an in vivo test. With that approach in mind, the Commissioner does not believe that the in vitro test should be unnecessarily complicated by requiring special equipment and specifications for which no justifications have been shown.

15. One comment submitted a proposed in vitro test which the comment contended would be reproducible and more like an in vivo test.

The proposed test is also an in vitro test. No data were submitted to show that this test is more accurate or reproducible, or more closely parallels in vivo results, than the in vitro test in the final order. For that reason, the Commissioner believes that it would be inappropriate at this time to consider adopting this proposed in vitro test which no one has had an opportunity to review or comment upon. However, the agency will conduct studies and review the proposed test as it considers the development of an in vivo test.

16. Two comments indicated that the change in the test from the November tentative final order to the January revision resulted in a significant change in philosophy. They noted that the earlier proposal included a titration based on time, and the latter included a back titration technique that removed consideration of time and relative reactivity of the product.

The Commissioner concludes that the new procedure does not eliminate time as a factor. The preamble to the January revision stated that the procedure in the November tentative final order would have been extremely difficult to validate because of the variable time factor in the revised procedure retains the variation in time as a critical test factor in that the product must demonstrate adequate neutralizing capacity within the 15 minutes allowed. The Commissoner concludes that the 15 minute back titration technique is consistent with the clinical significance of the product and its rate of reactivity. As stated in paragraph 34 of the preamble to the November tentative final order, the acid neutralizing capacity of a product is only one factor in selecting an antacid.

17. There was comment that the in vitro test had been burdened with arbitrary modifications that set it potentially at variance with correspondng tests already in the United States Pharmacopeia.

United States Pharmacopeia standards determine strength, quality, and purity of designated products and are not a test of effectiveness. The Food and Drug Administration's in vitro acid neutralizing test is a single test that is dose related, requires the acid neutralizing capacity to be determined in 15 minutes, applies to all products which are labeled as antacids, and is concerned with the product's total effectiveness in terms of its acid neutralizing capacity. The Commissioner therefore concludes that the in vitro effectiveness test is not at variance with the United States Pharmacopeia standards for strength, quality, and purity of certain antacids.

18. There was comment that the preamble to the November tentative final order stated in paragraph 37 that the two United States Pharmacopeia tests were not used because they were only concerned with total consumption of acid and not with duration, whereas the preamble to the January revision stated that the in vitro test must be based on a back titration technique since it was impossible to validate the procedure using the test in the November tentative final order. The comment states that, based on these changes, the Food and Drug Administration test no longer purports to measure a duration of activity and offers no advantages over the United States Pharmacopeia method.

The Commissioner notes that there is no single United States Pharmacopeia method. In fact, for the 12 official products listed as antacids in United States Pharmacopeia XVIII, page xxxix, there are no acid consuming capacity tests identified for five and for the other seven, four use a similar test that differs primarily in the acid used, one uses a very simple test, and the other two have a more complicated procedure that takes four hours for the antacid to neutralize the acid. Basically, the United States Pharmacopeia procedures are for individual products, are not dose related, allow one or more hours for the acid to react with the antacid, and are determinations of strength, quality and purity. As explained above in paragraph 17 of this preamble, the Food and Drug Administration's in vitro test determines effectiveness for all antacid drug products.

19. There was comment that it was inappropriate to include an in vitro acid neutralization capacity test as a basis of general recognition of safety and effectiveness, because there is no substantial evidence to prove that a product which passes the test is safe and effective, nor are there any data correlating the in vitro test to in vivo results. The comment contended that, since there are no data, there can be no basis on which experts can conclude that the in vitro test measures safety and effectiveness.

The Antacid Panel found that there was a substantial scientific basis on which to create an in vitro test for measuring effectiveness. To support their position, they cited seven publications concerning gastric secretion and antacid activity. The Commissioner has reviewed the literature and concurs with the judgment that there are sufficient data on which to base an in vitro test. However, the Commissioner recognizes, as the Panel did, that the industry, academia and agency should promptly seek to develop an in vivo antacid test.

20. There was comment that the in vitro test should not be applied to products that are not designed to neutralize the total stomach acidity. The comment contended that a floating antacid that claims to neutralize the stomach contents that are refluxed into the upper esophageal tract should be tested differently. The comment proposed an in vitro test similar to that published in the November tentative final order.

The Commissioner has found that adequate evidence to prove effectiveness for a product that floats and only reduces the acidity in the upper stomach and lower esophageal tract has not been presented (see paragraphs 60 and 61 below and paragraph 25 in the preamble to the November tentative final monograph). To allow marketing of the product while data are being obtained on this category III active ingredient, the method for measuring the acid neutralizing capacity submitted will be reviewed by the Commissioner as an exemption request to the in vitro test. If adequate data for effectiveness are presented it will be possible to review the proposed in vitro test as an amendment to the monograph.

21. One comment complained that antacid capsules have not been provided for in the test procedures.

The Commissioner concludes that capsules may be tested in the same manner as tablets. This additional provision has been added to the final order.

22. There was comment that the requirement that each antacidl ingredient contribute at least 25 percent of the total effectiveness of the product should not be calculated on the basis of four times the amount of the ingredient present but on the basis of the amount actually contained in the dosage being tested. The percentage of contribution should then be calculated from the amount of acid neutralization of the ingredient in relationship to the amount of acid neutralization of the whole dosage unit.

The Commissioner concurs that this is a more scientific approach. The final order has been changed accordingly.

23. There was comment that the acid neutralizing test is being interpreted in two different ways. One interpretation is that the 25 percent requirement applies to the 5 milliequivalent minimum, i.e., one-fourth of the 5 milliequivalents means that each active ingredient must reduce 1.25 milliequivalents to be considered an active ingredient. Another interpretation is that four times the amount of the ingredient must neutralize the same amount of acid as a total drug product to reach the 25 percent minmum.

The Commissioner advises that the proposed procedure was to take four times the amount of each active ingredient and test it against the total drug product to determine the 25 percent. As now revised, the 25 percent requirement is to be based on a comparison of the acid neutralizing capacity of the amount of the ingredient in the product with the total acid neutralizing capacity of the product (not with the minimum value required by the monograph for an antacid). Thus, the standard for measuring the 25 percent requirement remains the total acid neutralizing capacity of the entire product. As stated in paragraph 22 of this preamble, the Commissioner has amended the test to clarify the basis for calculating the 25 percent minimum.

24. One comment proposed that the number of active ingredients be limited to four and that the 25 percent requirement be deleted. In the 10 days allowed after the hearing, a comment was received which opposed any arbitrary limit on the degree of activity or number of active ingredients allowed in a proprietary medication.

For the reasons stated in paragraph 30 of the preamble to the tentative final order, the Commissioner concludes that each active ingredient should make a minimum contribution of 25 percent of the acid neutralizing capacity to the final product. The 25 percent figure was based on the conclusion that any ingredient in an antacid should contribute to the acid neutralizing effect. If only the number of ingredients were limited, three of the labeled active ingredients could be used in such small amounts that the contribution of each to the product's effectiveness would be insignificant. The consumer would then be misled because the label would list four ingredients when in fact only one made a significant contribution to the therapeutic effect.

The comments have failed to supply any data to support any safety or effectiveness reason for not adopting the proposed 25 percent requirement or for adopting a different requirement. The Commissioner concludes that the 25 percent requirement will provide the consumer with safe and effective antacid

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combination drugs that are not misleading.

25. There was comment that the words "magnetic stirrer" were not specific enough because the stirring speed is a critical factor and the shaded pole motor stirrer normally found in laboratories will vary too much. The comment proposed that a direct current motor controlled by a solid state direct current power pack attached to an accurate tachometer be specified.

The Commissioner realizes that stirring speed is important to the evaluation, but is also of the opinion that the laboratory should be given the responsibility of determining how it wishes to obtain the necessary stirring speed. It would be arbitrary for the Commissioner to designate a particular type of equipment if a laboratory can properly conduct the test using other equipment.

26. There was comment that the 100 ml. and 250 ml. beakers are not large enough to accommodate more effective antacids or those which foam.

The Commissioner realizes that many factors effect analytical tests such as the proposed in vitro test. In an effort to standardize the test it has been necessary to designate the beaker size just as do the United States Pharmacopeia and the National Formulary in their methods of analysis. However, the Commissioner recognizes that there may be a manufacturer who cannot test his antacid in these sizes of beakers. A manufacturer may request an exemption stating the size of the beaker he desires to use and data validating the test using the different beaker size.

27. One comment stated that the tablet comminuting device must be specified because the type of device and the speed of action control the amount of surface area and therefore the rate of reactivity of the product.

The Commissioner does not believe that a specific comminuting device should be designated at this time because no data have been presented to show that erroneous results will occur or that the test provides information more closely related to in vivo results if such a device is used. It would be arbitrary for the Commissioner to require the purchase and use of a specific piece of equipment when insufficient data have been collected to determine its effect on the test.

28. There was a comment that "distilled water" should be specified.

The Commissioner agrees, and "distilled water" has been specified in the final order.

29. There was comment that the sieve size should be designated as the United States standard since there are nonstandard sieves available

The Commissioner agrees, and the United States standard designation has been added in the final order.

30. There was comment that the use of 0.5 and 1.0 Normal hydrochloric acid affects results obtained because the reaction rate of any reaction can be increased by increasing the concentration of the reactants. The comment also pointed out that the acid concentration in the stomach is closer to 0.1 Normal than 0.5 or 1.0 Normal.

The in vitro tests conducted by the Food and Drug Administration have shown no difference between 0.1 Normal and 1.0 Normal. Results of these tests are on file with the Hearing Clerk as part of the administrative record. However, these tests show that the increase in volume resulting from the use of 0.1 Normal complicates the test procedure because large pipets and burets would have to be used. Based on the Agency's findings, the normalities will remain the same. The increase in volume caused by the use of 0.1 Normal hydrochloric acid makes the test more cumbersome and awkward to conduct without a corresponding increase in accuracy.

31. There was comment that the pH meter should be calibrated between pH 1.1 and pH 7.0 instead of exactly at pH 4.0, because the calibration between 1 and 7 will allow for a more accurate determination of higher values. No data were submitted to support the statement.

The Commissioner has determined that calibration of the pH meter at 4.0 is sufficient to assure the accuracy of the test. Therefore, he will not change the calibration. The final order provides only for checking the operation of the meter at pH 1 since there is no need to calibrate the meter twice. The analyst need only calibrate the meter and then assure himself that it is operational at another pH, i.e., pH 1.

32. There were comments stating that the temperature should be controlled since it is the simplest of specifications and is used in most laboratory tests. The comment proposed that the test should be conducted at body temperature, 37° C.

The Commissioner agrees that this is a variable that can be eliminated and yet not complicate the test. However, during testing, the Food and Drug Administration has shown that there is no difference between 25° C and 37° C. It is more appropriate to use room temperature since it requires less equipment. The Commissioner has therefore, concluded that the temperature will be designated at 25° C±3° in the final order.

33. There was comment that the disintegration test should be altered for chewable tablets.

The Commissioner advises that, under § 331.1(b) (the disintegration test), the proposed disintegration test does not apply to chewable tablets. The Commissioner does not believe that a disintegration test for chewable tablets is necessary. It would be inappropriate to require a chewable tablet to disintegrate in the same manner as a swallowed tablet because the chewable tablet labeling instructs the consumer to reduce the particle size of the tablet. The disintegration test for a swallowed tablet is merely a test to assure that it be reduced to particle size on swallowing.

34. One comment stated that it is inappropriate to adopt a 10 minute standard for the disintegration of swallowed antacid tablets, because there is no substantial evidence to indicate that passing or failing the test will affect the tablet's safety or efficacy, nor are there any data indicating that the 10 minute test is correlated to in vivo results.

The Commissioner concludes that the position taken in this comment would allow the swallowed tablets to have any disintegration time or to use the United States Pharmacopeia standard of 30 minutes. The Panel in their recommendation concerning the in vitro test stated that, on the fasting stomach, a tablet that takes 30 minutes to dissolve probably would be ineffective because it would be gone from the stomach in half that time. Most of the antacid has left the stomach 15 minutes after ingestion. An undissolved tablet cannot be effective. The 10 minute standard should not create a hardship since it only requires that tablets that fail to pass the disintegration test must be labeled as chewable tablets so that the consumer will know that he must physically reduce the tablet size to get the benefit of the active ingredients.

35. There was comment that, if a tablet does not disintegrate in 10 minutes or less, the manufacturer should have the option of testing the whole tablet according to the preliminary antacid test. The comment contended that, if the whole tablet passes the preliminary test, the manufacturer may recommend swallowing on the label.

The Commissioner concludes that a tablet which fails to disintegrate and yet passes the preliminary antacid test is more properly handled through a new drug application or an amendment to the monograph. No data have been presented to explain why a tablet would fail to pass the disintegration test, and yet pass the in vitro test. If such a condition did exist, data to show in vivo effectiveness would need to be presented.

36. There were comments that the method of comminuting the tablets to pass through a number 20 U.S. mesh sieve would allow a person to finely powder the tablet. One comment provided data to show that cement, if finely powdered, would pass the in vitro test.

The Commissioner advises that the test was not designed to allow the use of a fine powder. For this reason a lower limit has been placed on the particle size in the final order, to prevent the comminuting of tablets to a fine powder.

37. There was comment that ethanol, when used as a wetting agent, may reduce the acid neutralizing capacity of a product.

The Commissioner concludes that, although ethanol may have an effect, it is not significant. The Commissioner has therefore decided to allow the discretionary use of ethanol as a wetting agent. Some comments have stated that particles float on the top of the test solution and the ethanol will reduce the surface tension and decrease the number of particles that float, but in Food and Drug Administration tests few products exhibited this tendency and it is doubtful that the use of ethanol will be required. The person conducting the test must determine if a wetting agent is necessary.

38. There was comment that the density and not the specific gravity should be used in testing liquid samples.

The Commissioner concludes that the comment is correct in that the proper designation for the calculation figure is density. The final order has been changed accordingly.

39. There was comment that, because the concentrated antacids would exceed the 30 milliequivalent titration, the procedure should allow for a greater number of milliequivalents to be used.

The Commissioner doubts that there are many antacids with neutralizing capacities greater than 30 milliequivalents. No data were presented to the Food and Drug Administration concerning such a product. Therefore the Commissioner believes that it is proper to provide for an exemption from the in vitro procedure for a stronger antacid, or an amendment to the test if necessary, upon the petition of a manufacturer.

40. There was comment that the United States Pharmacopeia XVIII simulated gastric fluid test solution contains enzymes which are not necessary for the test and increases its expense.

The cost of the enzymes would be approximately twenty cents per test, which is not significant. At the present time, however, there is no scientific justification for adding the enzymes other than the fact that they are present in the stomach. The Commissioner believes that future testing in this area should address itself to this issue. Until scientific evidence is forthcoming on why enzymes must be in the test solution, the Commissioner has concluded that the simulated gastric fluid test solution shall not contain enzymes. The final order has been modified accordingly.

41. There was comment that the stirring speed for the in vitro test should be eliminated because it has no direct reference to similar in vivo action.

Data submitted in response to the January tentative final monograph and some Food and Drug Administration testing showed that a test with no established stirring speed would allow a procedure that provides for an infinite number of results depending on the stirring speed. The test must be reproducible, and therefore a stirring speed must be identified.

42. There was a comment requesting an exemption for a product from the 10 minute time period required in the acid neutralizing capacity test contained in the November tentative final order.

The Commissioner stated at the hearing that a revised tentative final monograph acid neutralizing test was being published and that, if a deviation from that test was required, an exemption should be requested pursuant to § 331.29 (formerly § 130.305(a)(1)(iii) after the final order was published.

43. There was comment that the in vitro test should be validated by appropriate bodies.

The Commissioner has had the test reviewed and validated by Food and Drug Administration laboratories and has determined that it is valid. The validation studies have been filed with the Hearing Clerk.

Active Ingredients

44. There was comment that bismuth salts protect the mucous membranes of the stomach and duodenum and that they should be allowed to be used in combination with other antacids.

Bismuth salts are included in the monograph as active ingredients with potential acid neutralizing properties and can be used in a combination as long as they contribute 25 percent of the total acid neutralizing capacity of an antacid product. Based on the fact that no data were submitted to prove that bismuth salts are effective as protectants to the mucosal membrances, the Commissioner does not recognize the bismuth salts as having been proved effective for such purposes. Data would have to be presented to demonstrate effectiveness for this particular use to allow such a labeling claim.

45. There was comment that an exemption should be provided from § 330.1(g) (formerly § 130.302(g)) for sodium bicarbonate powder. The powder is used as a food product, tooth cleanser, and mouth wash, as well as an antacid, and therefore an accidental overdose warning appearing in § 330.1(g) (formerly § 130.302(g)) is inappropriate because of the nature of the product.

The Commissioner recognizes the many uses of sodium bicarbonate (baking soda) as a food and for various other purposes. The Commissioner therefore believes that it would be proper to exempt sodium bicarbonate powder from the general accidental overdose warning contained in § 330.1(g) (formerly § 130.302(g)) because of its extremely low potential for injury from an overdose. The product labeling must, however, fully comply with the antacid monograph, including directions for use, all applicable warnings, etc.

Indications

46. There was comment that the words "upset stomach" should be included in Category I.

The Commissioner considered this issue in detail in paragraph 49 of the preamble to the tentative final order and no new data or information were presented to support a change in that decision. Accordingly, no change has been made in the monograph with respect to this matter.

47. There was comment that justification for the term "upset stomach" should not require clinical trials to establish a relationship between consumer language and acidity.

A clinical trial to establish a relationship between what consumers regard as "upset stomach" symptoms and OTC antacid drugs would be an appropriate approach to justify this claim. Another valid approach to justify approval of use of the claim "upset stomach" for an antacid is a statistically valid consumer survey to determine how the consumer interprets the term "upset stomach". The Commissioner's present conclusion that the term "upset stomach" has not been justified is based on the fact that this phrase is used by consumers to describe the symptoms relieved by completely different products. Paragraph 49 of the preamble to the tentative final order discussed a marketing study where this phrase was applied by consumers to five products, only two of which were simple antacids.

It would not be sufficient to show a particular product which uses this claim to consumers and to ask for what symptoms it should be used. The question is what the phrase means to the consumer, not what words does the consumer think of to describe an advertised brand name product or a class of products.

Directions for Use

48. There were comments to the effect that the term "as needed" should be used to describe dosage in antacid labeling instead of labeling requiring a specific dosage schedule by time interval or time period. It was further proposed that no other directions for use would be needed since the warning would express the maximum dose.

The Commissioner concludes that the directions for use in antacid labeling properly indicate the specific dosage and time periods for which the product is recommended. It would be improper to recommend that any antacid be used "as needed," since this would promote unrestricted use.

The Commissioner has also concluded that the proposed phrase "except on the advice and supervision of a physician" is confusing, and that it should be revised to read "or as directed by a physician."

Warnings

49. There were comments that § 331.30(b) (formerly § 130.305(c)) and § 330.1(g) and (i) (formerly § 130.302 (g) and (i)) contain warning statements which a manufacturer should be able to consolidate and simplify. There was also a request that, when a manufacturer develops warning statements, they be submitted to the Food and Drug Administration with an understanding that the statement is approved unless the manufacturer is otherwise notified.

The Commissioner agrees that there may be certain products that would require more than one of the warnings specified, and that clearer labeling may be provided by consolidating such statements. The Commissioner has decided that any two or more warning statements may be combined provided that the resulting statement uses all of the specific words contained in the monograph in the order specified, and provides a clear and readable warning which the consumer can understand. This will permit deletion of duplicative phrases without losing uniformity in warning terminology. Thus, the warnings in § 331.30(b) (4) and (5) may properly be combined to read "Do not use this product except under the advice and supervison of a physician if you have kidney disease or if you are on a sodium restricted diet," since none of the operative words or phrases are eliminated or rearranged. If

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any manufacturer is concerned about a combination of warnings he intends to use, he is encouraged to submit it to the Bureau of Drugs for review and comment.

50. There was comment that the language used in a warning should not be mandatory because the manufacturer may use minor variations in words which would allow clearer understanding by consumers.

The Commissioner believes that uniformity in labeling language is essential to consumers. For this reason, the combining of warnings is permitted only where it will retain uniform terminology. Allowing minor word variations, or rearrangement of the same words, would result in dissimilar or confusing warnings which would not be in the best interest of the public. The Commissioner has also included in the final monograph standard headings for the labeling sections on warnings, drug interaction precautions, and directions, to promote such labeling uniformity. However, the Commissioner recognizes there may be circumstances where warnings can be improved. A manufacturer may seek an amendment to the monograph if he concludes that a warning or other labeling should be revised.

51. There was comment that including the phrase "except under the advice and supervision of a physician" should not be required to appear in both the maximum dosage statement and any additional warnings, since this would be duplicative.

The Commissioner concludes that the consolidation of warnings discussed in paragraph 49 of this preamble will permit a manufacturer to eliminate duplication of common phrases in warning statements.

52. There was comment that two of the warning statements name specific diseases and that physicians do not always inform a patient of his specific disease condition. The comment suggested that, because the patient may not know his disease, the labeling should warn against consumption of additional quantities of the active ingredients involved (i.e., potassium and magnesium) rather than against use of the OTC drug in specific disease conditions. There were no data submitted to support this comment.

The Commissioner concludes that, although the monograph necessarily determines the safety and effectiveness of antacid drug products in terms of their active ingredients, consumers are more likely to be told and to remember their disease conditions than a list of prohibited chemical ingredients. No data were submitted to show that physicians ordinarily provide a list of prohibited ingredients to patients that would allow them to use such labeling, or in any event that physicians are more likely to do this than to inform the patient of his disease. Under § 330.10(a)(3)(v) (formerly § 130.301(a)(3)(v)), labeling must be likely to be read and understood by the ordinary individual including the individual of low comprehension. The Commissioner concludes that this labeling meets that requirement.

53. There were numerous comments that the 5 percent level which determines whether a warning is necessary relating to constipation and laxation in § 331.30 (b) and (c) (formerly § 130.305(c) (2) and (3)) is arbitrary and incapable of scientific validation.

The Commissioner concludes that any manufacturer is capable of conducting a well-controlled clinical study on the maximum recommended dose to determine whether it causes laxation in more than 5 percent of the users, and thus that scientific verification is entirely reasonable. If more than 5 percent of the users of an OTC antacid are suffering from constipation or laxation, that is a significant fact which merits a warning, because antacids are often used by the adult population, many of whom already have irregular bowel habits or other gastrointestinal problems. Many antacids are also recommended by physicians at much higher dosages than those appearing on the label, and such a warning would be important to inform the consumer that he may experience bowel irregularity.

54. There were also comments that the 5 percent level is unreasonable because OTC medications are intended for use only for a short period of time and therefore significant constipation or laxation is unlikely.

The Commissioner concludes that it is important that the manufacturer be required to demonstrate that laxation or constipation is unlikely. If in fact it is unlikely, the required test will demonstrate this fact and the warning will be inapplicable.

55. One comment stated that the 5 percent rule could result in labeling for a product indicating that it could cause both constipation and laxation in a patient population because different people react differently to the same ingredient. It was proposed that the 5 percent cut-off level be raised to 15 percent to identify the effect more clearly.

The Commissioner concludes that if a product is capable of causing both effects at the maximum daily dose in 5 percent of the patient population such information should properly be provided to the consumer in the label. No data were presented to show that any such product exists. The Commissioner rejects the proposed 15 percent cut-off level because these products are often used by people greatly in excess of the amount recommended in the label and because consumers should be alerted to any significant side effect that will affect a substantial number of users. No justification was provided for the proposed 15 percent cut-off level.

56. There was comment that the provisions relating to the warnings required by § 331.30(b)(4)) formerly § 130.301(c) (4)) when the magnesium level exceeds 50 milliequivalents a day should be revised to state that they are applicable only where the level exceeds 150 milliequivalents per day.

The summary minutes for the early meetings of the Antacid Panel reveal that the Panel initially considered 150 milliequivalents per day of magnesium as the level for requiring a warning. However, upon reconsideration the Panel reduced the amount to 50 milliequivalents because of the following considerations. The normal individual consumes from 20 to 40 mEq of magnesium per day and about one third of that is absorbed into the body. If a consumer is taking a magnesium-containing antacid, anywhere from 15 to 30 percent of that magnesium is absorbed. If a person does not have normal renal function it is possible to have hypermagnesmia toxicity, i.e. the level of magnesuim in the body may reach a toxic level.

The Commissioner agrees fully with the Panel's reasoning and therefore finds the warning for 50 mg. is appropriate. The primary target population for antacids is adults, many of whom suffer from kidney problems or take doses larger than those recommended in labeling. Therefore the safety factor becomes significant. The normal individual with no renal problem can easily tolerate 150 mg. of magnesium a day, but for a patient who has renal failure large doses of an antacid could present a serious problem that is avoidable by the warning contained in the final order.

57. One comment stated that it is appropriate to provide information on the salt content for an antacid, but that the more appropriate approach would be to label the product as "low in sodium" when the product contains less than 5 milliequivalents in the recommended dose. The comment recommended removal of the warning statement required on a product containing greater than 5 milliequivalents of sodium in the recommended dose.

The Commissioner is concerned that a statement "low in sodium" might be read by consumers as a claim that the product has advantages in relation to other antacids, which in fact may not be true. Such labeling would also remove the sodium warning from high sodium-containing products and thus fails to designate products that are not appropriate for a sodium-restricted diet. For these reasons, the Commissioner concludes that it is more appropriate to require the sodium warning and thus allow the doctor and patient to review whether a product containing more than 5 milliequivalents of sodium is appropriate for use.

58. There were comments that the Food and Drug Administration has ignored the drug interaction warnings required in prescription drug package inserts and some of the more recent scientific literature. There was specific comment that aluminum ingredients interfere with the absorption of tetracycline.

The Commissioner has reviewed the literature citations contained in Evaluations of Drug Interactions, 1973, the Antacid Panel Report, and the package insert labeling for prescription drugs. He concludes that there is adequate scientific evidence that the aluminum compounds may interfere with tetracycline and that a drug interaction warning statement should be required on the label.

The Commissioner concludes that it is important that consumers understand the basis for this warning. Accordingly, the final monograph has been revised to require that this information be contained in a separate labeling section headed "Drug Interaction Precautions." This will advise consumers of the reason why these two types of products should not be used concurrently. The manufacturer is, of course, also free to add additional explanatory information to the effect that use of the product may prevent the proper absorption of tetracycline.

PROFESSIONAL LABELING

59. A number of comments requested that the acid neutralizing capacity be removed from the labeling for health professionals (§ 331.31(a)(1)) (formerly § 130.305(f)(1)) because the acid neutralizing test has undergone numerous changes and may not correlate with in vivo results.

For the reasons already summarized above, the Commissioner believes that the in vitro test is an excellent means of determining effectiveness, which closely correlates with in vivo results. Nevertheless, the Commissioner is concerned that confusion could occur in the near future if the acid neutralizing capacity were required to be in professional labeling, because of required reformulations and efforts to find an improved in vitro or in vivo standard. The Commissioner has therefore concluded that manufacturers will not be required to state the acid neutralizing capacity in professional labeling until 2 years from the effective date of the monograph. This will give industry an opportunity to conduct all necessary tests and to propose an improved in vitro test or an in vivo test with even greater reliability.

COMBINATIONS WITH NONANTACID ACTIVE INGREDIENTS

60. There was comment that alginic acid is effective for the treatment of reflux esophagitis. An article by McHardy, G. and L. Balart, "Reflux Esophagitis in the Elderly, with Special Reference to Antacid Therapy", American Geriatrics Society, 20: 293, 1972 concerning a summary of 100 patient case reports was cited as support for this comment.

The Commissioner notes that even the comment admits that alginic acid is not a potent antacid and that its unusual characteristic of floating is the factor that may aid in the management of patients with esophagitis. The Commissioner rejected this comment in paragraph 25 of the preamble to the tentative final order, and no significant new or additional data or information have been submitted. This ingredient is not sufficiently effective to meet, by itself, the requirements for effectiveness set out in the final order. The problem continues to be that no well controlled studies have been submitted demonstrating that alginic acid is otherwise clinically effective in combination with an effective antacid. Until such studies are available, alginic acid will not be included in the antacid monograph.

61. Another comment supporting the use of alginic acid as a Category I ingredient took exception to the findings of the Commissioner in paragraph 25 of the tentative final order. First, it was stated that, as long as a study shows that an antacid/alginic acid combination has the same effectiveness as an antacid alone in treating regurgitation and epigastric gas, the combination product should be approved. Second, the comment argued that there is incontrovertible evidence that the alginic acid floats. Third, it was proposed that the concern of the Antacid Panel about the effectiveness of the product when a patient is in a reclining position can be eliminated by including in the labeling directions a caution statement stating that the user should not recline. Fourth, there was comment that an additional study by Grossman, A. E., et al., "Reflux Esophagitis, a Comparison of Old and New Medical Management", Journal of the Kansas Medical Society, 74: 423–424, 1973, shows that the combination is equivalent to the standard antacid in relieving regurgitation and epigastric gas.

The first point deals with a study in which the antacid/alginic acid combination product shows little difference from the antacid alone. Pursuant to § 330.10 (a)(4)(iv) (formerly § 130.301(a)(4)(iv)), the use of an active ingredient, alginic acid, in a combination drug must be shown to contribute to the effect of the product, i.e., the combination must result in a more effective product than the antacid alone. The alginic acid has no acid neutralizing capacity, and the referenced study clearly does not show that the alginic acid/antacid combination is more effective than an antacid alone or that alginic acid contributes to the claimed alleviation of symptoms. Thus, the available data fail to provide adequate evidence that alginic acid contributes to the effectiveness of the product.

The second point deals with whether floating, by itself, constitutes effectiveness. No scientific evidence has been submitted to show that floating is in any way related to clinical effectiveness, and in view of the study showing a lack of clinical effectiveness of alginic acid it is doubtful whether such proof can be obtained.

The third point referred to the fact that reclining may reduce the effectiveness of a floating product. The Commissioner concludes that consideration of any proposed warning or other labeling is properly deferred until studies are conducted to determine the clinical effectiveness of a floating alginic acid/antacid combination drug and its relationship to the position of the patient.

There is no indication in the article that the subjects were assigned so as to eliminate bias nor to assume comparability in the test group and control of pertinent variables such as duration of disease, age and sex. The most critical issue was the failure to minimize bias on the part of the subject and observer because the control in the study was a commercially available antacid that had different ingredients and would be easily distinguishable by the subject and the dispensing health professional. There is no indication that any effort was made to blind the study. The method of evaluation is explained but it was subjective in all subjects unless they had shown esophagitis in the initial esophagoscopy. Only one-half the patient population had shown esophagitis and both the antacid and antacid/alginic acid group showed objective improvement in esophagitis at the end of the one month study period. The study had attempted to measure four parameters: (1) Epigastric to retrosternal distress, (2) regurgitation, (3) epigastric gas and (4) motor symptoms of swallowing. The statistical analysis according to the investigators showed no significant difference in three out of the four comparisons between the antacid and the antacid/alginic acid product. The investigators also noted that the frequency of antacid administration used in the study may not have been adequate to produce therapeutic response in all patients. The investigators also concluded that the antacid/alginic acid combination "may" be beneficial in patients with retrosternal or epigastric gas. As indicated above, the article reporting the study does not meet a number of requirements of § 314.111(a)(5) (formerly § 130.12(a)(5)). The study does not answer the question whether alginic acid is effective alone or in combination in the treatment of retrosternal or epigastric distress. Until well-controlled studies are conducted in accordance with § 314.111(a)(5) (formerly § 130.13(a)(5)) to show clinical effectiveness, it will not be possible for the Commissioner to include this ingredient in the monograph.

62. There was comment that the use of a product containing an antacid and a salicylate for gastrointestinal symptoms, even if accompanied by pain symptoms, is not safe. To support the position, material previously provided as a comment on the proposal was resubmitted.

The Commissioner discussed this material in paragraphs 62 through 66 of the preamble to the tentative final order. No additional data of information were submitted. The Commissioner therefore reiterates the conclusions stated on this matter in the tentative final order.

The Commissioner notes that all of the evidence of safety of an analgesic/antacid combination drug is derived from studies and experience with products intended for administration in solution. Accordingly, the monograph has been modified to limit this combination to this type of product.

63. There was comment that the Commissioner in paragraph 66 of the preamble to the tentative final order had failed to evaluate properly an unpublished study on an antacid/analgesic combination. The comment stated that the Commissioner erred when he concluded that there was no statistically significant increase of blood loss, that the blood loss was not clinically significant, and that the bleeding resulting from an analgesic/antacid drug response normally continues for the duration of the treatment period. The comment

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stated that, based on the incorrect evaluation of this study, the Commissioner's conclusion should be reversed.

The Commissioner has again reviewed this matter and has determined that his evaluation of the deficiencies in the study cited in this comment are correctly explained in paragraph 66 of the preamble to the tentative final order. First, the statistical significance of the differences in bleeding shown in that study is in dispute, and in any event is not the important issue. The important question bearing on safety is the medical significance of the amount of bleeding shown in the study. Second, the amount of blood loss shown is not clinically significant (Matsumoto, K. K. and M. I. Grossman, "Quantitive Measurement of Gastrointestinal Blood Loss During Ingestion of Aspirin," Proceedings of the Society for Experimental Biology and Medicine, 102: 517–519, 1959) and is within the range of blood loss found in normal individuals (Danhof, I. E., "Blood Loss from the Gastrointestinal Tract I. Normal Occult Loss," Bulletin of the Medical Staff of the Methodist Hospital of Dallas, 5: 35–38, 1972). Third, although a patient with pathological gastrointestinal lesions caused by cancer or ulcers bleeds irregularly and at widely varying times from day to day, the available evidence supports the conclusion that the blood loss caused in normal individuals by salicylate is continuous. (Croft, D. N. and P. H. N. Wood, "Gastric Mucosa and Susceptibility to Occult Gastrointestinal Bleeding Caused by Aspirin," British Medical Journal I, 137–141, 1967). Fourth, the single study on which the comment relies is not supported by substantial other well-controlled studies contained in the record. Fifth, the record does not contain any significant number of case histories of such acute bleeding caused by this widely marketed type of product consumed in large quantities by a substantial body of the public for many years. If a significant medical problem existed it would be expected to have been reported by now.

64. One comment stated that the Food and Drug Administration has misinterpreted the OTC combination drug policy as to an antacid/analgesic combination, because the policy requires that each ingredient contribute to each effect. The comment contended that each ingredient in the antacid/analgesic combination would need to be shown to contribute to both effects, e.g., the antacid ingredient would also need to be effective for a headache.

The Commissioner advises that the comment misinterprets the plain meaning of the OTC combination policy contained in § 330.10(a)(4)(iv) (formerly § 130.301(a)(4)(iv)) and explained in paragraphs 63–66 of the preamble to the final regulations establishing the procedures for the OTC drug review published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9664). The policy states that each active ingredient must make a contribution to the effect claimed for it, and not that each active ingredient must contribute to all effects claimed for the product. To adopt the approach suggested by the comment would require removal of all dual purpose combination drugs from the market because rational concurrent therapy could only be found where all the ingredients had the same effects. The Commissioner states that this was not the intent of the regulation and that such a policy would be unreasonable from a medical standpoint.

One person who opposed the combination as irrational stated at the public hearing that he would concurrently prescribe an analgesic and an antacid for a patient who exhibited the concurrent symptoms of acid indigestion and headache. He stated, however, that he would prescribe an analgesic other than a salicylate, and also expressed concern about the fixed dosage contained in existing antacid/analgesic combinations.

The Commissioner concludes that this comment supports his determination that an antacid/analgesic combination constitutes rational concurrent therapy. Symptoms justifying use of these drugs often occur concurrently. The combination of these drugs meets each requirement of § 330.10(a)(4)(iv) (formerly § 130.301(a)(4)(iv)). The antacid monograph determines the effective dose for the antacid component of this combination, and the internal analgesic monograph will determine the effectiveness dose for the analgesic component. Thus, the fixed combination will be within the effective dosage range for both ingredients when administered concurrently according to the label directions for use.

The Commissioner notes that the safety of analgesic ingredients is currently being reviewed by the Internal Analgesic Panel. The final antacid monograph provides that any safe and effective analgesic, as determined by the internal analgesic monograph, may be used in combination with an antacid for concurrent analgesic and antacid symptoms. Accordingly, the safety, effectiveness, and appropriate labeling of the analgesic component of an antacid/analgesic combination remains under consideration at this time, and will be the subject of a further review and determination by the Commissioner in accordance with the procedures specified in § 330.10 (formerly § 130.301).

65. There was comment that the dosages of the active ingredients in an analgesic/antacid combination would be irrational because of an insufficient amount of antacid or analgesic. The comment states that the combination provides about one-fourth of the antacid needed in treating ulcers or hypersecretion.

The dosage of antacid contained in the combination product must meet the antacid in vitro test which has been designated as the standard of effectiveness for an OTC antacid. The Commissioner has determined that the combination antacid/analgesic is not appropriate for peptic ulcer therapy and under the final monograph it cannot lawfully be promoted for antacid use alone. Moreover, consumer labeling may not lawfully promote any antacid for peptic ulcer therapy under the final monograph. Accordingly, this comment raises issues based on an incorrect interpretation of the monograph.

66. There was comment that banning combinations for the concurrent symptoms of constipation and acid indigestion and yet approving those for the concurrent symptoms of acid indigestion and headache was irrational.

The Commissioner concludes that there is a significant target population that suffers from acid indigestion and headache at the same time. There was no information submitted to indicate that this is true with acid indigestion and constipation.

67. One comment stated that an antacid/analgesic combination should not be used only as an antacid, citing the Medical Letter, 15: 36, April 13, 1973.

The Commissioner concurs, and the labeling for the combination required in the proposal, the tentative final order, and the final order clearly so states.

68. There was comment at the hearing that the response to a questionnaire mailed to 275 gastroenterologists showed that 44 percent replied indicating that an antacid/analgesic (salicylate) combination was irrational.

The Commissioner concludes that the flaws in this mail survey make the results unreliable and irrelevant to the issues being considered. First, the mail survey used an obviously biased questionnaire. The questionnare set out quotations from the report of the Antacid Panel that were incomplete and taken out of context and thus presented an incomplete picture. The results must therefore be disregarded as unacceptable evidence on which to base any decision. Second, the mail survey did not include the requirements for a combination drug set out in § 330.10(a)(4)(iv) (formerly § 130.301(a)(4)(iv)) of the regulations. Accordingly, there was no standard against which to judge the appropriateness of the combination involved. Third, the mail survey included no scientific data on which the respondents might base an opinion. The information available to the Commissioner in the administrative record of this proceeding does not indicate that any of the respondents based their conclusions upon scientific evidence. Fourth, the mail survey did not ask whether any of the respondents had observed gastrointestinal bleeding that had been proved to be causally related to an antacid/analgesic combination drug. The information available to the Commissioner in the administrative record of this proceeding does not indicate that any of the respondents stated that they had found any such situation. Fifth, the courts have ruled that the opinions and anecdotal views of physicians are an insufficient basis for a decision that a combination drug meets the legal and scientific requirements of the Federal Food, Drug, and Cosmetic Act. See Upjohn Company v. Finch, 422 F. 2d 944 (6th Cir. 1970) and Weinberger v. Hynson, Westcott and Dunning, 412 U.S. 609 (1973). This principle applies regardless whether the physicians may approve or disapprove of a particular combination drug. Unsubstantiated opinion is no substitute for well-grounded scientific evidence. Sixth, the mail questionnaire focused upon a particular brand of a marketed product rather than upon a request for scientific evidence relating to a type of combination drug. This reference introduced further subjective factors into the response, relating to the labeling and advertising for the particular brand product mentioned, unrelated to the scientific and medical issues involved. Accordingly, the Commissioner concludes that this mail survey is entitled to little or no weight with respect to this matter.

69. One comment objected to comments made to the Antacid Panel by the Assistant General Counsel, Food and Drug Division, Department of HEW, and to the participation of the Assistant General Counsel in this matter because, prior to his government employment, he had provided legal advice to a client who had manufactured an antacid/analgesic combination drug.

The Commissioner has thoroughly reviewed this matter and has concluded that no impropriety has occurred. The Assistant General Counsel has stated that he had not advised the company involved on any of the issues involved in the OTC Review and that he has followed the guidelines for disqualification which he established in testimony before the Senate Committee on Commerce on September 17, 1971, which exceed the requirements of the law. A copy of that testimony has been included as part of the administrative record of this proceeding.

Moreover, the Commissioner reiterates that the decision on both the tentative final order and this final order with respect to the antacid/analgesic combination involves medical and scientific issues for which he is responsible, and not legal issues. The Commissioner advises that, in considering the status of the combination, his decision has been based upon sound scientific evidence and reasoning rather than upon theoretical possibilities, particularly in light of the long marketing history of this type of product without any significant reported safety problem. The criteria for a combination drug are established in § 330.10(a)(4)(iv) (formerly § 130.301(a)(4)(iv)) of the regulations in readily-understandable terms, and the Commissioner has applied those criteria as they are written. The Commissioner and his medical advisers have reviewed the administrative record in this proceeding, and the Commissioner personally presided over the public hearing at which the status of an analgesic/antacid combination drug was a major issue. Thus, full responsibility for the decision on this matter rests with the Commissioner, and not with the Assistant General Counsel, the Antacid Panel, or any other persons.

70. There was comment that the population to which the antacid/analgesic combination is directed contains a large number of individuals who are at an increased risk from salicylates because of underlying diseases. The comment conceded that an analgesic and antacid would be appropriate treatment for a person with hyperacidity and headache.

The Commissioner concurs with the comment that an antacid and an analgesic given concurrently would be the drugs of choice for a person with hyperacidity and headache. The Commissioner concludes that the data submitted support a fixed dosage combination for OTC use for this purpose and that in fact for many people the combination may be safer than taking the individual ingredients separately. There is some evidence that whatever harmful effect may result from salicylate may be reduced by buffering it with an antacid ingredient. Such a protective effect could not occur unless ingestion is at least simultaneous and may not occur without prior admixture. The Internal Analgesic Panel is considering appropriate labeling for analgesic ingredients, including whether warnings may be appropriate for salicylates to prevent use in situations where it could be harmful.

71. There was comment that, where there is inclusion of a salicylate, a warning statement concerning peptic ulcer would be appropriate on the antacid/analgesic combination.

The Commissioner will not comment on this issue at this time because the Internal Analgesic Panel is considering appropriate labeling for analgesic ingredients. As already noted above, the Commissioner will address this issue in the course of reviewing that Panel's recommendations.

72. There was comment that the finding that an antacid/analgesic combination is irrational for antacid use alone should not apply where sodium acetylsalicylate is used in a highly buffered solution.

This matter was fully considered in paragraph 64 of the preamble to the November tentative final order. To accept this comment would be to allow the use of a salicylate in a product that is represented only for antacid use. Until adequate and well-controlled studies are presented to show that a salicylate is effective for relief of upper gastrointestinal symptoms, it would be misleading for a product to represent that a salicylate is useful for relief of acid indigestion or other symptoms for which antacids are effective.

73. There was comment that data had been presented to show that sodium acetylsalicylate in a highly buffered solution is beneficial in the relief of symptoms of upper gastrointestinal discomfort. The comment stated that the acetylsalicylate has a therapeutic effect on the inflamed gastrointestinal tissue, and that if more data are needed the ingredient should be placed in Category III while the data are being collected. The data submitted were derived from experiments in laboratory animals. They included studies showing that aspirin lessened experimental peritonitis in the mouse and rat in addition to a study in cats. These studies indicate that aspirin may have an anti-inflammatory effect in the viscera. The comment stated that additional evidence conclusively establishing the precise role which acetylsalicylates play in the relief of upper gastrointestinal symptoms will require further development in methodology.

The Commissioner concludes that this data base, limited to studies in laboratory animals, is not adequate evidence to allow the use of an antacid claim for a salicylate or to justify continued marketing for this use pending further testing. There are also other data which indicate that salicylates may cause gastrointestinal bleeding. It may well be that the dosage and method of administration determine the effect a salicylate will have, but until well controlled studies can adequately resolve the issue the Commissioner concludes that a product containing a salicylate may not be labeled for antacid use alone.

74. There was comment that the anacid monograph in § 331.30(g)(3) (formerly § 130.305(g)(3)) failed to recognize professional labeling for antacid/antiflatulent combinations.

The comment is correct. A new provision has been added to § 331.31(b) stating that an antacid/antiflatulent combination may contain the professional labeling allowed for antacids and antiflatulents, i.e., peptic ulcer and postoperative gas pain.

75. There was comment that the inactive ingredient(s) should be listed on OTC drug labels.

The Commissioner reiterates the conclusion stated in paragraph 28 of the preamble to the tentative final order that the issue of listing inactive ingredients on OTC labels would be considered by the National Drug Advisory Committee. This matter is inappropriate as a subject matter for the individual OTC monographs. The Federal Food, Drug, and Cosmetic Act does not presently permit the Food and Drug Administration to require the labeling of all inactive ingredients.

ANTIFLATULENT

76. There was comment that it was inappropriate to create an antiflatulent monograph in the tentative final order and that a new call for data should have been published.

The Commissioner is of the opinion that it was proper to consider the status of the ingredient simethicone since the record before him fully addressed the issue and opportunity for comment and a public hearing on the matter were provided. Paragraph 67 of the preamble to the tentative final order stated that any other ingredient for consideration as an antiflatulent should be submitted to the Miscellaneous Internal Panel.

77. There was comment objecting to the limitation of antacid products containing simethicone to a use solely for concurrent symptoms of gas associated with heartburn, sour stomach or acid indigestion. The comment requested that the monograph allow an antacid claim alone, even though the product also contains the antiflatulent ingredient. This comment was based on the view that both

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ingredients have their effect on the same organ system for relief of related or often indistinguishable symptoms.

The Commissioner notes that this comment raises the issues of what is a combination drug and how it shall be labeled. Section 330.10(a)(4)(iv) of the regulations states that an OTC product may combine two or more safe and effective active ingredients when each active ingredient makes a contribution to the claimed effect(s). Simethicone combined with an antacid has been adjudged safe and effective. Each makes a contribution to the product's effects, but each ingredient is pharmacologically different in that each has a different mode and method of action. The antacid reduces the acid level of the stomach. The simethicone reduces the surface tension of the bubbles that are present in the stomach allowing them to break up or create a larger gas mass which is more easily expelled from the gastrointestinal tract, a mechanism of action that is wholly different from that of the antacid. Since each of these ingredients has an independent pharmacologic action of its own, they are each marketed commercially as single ingredients.

Section 330.10(a)(4)(iv) of the regulations also states that a combination drug shall bear adequate directions for use and provide rational concurrent therapy for a significant proportion of the target population. In paragraph 63 of the preamble to the final procedural regulations published in the Federal Register of May 11, 1972 (37 FR 9464) the explanation was made that "There is no sound medical or scientific reason to have an active ingredient in a combination unless it makes a contribution to the claimed effect." In this case simethicone reduces the gas and the antacid reduces the acid level of the stomach contents. Thus, the target population for the combination product must be those who have acid indigestion, sour stomach, heartburn and gas. Otherwise, both ingredients would not be necessary. For gas alone, simethicone would be sufficient; and for acid indigestion alone, an antacid would be sufficient.

Section 330.1(a)(4)(v) of the regulations states that the "Labeling shall be clear and truthful in all respects and may not be false and misleading in any particular. It shall state the intended uses and results of the product . . ." Here, the combination is useful if the consumer has both conditions, acid indigestion and gas. Failure to include both conditions on the label of the product would result in a label that was not clear and truthful. If the consumer has no gas, he is not part of the target population for which the combination is intended. Failure to include both indications would mean that the label would not inform the consumer of the results he could expect, relief from acid indigestion and gas.

The comment contends that many consumers have the need for the antacid and antiflatulent together and do not realize that both symptoms are present, and that for this reason the product need only be labeled as an antacid. No data were presented to support the comment. The sole basis for the comment is the fact that the combination product has been marketed as an antacid for years and simethicone has a wide margin of safety. The purpose of the OTC drug review is to evaluate the safety and effectiveness and labeling of OTC drug products on the basis of scientific evidence, so that consumers will be able to make more rationale OTC drug purchases. An underlying premise of the OTC drug review, and, indeed, of the sale of drugs over-the-counter rather than on prescription, is that the consumer is capable of making an intelligent choice of a drug product if he posseses adequate information about the products offered for treatment of specific conditions or symptoms. To omit the effects of an active ingredient from the label is inconsistent with that premise and defeats the very purpose for which the OTC drug review has been undertaken.

The Commissioner notes that a related question has been raised concerning the limitation to be placed on the combination product containing antacid and analgesic ingredients. There the view has been expressed that the combination should not be permitted because it is not rational therapy for an individual who has a condition for which the antacid alone is appropriate treatment. The Commissioner agrees with that view, but has concluded that labeling which clearly indicates that the combination is to be used only when concurrent symptoms of acid indigestion and headache are present is sufficient to enable the consumer to exercise a reasoned judgment as to the appropriateness of the combination. Accordingly, a combination antacid-analgesic product must be indicated in its labeling and promotion for use solely for the concurrent symptoms of headache and acid indigestion. Section 331.15(b) [formerly § 130.305(g)(2)].

The Commissioner sees no basis for reaching a different result with respect to a combination of antacid and antiflatulent ingredients. That the concurrent symptoms which that combination is intended to treat affect the same organ system rather than different systems does not argue in favor of labeling which fails to indicate what is the fact, that the combination is intended as therapy for two distinct conditions of that one system. Similarly, that some consumers may be unaware that their discomfort is caused by both gas and acid indigestion rather than just by acid indigestion is not a cogent reason for labeling the combination only as an antacid any more than it is a valid basis for representing the drug solely as an antiflatulent. There is no evidence that consumers universally, or even generally, assume that the discomfort associated with gas and acid indigestion together is caused by acid indigestion alone, so that promoting the combination exclusively as an antacid would at least provide sufficient information to those suffering from those two concurrent symptoms to enable them to purchase a product intended to treat them both. Even if there were such evidence, there would still be no acceptable reasons for allowing convenience or marketing considerations to prevail over the objective of clear and truthful labeling by not advising the consumer that the product is in fact intended to treat two conditions. Finally, the contention that simethicone may not be harmful to one who does not need it does not support the desired result of not openly informing the consumer of the purpose of a drug to treat a condition or symptom which the consumer may not have. The goal of clear and truthful labeling of OTC drugs is not limited to those situations where it is necessary to avoid adverse consequences. The consumer should always be informed of the purpose of an OTC drug so that he can make up his own mind to the extent that his knowledge permits. His freedom of choice should not be qualified because the manufacturer assumes that some consumers lack adequate knowledge, or because, in the manufacturer's opinion, the choice is unimportant.

Based on these considerations, the Commissioner concludes that an antacid/antiflatulent combination must contain both indications.

78. There was comment that the maximum daily dose of simethicone established in the antiflatulent monograph in the tentative final order is too low and that there are data available showing usage at much higher dosages under the supervision of a physician.

The Commissioner concurs that the dosage used by physicians has exceeded 500 milligrams, but points out that there are no data on OTC use of this ingredient at higher dosages. Because of the complete lack of data concerning higher OTC dosages the Commissioner has decided that the daily dose for OTC use will be set at 500 milligrams at this time and that there will be no dosage limitation on professional labeling. If data are presented at the Miscellaneous Internal Panel to justify changing these dosages, appropriate changes will be made.

79. There was comment that § 332.30(a) (formerly § 130.306(b)) improperly allows the manufacturer to use all commonly existing descriptive terms such as bloating, flatulence, colic, belching, etc. to describe an antiflatulent.

The Commissioner advises that this is an erroneous interpretation of the monograph. The monograph is not intended to allow the use of such words as bloating, colic, belching, etc. The monograph allows use only of the word "antiflatulent" or the statement "to alleviate or relieve symptoms of gas." Those are the only terms that can properly be used for OTC antiflatulent drugs.

80. There was comment that endoscopic and radioscopic examinations should be added to the professional labeling indications for OTC antiflatulent drugs.

The Commissioner agrees that it is appropriate to add endoscopy as an indication but concludes that there are insufficient data to support a radiologic

indication at this time. Data on the latter indication may be submitted to the Internal Miscellaneous Panel and will be considered as part of that proceeding.

81. There was comment that § 332.15 (formerly § 130.306(e)) does not provide for labeling for health professionals.

The Commissioner concurs, and a clarifying sentence has been added as § 332.31(b).

Effective Date of Monograph

82. There were a number of comments requesting an extension of the effective date of the final monograph beyond the 6 months indicated in the proposal, because of the shortages that exist in packaging material and the energy situation as it affects the OTC drug industry. In support of these comments, data have been submitted from 15 companies concerning their ability of relabel and reformulate. The comments requested that, for products where no reformulation is necessary, the product labeling ordered by the manufacturer 6 months after the effective date would be in compliance, and for those products where reformulation is necessary, all labeling ordered 18 months after the effective date would be in compliance.

After reviewing the data and considering the comments the Commissioner concludes that it is reasonable to establish the following conditions for the effective date of the final monograph. The effective date of the monograph will be July 5, 1974, with the following exceptions. The effective date for all labeling for products not receiving an extension of the effective date for reformulation shall be June 5, 1975. Where reformulation is necessary, and if sufficient data and reasons are supplied, the Commissioner will grant an extension of the effective date for reformulation and relabeling for up to two years after the date of publication in the Federal Register.

The Commissioner has set the above effective dates because he concludes that most manufacturers can within 12 months after the date of publication order new labeling and have their products in compliance in the market place. The Commissioner believes that the most reasonable way of dealing with reformulation problems is to extend the date for compliance of a product where the manufacturer is able to demonstrate that he is having significant problems in reformulation and needs additional time to bring his product into compliance.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), and based upon the administrative record in this proceeding, the Commissioner hereby makes the following determinations pursuant to § 330.10(a)(6)–(9) (formerly § 130.301(a)(6)–(9)) of the conditions under which OTC antacid drug products are not generally recognized as safe and effective or are misbranded (Category II), or for which there are insufficient data available to classify such conditions at this time and for which further testing must be undertaken to justify continued marketing (Category III):

Commissioner's Determination of Conditions Under Which OTC Antacid Drug Products Are Not Generally Recognized as Safe and Effective or Are Misbranded (Category II)

The Commissioner determines that the use of antacids under the following conditions is unsupported by scientific data, and in many instances by sound theoretical reasoning. The Commissioner concludes that the ingredients, labeling, and combination drugs involved shall not be permitted in interstate commerce effective as of 6 months after publication of the final monograph in the Federal Register, until scientific testing supports their use and they are approved by the Food and Drug Administration by amendment of the monograph or by a new drug application.

A. *Active ingredients.* No active ingredients that are not included in the monograph or in Category III have been shown by adequate and reliable scientific evidence to be safe and effective for antacid use.

B. *Labeling.* It is not truthful and accurate to make claims or to use indications on the package label that the product may directly affect "nervous or emotional disturbances", "excessive smoking", "food intolerance", "consumption of alcoholic beverages", "acidosis", "nervous tension headaches", "cold symptoms", and "morning sickness of pregnancy", since the relationship of such phenoma to gastric acidity is both unproven and unlikely.

C. *Drugs combining antacid and other active ingredients.* 1. Antacid-analgesic combinations are irrational for antacid use alone and therefore shall not be labeled or marketed for such use. There is a lack of evidence of effectiveness of any analgesic ingredient for any antacid indication.

2. It is not safe and effective concurrent therapy to add an anticholinergic ingredient to an OTC antacid product, because optimal use of antacids and anticholinergic drugs requires independent adjustment of dosages of each drug, because the addition of an anticholinergic drug in a concentration large enough to have detectable pharmacologic effects would result in a compound too toxic for use in self-medication, and because amounts of anticholinergics safe for OTC use have not been shown to affect gastric secretion or upper gastrointestinal symptoms. Since elderly persons number prominently among antacid users, cycloplegia and urinary retention induced by anticholinergic drugs is a definite risk. Thus, a fixed combination of antacid and anticholinergic will result, regardless of how formulated, in a mixture that is either unsafe or ineffective.

For the same reasons, it also is not safe and effective concurrent therapy to combine antacids with sedative-hypnotic ingredients.

3. It is not rational concurrent therapy for a significant portion of the target population for the label to claim that a combination product (e.g., mineral oil and magnesium hydroxide) is to be used both as an antacid and as a laxative, if the laxative claim is based upon use of a non-antacid laxative ingredient. (Active antacid ingredients will be reviewed by the OTC Laxative Panel to determine whether they are effective as laxatives at higher doses than those used for antacid action.)

4. There are no reliable scientific data showing that the addition of an antipeptic agent to an antacid product increases the product's effectiveness as an antacid or is otherwise effective as a means of managing upper gastrointestinal symptoms. No claim for antipeptic activity will be considered truthful and accurate until it is substantiated both by scientifically valid in vitro tests showing that the antipeptic action is substantially greater than that of an agent with only antacid action (such as sodium bicarbonate), and it is proved by studies that the antipeptic activity is clinically meaningful and therefore contributes significantly to the product's effectiveness.

5. The addition of proteolytic agents or bile or bile salts to antacid products is unsafe. Since pepsin is presumably involved in the pathogenesis of peptic ulcer, the addition of pepsin to antacid products may be potentially harmful. Since bile and bile salts can damage gastric mucosa, and since they may be involved in the pathogenesis of gastric ulcer, these substances should not be permitted in antacid products.

6. The addition of an antiemetic to an antacid product is not rational concurrent therapy for a significant portion of the target population.

Commissioner's Determination of OTC Antacid Drug Product Conditions for Which the Available Data Are Insufficient To Permit Final Classification at This Time (Category III)

The Commissioner determines that adequate and reliable scientific evidence is not available at this time to permit final classification of the following conditions of use of OTC antacid drug products.

A. *Active ingredients.* These ingredients have either no or negligible antacid action, and there is inadequate evidence of their effectiveness for their non-antacid action in the relief of upper gastrointestinal symptoms or in their adjuvant or corrective properties. Marketing under these conditions may continue for a period of 2 years after the date of publication of this determination if the manufacturer or distributor of the product promptly undertakes adequate testing to prove effectiveness, and if any product that claims to be an antacid (i.e., neutralize stomach acid) meets the in vitro antacid effectiveness standard

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contained in the monograph. Products which do not meet both of these requirements shall be subject to the requirements for Category I products. If testing is promptly undertaken but data adequate to prove effectiveness are not submitted to the Food and Drug Administration within the 2-year period, the ingredients listed in this category will no longer be permitted, even in a product that meets the in vitro antacid effectiveness standard, because of a lack of evidence that these ingredients make a meaningful contribution to the claimed effect for the product.

1. *Alginic acid.* Although the ingestion of alginic acid-containing products may produce a layer of material floating on top of the gastric contents, the available evidence is insufficient to demonstrate clinical effectiveness. The studies are fragmentary, uncontrolled, and few in number. No evidence is presented as to reproducibility of results. There is insufficient evidence that alginic acid-containing antacid products, even if they do produce a floating layer on top of the gastric contents, are clinically beneficial. Indeed, such evidence as there is indicates that these products do not increase the pH of gastric contents as a whole. Since regurgitation of gastric contents is particularly apt to occur when patients are lying down rather than in the upright position, alginic acid-containing products may be less beneficial than a standard antacid which is more likely to increase the pH throughout the gastric contents.

Alginic acid is safe in amounts usually taken orally (e.g., 4 grams per day) in antacid products.

2. *Attapulgite (activated).* This ingredient is safe in the amounts usually taken orally in antacid products.

3. *Charcoal, activated.* Charcoal is presently considered safe in amounts usually taken orally in antacid products, but study is specifically needed to determine whether the charcoal used contains benzpyrene or methylcholanthrane type carcinogens. Since charcoal-containing products may decrease absorption of certain oral drugs, the label shall bear the following drug interaction precaution: "Drug Interaction Precautions: Do not take this product if you are presently taking any prescription drug."

4. *Gastric mucin.* This ingredient is safe in the amounts usually taken orally in antacid products.

5. *Kaolin.* Kaolin is safe in amounts usually taken orally in antacid products. Since kaolin affects gastro-intestinal absorption, kaolin interferes with the absorption of lincomycin, and therefore the label shall bear the following drug interaction precaution: "Drug Interaction Precautions: Do not take this product if you are presently taking a prescription antibiotic drug containing lincomycin."

6. *Methylcellulose.* Methylcellulose is safe in amounts usually taken orally e.g., 2 grams per day in antacid products).

7. *Pectin.* Pectin is safe in the amounts usually taken orally in antacid products.

8. *Carboxy methylcellulose.* Carboxy methylcellulose is safe in amounts usually taken (e.g., 3 grams per day) in antacid products.

B. *Labeling.* Marketing under the following labeling conditions may continue for a period of 2 years after the date of publication of this determination subject to the same requirements specified above for the use of Category III ingredients.

1. OTC products containing ingredients listed in Category I or III are often used to treat symptoms that are not known to be related to acidity of gastric contents. These products may or may not qualify as antacids by the in vitro acid neutralizing test. The symptoms include "indigestion", "gas", "upper abdominal pressure", "full feeling", "nausea", "excessive erructations", "upset stomach", and the like. Some of these symptoms are vague, most are poorly understood as to pathophysiological mechanism, and none has been shown by adequate and reliable scientific evidence to be caused by or alleviated by changes in gastric acidity.

2. Claims or indications which link certain signs and symptoms, such as "sour breath", "upper abdominal pressure", "full feeling", "nausea", "stomach distress", "indigestion", "upset stomach", and "excessive eructations" with normal or hypernormal gastric acidity, are unproven since the relationship of such signs and symptoms to gastric acidity is unknown or dubious and there is no adequate and reliable scientific evidence to support these claims. Such claims or indications encourage the user to draw conclusions as to the cause or intermediation of such symptoms, a conclusion that even the medical profession is incapable of drawing at this time.

3. The evidence currently available is inadequate to support the claim that such properties as "floating", '"coating", defoaming", "demulcent", and "carminative" contribute to the relief of upper gastrointestinal symptoms. The continued use of such claims, or ones closely allied to them, requires additional studies both to confirm the claimed specific action and to demonstrate clinical significance.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120) and based upon the administrative record in this proceeding, Title 21 of the Code of Federal Regulations is amended by adding Parts 331 and 332 (formerly §§ 130.305 and 130.306) to Subchapter D to read as follows:

Subpart A—General Provisions

Sec.
331.1 Scope.

Subpart B—Active Ingredients

331.10 Antacid active ingredients.
331.11 Listing of specific active ingredients.
331.15 Combination with nonantacid active ingredients.

Subpart C—Testing Procedures

331.20 Apparatus and reagents.
331.21 Determination of percent contribution of active ingredients.
331.22 Reagent standardization.
331.23 Temperature standardization.
331.24 Tablet disintegration test.
331.25 Preliminary antacid test.
331.26 Acid neutralizing capacity test.
331.29 Test modifications.

Subpart D—Labeling

331.30 Labeling of antacid products.
331.31 Professional labeling.

Subpart A—General Provisions

§ 331.1 Scope.

An over-the-counter antacid product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

Subpart B—Active Ingredients

§ 331.10 Antacid active ingredients.

(a) The active antacid ingredients of the product consist of one or more of the ingredients permitted in § 331.11 within any maximum daily dosage limit established, each ingredient is included at a level that contributes at least 25 percent of the total acid neutralizing capacity of the product, and the finished product contains at least 5 mEq. of acid neutralizing capacity and results in a pH of 3.5 or greater at the end of the initial 10-minute period as measured by the method established in § 331.25. The method established in § 331.21 shall be used to determine the percent contribution of each antacid active ingredient.

(b) This section does not apply to an antacid ingredient specifically added as a corrective to prevent a laxative or constipating effect.

§ 331.11 Listing of specific active ingredients.

(a) Aluminum-containing active ingredients:

(1) Aluminum carbonate.

(2) Aluminum hydroxide (or as aluminum hydroxide-hexitol stabilized polymer, aluminum hydroxide-magnesium carbonate codried gel, aluminum hydroxide-magnesium trisilicate codried gel, aluminum-hydroxide sucrose powder hydrated).

(3) Dihydroxyaluminum aminoacetate and dihydroxyaluminum aminoacetic acid.

(4) Aluminum phosphate, maximum daily dosage limit 8 grams.

(5) Dihydroxyaluminum sodium carbonate.

(b) Bicarbonate-containing active ingredients: Bicarbonate ion; maximum daily dosage limit 200 mEq. for persons up to 60 years old and 100 mEq. for persons 60 years or older.

(c) Bismuth-containing active ingredients:

(1) Bismuth aluminate.
(2) Bismuth carbonate.
(3) Bismuth subcarbonate.
(4) Bismuth subgallate.
(5) Bismuth subnitrate.

(d) Calcium-containing active ingredients: Calcium, as carbonate or phosphate; maximum daily dosage limit 160 mEq. calcium (e.g., 8 grams calcium carbonate).

(e) Citrate-containing active ingredients: Citrate ion, as citric acid or salt; maximum daily dosage limit 8 grams.

(f) Glycine (aminoacetic acid).

(g) Magnesium-containing active ingredients:

(1) Hydrate magnesium aluminate activated sulfate.
(2) Magaldrate.
(3) Magnesium aluminosilicates.
(4) Magnesium carbonate.
(5) Magnesium glycinate.
(6) Magnesium hydroxide.
(7) Magnesium oxide.
(8) Magnesium trisilicate.

(h) Milk solids, dried.

(i) Phosphate-containing active ingredients:

(1) Aluminum phosphate; maximum daily dosage limit 8 grams.

(2) Mono or dibasic calcium salt; maximum daily dosage limt 2 grams.

(3) Tricalcium phosphate; maximum daily dosage limit 24 grams.

(j) Potassium-containing active ingredients:

(1) Potassium bicarbonate (or carbonate when used as a component of an effervescent preparation); maximum daily dosage limit 200 mEq. of bicarbonate ion for persons up to 60 years old and 100 mEq. of bicarbonate ion for persons 60 years or older.

(2) Sodium potassium tartrate.

(k) Sodium-containing active ingredients:

(1) Sodium bicarbonate (or carbonate when used as a component of an effervescent preparation); maximum daily dosage limit 200 mEq. of sodium for persons up to 60 years old and 100 mEq. of sodium for persons 60 years or older, and 200 mEq. of bicarbonate ion for persons up to 60 years old and 100 mEq. of bicarbonate ion for persons 60 years or older. The warning required by § 330.1(g) concerning overdoses is not required on a product containing only sodium bicarbonate powder.

(2) Sodium potassium tartrate.

(l) Silicates:

(1) Magnesium aluminosilicates.
(2) Magnesium trisilicate.

(m) Tartrate-containing active ingredients. Tartaric acid or its salts; maximum daily dosage limit 200 mEq. (15 grams) of tartrate.

§ 331.15 Combination with nonantacid active ingredients.

(a) An antacid may contain any generally recognized as safe and effective nonantacid laxative ingredient to correct for constipation caused by the antacid. No labeling claim of the laxative effect may be used for such a product.

(b) An antacid may contain any generally recognized as safe and effective analgesic ingredient(s), if it is indicated for use solely for the concurrent symptoms involved, e.g., headache and acid indigestion, and is marketed in a form intended for ingestion as a solution.

(c) An antacid may contain any generally recognized as safe and effective antiflatulent ingredient if it is indicated for use solely for the concurrent symptoms of gas associated with heartburn, sour stomach or acid indigestion.

Subpart C—Testing Procedures

§ 331.20 Apparatus and reagents.

(a) pH meter, equipped with glass and saturated calomel electrodes.

(b) Magnetic stirrer.

(c) Magnetic stirring bars (about 40 mm. long and 10 mm. in diameter).

(d) 50 ml. buret.

(e) Buret stand.

(f) 100 ml. beakers.

(g) 250 ml. beakers.

(h) 10 ml., 20 ml. and 30 ml. pipets calibrated to deliver.

(i) Tablet comminuting device.

(j) A number 20 and 100 U.S. standard mesh sieve.

(k) Tablet disintegration apparatus.

(l) 0.1 N, 0.5 N and 1.0 N hydrochloric acid.

(m) 0.5 N sodium hydroxide.

(n) Standard pH 4.0 buffer solution (0.05 M potassium hydrogen phthalate).

(o) 95 percent ethanol.

(p) Distilled Water.

§ 331.21 Determination of percent contribution of active ingredients.

To determine the percent contribution of an antacid active ingredient, place an accurately weighed amount of the antacid active ingredient equal to the amount present in a unit dose of the product into a 250 ml. beaker. If wetting is desired, add not more than 5 ml. of 95 percent ethanol and mix thoroughly to wet the sample (ethanol may affect the acid neutralizing capacity). Add water to a volume of 70 ml. and mix on magnetic stirrer at 300±30 r.p.m. for about one minute. Analyze the sample according to the procedure set forth in § 331.26 and calculate the percent contribution of the antacid active ingredient in the total product as follows:

$$\text{Percent contribution} = \frac{\text{Total mEq. Antacid Active Ingredient} \times 100}{\text{Total mEq. Antacid Product}}$$

§ 331.22 Reagent standardization.

Standardize the sodium hydroxide (NaOH) and Hydrochloric acid (HCl) solutions according to the procedures in the United States Pharmacopeia XVIII (NaOH page 1036 and HCl page 1034) or the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th Ed., 1970, (NaOH page 876 and HCl page 873).[1]

§ 331.23 Temperature standardization.

All tests shall be conducted at 25° C± 3°.

§ 331.24 Tablet disintegration test.

A tablet disintegration test shall be performed on tablets that are not to be chewed following the procedures described in the United States Pharmacopeia XVIII (page 932). If the label states the tablet may be swallowed, it must disintegrate within a 10-minute time limit pursuant to the test procedure using simulated gastric fluid test solution without enzymes, the United States Pharmacopeia XVIII page 1026, rather than water as the immersion fluid.

§ 331.25 Preliminary antacid test.

(a) *pH meter.* Standardize the pH meter at pH 4.0 with the standardizng buffer and check for proper operation at pH 1 with 0.1 N HCl.

(b) *Dosage form testing*—(1) *Liquid sample.* Place an accurately weighed (calculate density) and well mixed amount of the antacid product equivalent to the minimum labeled dosage; e.g., 5 ml., into a 100 ml. beaker. Add sufficient water to obtain a total volume of about 40 ml. and mix on magnetic stirrer at 300±30 r.p.m. for about one minute. Analyze the sample according to the procedure set forth in § 331.25.

(2) *Chewable and non-chewable tablet sample.* Place an accurately weighed amount of a tablet composite equivalent to the minimum labeled dosage into a 100 ml. beaker. (The composite shall be prepared by determining the average weight of not less than 20 tablets and then comminuting the tablets sufficiently to pass through a number 20 U.S. standard mesh sieve and held by a number 100 U.S. standard mesh sieve.) Mix the sieved material to obtain a uniform sample. If wetting is desired, add not more than 5 ml. of 95 percent ethanol and mix to wet the sample thoroughly (ethanol may effect the acid neutralizing capacity). Add water to a volume of 40 ml. and mix on magnetic stirrer at 300±30 r.p.m. for about one minute. (Capsules should be tested in the same manner using the sieved capsule powder as the sample.) Analyze the sample according to the procedure set forth in § 331.25.

(3) *Effervescent sample.* Place an amount equivalent to the minimum labeled dosage into a 100 ml. beaker. Add 10 ml. water and swirl the beaker gently while allowing the reaction to subside. Add another 10 ml. of water and swirl the beaker gently. Wash down the walls of the beaker with 20 ml. of water and

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[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

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mix on magnetic stirrer at 300±30 r.p.m. for about one minute. Analyze the sample according to the procedure set forth in § 331.25.

(4) *Chewing gum samples with antacid in coating.* Place the number of pieces of gum equivalent to the minimum labeled dosage in a 100 ml. beaker. Add 40 ml. of water and mix on magnetic stirrer at 300±30 r.p.m. for about 2 to 3 minutes. Analyze the sample according to the procedure set forth in § 331.25.

(c) *Test procedure.* (1) Add 10.0 ml. 0.5 N HCl to the test solution while stirring on the magnetic stirrer at 300±30 r.p.m.

(2) Stir for exactly 10 minutes after addition of acid.

(3) Read and record pH.

(4) If pH is below 3.5, the product shall not be labeled as an antacid. If the pH is 3.5 or greater, determine the acid neutralizing capacity according to the procedure set forth in § 331.26.

§ 331.26 Acid neutralizing capacity test.

(a) *pH meter.* Standardize the pH meter at pH 4.0 with the standardizing buffer and check for proper operation at pH 1 with 0.1 N HCl.

(b) *Dosage form testing*—(1) *Liquid sample.* Place an accurately weighed (calculate density) and well mixed amount of product equivalent to the minimum labeled dosage (e.g., 5 ml., etc.) into a 250 ml. beaker. Add sufficient water to obtain a total volume of about 70 ml. and mix on the magnetic stirrer at 300±30 r.p.m. for about one minute. Analyze the sample according to the procedure set forth in § 331.26.

(2) *Chewable and non-chewable tablet sample.* Place an accurately weighed amount of a tablet composite equivalent to the minimum labeled dosage into a 250 ml. beaker. (The composite shall be prepared by determining the average weight of not less than 20 tablets and then comminuting the tablets sufficiently to pass through a number 20 U.S. standard mesh sieve and held by a number 100 U.S. standard mesh sieve. Mix the sieved material to obtain a uniform sample.) If wetting is desired, add not more than 5 ml. of 95 percent ethanol and mix to wet the sample thoroughly (ethanol may effect the acid neutralizing capacity). Add water to a volume of 70 ml. and mix on magnetic stirrer at 300±30 r.p.m. for about one minute. (Capsules should be tested in the same manner using the sieved capsule powder as the sample.) Analyze the sample according to the procedure set forth in § 331.26.

(3) *Effervescent sample.* Place an amount equivalent to the minimum labeled dosage into a 250 ml. beaker. Add 10 ml. water and swirl the beaker gently while allowing the reaction to subside. Add another 10 ml. of water and swirl the beaker gently. Wash down the walls of the beaker with 50 ml. of water and mix on magnetic stirrer at 300±30 r.p.m. for about one minute. Analyze the sample according to the procedure set forth in § 331.26.

(4) *Sample and test procedure for chewing gum with antacid in coating.* Assay six pieces of gum individually in the following manner.

(i) Place one piece of gum in a 250 ml. beaker and add 50 ml. of water.

(ii) Pipette in 30.0 ml. of 1.0 N HCl and stir on magnetic stirrer at 300±30 r.p.m.

(iii) Stir for exactly 10 minutes after addition of acid.

(iv) Stop the stirrer and remove the gum using a long needle or similar utensil.

(v) Rinse the long needle or utensil and the gum with 20 ml. of water into the sample beaker.

(vi) Stir for exactly 5 additional minutes.

(vii) Begin titrating immediately and in a period of time not to exceed 5 minutes titrate the excess 1.0 N HCl with 0.5 N NaOH to stable pH of 3.5.

(viii) Check sample solution 10 to 15 seconds after obtaining pH 3.5 to determine that the pH is stable.

(ix) Average the results of the six individual assays and calculate the total mEq. based on the minimum labeled dosage as follows:

mEq./piece of gum=(30.0 ml.) (normality of HCl)−(ml. of NaOH) (normality of
mEq./piece of gum=(30.0 ml.) (normality dose=(number of pieces of gum in minimum dosage)×(mEq./piece of gum).

(c) *Acid neutralizing capacity test procedure (except chewing gum).* (1) Pipette 30.0 ml. of 1.0 N HCl into the sample solution while stirring on the magnetic stirrer at 300±30 r.p.m.

(2) Stir for exactly 15 minutes after addition of acid.

(3) Begin titrating immediately and in a period not to exceed an additional 5 minutes titrate the excess 1.0 N HCl with 0.5 N NaOH to stable pH of 3.5.

(4) Check the sample solution 10 to 15 seconds after obtaining pH 3.5 to make sure the pH is stable.

(5) Calculate the number of mEq. of acid neutralized by the sample as follows:

Total mEq.=(30.0 ml.) (normality of HCl)−(ml. of NaOH) (N of NaOH).

Use appropriate factors, i.e., density, average tablet weight, etc., to calculate the total mEq. of acid neutralized per minimum labeled dosage.

§ 331.29 Test modifications.

The formulation and/or mode of administration of certain products may require modification of this in vitro test. Any proposed modification and the data to support it shall be submitted to the Food and Drug Administration for approval prior to use.

Subpart D—Labeling

§ 331.30 Labeling of antacid products.

(a) *Indications.* The labeling of the product represents or suggests the product as an "antacid" to alleviate the following symptoms: "Heartburn," "sour stomach," and/or "acid indigestion."

(b) *Warnings.* The labeling of the product contains the following warnings, under the heading "Warnings", which may be combined but not rearranged to eliminate duplicative words or phrases if the resulting warning is clear and understandable:

(1) "Do not take more than (maximum recommended daily dosage, broken down by age groups if appropriate, expressed in units such as tablets or teaspoonfuls) in a 24-hour period, or use the maximum dosage of this product for more than 2 weeks, except under the advice and supervision of a physician."

(2) For products which cause constipation in 5 percent or more of persons who take the maximum recommended dosage: "May cause constipation."

(3) For products which cause laxation in 5 percent or more of persons who take the maximum recommended dosage: "May have laxative effect."

(4) For products containing more than 50 mEq. of magnesium in the recommended daily dosage: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."

(5) For products containing more than 5 mEq. sodium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you are on a sodium restricted diet."

(6) For products containing more than 25 mEq. potassium in the maximum recommended daily dose: "Do not use this product except under the advice and supervision of a physician if you have kidney disease."

(7) For products containing more than 5 gm per day lactose in a maximum daily dosage: "Do not use this product except under advice and supervision of a physician if you are allergic to milk or milk products."

(c) *Drug interaction precautions.* The labeling of the product contains the following drug interaction precautions, under the heading "Drug Interaction Precautions":

(i) If the product is an aluminum containing antacid: "Do not take this product if you are presently taking a prescription antibiotic drug containing any form of tetracycline."

(d) *Directions for use.* The labeling of the product contains the recommended dosage, under the heading "Directions", per time interval (e.g., every 4 hours) or time period (e.g., 4 times a day) broken down by age groups if appropriate, followed by "or as directed by a physician."

(e) *Statement of sodium containing ingredients.* The labeling of the product contains the sodium content per dosage unit (e.g., tablet, teaspoonful) if it is 0.2 mEq. (5 mg.) or higher.

§ 331.31 Professional labeling.

(a) The labeling of the product provided to health professionals (but not to the general public):

(1) Shall after June 4, 1976 contain the neutralizing capacity of the product as calculated using the procedure set forth in § 331.26 expressed in terms of the dosage recommended per minimum time interval or, if the labeling recommends more than one dosage, in terms of the minimum dosage recommended per minimum time interval. For compliance purposes, the value determined by the acid neutralizing test at any point in time shall be at least 90 percent of the labeled value. No product shall be marketed with an acid neutralizing capacity below 5 mEq.

(2) May contain an indication for the symptomatic relief of hyperacidity associated with the diagnosis of peptic ulcer, gastritis, peptic esophagitis, gastric hyperacidity, and hiatal hernia.

(b) Professional labeling for an antacid-antiflatulent combination may contain the information allowed for health professionals for antacids and antiflatulents.

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.

332.1 Scope.

Subpart B—Active Ingredients

332.10 Antiflatulent active ingredients.
332.15 Combination with non-antiflatulent active ingredients.

Subpart C—[Reserved]

Subpart D—Labeling

332.30 Labeling of antiflatulent products.
332.31 Professional labeling.

Subpart A—General Provisions

§ 332.1 Scope.

An over-the-counter antiflatulent product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

Subpart B—Active Ingredients

§ 332.10 Antiflatulent active ingredients.

Simethicone; maximum daily dose 500 mg. There is no dosage limitation at this time for professional labeling.

§ 332.15 Combination with non-antiflatulent active ingredients.

An antiflatulent may contain any generally recognized as safe and effective antacid ingredient(s) if it is indicated for use solely for the concurrent symptoms of gas associated with heartburn, sour stomach or acid indigestion.

Subpart C—[Reserved]

Subpart D—Labeling

§ 332.30 Labeling of antiflatulent products.

(a) *Indications.* The labeling of the product represents or suggests the product as an "antiflatulent" and/or "to alleviate or relieve the symptoms of gas."

(b) *Directions for use.* The labeling of the product contains the recommended dosage per time interval (e.g., every 4 hours) or time period (e.g., 4 times a day) broken down by age groups if appropriate, followed by "except under the advice and supervision of a physician." The words "or as needed" may be used after the recommended dosage per time interval or time period.

§ 332.31 Professional labeling.

(a) The labeling of the product provided to health professionals (but not to the general public) may contain as additional indications postoperative gas pain or for use in endoscopic examination.

(b) Professional labeling for an antiflatulent-antacid combination may contain information allowed for health professionals for antacids and antiflatulents.

Effective date. This order shall become effective on July 5, 1974, except that all labeling for products not receiving an extension of the effective date for reformulation shall become effective on June 4, 1975, and where reformulation is necessary and an extension is granted shall become effective on June 4, 1976. The labeling of a product to health professionals shall after June 4, 1976, contain the neutralizing capacity of the product as calculated using the procedure set forth in § 331.26.

Dated: May 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-12666 Filed 6-3-74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 330]

CLASSIFICATION OF OVER-THE-COUNTER (OTC) DRUGS

Proposal To Designate the Contents and the Time of Closing of the Administrative Record

In the Federal Register of May 11, 1972 (37 FR 9464), the Commissioner of Food and Drugs promulgated procedures governing the review and classification of over-the-counter (OTC) drug products. Questions have recently been raised about the contents of the administrative record on the basis of which the decision is made with respect to the status of an OTC drug product pursuant to these procedures, and the point beyond which new factual information may no longer be submitted for consideration in the administrative process. The Commissioner has concluded that it is appropriate to publish a proposal to add provisions to the regulations to settle these matters.

THE CONTENTS OF THE ADMINISTRATIVE RECORD

Comments filed on the proposed OTC drug review procedures, published in the Federal Register of January 5, 1972 (37 FR 85) had suggested that the final regulation should designate the administrative record on which the administrative decision would be based, for purposes of court appeal. The Commissioner responded in paragraph 82 of the preamble to the final regulation (37 FR 9471) that:

> The record for any court appeal will include all pertinent documentation of the proceeding, including the panel report(s), summary minutes, proposed monograph, tentative final monograph, transcript of oral hearing, final monograph, all comments or objections filed with the Hearing Clerk on the proposed and tentative final monographs, and all data and information received by the panel and made publicly available through the Hearing Clerk. The record for appeal will be compiled by the Office of General Counsel. There is no need to specify these details in the regulations.

A comment on the proposal had also requested that a full transcript of each panel meeting be made public, which presumably would then have been a part of the administrative record. The Commissioner responded to this comment in paragraph 37 of the preamble to the final regulation, stating that a verbatim transcript of all panel meetings would not be necessary in view of the extensive procedural safeguards set out in the regulation and the fact that the OTC drug panels only report recommendations to the Commissioner, who must then make the final decisions after full public procedure.

Thus, the preamble to the final OTC drug review procedural regulations explicitly designated the contents of the administrative record and excluded any transcript that may be made of any panel meeting.

The Commissioner published in the Federal Register of January 8, 1974 (39 FR 1359) a notice of a public hearing to be held on the tentative final order for OTC antacid drug products, pursuant to the provisions of § 330.10(a)(8) (formerly § 130.301(a)(8)) of the regulations. The notice reiterated the content of the administrative record as designated in the preamble to the final order establishing the procedural regulations for the OTC drug review.

In response to this notice, an objection was received on the designation of the administrative record. The objection contended that the complete transcript of the meetings of the Panel should be included as part of the administrative record. The Food and Drug Administration replied that such transcripts are exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(5), and that in any event they are not considered by the Commissioner in the formulation of his decisions and orders and thus do not properly constitute part of the administrative record. The Food and Drug Administration stated that, in order to avoid any possible confusion on this matter, the procedural regulations would be amended explicitly to state this fact.

The Commissioner is obligated to base his decision with respect to a monograph on the entire administrative record. In the case of the final antacid monograph, which is published elsewhere in this issue of the Federal Register, the Commissioner has not at any time read or referred to or relied upon the words recorded in the transcripts of the Antacid Panel meetings. Rather, he has relied solely upon the minutes of the Panel meetings, the data and information submitted to and considered by the Panel, the Panel report, the comments submitted on that report, the tentative final order, the objections submitted on the tentative final order, the transcript of and material submitted at the public hearing, and comments permitted to be filed subsequent to the public hearing. This constitutes the administrative record specified in the notice of May 11, 1972, and is the sole basis on which the proposal, the tentative final order, and the final order were made by the Commissioner. The Commissioner has concluded that the same procedure will be followed for his consideration of future OTC drug monographs.

The irrelevance of the transcripts of the panel deliberations can perhaps best be described by an analogy. The transcripts reflect deliberations and debates among a group of individuals prior to arriving at a final recommendation. The group, in this instance, is deliberating upon recommendations with respect to regulatory policy that will ultimately have the force and effect of law. Their deliberations are therefore directly analogous to the deliberations of a panel of judges of a United States Court of Appeals. It is obvious that the judges who hear a case deliberate among themselves with respect to the issues involved. Moreover, it would not be unusual that there will be several drafts of an opinion, and that the final decision might be quite different from the initial discussions or even tentative drafts. The final opinion written by the court, however, is the only document appealable to or reviewed by the United States Supreme Court. The deliberations of the Court of Appeals, and their various drafts reflecting intermediate considerations and positions, are not a part of the record and are not reviewed by the Supreme Court. The final opinion must stand or fall on its own merits. The same is true of the final reports of the OTC drug review panels. They stand or fall on their own merits, and are either supported or unsupported by the medical and scientific evidence submitted to and considered by the panel.

The logic of this position is further compelled by the fact that not all panel deliberations are recorded or transcribed. Although some transcription or recording occurs with most of the OTC drug review panels, it is necessarily incomplete. Panel members frequently confer by telephone with each other, discuss matters over lunch and dinner, and talk about them during breaks and in the corridors. Moreover, the major reflective consideration of the issues involved would be likely to occur before and after meetings, when the panel members individually review the data and information and form their conclusions with respect to it. Thus, any transcript of panel deliberations would reflect only a part, and perhaps a small part, of the consideration given to the matter, of the reasoning which lies behind the recommendations ultimately made, and thus of the entire deliberative process. It would therefore be highly improper to consider the transcripts of panel meetings in determining the validity of the final OTC antacid drug monograph.

Moreover, the purely deliberative portions of a panel's discussion during which it formulates its conclusions and recommendations are lawfully closed to the public and any transcripts relating to this portion of the meetings are therefore properly retained as confidential under 5 U.S.C. 552(b)(5) rather than as part of the public administrative record.

The legal justification for closing the deliberative portion of a panel's discussions, i.e., the discussion during which the panel determines its conclusions and recommendation—and retaining the transcripts of those closed portions as confidential may be found in section 10 of the Federal Advisory Committee Act and exemption (5) of the Freedom of Information Act. Section 10(a)(1) of the Federal Advisory Committee Act provides that each advisory committee meeting shall be open to the public. Section 10(d) then provides that paragraph (a)(1) shall not apply to any advisory committee meeting which the head of the agency determines is concerned with matters listed in 5 U.S.C. 552(b), and requires that any such determination shall be in writing and shall contain the reasons therefor.

The authority to close the Food and Drug Administration advisory committee meetings has been delegated to the Commissioner, subject to the concurrence of the office of General Counsel. 21 CFR 2.120(a)(18). In exercising his authority to close portions of advisory committee meetings pursuant to this delegation, the Commissioner has acted on the basis of the guidelines established by the Office of Management and Budget and the Department of Justice as set out in the Federal Register of January 23, 1973 (38 FR 2306). The Commissioner's formal written determination to close a portion of a meeting is published together with the notice of the meeting in the Federal Register.

The basis on which the purely deliberative portions of panel discussions have been closed pursuant to section 10(d) of the Federal Advisory Committee Act is that the discussions are concerned with matters covered by 5 U.S.C. 552(b)(5), i.e., internal communications. As the Attorney General's Memorandum of June 1967 on this portion of the Freedom of Information Act states:

> * * * internal communications which would not routinely be available to a party in litigation with the agency, such as internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups, remain exempt so that free exchange of ideas will not be inhibited. As the President stated upon signing the new law, "officials within the government must be able to communicate with one another fully and frankly without publicity.

All of the panel members are, of course, consultants to the Food and Drug Administration and, as such, government employees during their period of actual work on the panel. The discussion within a panel therefore stands on no different footing than a discussion within an internal Food and Drug Administration staff meeting.

At the same time, the Commissioner recognizes that, consistent with the Federal Advisory Committee Act, advisory committee proceedings should remain open to public view and include participation to the maximum extent feasible. It is for this reason that all interested persons are provided an opportunity to make written submissions to each panel and to present oral views to the panel. The Commissioner has concluded, however, that the deliberations of the panels during which their conclusions and recommendations are determined could not reasonably be made in open session, and thus that it is essential to avoid undue interference with the regulatory process that they be closed to the public.

The primary reason for closing such deliberative portions of advisory committee meetings is, of course, because of the regulatory nature of the action being considered. With respect to the OTC drug review, the issues involve the possibility of specific law enforcement action against an individual product, e.g., requiring relabeling of the drug or new testing by the manufacturer, or removing the product from the market completely. The panel discussions include a continuous admixture of deliberations on interim regulatory decisions, and thus much of the panel discussion is closed to protect the integrity of the regulatory process.

Accordingly, the Commissioner proposes to amend § 330.10 to designate the contents of the administrative record upon which his decision on a monograph shall be based, and to exclude the transcripts of any panel meetings from that designation. The decision will be required to be based solely upon the administrative record so designated and not upon any data, information, or materials not included as part of such record. Court appeal will then be based solely upon that record and the information it contains.

CLOSING OF THE ADMINISTRATIVE RECORD

The notice published in the Federal Register of January 8, 1974 (39 FR 1359) announcing the public hearing on the tentative final order for OTC antacid drug products also stated that, since this was a hearing on the administrative record, only data and information submitted at an earlier stage in the proceeding would be considered. The notice stated that any new data or information could be discussed only if such material were first submitted to the Commissioner with a petition to reopen the administrative record to include such new material, justifying why it was not submitted earlier, and the Commissioner granted the petition.

One objection was received to this notice, contending that this requirement was not included in § 330.10 (formerly § 130.301) of the regulations. In reply, the Food and Drug Administration stated that, although it believed that the procedural regulations made it clear that new evidence could not for the first time be submitted at the public hearing on the tentative final order, such evidence would be accepted as an exception on that occasion and that the procedural regulations would then be amended to prevent recurrence of this problem in the future.

It is standard procedural practice before all administrative bodies and courts that the record in any proceeding is closed at some specified point in time to prevent continuous submission of new data and information. Thereafter in the proceeding, arguments and contentions may be made solely on the basis of the data and information already contained in the record, and new data or information can be filed only with the permission of the presiding officer upon sound justification why the material was not submitted earlier.

The Commissioner concludes that, in the OTC drug review, submission of new data and information should be permitted only through the 60-day period permitted under § 330.10(a)(6) (formerly § 130.301(a)(6)) for comment on the proposed monograph. Thereafter, all rebuttal comments, objections, and statements at the oral hearing must be based solely upon the administrative record developed through that time. Permission to submit additional data or information may be granted, in the sole discretion of the Commissioner, on the basis of a petition to reopen the administrative record to include such material. Any such petition shall demonstrate good cause why such material could not have been obtained and submitted in response to the initial call for data and information or as part of the comments on the proposed monograph. If such a petition is not granted, such material is properly submitted with a subsequent petition to amend the monograph.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; (5 U.S.C. 553, 702, 703, 704)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend 21 CFR Part 330 by redesignating § 330.10(a) (10) through (13) as (a) (11) through (14) and by adding a new § 330.10(a)(10) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

* * * * *

(a) * * *

(10) *Administrative record.* (i) All data and information to be considered in any proceeding pursuant to this section shall be submitted in response to the request for data and views pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section or submitted to the Hearing Clerk as part of the comments during the 60-day period permitted pursuant to paragraph (a)(6) of this section. Thereafter, no new data or information may be submitted for inclusion in the administrative record of such proceeding except as provided in paragraph (a)(10)(ii) of this section.

(ii) New data or information not previously submitted for inclusion in the administrative record may be submitted for such inclusion only with a petition to the Commissioner requesting that the administrative record be reopened to include such material. The Commissioner may grant or deny such petition in his discretion. Any such petition shall demonstrate good cause why such material could not be obtained and submitted within the time specified in paragraph (a)(10)(i) of this section. If such a petition is denied, such material is properly submitted with a petition to amend the monograph pursuant to paragraph (a)(12) of this section.

(iii) The Commissioner shall make all decisions and issue all orders pursuant to this section solely on the basis of the

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administrative record, and shall not consider data or information not included as part of the administrative record.

(iv) The administrative record shall consist solely of the following material: All notices and orders published in the FEDERAL REGISTER, all data and views submitted in response to the request published pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section, all minutes of panel meetings, the panel report(s), all comments and rebuttal comments submitted on the proposed monograph pursuant to paragraph (a)(6) of this section, all objections submitted on the tentative final monograph pursuant to paragraph (a)(7) of this section, the complete record of any oral public hearing conducted pursuant to paragraph (a)(8) of this section, all other comments requested at any time by the Commissioner, all data and information for which the Commissioner has reopened the administrative record, and all other material which the Commissioner includes in the administrative record as part of the basis for his decision.

* * * * *

Interested persons may, on or before July 5, 1974 file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12663 Filed 6–3–74;8:45 am]

[21 CFR Part 330]

OTC DRUGS

Proposed General Conditions

In the FEDERAL REGISTER of November 12, 1973 (38 FR 31258) the Commissioner of Food and Drugs promulgated general conditions for OTC drugs that are generally recognized as safe and effective and are not misbranded. Section 330.1(g) (formerly § 130.302(g)) included a general warning: "Keep this and all drugs out of the reach of children. In case of accidental overdose, contact a physician immediately." Section 330.1(i) (formerly § 130.302(i)) included the following drug interaction warning: "Warning: Do not take this product concurrently with a prescription drug except on the advice of a physician." The effective date of that order was December 12, 1973.

A number of written comments were received in response to that order. The Commisisoner also entertained comments on § 330.1 (g) and (i) and related issues at the public hearing that was held on January 21, 1974, pursuant to the notice published in the FEDERAL REGISTER of January 8, 1974 (39 FR 1359). In view of these written and oral comments, the Commissioner has concluded to reopen this matter and to propose a new version of the general warning in § 330.1(g) and to revoke the drug interaction warning in § 330.1(i).

There was comment that the words "consult your poison control center" should be added to the general warning under § 330.1(g) (formerly § 130.302(g)).

The Commissioner concurs that it would be in the best interest of the consumer to have knowledge that there is more than one source of professional assistance available. For that reason the Commissioner proposes to amend the statement to read: "Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact your poison control center immediately".

Many of the comments relating to the drug interaction warning under § 330.1 (i) (formerly § 130.302(i)) stated that the pharmacist is a qualified health professional who is available, able, and educated to give advice to consumers concerning OTC products and drug interactions.

The Commissioner agrees that the pharmacist is a qualified health professional and does have knowledge about drug interactions and OTC medications.

There was also comment that, because of his knowledge and availability, the pharmacist should be included as a source of information in the drug interaction warning statement in § 330.1(i).

The Commissioner believes that the consumer should have available every source of reliable, helpful drug information. The proposal and final order stated that the patient's physician should be consulted on possible drug interactions because only he would be certain to know the identity of any prescription drugs being taken concurrently by the patient. It has been brought to the Commissioner's attention that other health professionals, such as physicians' assistants, nurses, nurse practitioners, dentists, and pharmacists, also may have this information and may be more readily available for consultation.

After a great deal of discussion and review, the Commissioner has concluded that the proper way to handle possible drug interactions is to require that the labeling include a separate section headed "Drug Interaction Precautions," stating the specific or general interaction problem involved with that particular OTC drug. Thus, in the final monograph on OTC antacid drugs published elsewhere in this issue of the FEDERAL REGISTER, a drug interaction precaution has been included for all aluminum-containing OTC antacid drug products stating that they should not be used concurrently with tetracycline. The same format will be used for other specific drug interactions found to exist in other monographs. Where known drug interactions exist but are not limited to a specific drug, the precaution statement shall be phrased in terms of general drug categories, such as has been required for charcoal which has been determined to be in Category III under the final order on OTC antacid drug products.

The Commissioner believes that this approach is more consistent with the concept of OTC drug labeling and with providing the most complete and useful information to consumers in concise terms. It directly advises the consumer that the drugs described are not to be used concurrently because of a possible drug interaction.

The purpose of OTC medication is to permit consumers to engage in self-medication without medical or other professional supervision, or in any event with the least amount of supervision feasible. Directing that consumers consult health professionals of any type would seem appropriate only if it is concluded that this is the only possible method of assuring the safe and effective use of the drug. Accordingly, although the Commissioner recognizes the availability of useful drug information through all health professionals, he concludes that it is unnecessary and inappropriate that they be designated on the label in any manner with respect to this particular matter in view of the availability of fully informative labeling which obviates such reference.

The Commissioner recognizes that all health professionals will continue to be a source of sound information on drugs, and encourages recent trends toward training of such persons in pharmacology and toxicology. The Commissioner also recognizes that, on occasion, a physician will wish to direct a patient to continue to use an OTC drug concurrently with a prescription drug contrary to a drug interaction precaution, where they are administered in a way that precludes interaction or other circumstances necessitate such action. In addition, consumers will be fully informed and protected by these labeling precautions.

The Commissioner has considered whether a standard format for a drug interaction precaution should be adopted. In view of the fact that no standard format for label warnings or other label statements has been prescribed in the section on general conditions, the Commissioner has concluded that there is no need to establish such a standard format in this instance. The format utilized in the final order for antacid drug products published elsewhere in this issue of the FEDERAL REGISTER will be utilized in future monographs except where good reason exists to vary from it. Accordingly, the Commissioner is proposing to revoke the warning as it presently exists in § 330.1(i) (formerly § 130.302(i)) of the regulations.

There were some comments by pharmacy organizations that a so-called "third class of drugs," under the control of pharmacists should be created by the Food and Drug Administration. The term "third class of drugs" has a slightly different meaning to different organizations. Some organizations would have the product dispensed only in a pharmacy, others would have the product dispensed only by a pharmacist, and still others would require that the pharmacist keep a drug dispensing record similar to prescription drug records. The particular mechanics of a third class of drugs are not a significant issue as related to the Commissioner's appraisal of this proposal. Some comments specified that all OTC drugs with a drug interaction warning should be in this third class of drugs, and contended that the two issues are inseparable.

The Commissioner has spent a great deal of time reviewing the comments and discussing this issue with various groups, both in and out of the profession of pharmacy. The Federal Food, Drug, and Cosmetic Act requires that OTC drugs be safe and effective for lay use. Although the act permits imposition of whatever limitations or restrictions are necessary to assure the safe use of any drug, including restrictions on the channels of distribution, no controlled studies or other adequate research data have been supplied to support the position that any class of OTC drugs must be dispensed only by pharmacists in order to assure their safe use. It would be inappropriate to restrict the sale of OTC drugs to pharmacies based on anything less than proof that a significant safety issue was involved.

There were a number of comments stating that creating a third class of drugs would create an economic monopoly and an anticompetitive situation. The Department of Justice opposed any such restriction on antitrust grounds.

The Commissioner believes that these concerns are valid. Restricting the sale of some or all OTC drugs only to pharmacies would decrease the number of outlets where the consumer could purchase OTC products, limit competition, and raise some OTC drug prices, with no attendant public benefit. There is at this time no public health concern that would justify the creation of a third class of drugs to be dispensed only by a pharmacist or in a pharmacy. The "third class of drug" issue at this time is solely an economic issue. The Commissioner therefore categorically rejects the establishment of a third class of drugs at this time.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042, as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 371)), the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended; (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that 21 CFR Part 330 be amended by revoking § 330.1(i) and by revising § 330.1(g) to read as follows:

§ 330.1 General conditions for general recognition as safe, effective and not misbranded.

* * * * *

(g) The labeling contains the general warning: "Keep this and all drugs out of the reach of children. In case of accidental overdose, seek professional assistance or contact a poison control center immediately." The Food and Drug Administration will grant an exemption from this general warning where appropriate upon petition.

* * * * *

(i) [Revoked]

* * * * *

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before August 5, 1974. Comments should be filed with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12665 Filed 6–3–74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–135, etc.; NDA 1–875, etc.]

OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Elsewhere in this issue of the Federal Register the Commissioner of Food and Drugs is promulgating a final order determining the conditions under which over-the-counter (OTC) antacid drug products are generally recognized as safe and effective and are not misbranded, and which therefore may be marketed without an approved new drug application. After the applicable effective date of that order, any over-the-counter antacid product must either comply with such conditions or, if it does not, be shown to be safe and effective and not misbranded for its claimed uses pursuant to an approved new drug application.

The Director of the Bureau of Drugs has reviewed all new drug applications for OTC antacid products, whether pre-1962 or post-1962, and concludes that none of those described below, specifically or by reference, either complies with all of the conditions for safety, effectiveness, and labeling stated in the final order on OTC antacid drug products, or contains the evidence required by the act to support any conditions of use other than those permitted by that order.

On the basis of all of the data and information now available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation conducted by experts qualified by scientific training and experience meeting the requirements of section 505 of the Act, § 314.111(a)(5) (formerly § 130.12(a)(5)), and, where applicable, 21 CFR 3.86 for fixed combination drugs, demonstrating the effectiveness of the drugs for any condition of use other than those permitted by the final order on OTC antacid products published elsewhere in this issue of the Federal Register; or of adequate tests by all methods reasonably applicable to show that any of the conditions required or excluded for safety reasons by the final order on OTC antacid drug products should not be so required or excluded. To the extent that the labeling of products subject to or covered by NDA's differs from the applicable labeling requirements set forth in the final order on OTC antacid products, the Director concludes, on the basis of the information before him and on a fair evaluation of all material facts, that such labeling is false and misleading. Accordingly, the Director concludes that it is necessary to withdraw approval of the new drug applications and to determine the new drug status of the affected products.

It is unnecessary for any manufacturer or distributor of an antacid drug product which complies with the requirements of 21 CFR Part 331 or the interim requirements for Category III drug products specified in the Commissioner's final order on OTC antacid drugs, published elsewhere in this issue of the Federal Register, to submit a supplemental or abbreviated or full new drug application covering such a product. In accordance with § 330.10, any such product may lawfully be marketed without an approved new drug application. Accordingly, reformulation and/or relabeling to meet such requirements is sufficient for the continued lawful marketing of any OTC antacid drug product subject to this notice.

1. The following new drug applications were subject to the NAS–NRC Drug Efficacy Study, for which the Food and Drug Administration's conclusions were deferred pending results of the OTC drug review in this class:

NDA	Drug	Firm
1–875	Chooz Chewing Gum.	Pharmaco, Inc., Kenilworth, N.J. 07033.
1–952	Kamat tablets	Cole Pharmacal Co., Inc., St. Louis, Mo. 63178.
2–436	Amphojel tablets	Wyeth Laboratories; division of American Home Products Corp., Philadelphia, Pa. 19101.
2–515	Gelusil liquid	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
3–807	Magsal suspension	Endo Laboratories, Inc., Garden City, Long Island, N.Y. 11530.
4–380	Gelusil tablets	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
5–668	Alglyn tablets, Alglyn magma, Belglun tablets.	Brayten Pharmaceutical Co., Chattanooga, Tenn. 37409.
6–547	Alzinox tablets	Smith, Miller, & Patch, New Brunswick, N.J. 08902.
6–738	Carmethose suspension, Carmethose magnesium oxide tablets, Carmethose-Trasentine.	Ciba Pharmaceutical Co., division of Ciba-Geigy Corp., Summit, N.J. 07901.
7–706	Resinate capsules, Resinate tablets.	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
7–911	Kolantyl tablets	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
8–431	Dimacid B tablets.	Otis Clapp and Son, Inc., Cambridge, Mass. 02139.
8–467	Kolantyl Gel	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
9–100	Rolaids Antacid Mint tablets.	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
12–165	Rolaids Antacid Mint with HMAS.	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
12–298	"A" Plus tablets	Vick Chemical Co., division of Richardson-Merrell, Inc., New York, N.Y. 10017.

2. Notices for new drug applications for OTC antacid products for which approval has previously been withdrawn on the ground of failure to file reports required pursuant to section 505(j) of the act appeared in the Federal Register as follows:

a. Docket FDA–D–135 published in the Federal Register of July 24, 1970 (35 FR 11929).

b. Docket FDC–D–259 published in the Federal Register of April 6, 1971 (36 FR 6529).

c. Docket FDC–D–269 (Docket number originally published incorrectly as FDC–D–259; correction published in the Federal Register of November 24, 1971 (36 FR 22324) to read FDC–D–269) published in the Federal Register of August 6, 1971 (36 FR 14493) and republished in the Federal Register of September 23, 1971 (36 FR 18885).

d. Docket FDC–D–445 published in the Federal Register of March 18, 1972 (37 FR 5711).

e. Docket FDC–D–393 published in the Federal Register of March 28, 1972 (37 FR 6342).

f. Docket FDC–D–492 published in the Federal Register of August 8, 1972 (37 FR 15948).

Those notices stated that, at the time of their publication, conclusions concerning safety and effectiveness of the particular products had not yet been reached, and thus those notices did not constitute a determination of the new drug status of the drug products subject to the NDAs or of any identical, similar or related drug products. Notice is hereby given to all manufacturers and distributors of OTC antacid drug products that the legal status of all such OTC antacid drug products has now been determined by the final order on this class of drugs published elsewhere in this issue of the Federal Register, including all drugs identical, related, or similar to drugs for which the new drug applications were withdrawn previously in the above Federal Register notices.

3. The following new drug applications were approved after 1962 or otherwise were not considered by the NAS–NRC in the Drug Efficacy Study:

NDA	Drug	Firm
1–650	Citralka liquid	Parke, Davis & Co., Detroit, Mich. 48232.
3–304	Bismakaolin suspension.	Vale Chemical Co., Inc., Allentown, Pa. 18102.
9–329	Duplexin tablets	Whitehall Laboratories division of American Home Products Corp., New York, N.Y. 10017.
15–183	Equilet Antacid tablets.	Mission Pharmacal Co., San Antonio, Tex. 78296.

Therefore, notice is given to the holder(s) of all of the new drug application(s) specified and referenced above and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto and determining the new drug status of the affected products on the grounds that, on the basis of new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), (1) there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have for any condition of use prescribed, recommended, or suggested in the labeling, other than those permitted by the final order on OTC antacid drug products; and (2) such drug is not shown to be safe for use except under the conditions of use required for safety reasons, and is not shown to be safe for use under the conditions of use excluded for safety reasons, by the final order on OTC antacid drug products; and (3) the labeling of the drug product(s), to the extent it differs from the applicable labeling requirements of the final order on OTC antacid drug products, based on a fair evaluation of all material facts, is false or misleading.

In addition to the holder(s) of the new drug application(s) specifically named above or included by reference to notices previously withdrawing approval, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named or referenced above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named or included by reference in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before July 5, 1974, a written notice of appearance and request for hearing, and (2) on or before August 5, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 and discussed in detail as published in the Federal Register of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200, published in the Federal Register of March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not lawfully be marketed except in compliance with 21 CFR Part 331 or the interim requirements for Category III drug products specified in the Commissioner's final order on OTC antacid drugs, published elsewhere in this issue of the Federal Register. The Food and Drug Administration will initiate appropriate regulatory action to remove such noncomplying drug products from the market promptly after the applicable effective date established in that order.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: May 29, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74–12664 Filed 6–3–74;8:45 am]

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federal register

TUESDAY, JUNE 4, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 108

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Office of the Secretary

■

Comprehensive Manpower Program and Grants to Areas of High Unemployment

V39—108 JUN 4 74 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

COMPREHENSIVE MANPOWER PROGRAM AND GRANTS TO AREAS OF HIGH UNEMPLOYMENT

On **Tuesday, March** 19, 1974, the Department of Labor published regulations in the FEDERAL REGISTER (39 FR 10374) implementing Titles I and II of the Comprehensive Employment and Training Act of 1973 (Public Law 93–203, 87 Stat. 839). At that time, the Department invited interested persons to submit comments on the regulations, and stated that the comments received by May 4, 1974 would be evaluated to determine whether the regulations should, in any respect, be amended.

Numerous comments were received by the Department pursuant to this invitation. The Department studied these comments carefully, and established an evaluation procedure to allow consideration of each comment on its own merits and in relation to other comments received on the same or similar subjects.

This evaluation procedure has resulted in a decision to amend the regulations in certain respects. These amendments are described below and are incorporated in a set of revised regulations published today. Also incorporated in the revised regulations are the Department's regulations for 1974 summer programs originally published in the FEDERAL REGISTER, Monday, May 13, 1974, (39 FR 17182). Comments will, of course, be received on the summer regulations, as provided in the May 13, 1974 publication.

A short explanatory statement accompanies each amendment description. A description of the amendments follows:

In § 94.4, *Definitions*, the definition of "capital improvement" has been amended to make certain that capital improvements may be made only to existing facilities. This is consistent with the Department's view that funds under the Act should be used primarily for service to participants rather than for auxiliary costs;

The definition of "community-based organizations" has been amended to make clear that only organizations which provide manpower services are to be included. The amendment makes the definition in the regulations consistent with the definition found in the Act;

A definition of "grantee" has been added, so that one term may be used, where appropriate, to refer to various types of grantees under the Act;

The definition of "placement" has been amended to make it consistent with the definition of placement utilized by the employment service. In addition, a definition of "self-placement" has been included, to cover those situations where a participant in a program under the Act is placed through the participant's independent efforts, rather than through the efforts of the program;

The definitions of "programs of demonstrated effectiveness" and "client community" are amended to delete the reference to "low income families." These deletions reflect the Department's view that the purpose of the Act is to utilize available resources in a manner which will provide services for those individuals most in need of them, and that under the Act, such individuals are properly described by the term "economically disadvantaged," rather than by the term "low income." The definitions of "client community" and "programs of demonstrated effectiveness," therefore, retain their reference to the term "economically disadvantaged";

The definition of "subgrantee" is amended to include "private-non-profit agencies." This amendment corrects an error in the original publication; and

The definition of "unemployed persons" which is used for Title II purposes is amended to bring it into closer conformity with the Title I definition of unemployed persons.

In § 95.2, *Allocation of funds*, the language in paragraphs (b) (4) (i) and (b) (5) (i) is amended to provide that a prime sponsor's formula allocation in any particular year will be dependent, in part, upon the prior year's "manpower allotment" for that prime sponsor, rather than upon the prior year's formula allocation for that prime sponsor. The "manpower allotment" of a prime sponsor may be greater, in any year, than the amount of funds received only pursuant to the formula allocation. This new language is included to assure consistency with the Act.

In § 95.3, *Eligibility for funds*, the term "joint and several responsibility" has been deleted from paragraph (b) (1), which establishes the requirements for prime sponsorship agreements between States and eligible units of local governments. The purpose of the deletion is to conform the language in this paragraph to the language setting out similar responsibilities for consortia of local governments;

The language in paragraph (c) which permits incentive funds for a consortium that comprises a substantial portion of a labor market has been amended to read, "substantial portion of a functioning labor market." This amendment was made to conform to the language in § 95.3(a) (4) which sets forth the basic requirements for consortia receiving funds under the regulations; and

The language in paragraph (e) which sets limits on the authority of one prime sponsor to provide services in another prime sponsor's area has been clarified.

In § 95.11, *Notification of intent to apply for prime sponsorship; consortium agreements*, the reference in paragraph (a) to Part II of OMB Circular A–102 has been deleted, as Part II of the circular is not necessary for the Department to be able to obtain required information. Similar deletions are made elsewhere in the regulations;

The requirement in paragraph (c) (8) that every member of a consortium sign a grant agreement has been amended to permit the signing to be done by only one member of the consortium. This was done to permit greater flexibility in consortium agreements; and

The requirement in paragraph (c) (10) that a consortium agreement set out the responsibilities reserved to consortium members has been amended to require each such member to formally approve the comprehensive manpower plan developed by the consortium. The purpose of this amendment is to make certain that every member of a consortium does, in fact, agree to the comprehensive manpower plan, even if all members do not sign the grant agreement. This requirement is not mandated, however, for consortium agreements validly entered into and approved under the March 19, 1974 regulations.

In § 95.13, *Planning process; advisory councils*, the Planning Council membership requirements set out in paragraph (c) (3) are amended to make clear that women and persons of limited English speaking ability should be considered for membership. A similar amendment is made in paragraph (d) (2) (iii) for membership on the State Manpower Services Council; and

The membership requirements in paragraph (e) for joint planning and services councils have been amended to make clear that the membership must reflect the requirements of both the Prime Sponsor Planning Council and the State Manpower Services Council, except for the one-third (1/3) representation of prime sponsors.

In § 95.14, *Content and description of grant application*, the requirement of paragraph (b) (2) (i) (E) (3) that a copy of a State's Special Grant narrative description be included in the general program description is deleted, as such information is not related to a State's responsibilities as a prime sponsor and will be obtained in the Special Grant provisions of the regulations, specifically in § 95.52(b) (2(2(ii). Language is added to § 95.14(b) (2) (i) (E) that will require a Governor to describe the arrangements for the provision of services in all geographical areas under the State's jurisdiction. This addition is consistent with a State's responsibilities as a prime sponsor; and

The language describing the forms used in the grant application is revised to better describe the forms.

In § 95.15, *Comments and publication procedures relating to submission of grant application*, the language in paragraph (c) (1) is amended to require a prime sponsor to submit a summary of the grant application to Indian prime sponsors and labor organizations. This additional requirement is added to provide for coordination between sponsors of programs under the Act and to assure that appropriate labor organizations will be made aware of prime sponsor plans; and

The language in paragraph (d) is amended to require prime sponsors to provide copies of comments on prime sponsor plans to the Governor to assist him in coordinating manpower services throughout the State.

In § 95.17(b) (5), *Standards for reviewing grant application*, the language relating to the participation of the population to be served and community-based organizations in the planning process has been amended so that the prime sponsor is not required to have participation of these groups in both of the methods enumerated in this section.

In § 95.20, *Use of alternative prime sponsors; services by the Secretary*, language was added to reflect the intent that participants will not be adversely affected by action taken by the Department against a prime sponsor.

In § 95.21, *Modification of grant agreement*, language is added to make the denial of a modification to a grant agreement subject to appeal, as are all other modifications.

In § 95.22(d), *ARDM required modification*, the language has been amended so that an ARDM may require a modification to bring a prime sponsor's plan into conformity with the provisions of the regulations or the prime sponsor's approved plan. While comments received pursuant to a plan may be grounds for an ARDM required modification, ARDMs should not be limited to this situation, as they were in the publication of the regulations on March 19, 1974.

In § 95.32, *Eligibility for participation in a Title I program*, a paragraph (e) has been added to provide for special consideration of disabled veterans and veterans of the Vietnam era for participation in Title I programs to emphasize the Department's special concern for returning Vietnam-era veterans. The veterans may be treated in the same manner as other program participants, and any special consideration given to veterans should be described in the Title I program narrative in § 95.14(b) (2) (i) (E) (4).

In § 95.33, *Types of manpower program activity available*, the description of "Work Experience" programs has been placed in a new paragraph (d) (4) and has been clarified so that it may be more easily distinguished from subsidized employment programs. Under the new description, "Work Experience" programs emphasize programs of a short-term or part-time nature for individuals not easily placed in regular or public service employment; and

Participant benefits available for work experience program described in paragraph (d) (4) (vi) have been broadened to allow the payment of either wages or allowances, at the prime sponsor's discretion This amendment is consistent with the Department's view that prime sponsors should have the broadest possible flexibility in developing their programs and that "Work Experience" programs may be structured by a prime sponsor as either training or employment programs.

In § 95.34, *Training Allowances*, the language in (g) (1) relating to public assistance recipients is amended to delete references to the Work Incentive Program (WIN), established under Part C, Title IV of the Social Security Act. These deletions were made to avoid confusion in the use of terminology which has a specific meaning for the WIN program, and to make clear that any public assistance recipient enrolled in a program under the Act receives an incentive allowance; and

The provision for waiver of allowances in paragraph (j) is amended to more clearly identify the criteria for waivers and to distinguish between individual and project-size waivers. Individual waivers may be granted only in exceptional circumstances and with the agreement of the participants. The requirement in (j) (2) (i), previously applicable for any waiver, that participants have resources from concurrent employment or from other sources, is deleted.

In § 95.37, *Prime sponsor review*, language has been added to require prime sponsors to provide a review procedure for all participants under any Title of the Act and to advise participants of their rights under the Department of Labor's hearings procedures in Part 98.

In § 95.42, *Cooperative relationships between prime sponsor and other manpower agencies*, a new paragraph (c) has been added to encourage coordination between prime sponsors under the Act and sponsors under the WIN program.

In § 95.52, *Grant application for special grants to Governors*, the detailed requirements for the State Manpower Services narrative, found originally in paragraph (b) (3) (iii), are transferred to § 95.56(c). A summary of each requirement is retained in § 95.52. The purpose of the amendment is to place the actual requirements in the program operations section, § 95.56.

In § 95.53, *Application approval and disapproval; grant agreement*, a new paragraph (d) has been added to require Governors to provide summaries of their special grant agreements to prime sponsors within the State. The purpose of this amendment is to aid coordination.

In § 95.54, *Modifications; limitations on use of funds for special grants to the Governors*, is amended to establish the same categories of modifications for special grants as are provided for modifications generally in §§ 95.21 and 95.22.

In § 95.57, *Funding; grant administration*, a new paragraph (b) (1) has been added to exempt State Manpower Services and the State Manpower Services Council from the administrative cost ceiling of § 98.12(e) (1) that formerly pertained. The purpose of this amendment is to recognize that these two activities may require higher administrative costs; and

A new paragraph (b) (2) has been added to require vocational education boards to use the allowance payment system established by prime sponsors in whose jurisdiction vocational education programs are conducted, or to establish a method of payment in cooperation with a prime sponsor if the prime sponsor does not already have an allowance payment system.

In § 96.1, *Scope and Purpose*, paragraph (d) is deleted from Part 96 because it pertained only to the amendments of Part 96 found in the March 19, 1974, publication of regulations under the Act.

In § 96.11, *Eligible applicant notification*, the wording was revised to conform to similar language in Part 95 regarding the notice of intent to apply and the forwarding of a grant application package to the eligible applicant.

In § 96.12, *Content and description of grant application*, the format was revised to be consistent with the grant application description in § 95.14.

In § 96.13, *Comment and publication procedures relating to submission of grant application*, language is added to apply this section to fiscal year 1975 as well as to fiscal year 1974. This section had previously been intended to pertain to an initial fiscal year 1974 grant application when it was anticipated that fiscal year 1974 and 1975 grants would be funded separately;

In paragraph (b) (1), a requirement for eligible applicants to send a summary of the application to appropriate Indian prime sponsors is added in order to provide for coordination between sponsors of programs under the Act;

In paragraph (e) the requirement for the eligible applicant to "respond to any comment" has been changed to require the eligible applicant to acknowledge all comments and to provide responses to substantive comments. The intent of this change is to reduce the paper work burden on eligible applicants with regard to responding to comments, but to preserve the intent of the comment procedures for an exchange of views between the prime sponsor and the public.

In § 96.14, *Submission of grant application*, the summary of the narrative description is transferred to § 96.12, and the format is revised to be consistent with similar procedures in Part 95;

Paragraph (b) (2) is deleted, as it duplicates the requirement contained in § 96.13(e); and

Paragraphs (b) (3) and (4) are deleted, as the ARDM need only receive copies of substantive comments and responses from an eligible applicant.

In § 96.15. *Application approval*, the wording in paragraph (b) is revised to conform with similar provisions in Part 95 regarding approval procedures.

In § 96.16, *Application disapproval*, a statement is added to paragraph (c) to indicate that application disapproval is subject to the hearings process in Subpart C of Part 98. This statement was added for clarification only, and does not reflect a change of policy.

In § 96.17, *Use of alternative eligible applicants*, language is added to require that efforts be made to prevent the disruption of services to participants in cases where an application is disapproved.

In § 96.18, *Modification of grant agreements*, paragraph (d) is revised to indicate that disapproval of a modification request is subject to the hearings process in Subpart C of Part 98. The statement is for clarification only and reflects no change in policy.

In § 96.19, *Modification of Comprehensive Title II Plan*, the provision of paragraph (b) (1), requiring a major modification when an eligible applicant

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adds or deletes a subgrantee, is removed. Major modifications are not being required in such instances in order to allow grantees greater flexibility.

The time period for notification of approval or tentative disapproval in paragraph (b)(3) is changed from 30 days to 10 days, to be consistent with the provision in § 95.22; and

In paragraph (c) language is added to conform the minor modification process in Part 96 with that in Part 95.

Paragraph (d) is revised to indicate that the ARDM may require a modification in order to assure compliance with the regulations and the Comprehensive Title II Plan. This revision is consistent with that made in § 95.22 and is made to clarify the purpose of "ARDM required" modifications.

In § 96.26, *Special limitations on programs and participant selection*, paragraphs (a) "Political activities" and (b) "Sectarian activities" are transferred to Part 98 because they are applicable to all Titles, unless specifically excepted in a part of the regulations.

§ 96.37, *Maintenance of a merit system*, is deleted from Part 96 because the personnel provisions in Part 98 are applicable to all Titles, unless specifically excepted. The remaining sections of Subpart C of Part 96 have been renumbered accordingly.

In § 96.37, previously § 96.38, *Use of Title II funds for programs under Titles I and III–A; Summer Employment Programs*, a statement is added to paragraph (a) to except the ten percent administrative limitation on Title II funds, when used for programs under other Titles. The limitation on administrative costs would not be appropriate for certain types of Title I activities.

In § 96.47, *Comment and publication procedures relating to submission of Indian grant applications*, the requirement for the applicant to "respond to any comment" is changed to "acknowledge any comment" with the intent of reducing paper work requirements of Indian applicants.

In § 98.8, *Quarterly Progress Report*, Paragraph (b) is revised to more clearly describe the data contained on the Quarterly Progress Report; and

Paragraph (e) which required the Quarterly Progress Report to be "submitted" to coincide with the ending dates of Federal fiscal year quarters, is amended to require only that such reports be prepared on a quarterly basis.

In § 98.9, *Quarterly Summary of Client Characteristics*, the name of the form is changed by adding the word "quarterly" and a new requirement that separate reports be required for Titles I and II. These changes were to clarify the reporting requirements.

In § 98.12, *Allowable Federal costs*, specific language is added to paragraph (b)(1) to restrict building repairs, maintenance, and capital improvements to existing facilities. This was the intent of the previous language, and the change is made to make the intent clear;

A new paragraph (b)(2) is added providing that funds provided under the Act shall not be used for matching under other Federal laws except where authorized under a specific law. The use of funds granted under one Title of the Act can be used for matching funds under another Title. This change is being made to clarify the use of funds under the Act for matching; and

Language is added to paragraphs (e)(3) and (6) explaining types of administrative costs which should not be included under the cost categories explained in these sections. This change is to clarify the types of costs which should be considered administrative and not program costs.

In § 98.13, *Allocation of allowable costs among program activities*, paragraph (d) is amended to permit the payment of allowances in work experience programs. This is being done to allow the option of paying wages or allowances under work experience programs.

In § 98.18, *Retention of record*, a new paragraph (a) is added and the paragraphs redesignated. The new paragraph, which requires that data be kept for each program participant, was inadvertently omitted in the March 19, 1974, publication of these regulations; and

A new paragraph (b)(5) replaces the previous paragraph (e). The previous paragraph contained a general reference to OMB Circular A–102 requirements concerning public access to records. The new paragraph specifies the degree of access to information which identifies or can be used to identify applicants, participants or their immediate families. The new language provides more specific guidance concerning access to records.

A new § 98.22, *Nepotism*, is established which contains general prohibitions against one member of a family hiring other members of the family to an administrative position funded under the Act. The section does not, however, pertain to Title II programs, for which there are separate nepotism provisions.

A new § 98.23, *Special limitation on participant selection*, is established to apply the prohibition against political activities and employment in secular facilities to all Titles of the Act. These provisions were previously contained in § 96.26 and applied only to Title II. This change is being made to broaden the coverage of these prohibitions to all Titles of the Act.

These revised regulations, which shall take effect July 5, 1974, read as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
94.1 Scope and purpose of the Act.
94.2 Format for the regulations promulgated under the Act.
94.3 Consolidated table of contents for Parts 94–98.
94.4 Definitions.

AUTHORITY: Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203, sec. 602(a), 87 Stat. 839), unless otherwise noted.

§ 94.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency. The purposes of the Act are to be accomplished by the establishment of a flexible and decentralized system of Federal, State and local programs.

(b) The Act is comprised of six titles, as follows:

(1) Title I establishes a program to provide comprehensive manpower services throughout the Nation, including the development and creation of job opportunities, and the training, education and other services needed to enable individuals to secure and retain employment at their maximum capacity.

(2) Title II authorizes public service employment and manpower training programs for unemployed and underemployed persons in areas of substantial unemployment.

(3) Title III provides for the establishment and administration by the Secretary of Labor of:

(i) Special programs for Indians, migrant workers and seasonal farmworkers;

(ii) Manpower services for youth, offenders, older workers, persons of limited English-speaking ability and other special target groups; and

(iii) Research, training and evaluation of programs and activities conducted under the Act.

(4) Title IV establishes a Job Corps within the Department of Labor to provide residential and non-residential manpower services for low-income disadvantaged young men and women.

(5) Title V, establishes a National Commission for Manpower Policy. The responsibilities of the Commission include the examination of national manpower issues, the suggestions of ways and means of dealing with such issues and advising the Secretary on national manpower issues.

(6) Title VI, sets forth the general provisions, including applicable definitions, under the Act.

§ 94.2 Format for the regulations promulgated under the Act.

(a) The regulations promulgated to carry out the Act are set forth in Parts 94 through 98 of Title 29, Code of Federal Regulations.

(b) As each substantive Title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 98 provide for a separate part for each basic type of activity (e.g., Part 95 deals with comprehensive manpower programs; Part 96 deals with Title II programs). Two parts are also included which deal with general matters relating to the Act: Part 94 deals with basic explanatory and definitional matters, and Part 98 deals with general administrative matters.

(c) Statutory authority for the regulations contained in this Part 94 may be found in section 602(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 602(a), are noted generally in these regulations.

§ 94.3 Consolidated table of contents for Parts 94–98.

The table of contents for Parts 94–98 is as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
94.1 Scope and purpose of the Act.
94.2 Format for the regulations promulgated under the Act.
94.3 Consolidated table of contents for Parts 94–98.
94.4 Definitions.

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

95.1 Scope and purpose of Part 95.
95.2 Allocation of funds.
95.3 Eligibility for funds.
95.4 Data base for determining eligibility.

SUBPART B—GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

95.10 General.
95.11 Notification of intent to apply for prime sponsorship; consortium agreements.
95.12 Prime sponsor designation.
95.13 Planning process; advisory councils.
95.14 Content and description of grant application.
95.15 Comment and publication procedures relating to submission of grant application.
95.16 Submission of grant application.
95.17 Standards for reviewing grant applications.
95.18 Application approval; grant agreement.
95.19 Application disapproval.
95.20 Use of alternative prime sponsors; services by the Secretary.
95.21 Modification of grant agreement.
95.22 Modification of Comprehensive Manpower Plan.

SUBPART C—PROGRAM OPERATION

95.30 General.
95.31 Basic responsibilities of prime sponsors.
95.32 Eligibility for participation in a Title I Program.
95.33 Types of manpower program activity available.
95.34 Training allowances.
95.35 Wages; minimum duration of training and reasonable expectation of employment.
95.36 General benefits for program participants.
95.37 Prime sponsor review.
95.38 Non-Federal status of participants.
95.39 Safety and health requirements for participants.
95.40 Training for lower wage industries; relocation of industries.
95.41 Prime sponsor contracts and subgrants.
95.42 Cooperative relationships between prime sponsor and other manpower agencies.

SUBPART D—SPECIAL GRANTS TO GOVERNORS

95.50 General.
95.51 Distribution of funds.

Sec.
95.52 Grant application.
95.53 Application approval and disapproval; grant agreement.
95.54 Modifications; Limitations on use of funds.
95.55 Governor's distribution of vocational education funds.
95.56 Program operations.
95.57 Funding; grant administration.
95.58 Nonfinancial agreement between prime sponsor and Vocational Education Board.
95.59 Coordination with prime sponsor.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

96.1 Scope and purpose.
96.2 Allocation of funds.
96.3 Eligibility for funds.

SUBPART B—GRANT APPLICATION

96.10 General.
96.11 Eligible applicant notification.
96.12 Content and description of grant application.
96.13 Comment and publication procedures relating to submission of grant application.
96.14 Submission of grant application.
96.15 Application approval.
96.16 Application disapproval.
96.17 Use of alternative eligible applicants.
96.18 Modification of grant agreements.
96.19 Modification of Comprehensive Title II Plan.

SUBPART C—PROGRAM OPERATION

96.20 General.
96.21 Basic responsibilities of eligible applicants.
96.22 Basic responsibilities of program agents; relationship with eligible applicants.
96.23 Acceptable public employment positions.
96.24 Maintenance of effort.
96.25 Responsibility for selecting participants.
96.26 Special limitations on programs and participant selection.
96.27 Eligibility for participation in a Title II Program.
96.28 Special consideration for most severely disadvantaged persons.
96.29 Serving significant segments of the population.
96.30 Groups to be provided special consideration.
96.31 Training and supportive services.
96.32 Linkages with other manpower programs.
96.33 Placement goals.
96.34 Compensation for participants.
96.35 Working conditions for participants.
96.36 Retirement benefits for participants.
96.37 Use of Title II funds for programs under Titles I and III–A; summer employment program.
96.38 Limitation on funds.

SUBPART D—SPECIAL CONDITIONS FOR GRANTS TO INDIANS TRIBES ON FEDERAL AND STATE RESERVATIONS

96.40 General.
96.41 Distribution of funds.
96.42 Eligibility for funds.
96.43 Assistance by the Secretary.
96.44 Nepotism.
96.45 Nondiscrimination.
96.46 Subgrants.
96.47 Comments and publication procedures relating to submission of Indian grant applications.

PART 97 SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—1974 SUMMER PROGRAM FOR ECONOMICALLY DISADVANTAGED YOUTH

Sec.
97.1 Scope and purpose.
97.2 Definitions.
97.3 Allocations of funds.
97.4 Eligibility for funds.
97.5 Notification of intent.
97.6 Application for grants; standards for reviewing grant applications.
97.7 Application approval and disapproval.
97.8 Use of alternative sponsors and services by the Secretary.
97.9 Content and description of grant application.
97.10 Modification of the grant agreement; modification of the program plan.
97.11 Basic responsibilities of sponsors.
97.12 Eligibility for participation.
97.13 Types of manpower services available in the summer program for economically disadvantaged youth.
97.14 Participant benefits.
97.15 Sponsor review.
97.16 Non-Federal status of participants.
97.17 Worksite standards; safety and health requirements for participants.
97.18 Training for lower wage industries and relocation of industries.
97.19 Sponsor contracts and subgrants.
97.20 Cooperative relationships between sponsors and other manpower agencies.
97.21 Reporting requirements.
97.22 Terminal date for 1974 summer program.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER TITLE I AND TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GRANT ADMINISTRATION

98.1 General.
98.2 Payment.
98.3 Letter of credit.
98.4 Payment by Treasury check.
98.5 Financial management systems.
98.6 Audit.
98.7 Reporting requirements in general.
98.8 Quarterly Progress Report.
98.9 Quarterly Summary Client Characteristics.
98.10 Report of Federal Cash Transactions.
98.11 Reallocation of funds.
98.12 Allowable Federal costs.
98.13 Allocation of allowable costs among program activities.
98.14 Basic personnel standards for grantees.
98.15 Adjustments in payments.
98.16 Termination of grant.
98.17 Grant close-out procedures.
98.18 Retention of records.
98.19 Program income.
98.20 Procurement standards.
98.21 Nondiscrimination and equal employment opportunities.
98.22 Nepotism.
98.23 Special limitation on participant selection.

SUBPART B—ASSESSMENT AND EVALUATION

98.30 General.
98.31 Responsibilities of the prime sponsor or eligible applicant.
98.32 Responsibilities of the Secretary.
98.33 Limitation.
98.34 Consultation with the Secretary of Health, Education, and Welfare.

SUBPART C—HEARINGS AND JUDICIAL REVIEW

98.40 Purpose and policy.
98.41 Review of plans and applications; violations.

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Sec.
98.42 Complaints; filing of formal allegations; dismissal.
98.43 Form.
98.44 Contents of formal allegations; amendment.
98.45 Investigations.
98.46 Opportunity for hearings; when required.
98.47 Hearings.
98.48 Initial certification, decisions and notices.
98.49 Judicial review.

§ 94.4 Definitions.

The following definitions consistent with 601(a) of the Act, apply to Parts 94 through 98, inclusive;

(a) "Act" shall mean the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203, 87 Stat. 839).

(b) "Allocation" shall mean the distribution of funds among prime sponsors or eligible applicants according to the formulas contained in the Act.

(c) "ARDM" shall mean the Department of Labor's Assistant Regional Director for Manpower, or his designee, having the responsibility for the area in which a prime sponsor or eligible applicant is located.

(d) (1) "Area of substantial unemployment" shall mean any area, other than in relation to an Indian tribe, which:

(i) has a population of at least 10,000 persons,

(ii) qualifies for a minimum allocation of $25,000 under Title II of the Act, and

(iii) has a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

(2) "Area of substantial unemployment" shall mean, in relation to an Indian tribe, an Indian reservation, as a whole, with a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

(e) "Balance of county" shall mean the area within the jurisdiction of a county, as a prime sponsor or eligible applicant, that is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

(f) "Balance of State" shall mean the area within the jurisdiction of a State, as a prime sponsor or eligible applicant, which is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

(g) "Capital improvement" shall mean any modification, addition, or restoration which increases the usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment which is classified for accounting purposes as "fixed asset" and the recorded value is increased by the cost of the improvement and subject to depreciation.

(h) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(i) "Chief elected official" and "chief executive officer" shall include their designees.

(j) "Client community" shall mean the group or groups of people to be served by a program or program activity; for example, the unemployed, persons of limited English speaking ability, farm workers, migrants and economically disadvantaged.

(k) "Community-based organizations" shall mean organizations which are representative of communities or significant segments of communities and which provide manpower services (for example, Opportunities Industrialization Centers, Urban League, Jobs for Progress, Mainstream, Community Action Agencies and other community organizations).

(l) "Compensation" as applied to a participant in a Title II program shall mean the wages and salary payable, but does not include fringe benefits or supportive services.

(m) "Consortium" shall mean an agreement among local units of government, consistent with the requirements of § 95.3, to plan and operate a comprehensive manpower program under the Act.

(n) "Contractor" shall mean any person, corporation, partnership, or similar entity or a public agency, which enters into a contract with the Department, with a grantee, or with a subgrantee under the Act.

(o) "Construction" shall mean the erection, installation, or assembly of a new facility or a major addition, expansion, or extension of an existing facility, and the related site preparation, excavation, filling and landscaping or other land improvements.

(p) "Department" shall mean the United States Department of Labor and includes each of its operating agencies and other organizational units.

(q) "Dependent" shall mean:

(1) any relative who is a member of the immediate household of, and for whom the participant has or has assumed, a responsibility for support: *Provided*, That, the following relatives need not be members of the participant's household, if the participant is the head of family:

(i) Parents of the participant head of family;

(ii) Children of the participant head of family;

(iii) Relatives of the participant head of family who are unemployable because of physical or mental disability; or

(2) Any individual who:

(i) Is currently being supported by the participant head of family and is a member of the participant's immediate household; and

(ii) During the preceding twelve months, earned less than $750.

(r) "Economically disadvantaged" shall mean a person who is a member of a family:

(1) Which receives cash welfare payments; or

(2) Whose annual income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB).

(s) "Eligible applicant" for purposes of Title II shall mean a prime sponsor or an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment.

(t) "Employing agency" for purposes of public service employment programs shall mean any employer designated by an eligible applicant, program agent, or other subgrantee, or by the Secretary of Labor, to employ participants pursuant to public service employment programs under the Act. The term shall include an eligible applicant, program agent, or other subgrantee when acting as an employer.

(u) "Federal reservation" shall mean lands which have been set aside for Indian tribes and for which the United States is trustee, as identified by the Bureau of Indian Affairs, including nontrust land under the tribal jurisdiction.

(v) "Governor" shall mean the chief executive officer of a State, or his designee.

(w) "Grantee" shall mean any individual or organization, including a prime sponsor under Title I or Title III of the Act, or an eligible applicant under Title II of the Act, which receives a grant from the Department to establish or operate any program or activity under the Act.

(x) "Health care" includes but is not limited to preventive and clinical medical treatment, voluntary family planning services, nutritional services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatment or services are necessary to enable a participant to obtain or retain employment under the Act.

(y) "Indian tribe" shall mean a tribe, group or band of American Indians or Alaskan natives identified on the basis of historical, geographical or cultural characteristics, or subpart of such a tribe, group or band.

(z) "Low-income level" shall mean an annual income of $7,000 with respect to income in 1969; for any later year it shall mean that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(aa) "Obligation" shall mean the amount of Federal funds which the Department has legally committed and authorized a prime sponsor or eligible applicant to expend.

(bb) "Offender" shall mean any person who is confined in any type of correctional institution, including a community-based facility, or who is subject to any stage of the judicial, correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary of Labor, after consultation with judicial, correctional, probationary or other appropriate authorities.

(cc) "OMB" shall mean the Office of Management and Budget.

(dd) "Participant" shall mean an individual who qualifies and receives services or takes part in activities under provisions of the Act.

(ee) "Placement" shall mean the hiring into unsubsidized employment by an employer of an individual referred by the prime sponsor or its subgrantee or contractor for a job or an interview, providing that the prime sponsor subgrantee or contractor completed all of the following steps:

(1) made prior arrangements with the employer for referral of an individual or individuals;

(2) referred an individual who had not been specifically designated by the employer;

(3) verified from a reliable source, preferably the employer, that the individual had entered on a job; and

(4) recorded the transaction on an employer form or other appropriate form.

There are three levels of placement based on the expected duration of the job:

(i) Short-term placements in jobs which are expected to have a duration of three days or less;

(ii) Mid-term placements in jobs which are expected to have a duration from four days to one-hundred-fifty days; and

(iii) Long-term placements in jobs which are expected to have a duration of more than one-hundred-fifty days.

Placement does not include referral to another program activity, enrollment in education or training courses not supported under the Act, or entrance into the Armed Forces. The transitioning of a participant into unsubsidized employment which does not meet the definition of "placement" above, shall be classified as "self-placement." Self placement shall mean the hiring of an individual in unsubsidized employment, which is a result of his own effort. This can occur after intake service or a referral by the prime sponsor or any of its contractors or subgrantees, or at the outset of program participation as a result of intake and assessment or after receiving program services.

(ff) "Poverty level" shall mean the annual income threshold below which families are considered to live in poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

(gg) "Prime sponsor" shall mean a unit of government, combinations of units of government, or a rural Concentrated Employment Program grantee, as set forth in § 95.3, which has entered into a grant with the Department to provide comprehensive manpower services under Title I of the Act.

(hh) "Professional work" shall mean work performed by an individual acting in a bona fide professional capacity, as such term is used in section 13(a)(1) of the Fair Labor Standards Act.

(ii) "Program agent" for purposes of Title II shall mean a subgrantee which is a unit of, or a combination of units of, general local government having a population of 50,000 or more, and which has an area of substantial unemployment within the jurisdiction.

(jj) "Program of demonstrated effectiveness" shall mean a manpower program, including a program conducted by a community based organization, which has a history of providing manpower services to the economically disadvantaged and has demonstrated the capacity to meet contractual goals at reasonable costs.

(kk) "Public service" shall mean service normally provided by government and includes, but is not limited to, work in such fields as beautification, conservation, crime prevention and control, education, environmental quality, fire protection, health care, housing and neighborhood improvements, manpower services, park, street and other public facility maintenance, pollution control, prison rehabilitation, public safety, recreation, rural development, solid waste removal, transportation, veteran outreach and other fields of human betterment and community improvement. It excludes building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit making organization.

(ll) "Rate of unemployment" shall mean the number of unemployed persons, as a percentage of the total number of persons in the civilian labor force, as determined by the Secretary.

(mm) "Secretary" shall mean the Secretary of the United States Department of Labor, or his designee.

(nn) "SESA" shall mean the State employment security agencies affiliated with the United States Employment Service, established by the Wayner-Peyser Act of 1933, as amended. The term shall include the system of public employment service offices and Unemployment Insurance offices.

(oo) "Significant segments" shall mean those groups identified in a prime sponsor's comprehensive manpower plan as being most in need of the services to be provided by the Act.

(pp) "Special veteran" for Title II shall mean an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, who received other than a dishonorable discharge.

(qq) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(rr) "State reservation" shall mean an Indian reservation recognized by the State in which it is located.

(ss) "Subgrantee" shall mean any governmental unit or private nonprofit agency which receives a grant from a prime sponsor or eligible applicant under the Act.

(tt) "Sufficient size and scope" shall mean an area or combination of area, other than an Indian reservation, which has a population of 10,000 or more persons and qualifies for a minimum allocation under Title II of $25,000.

(uu) "Supportive or manpower services" shall mean services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them to retain employment, and facilitate their movement into permanent employment not subsidized under the Act.

(vv) "Underemployed person" shall mean a person who is working part-time but seeking full-time work or who are working full-time but receiving wages below the poverty level. For purposes of Title II and public service employment, persons who are working part-time for the employing agency may be considered underemployed and, as such, be hired only if their selection does not violate the maintenance of effort requirements of the Act.

(ww) "Unemployed person" shall mean for Title I activities except in the case of welfare recipients:

(1) A person who is without a job and who wants and is available for work, defined as follows:

(i) A person who is without a job is a person who did not work during the calendar week preceding the week in which the determination of his eligibility for participation is made. Except in the case of persons described in paragraph (ww)(2) of this section, the determination of who wants and is available for work will be made by the prime sponsor or his designee and persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(ii) If a person is confined in a jail, penitentiary or other correctional institution and there is a reasonable expectation that release will follow the completion of training within a reasonable time, he shall be considered unemployed.

(iii) A person is not to be considered to be available for work if he is without a job because of participation in an ongoing strike or lock-out at his usual place of employment.

(2) In the case of welfare recipients, and except for purposes of section 103 and 202 of the Act, the term "unemployed person" shall mean an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled), or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(i) Who is available for work, and

(ii) Who is either without a job or working in a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(xx) "Unemployed person" shall mean for Title II activities:

(1) A person who is without a job and who wants and is available for work. Except in the case of persons described in (2) below, the determination of who wants and is available for work will be made by the prime sponsor or his designee, and persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

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(2) Except for purposes of sections 103 and 202 of the Act, an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled) or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(i) Is available for work, and

(ii) Who is either without a job or working on a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(3) A person is "without a job" if, during the 30 days preceding his application, he has worked no more than 10 hours or has earned no more than $30 in any calendar week.

(4) A person is not to be considered available for work if he is without a job because of participation in an ongoing strike or lock-out at his usual place of employment.

(yy) "Unemployment compensation" shall mean the compensation payable for weeks of unemployment in accordance with the provisions of a State or Federal law, including but not limited to the unemployment compensation laws of the several States, the Railroad Unemployment Insurance Act and 5 USC Ch. 85 (Federal employees and ex-servicemen's unemployment compensation). This term shall also extend to payments to unemployed individuals under the Disaster Relief Act and other Federal Acts providing assistance to unemployed individuals either as supplemental to State unemployment compensation or in lieu of such compensation.

(zz) "Unit of general local government" shall mean any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(aaa) "Unsubsidized employment" shall mean employment not financed from funds provided under the Act.

(bbb) "Wagner-Peyser Act" shall mean "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933, (48 Stat. 113), as amended (29 U.S.C. 49 et seq.).

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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Subpart A—General

§ 95.1 Scope and purpose of Part 95.

(a) This Part 95 contains the Department of Labor's regulations for the establishment and provision of comprehensive manpower services, including public service employment, under Title I of the Act.

(b) This Part 95 should be read in conjunction with Parts 94 through 98 of this Title 29, Code of Federal Regulations. These parts, in total, comprise the regulations promulgated by the Secretary pursuant to the authority in the Act.

(c) Definitions for abbreviations and major terms may be found in Part 94.

(d) Statutory authority for the regulations contained in this Part 95 may be found in section 602(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 602(a), are noted generally in these regulations.

§ 95.2 Allocation of funds.

(a) *General.* (1) This § 95.2 sets out the procedures for allocating funds under Title I of the Act. Of the funds available for Title I in any fiscal year, 80 percent shall be allocated according to the procedures set forth in paragraph (b) of this section. The remaining 20 percent shall be allocated as set out in paragraphs (c) and (d) of this section (sec. 103).

(2) Allocations made to prime sponsors under this section shall be published in the FEDERAL REGISTER as soon as possible after the enactment of any fiscal year appropriation. The Secretary may publish preliminary allocations to assist prime sponsors in planning for programs under Title I of the Act.

(3) The Secretary may reallocate Title I funds as provided in § 98.11.

(b) *Prime sponsor basic allocations.* (1) Eighty percent of the funds available under Title I of the Act shall be allocated as provided in this paragraph (b). Funds provided pursuant to this paragraph are for prime sponsors, as defined in § 95.3, except for a limited number of prime sponsors which are rural Concentrated Employment Programs (CEP). This paragraph (b) does not apply to rural CEPs.

(2) One percent of the amount available under this paragraph (b) shall be allocated by the Secretary to State prime sponsors for the costs incurred in staffing and servicing State Manpower Services Councils. If such funds exceed the amount needed for these costs, the excess may be used to carry out State services under section 106 of the Act. Allocations under this paragraph shall be made according to the paragraph (b)(4) allocation formula.

(3) Not less than $2,000,000 of the funds under this paragraph (b) shall be allocated among Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, consistent with the factors set out in (b)(4).

(4) Subject to the requirements of paragraph (b)(5) of this section, funds remaining after application of paragraphs (b) (2) and (3) shall be allocated to prime sponsors according to the following basic formula:

(i) Fifty percent of the funds subject to formula allocation shall be allocated on the basis of each prime sponsor area's proportion of the manpower funds allotted for all prime sponsor areas in the prior fiscal year;

(ii) Thirty-seven and one-half percent of the funds subject to formula allocation shall be allocated on the basis of a prime sponsor's proportion of the total number of unemployed persons (as defined by the Bureau of Labor Statistics) in all prime sponsor areas;

(iii) Twelve and one-half percent of the funds subject to the allocation formula shall be allocated on the basis of a prime sponsor's proportion of the number of adults in low income families in all prime sponsor areas.

(5)(i) No prime sponsor shall be allocated an amount under the paragraph (b)(4) allocation formula which is more than 150 percent of the amount of the manpower allotment obligated in the prior fiscal year for the area served by the prime sponsor; except that if the amount so allocated is less than 50 percent of the amount of manpower funds to which it is entitled under the (b)(4) allocation formula, such allocation shall be increased to 50 percent of its entitlement under the formula.

(ii) If any prime sponsor, pursuant to the paragraph (b) (4) and (5) allocation formula, is allocated less than 90 percent of the manpower allotment that was obligated to that area in the previous fiscal year, that prime sponsor shall, to the extent feasible, be provided an amount from the Secretary's discretionary fund, set out in paragraph (d) of this section, that will bring its funding during the current fiscal year to the 90 percent level.

(c) *Additional prime sponsor allocations.* This paragraph describes those prime sponsor allocations that are not subject to the basic allocation procedures of paragraph (b).

(1) *Consortia incentive funds.* In order to encourage consortia, as defined in § 95.3, that also comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia. Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the Assistant Regional Director for Manpower (ARDM) shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

(2) *State manpower services allocations.* The Secretary shall allocate to the States, according to the paragraph (b) (4) allocation formula, 4 percent of the funds available under Title I of the Act, to enable the States to provide services, as set out in Subpart D of this Part 95.

(3) *Allocations for rural CEP prime sponsors.* The Secretary shall fund a limited number of prime sponsors which are rural CEPs from any funds available to carry out Title I, except funds allocated under paragraph (b).

(4) *Vocational education allocation.* The Secretary shall allocate to the Governors, according to the paragraph (b) (4) allocation formula, 5 percent of the funds available under Title I to provide financial assistance for vocational education. Each Governor shall allocate these funds as required in Subpart D of this Part 95.

(d) *Secretary's discretionary fund.* Any funds available under Title I that are not allocated under paragraphs (b) and (c) shall be first utilized by the Secretary to assure each prime sponsor, including a limited number of rural CEP prime sponsors, of funding at the 90 percent level, as set out in paragraph (b) (5)(ii) of this § 95.2. The Secretary shall utilize the remainder of the funds available under this paragraph at his discretion, taking into consideration (1) the provision of incentive funds for multijurisdictional agreements entered into by States, as set out in § 95.3 (b) and (d); (2) continued funding through prime sponsors of programs of demonstrated effectiveness; and (3) other factors the Secretary deems necessary to the carrying out of his responsibilities under the Act.

§ 95.3 Eligibility for funds.

(a) Funds may be allocated by the Secretary to prime sponsors (sec. 102). Prime sponsors are:

(1) States;

(2) Units of general local government which have a population of 100,000 or more persons;

(3)(i) Consortia consisting of general local governments which are (A) located in reasonable proximity to each other; (B) each of which retains responsibility for operation of the program; (C) at least one of which has a population of 100,000 or more persons; and (D) which, as a consortium, can plan and operate a comprehensive manpower program that provides administrative and programmatic advantage over the other methods of delivering services under the Act;

(ii) A consortium, under this paragraph (a)(3), which consists of units of local government in more than one State, may be approved by the ARDM after the approval of the Governors of the States involved has been obtained.

(iii) No consortium agreement will be approved if one of the parties to the agreement is a unit of local government which is not eligible to be a prime sponsor under the Act and if, in addition, the effect of the agreement is to render ineligible the prime sponsor otherwise responsible for serving the area of the ineligible local government; provided, however, that nothing in this paragraph shall prohibit the otherwise responsible prime sponsor from granting its consent to such a consortium agreement;

(4) Any unit of general local government, or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary, after giving serious consideration to comments from the prime sponsor otherwise responsible for the area and the Governor, (i) to serve a substantial portion (e.g., 75 percent) of a functioning labor market area or to be a rural area with a high level of unemployment, and (ii) to have demonstrated that (A) it has the capability for effectively carrying out a comprehensive manpower program under the Act, evidenced by its effective operation of programs such as CEP or other multicomponent programs, (B) there is a special need for services provided by the Act (e.g., the area has a high proportion of such groups within the population as older workers, high school dropouts, or has a high unemployment rate, substantial outmigration or unique commuting problems), and (C) it will afford administrative and programmatic advantages over other methods of delivering services under the Act; and

(5) A limited number of CEP grantees existing at the time of enactment of the Act, serving rural areas having a high level of unemployment which the Secretary determines have demonstrated through prior performance, a special capability for carrying out programs in such areas and are designated for that purpose.

(b)(1) A State may enter into an agreement with any unit of local government within the State that has a population of at least 100,000 persons in order to provide services within a designated area. Such an agreement may be approved by the ARDM when, to the extent consistent with State and local law, each party signatory to the consortium agreement accepts responsibility for the operation of the program, and the ARDM believes that the parties will, pursuant to the agreement, plan and operate a comprehensive manpower program which provides administrative and programmatic advantages over other methods of delivering services under the Act. All requirements for consortia in Parts 94 through 98 apply to such State multijurisdictional agreements unless otherwise stated.

(2) Incentive funds may be provided for an agreement under paragraph (1) if the agreement includes every eligible prime sponsor in the State.

(c) A consortium which comprises a substantial portion of a functioning labor market (e.g., 75 percent) shall be eligible for incentive funds, as provided in § 95.2(c)(1) of this part. The ARDM shall make such determinations, taking into consideration the definition and listing of labor market areas published by the Department, and the recommendations of the Governors.

(d) Incentive funds for consortia or State agreements shall be a nationally uniform percentage increase of the amount due them under § 95.2(b)(4), but shall not exceed 10 percent of the amount.

(e) No State, unit of general local government, or consortium may apply or be designated as a prime sponsor for any area within its jurisdiction that is also within the jurisdiction of another prime sponsor unless that other prime sponsor consents or fails to submit an approvable comprehensive manpower plan, or has its plan terminated, in whole or in part, by the Secretary.

(f) Any unit of general local government that does not intend to be served by the prime sponsor which would normally serve it under Title I shall inform that prime sponsor of its determination.

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§ 95.4 Data base for determining eligibility.

In order to determine prime sponsor eligibility, the Secretary shall use the 1970 official Census or certified up dates as published by the U.S. Bureau of the Census.

Subpart B—Grant Planning, Application, and Modification Procedures

§ 95.10 General.

This Subpart B provides the procedures for obtaining and modifying a grant to operate programs under Title I of the Act. Specifically, this subpart describes the procedures in the grant award process—from a prime sponsor's initial intent to apply, through the grant application process, to review by the Department, approval or disapproval of the grant, and modification. This subpart also describes the functions of prime sponsor Manpower Planning Councils and State Manpower Services Councils.

§ 95.11 Notification of intent to apply for prime sponsorship; consortium agreements.

(a) For Fiscal Year 1975, an applicant interested in receiving financial assistance shall submit to the ARDM, the Governor, and the appropriate State A–95 clearinghouses (see OMB Circular A–95), a notification of intent to apply for prime sponsorship in the format described in this part. In subsequent fiscal years, the Preapplication for Federal Assistance, Part I, prescribed by OMB Circular A–102, shall be used. In either case, submission shall be by a date set by the Secretary (section 102(c)).

(b) All prime sponsor notifications of intent, including those from consortia, shall include the following:

(1) Name and address of each prime sponsor applicant;

(2) Geographical area to be served;

(3) Population to be served;

(4) Name of any ineligible unit of general local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan;

(5) Certification that each prime sponsor applicant, except for a CEP prime sponsor, has required governmental authority as defined in § 94.4 and will comply with all requirements of law and regulation; and

(6) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each prime sponsor applicant. For a consortium, the signature of the chief elected official or chief executive officer of each consortium member is required.

(c) In addition to prime sponsor notifications of intent from consortia of local governments, each consortium shall, prior to execution of the grant, submit to the ARDM for his approval, a formal agreement which includes the following:

(1) A statement that the agreement has been formed under the Comprehensive Employment and Training Act of 1973. Either an agreement shall be written to establish a consortium arrangement for the express purpose of conducting a program under the Act or an existing joint power or other agreement shall be amended to include reference to the Act as part of the agreement;

(2) Identification of the units of government which are parties signatory to the agreement (i.e., the governmental units that are members of a consortium; not those governmental units that are merely served by a consortium);

(3) Identification of any ineligible governmental unit which would normally be within the jurisdiction of the consortium but has informed the members of the agreement of its desire not to have services provided through the consortium;

(4) Geographical areas which will be served through the agreement;

(5) Population to be served;

(6) Certification that State and local law permits services under the consortium agreement to be provided within the entire geographical area covered by the agreement, including within the jurisdiction of any local government located within the geographical area covered by the agreement (i.e., that the agreement is not prevented by State or local law from taking effect in the entire geographical area which it intends to serve);

(7) An attached letter from each unit's chief legal officer assuring that each party signatory has the legal authority, under State or local law, to enter into a consortium agreement (these letters are made part of the agreement);

(8) A statement that one of the following procedures will be used for signing grant agreements with the Department:

(i) That grant agreements with the Department shall be signed by the chief elected official or chief executive officer of each party to the consortium agreement; or

(ii) That, pursuant to a specific designation in the consortium agreement, grant agreements with the Department shall be signed by the chief elected official or chief executive officer of one or more of the parties to the consortium agreement, or by the chief executive officer of the administrative unit established under paragraph (e)(1) of this section;

(9) Certification that to the extent consistent with State or local law, each party signatory to the consortium agreement accepts responsibility for the operation of the program (i.e., each member of the consortium, rather than any administrative arm, has ultimate responsibility for the program's operation and success);

(10) A description of the powers, functions and responsibilities reserved by the parties to the consortium agreement, specifying the process by which decisions will be made, the process by which each party to the agreement will review and approve the Comprehensive Manpower Plan, and the procedure by which chief elected officials will participate in the planning and operation of the program, if they so desire. However, no agreement that has been validly entered into prior to the addition of this § 95.11(c)(10) need be modified to include this provision.

(11) A statement of the powers, functions and responsibilities which will be delegated to an administrative entity to operate the program and the name and organizational structure of that entity.

(d) In signing grant agreements with the Department, the authorized consortium signator(s) shall certify that the procedures described in the consortium agreement pursuant to paragraph (c)(10) of this section have been utilized.

(e)(1) The consortium shall be the prime sponsor under the Act. An administrative unit or one member of the consortium must be designated to operate the program.

(2) The division of powers, functions, and responsibilities between the consortium members and the administrative unit must be workable and clearly delineated. The administrative units may be delegated the power to enter into contracts and subgrants and other necessary agreements. to receive and expend funds, to employ personnel, to organize and train staff, to develop procedures for program planning, operation, assessment and fiscal management, to evaluate program performance and determine resulting need to reallocate resources, and to modify the grant agreement with the Department. The administrative arm of the consortium should have responsibility for the entire operation of the program, but the consortium members shall reserve to the consortium the right of evaluation and the decision to reprogram funds.

(f) A consortium established under these regulations shall have a stated duration at least equal to the period of the grant.

(g) All prime sponsor notifications of intent from applicants which are eligible only in exceptional circumstances, as defined in § 95.3(a)(4) of this Part 95, shall, in addition to the requirements of paragraph (b), include in their notifications of intent a statement and justification that they meet the requirements of § 95.3(a)(4). Consortia formed in exceptional circumstances shall also submit an agreement as required in paragraph (c).

§ 95.12 Prime sponsor designation.

Upon receipt of a completed notification of intent, the ARDM shall determine whether the applicant is eligible to be designated as a prime sponsor and shall notify the applicant of his determination. For Fiscal Year 1975, the designation shall be by letter or telegram. For subsequent fiscal years, Exhibit M–2, Notice of Preapplication Review Action, OMB Circular A–102 will be used. A grant application package (§ 95.14(b)) shall be sent to each applicant designated as being eligible for prime sponsorship.

§ 95.13 Planning process; advisory councils.

(a) *General.* To receive financial assistance under Title I of the Act, a prime sponsor applicant shall submit an approvable Comprehensive Manpower Plan, as set out in § 95.14 of this Part 95. In developing and modifying such a plan, a prime sponsor applicant shall utilize the advisory councils set out in this section. (sections 104, 106, and 107)

(b) *Planning process.* The prime sponsor shall establish a planning process for the development of its Comprehensive Manpower Plan. That process shall utilize, as appropriate, the advisory councils established in this section and shall also assure the participation in program planning of community-based organizations and the population to be served.

(c) *Prime sponsor Manpower Planning Council.* (1) Each prime sponsor (and prime sponsor applicant) shall appoint a Manpower Planning Council representative of the geographic area to be served. The Planning Council function is advisory. The Council's advisory authority does not free the prime sponsor from its final decisionmaking responsibilities under the Act.

(2) The Planning Council shall advise the prime sponsor in the settting of basic goals, policies, and procedures for its program under the Act. It shall make recommendations regarding program plans, and provide for continuing analyses of needs for employment, training, and related services in such areas. Planning Councils should monitor all manpower programs under the Act and provide for objective evaluations of other manpower and related programs operating in the prime sponsor's areas, for the purpose of improving the utilization and coordination of the delivery of such services. The procedures for evaluating programs not funded by the Act will be developed in cooperation with the agencies affected. The Planning Council shall make recommendations based upon its analyses to the prime sponsor, which will consider them in the content of its overall decisionmaking responsibility.

(3) Each prime sponsor shall, to the extent practical, include as appointments to its Planning Council members who are representative of the client community (e.g., women, persons of limited English-speaking ability and other minority groups), community-based organizations, the Employment Service, education and training agencies and institutions, business, organized labor, and where appropriate, agriculture. Persons representative of other interested groups may also be appointed. The prime sponsor shall appoint a chairman of the Planning Council and provide professional, clerical, and technical staff to serve it. Funds for supportive services and related staff costs for the Planning Council may be made available from a prime sponsor's basic allocation.

(d) *State Manpower Services Council.* (1) A State prime sponsor shall establish, in addition to its Planning Council under paragraph (c) of this section, a State Manpower Services Council (SMSC) representative of the geographic area to be served. The SMSC function is advisory and does not relieve the State of its final decisionmaking responsibilities under the Act. The SMSC shall review and monitor all manpower activities within the State, including those of prime sponsors, and advise and make recommendations concerning manpower activities to the Governor, prime sponsors, State manpower agencies, and the public.

(2) Consistent with the requirements of section 107 of the Act, the Governor shall appoint Council members, as follows:

(i) At least one-third of the membership of the Council shall be composed of representatives of prime sponsors who have been designated in accordance with procedures agreed upon by such prime sponsors. (All prime sponsors within the State need not be presented; whatever the size of the Council, one-third of its membership shall be representatives of prime sponsors within the State.)

(ii) One representative shall be appointed from each of the following: the State Board of Vocational Education, the State Employment Service, and any State agency the Governor believes has an interest in manpower or manpower-related services within the State.

(iii) Representatives shall be appointed from organized labor, business and industry, the general public, community-based organizations, and from the population to be served under the Act (including representation of women, persons of limited English-speaking ability, and other minority groups when such persons represent a significant portion of the client population).

(3) The Governor shall appoint a chairman for the Council and provide the Council with professional, technical, and clerical staff. The Council shall meet as it deems necessary.

(4) Council responsibilities shall include, but not be limited to:

(i) Reviewing prime sponsor plans, proposed modifications, and comments thereon;

(ii) Reviewing State agency plans for providing services to prime sponsors;

(iii) Making recommendations for effective coordination of all manpower and manpower-related programs and supportive services within the State;

(iv) Monitoring continuously (A) the operation of programs conducted by prime sponsors in the State and (B) the availability, responsiveness, adequacy, and effective coordination of State services provided by all manpower-related agencies;

(v) Submitting an annual report, which will be a public document, to the Governor, prime sponsors, State manpower agencies, and such other reports and information to the Governor and prime sponsors as it believes necessary to effectively carry out the Act.

(e) *Combined planning and services councils.* In any State where the State is the only prime sponsor, the prime sponsor Planning Council may also perform the functions of the State Manpower Services Council. In such instances, the membership of the prime sponsor's Planning Council shall reflect the membership requirements of the State Manpower Services Council, in addition to meeting the membership requirements of a Prime Sponsor Planning Council, except that the provision of § 95.13(d)(2)(i) is not required.

§ 95.14 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which prime sponsor applicants will use to apply for funds under Title I of the Act. If an applicant is also applying for funds under Title II of the Act, additional requirements set out in Part 96 must also be followed. Procedures for special State grants under Title I are in Subpart D of this Part 95 (sec. 106).

(2) A copy of all forms and instructions are contained in the Forms Preparation Handbook.

(b) *Grant application forms.*—(1) *Application for Federal assistance.* The application for Federal assistance identifies the prime sponsor applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The form provided in OMB Circular A–102, Part I of a grant application for nonconstruction, is being used.

(2) *Comprehensive Manpower Plan.* The Comprehensive Manpower Plan is a statement of how the prime sponsor applicant intends to use Title I funds, and to coordinate its activities with other manpower programs and services operating within its jurisdiction. The Comprehensive Manpower Plan consists of the Narrative Description of the Program, the Program Transition Schedule (for Fiscal Year 1975 only), the Project Operating Plan, and the Program and Occupational Summaries for Public Service Employment, all described below. For consortium prime sponsors, the approved consortium agreement will be a part of the plan.

(i) *Narrative Description of Program.* The Narrative Description of the Program provides for a narrative outline of the proposed program under the Act. It identifies and explains the manpower problems within the prime sponsor's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. The Narrative Description of the Program requires a detailed statement on the program including the following specific items. The Forms Preparation Handbook gives detailed instructions for these and other items on the Narrative Description of the Program:

(A) *Objectives and needs for assistance.* (*1*) Policy statement on purpose of program;

(*2*) Description of economic condition;

(*3*) Description of labor force characteristics;

(*4*) Assessment of skill shortages;

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(5) Definition of manpower needs;

(6) Statement of groups to be served;

(7) Statement on consideration of priority groups; and

(8) Statement of goals to be accomplished.

(B) *Results and benefits expected.* (*1*) Statement relating planned results to needs;

(*2*) Description of "other activities" in the Project Operating Plan;

(*3*) Statement of how training and services will provide participants with economic self-sufficiency; and

(*4*) Explanation of how training will lead to employment and enhance career development.

(C) *Approach.* (*1*) Description of the planning system and participation of community based organizations;

(*2*) Statement of strategy for accomplishing goals;

(*3*) Description of each program activity and service;

(*4*) Description of methods to be used to recruit, select, and determine eligibility of participants, including any special consideration given to veterans;

(*5*) Description of how persons of limited English-speaking ability will be served if they represent a significant portion of a prime sponsor's program;

(*6*) Description of consideration given programs of demonstrated effectiveness;

(*7*) Description of prime sponsor's administrative system;

(*8*) Description of allowance payment system;

(*9*) Explanation of any system for accounting for placements;

(*10*) Explanation of reasons specific delivery agents were selected including area skill centers and justification when other than existing facilities have been selected;

(*11*) Description of vocational education training and services funded by State Special Grants;

(*12*) Description of coordination with deliverers of manpower services not supported by the Act;

(*13*) Justification of administrative costs planned; and

(D) *Geographic location served.* Description of the geographical locations to be served.

(E) *Additional items relating to State applicants.* (*1*) A description of arrangements for serving all geographic areas under its jurisdiction, except for areas served by other prime sponsors;

(*2*) Description of the functions of the State Manpower Services Council;

(*3*) Description of State Manpower Services to be undertaken.

(F) *Public Service Employment Programs.* (*1*) Description of target population characteristics and significant segments which need special attention;

(*2*) Description of unmet public service needs and priorities;

(*3*) Comparison of types of jobs in public service needs described above;

(*4*) Justification of funding and job allocation by area;

(*5*) Description of results and benefits expected;

(*6*) Description of strategy for matching jobs to special veterans skills;

(*7*) Description of plan for providing services to significant segments, specifically disabled and special veterans and welfare recipients;

(*8*) Orientation procedures for participants;

(*9*) Description of determination of rates of compensation when they differ from what is normally paid by employer;

(*10*) Description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs above entry level;

(*11*) Plans to improve and expand employment and advancement opportunities of the target population; and

(ii) *Program Transition Schedule.* The Program Transition Schedule, required only in the plan for Fiscal Year 1975, requires the prime sponsor to list the categorical manpower programs currently funded under the Manpower Development and Training Act (MDTA), the Economic Opportunity Act (EOA), and the Emergency Employment Act (EEA) indicating those which will be phased into the operation of activities under the Act and those to be phased out. Current programs under MDTA and EOA may be continued only through December 31, 1974, unless the ARDM approves an extension under special circumstances. The prime sponsor shall also describe the system for ensuring continuity of service for those individuals enrolled in the categorical programs operating at the time of transition.

(iii) *Project Operating Plan.* The Project Operating Plan requires a prime sponsor to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It requires a prime sponsor to indicate planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services) and by program activity (classroom training, on-the-job training, public service employment, work experience, services to clients, and other activities). It requires also an identification of the number of individuals to be served within the significant segments of the population.

(iv) *Public Service Employment Occupational Summary.* The Occupational Summary requires a prime sponsor operating a public service employment program under the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages with wages for similar nonsubsidized jobs in the employing agency. The prime sponsor shall submit separate summaries for such program under Title I and title II of the Act.

(v) *Public Service Employment Program Summary.* The Program Summary presents a distribution of public service employment jobs, and funds to be provided to prime sponsors and subgrantees. It designates the areas to be served and the population of each area. The prime sponsor shall submit separate summaries for such programs under Title I and Title II of the Act.

(3) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the prime sponsor assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable circulars from the Office of Management and Budget (OMB) and the General Services Administration (GSA). The Assurances and Certifications form is contained in the Forms Preparation Handbook. Following is a summary of the items which are described in detail on that form:

(i) Compliance with the Act and regulations;

(ii) Compliance with OMB Circulars A–87, A–95, A–102;

(iii) Legal authority;

(iv) Non-discrimination;

(v) Compliance with Title VI of the Civil Rights Act of 1964;

(vi) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(vii) Compliance with the Hatch Act and restrictions on politicial activities;

(viii) Prohibition on use of position for private gain;

(ix) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(x) Non-support of religious facilities;

(xi) Maintenance of required health and safety standards;

(xii) Provision of appropriate workman's compensation to participants;

(xiii) Use of funds under the Act to supplement, rather than supplant, funds otherwise available, prohibition on displacement of employed workers by participants employed under the Act, and prohibition on impairment of existing contracts for services;

(xiv) Training only in occupations which have reasonable expectations for unsubsidized employment and which provides for the development of participants' potential consistent with their capabilities;

(xv) Compliance with reporting and recordkeeping requirements of the Act and regulations;

(xvi) Provision of required administrative and accounting controls;

(xvii) Compliance with applicable standards for working conditions;

(xviii) Additional assurances for Title I programs, as required by the Act;

(xix) Additional assurances for public service employment programs, and all activities funded under Title II, as required by the Act;

(xx) Special certifications for State grantees, as required by the Act.

§ 95.15 Comments and publication procedures relating to submission of grant application.

(a) As provided in paragraphs (b) and (c) of this section, each prime sponsor applicant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity for comment on the application (secs. 105(c)(2) and 108).

(b)(1) Each prime sponsor shall publish a summary of the grant application package, including the proposed allocation of funds, in a newspaper or newspapers (including minority newspapers, where feasible) which will provide for a general circulation throughout the area to be served by the prime sponsor's plan. Such publication shall be for three consecutive issues and shall include an address and appropriate hours when the complete grant application will be available for review and the place where comments may be directed. The publication shall be made 30 days prior to the submission of the application to the ARDM, except that for Fiscal Year 1975 the publication shall be no later than the date of submission of the application to the ARDM.

(2) The information published shall include the following:

(i) the goals provided in the Project Operating Plan;

(ii) the significant segments of the population to be served, and number of planned participants in each segment;

(iii) the program activities and services to be provided by the program in each geographical area and the funds to be planned for each activity and service;

(iv) the total funds in the grant and distribution by cost categories.

(c)(1) In addition to general newspaper circulation, each prime sponsor applicant shall provide a copy of its application for the purpose of commenting thereon to the Governor and the appropriate State and sub-State A–95 clearinghouse(s). It shall provide a summary to appropriate units of general local government with a population of at least 10,000 persons, to Indian prime sponsors, and to labor organizations where appropriate.

(2) For grants for Fiscal Year 1975, a prime sponsor applicant shall submit a copy of its application to the appropriate State and sub-State A–95 clearinghouse(s) at the same time it submits its application to the ARDM. The copy of the application sent to the clearinghouse(s) shall be accompanied by the following statement: "Due to the time constraints on implementation of Titles I and II of the Comprehensive Employment and Training Act of 1973, the program plan(s) required by section 105, 106, and 205 of the Act is (are) being submitted to the clearinghouse(s) and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower. This review and comment procedure has been approved by the Office of Management and Budget only for Fiscal Year 1974 Title II and Fiscal Year 1975 Titles I and II program approval cycles."

(d) Comments pursuant to paragraphs (b) and (c) of this section shall be made to the prime sponsor applicant and the ARDM within 30 days of publication. The prime sponsor shall provide copies of these comments to its Advisory Council and the Governor.

(e) A prime sponsor applicant shall acknowledge any comment made pursuant to this section. It shall inform any party submitting a substantive comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination. All substantive comments and responses will be transmitted to the ARDM with the grant application, unless the comments are received after the application's submission, in which case they will be sent separately to the ARDM.

§ 95.16 Submission of grant application.

(a) Each prime sponsor applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 95.14 of this Part 95.

§ 95.17 Standards for reviewing grant applications.

(a) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law.

(b) In reviewing a grant application as provided in paragraph (a) of this section, the ARDM shall determine whether:

(1) The application is complete.

(2) The needs and priorities identified in the application are supported and justified by the documentation provided by the prime sponsor.

(3) The planned expenditures for program activities are substantiated by documentation of the needs and priorities identified in the application.

(4) The performance goals identified in the application are reasonable in light of past program experience in the same or similar activities and the documentation provided by the prime sponsor.

(5) Appropriate arrangements have been made to involve the population to be served and community-based organizations in the planning process, through representation on the Prime Sponsor Manpower Planning Council or through participation in the specific planning of the program.

(6) The prime sponsor applicant's selection of the method of delivery of services is supported by adequate documentation based on availability and capability of delivery agents and appropriateness of services for the population to be served (sec. 105(a)(3)(B)).

(7) Maximum efforts have been made to meet the goals of the prior year's plan; such efforts shall include monitoring, evaluation, and remedial activities.

(8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of total costs, whether the prime sponsor has cited an adequate reason and provided supporting documentation.

(9) The prime sponsor has adequate internal administrative controls, accounting requirements, personnel standards, monitoring and evaluation procedures, availability for in-service training and technical assistance, and such other policies as may be necessary to promote the effective use of funds provided under Title I of the Act.

(10) All parties required to be afforded an opportunity to comment on comprehensive manpower plans have been afforded such an opportunity; and

(11) Any comment on a comprehensive manpower plan evidences non-compliance with the Act, the regulations promulgated pursuant to the Act, or any other applicable law.

§ 95.18 Application approval; grant agreement.

(a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the ARDM determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's plan.

(b) An application for a grant from a consortium, or pursuant to a State multi-jurisdictional agreement, shall be approved if, in addition, an agreement among the parties has been submitted to and approved by the ARDM.

(c) A prime sponsor applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide the prime sponsor with a grant agreement, consisting of the Grant Signature Sheet and the Assurances and Certification Form, and the Comprehensive Manpower Plan which is included by reference. The Comprehensive Manpower Plan shall be attached to the grant agreement.

(d) The Grant Signature Sheet specifies the amount obligated by the Department, the term of the grant, and is signed by the ARDM and the prime sponsor.

§ 95.19 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law (secs. 105 and 108).

(b) No application shall be disapproved solely because of the percentage of total funds devoted to any allowable program activity.

(c) No application for a grant shall be disapproved until:

(1) The prime sponsor applicant has been notified that its application fails to meet a requirement of the Act, regulations promulgated under the Act, or other applicable law; and

(2) The prime sponsor applicant is provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) The prime sponsor applicant has been provided a reasonable opportunity, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.

(d) When an application is disapproved, a notice of disapproval shall be transmitted to the prime sponsor and the Governor, accompanied by a statement of the grounds of the disapproval. Such disapproval shall not be effective until

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notice and opportunity for a hearing has been provided, as required in Subpart C of Part 98.

§ 95.20 Use of alternative prime sponsors; services by the Secretary.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by the State or another alternative prime sponsor to service the area originally to be served by the primary prime sponsor, or the Secretary may serve such an area directly. In so doing, the Secretary shall make every effort to minimize or prevent any disruption in participant activities (sec. 110(a)).

§ 95.21 Modification of grant agreement.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement. All modifications of the grant agreement are major modifications (secs. 105 and 108).

(b) When the term or amount funded by the grant is changed, the prime sponsor shall also submit revised portions of its Comprehensive Manpower Plan to specifically identify the changes.

(c) When the term or amount funded by a grant is changed, the comments and publication procedures provided in § 95.15 shall be followed.

(d) A denial of a prime sponsor's request for a grant modification shall be subject to the appeal procedures set out in Part 98.

§ 95.22 Modification of Comprehensive Manpower Plan.

(a) *General.* Prime sponsors may make two types of modifications to Comprehensive Manpower Plans: major and minor. An ARDM may require a modification as described in paragraph (d) of this section.

(b) *Major plan modification.* (1) When a plan modification falls into one of the following categories, it will be considered to be major plan modification:

(i) For grants of $100,000 or less:

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $5,000.

(B) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(ii) For grants of over $100,000.

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater.

(B) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(2) A prime sponsor desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the ARDM. This modification will be forwarded for comment to the Governor and to other interested units of local government and a summary published in a newspaper of general circulation (including minority newspapers, where feasible) in the prime sponsor's area. The ARDM shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final ARDM action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of the regulations.

(c) *Minor plan modification.* A prime sponsor may make any change in its Project Operating Plan which is not set out in paragraph (b) of this section without prior approval, but must show any such change in the first Quarterly Progress Report submitted to the Department after the change has been made. At the same time that this report is submitted, an updated Project Operating Plan will also be submitted. Only those lines and columns affected by the modification shall be shown.

(d) *ARDM required modification.* After consultation with a prime sponsor, modifications may be required by the ARDM as necessary to assure compliance with the regulations and the approved plan (secs. 105 and 108).

Subpart C—Program Operations

§ 95.30 General.

This subpart sets out the program operation requirements for comprehensive manpower services under Title I of the Act. The utilization of funds under Title I is conditioned upon adherence to the Act, the regulations promulgated under the Act, and other applicable law.

§ 95.31 Basic responsibilities of prime sponsors.

A prime sponsor shall be responsible for:

(a) Compliance with plans and assurances;

(b) Compliance with Part 98 of these regulations;

(c) Establishing priorities for receipt of assistance authorized under the Act taking into account the priorities identified by the Secretary and the significant groups represented among the economically disadvantaged, unemployed, and underemployed residing within its jurisdiction;

(d) Designing program operating activities which are, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient, and will contribute to the occupational development or upward mobility of every participant (secs. 101 and 603(9)).

(e) Advising every participant of his rights and responsibilities prior to entering the program and granting the opportunity for an informal hearing as provided in § 95.37; and

(f) Making maximum efforts to achieve the provisions of its plan.

§ 95.32 Eligibility for participation in a Title I program.

(a) A person who is economically disadvantaged, unemployed or underemployed (as defined in § 94.4) may, subject to paragraph (b) of this section, participate in a program offered by the prime sponsor under Title I of the Act (secs. 105(a), and 108(d)).

(b) For the purpose of participating in a public service employment program under Title I of the Act, participation is permitted for persons who reside, as defined in paragraph (c) of this section, anywhere within the geographical area covered by the prime sponsor's comprehensive manpower plan who are unemployed or underemployed, and are otherwise eligible for participation consistent with the requirements of secs. 205(c) and 208 of the Act (sec. 105(a)(5)).

(c) For the purpose of defining residence in paragraph (b) of this section, the term residence shall mean an individual's permanent dwelling place or home, both at the time the individual applies and is selected for participation in a public service employment program under Title I of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as maintenance of a dwelling place or home.

(d) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program to the extent consistent with applicable State or local law.

(e) Prime sponsors will give special consideration to the needs of qualified disabled veterans and veterans of the Vietnam-era who served on or after August 5, 1964, and meet the eligibility requirements in paragraph (a) of this section.

§ 95.33 Types of manpower program activity available.

(a) A prime sponsor may provide any type of manpower program activity which is consistent with the purposes of Title I of the Act. Such program activities include but are not limited to the development and creation of job opportunities, and the training education and other services needed to enable an individual to secure and retain employment at his maximum capacity. Program activities should be primarily directed toward the placement of individuals in unsubsidized employment, either directly at the outset of program participation as a result of intake assessment or indirectly through provision of training or services (sec. 101).

(b) A prime sponsor may, consistent with these regulations, determine the operating levels and program activities in its area. It may select any of the program activities described in paragraph (d) of this section or devise other activities within the framework of the Act. No prime sponsor plan will be disapproved solely because of the percentage of funds devoted to a particular program activity (sec. 108(c)).

(c) A prime sponsor shall develop special program provisions for persons of limited English-speaking ability when such persons constitute a significant portion of a prime sponsor's program. The prime sponsor shall establish operating procedures to ensure (sec. 301(b)):

(1) Teaching occupational skills in the primary language of such persons for occupations which do not require a high proficiency in English;

(2) Developing new employment opportunities for persons limited in English-speaking ability;

(3) Developing opportunities for promotion within existing employment situations for such persons;

(4) Disseminating appropriate information and providing job placement and counseling assistance in the primary language of such persons;

(5) Conducting training and employment programs in the primary language of such persons; and

(6) Conducting programs designed to increase the English-speaking ability of such persons.

(d) The basic types of manpower services available to a prime sponsor include, but are not limited to; the following:

(1) *Classroom training.* (i) This program activity includes any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses in, for instance, remedial education, training in the primary language of persons of limited English-speaking ability, or English-as-a-second-language training.

(ii) Occupational training shall be designed for occupations in which skills shortages exist (sec. 105(a)(6) and for which there is reasonable expectation of employment (sec. 603(10)). In making these determinations, a prime sponsor shall utilize available community resources such as the local SESA office, the National Alliance of Businessmen, etc.

(iii) Allowances and other benefits as provided in § 95.34 may be paid to participants receiving training or education, provided that such allowances are not paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(iv) Vocational education services may be supported with funds provided through (A) the prime sponsor's Title I grant or (B) special grants to Governors for vocational education and services in prime sponsor areas. In order to obtain services under (d)(2) of this section the prime sponsor will negotiate nonfinancial agreements with State Vocational Education Boards utilizing the procedures described in Subpart D of this Part 95.

(2) *On-the-job training.* (i) On-the-job training (OJT) refers to training conducted in a work environment designed to enable individuals to learn a bonafide skill and/or qualify for a particular occupation through demonstration and practice. Such training may be conducted on a "hire first, train later" basis, or with ultimate placement with an employer other than the training organization. OJT may involve individuals at the entry level of employment or be used to upgrade present employees into occupations requiring higher skills. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bonafide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure (sec. 101(5)).

(iii) *Labor organization consultation.* Appropriate labor organizations should be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(iv) *Participant benefits.* Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 95.35 of this subpart.

(3) *Public Service Employment.* (i) This program activity includes training, services, and other activities incident to the subsidized employment of individuals in the public sector. Operating conditions and allowable expenditures, except for residency requirements, applicable when Title I funds are used for this activity are the same as those used for this activity when Title II funds are used, as enumerated in Part 96 of these regulations.

(ii) *Participants benefits.* Wages and benefits for persons in a public service employment program shall be as provided in Part 96.

(4) *Work experience.* (i) This program activity is designed to enhance the future employability of youth or to increase the potential of adults in obtaining a planned occupational goal.

(ii) Work experience activities for youth include part-time work for students attending school, short-term employment for students during summer, short-term employment for out-of-school youth adjusting to a work setting and in transition from school to a job setting; short-term employment for recent graduates; and short-term or part-time employment for those youth who have no definite occupational goal and for whom no training or job opportunity immediately exists.

(iii) Work experience activities for adults include part-time or short-term employment for the chronically unemployed, retired persons, recently discharged military individuals, institutional residents and inmates, and others who have not been working in the competitive labor population for extended periods of time. In addition, it may include short-term employment while a definite occupational goal and a training or job opportunity is being developed.

(iv) Program outcomes for work experience participants include (A) return to school; (B) enrollment in post secondary education; (C) enlistment in the military services; and (D) enrollment in manpower training.

(v) Work experience in the private for profit sector is prohibited.

(vi) *Participant benefits.* Each participant in a work experience activity shall receive allowances or wages. Wages shall be commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that a participants' hourly rate of pay shall be at least the highest of (A) the minimum wage prescribed by State or local law for similar employment or (B) the minimum hourly wage set out under sec. 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Participants in work experience activities shall be provided workmen's compensation and, as appropriate, other manpower services. Allowances shall be provided as in § 95.34 of this subpart.

(5) *Services to clients.* This program activity is designed to provide supportive and manpower services which are needed to enable indviduals to obtain or retain employment or to participate in other manpower program activities leading to their eventual placement in unsubsidized employment. Such services include, but are not limited to the following:

(i) *Manpower Services:* (A) Outreach;

(B) Intake and assessment;

(C) Orientation;

(D) Counseling;

(E) Job development;

(F) Job placement; and

(G) Transportation; and

(ii) *Supportive Services:* (A) Health care and medical services;

(B) Child care;

(C) Residential support;

(D) Assistance in securing bonds;

(E) Family planning services, provided that such services are made available to an enrollee only on a voluntary basis, and are not to be a prerequisite for participation in, or receipt of, any services or benefit from the program; and

(F) Legal services.

(6) *Other activities.* These are program activities which do not fit into any of the above categories, including, but not limited to, the following:

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(i) Removal of artificial barriers to employment;

(ii) Job restructuring;

(iii) Revision or establishment of merit systems; and

(iv) Development and implementation of affirmative action plans.

§ 95.34 Training allowances.

(a) *The payment system.* To assure accountability and uniformity, and to facilitate the necessary coordination with other programs, the system for payment of allowances under the Act shall be maintained as a unified system (sec. 111(a)). In addition, the delivery system selected by the prime sponsor shall incorporate a procedure to obtain information concerning receipt of unemployment compensation by participants. The prime sponsor in selecting the delivery system for the payment of participant allowances should give consideration to the use of existing agencies which have experience in operating an allowance payment system. The payment system shall include the following elements:

(1) Determination of entitlement and computation of amount to be paid;

(2) Issuance and distribution of payments;

(3) Maintenance of payment records and preparation of required reports;

(4) Maintenance of a system to detect and collect overpayments; and

(5) Arrangements with other agencies to obtain necessary information to minimize duplication of unauthorized payments. This shall include arrangements with:

(i) The State employment security agency for verification of unemployment compensation benefits;

(ii) Local welfare agencies for verification of public assistance payments;

(iii) Training facilities for submittal of payment requests and certification of attendance; and

(iv) Other units of government for verification of training allowances under other Federal, State or local programs.

(b) *Selection of delivery agent.* The prime sponsor is required to provide a unified allowance payment system either directly or through contract with an organization it considers appropriate for its particular circumstances. The prime sponsor may want to give consideration to the Unemployment Insurance Service when selecting the delivery agent for allowance payments.

(c) *Eligibility for allowances.* Allowances may be paid to participants receiving classroom training, work experience or education under Title I of the Act.

(d) *Application for unemployment compensation.* Participants should be encouraged to apply for unemployment compensation benefits if they are not already receiving such benefits.

(e) *Basic allowances.* Basic allowances for one week, when added to unemployment compensation payments, if any, shall equal whichever is the highest of:

(1) The minimum wage prescribed by State or local law for employment in the prime sponsor's area; or

(2) The minimum hourly wage set out under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours of training, in which the trainee attends as required, or is absent for good cause; provided that for the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific, the provisions of the Fair Labor Standards applicable to those areas shall pertain.

(f) *Dependents allowances.* Basic allowances shall be increased by $5 per week for each dependent over two, up to a maximum of four additional dependents, for a total maximum basic allowance increase of $20 for six or more dependents.

(g) *Incentive allowances for persons receiving public assistance or who are in institutions.* (1) Incentive allowances, at the rate of $30 per week, are in lieu of basic allowances and shall be paid to participants receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others. Such allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs (sec. 111(a)).

(2) Incentive allowances, in lieu of basic allowances, but not in excess of such allowances, may be paid institutionalized persons, including prison inmates participating in program activities. The determination as to whether such allowances will be paid, and the amounts thereof, shall be made by the prime sponsor in consultation with officials of the institutions. In the case of prison inmates, all or part of such payments, as determined by the prime sponsor and the head of the institution, may be held in reserve and delivered upon the participant's release from the institution.

(h) *Additional allowances.* Additional reasonable allowances may be provided to participants in any program activity for meals, travel, transportation, subsistence, emergency, and other purposes.

(i) *Adjustments in allowances.* (1) No allowance to which an individual may otherwise be entitled shall be diminished in any respect because of receipt of a separation payment provided under any collective bargaining agreement.

(2) An individual's allowance may be adjusted upward to the degree that the local cost of living exceeds the national norm, as approved by the ARDM.

(3) Allowances may be reduced pro rata for part-time participation in any activity under Title I.

(4) Payment of participant allowances may be reduced pro rata for absence without good cause.

(5) Periodic increases may be provided as an incentive to participation.

(j) *Waivers of allowance payments.* (1) The payment of all or part of the basic weekly allowance described in this section, except for allowances under paragraph (g)(1) of this section, may be waived for all participants in a specific course or project under conditions described in the approved comprehensive manpower plan in accordance with paragraph (j)(2) of this section. In exceptional circumstances, individual waivers may be granted with agreement of the participant.

(2) The criteria for a waiver of allowance payments, as provided in paragraph (j)(1), of this section are as follows:

(i) The waiver will increase the number of individuals which may be served and otherwise promote the purposes of the Act.

(ii) Such waiver will be applied to the total enrollment in the course or project and will not be imposed on an individual basis, except as provided in paragraph (j)(1) of this section.

(3) The prime sponsor will notify in writing affected participants in cases of such waivers.

(k) *Repayments.* Prime sponsors may require participants to repay the amount of any overpayment of allowances under this part. Any overpayment not repaid may be set off against any future allowance or other benefits under the Act to which the participant may become entitled. Where the overpayment was made in the absence of fault on the part of the participant, repayment shall be waived where such recovery would be against equity and good conscience or would otherwise defeat the purposes of the program.

§ 95.35 Wages; minimum duration of training and reasonable expectation of employment.

(a) *Wages.* (1) Participants in public service employment programs shall be paid wages as required by Part 96 of these regulations.

(2) Participants in work experience who receive wages shall be paid wages as required by § 95.33(d)(4)(vi).

(3) Participants in on-the-job training shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency (sec. 111(b)). In no event shall the rate be less than the highest of the following:

(i) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(ii) The State or local minimum wage for the most nearly comparable covered employment;

(iii) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(iv) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area or, any minimum rate required by an applicable collective bargaining agreement.

(4) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor.

(5) Wages in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific shall be consistent with applicable provisions of the Fair Labor Standards Act of 1938, as amended.

(b) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 603(8)). Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(c) *Reasonable expectation of employment.* An individual shall not be referred to training unless the prime sponsor determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which the person is being trained (sec. 603(10)).

§ 95.36 General benefits for program participants.

Each participant in a training or employment program under Title I of the Act shall be assured of appropriate workmen's compensation (sec. 603(6)). Each participant in an on-the-job training or public service employment program under Title I of the Act shall be assured of health insurance, unemployment insurance, retirement benefits (except as indicated in § 96.36) and other benefits at the same levels and to the same extent as other employees in the employment situation, and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy (secs. 208(a)(4) and 603(5)).

§ 95.37 Prime sponsor review.

Each prime sponsor shall establish a procedure for resolving any issue arising between it and a participant under any Title of the Act. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved. When the prime sponsor proposes to take an adverse action against a participant, such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken by the prime sponsor and giving the participant an opportunity to respond. No individual subject to the issue resolution requirements of this section may initiate the hearing procedures of Part 98 until all remedies under this section have been exhausted. Final determinations made as a result of the review process shall be provided to the participant in writing. Such notice shall include the procedures by which the participant may appeal the final determination, as set forth in Subpart C of Part 98.

§ 95.38 Non-Federal status of participants.

Participants in a program under Title I shall not be deemed Federal employees for any purpose including Federal tort claims and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 95.39 Safety and health requirements for participants.

Participants shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under conditions which are unsanitary or hazardous or dangerous to their safety or health. In the case of participants employed or trained for jobs which are inherently dangerous (e.g., fire or police jobs), participants will be assigned in accordance with appropriate health and safety practices (sec. 603(5)).

§ 95.40 Training for lower wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any lower wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where it conducts business operations (sec. 604(a)).

§ 95.41 Prime sponsor contracts and subgrants.

(a) *Contracts.* Contracts may be entered into between the prime sponsor and any party, public or private, for purposes set forth in an approved Comprehensive Manpower Plan.

(b) *Subgrants.* Subgrants may be entered into only between the prime sponsor and units of State and local general government, public agencies and nonprofit organizations.

(c) *Prime sponsor responsibility for development, approval and operation of contracts and subgrants.* The prime sponsor is responsible for development, approval and operation of all contracts and subgrants and shall require that its contractors and subgrantees adhere to the requirements of the Act, regulations promulgated under the Act, and other applicable law. It shall require contractors and subgrantees to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant (sec. 105(a)(1)(B)).

(d) *Cancellation.* If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, and other applicable law, the prime sponsor shall cancel the contract or subgrant. The prime sponsor may cancel for noncompliance with additional conditions established by the prime sponsor for the contract or subgrant.

(e) *Continuity of service when contract or subgrant is cancelled.* If a contract or subgrant is cancelled, the prime sponsor shall develop procedures for assuring continuity of service to participants and provide adequate notice to affected staff of the change (sec. 105(a)(1)(B)).

(f) *Contracts and subgrants extending beyond the term of the grant.* The nature of certain training programs may make it necessary for contracts or subgrants to be entered into by the prime sponsor which will extend beyond the term of the grant under the Act. The prime sponsor is authorized to enter into contracts or subgrants which extend past the termination date of the grant but such extension shall not exceed one year and shall be subject to the provisions of § 98.15 and § 98.16. In such cases, the grantee shall continue to be responsible for the administration of such contracts and subgrants.

§ 95.42 Cooperative relationship between prime sponsor and other manpower agencies.

(a) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a)(3)(D)).

(b) Prime sponsors shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

(c) Any prime sponsor which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) should coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

Subpart D—Special Grants to Governors

§ 95.50 General.

(a) Funds shall be allocated to each State through a special grant for the support of:

(1) Vocational education services for prime sponsors;

(2) The State Manpower Services Council; and

(3) State manpower services.

(b) Funds available under paragraph (a) of this section shall be granted to each Governor in accordance with the formula allocation set out in § 95.2 of these regulations. Each Governor shall distribute these funds as provided in § 95.55 (secs. 103, 106, 107, and 112).

(c) Provisions generally applicable in these regulations shall apply to special

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grants under this subpart unless otherwise provided.

§ 95.51 Distribution of funds.

(a) Five percent of the funds available under Title I of the Act shall be allocated to the Governors of the States to provide needed vocational education services for prime sponsors through State Vocational Education Boards as set out in § 95.2. These services are to be provided to participants under Title I of the Act.

(b) State Manpower Services Councils shall be supported with funds as set forth in § 95.2(b)(2).

(c) State manpower services provided under section 106 of the Act shall be funded as set forth in § 95.2(c)(2).

§ 95.52 Grant application.

(a) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Application to the ARDM on a date set by the Secretary. The ARDM shall determine whether the application shall be approved and shall notify the Governor of his determination.

(b) The Special Grant Application shall contain the following:

(1) *Application for Federal Assistance.* The form provided in OMB Circular A-102 for Part I of a grant application for nonconstruction projects is being used for the application for the special grant.

(2) *Special Grant Plan.* This plan consists of:

(i) *Special Grant Project Operating Plan.* This form will be used for the Special Grant to Governors. The POP for Special Grants is a multiprogram form providing for financial and statistical entries for vocational education projects channeled through the Governor's office, State Manpower Services Council activities, and State Manpower Services program activities. All of the three categories will be funded by one grant.

(ii) *Special Grant Program Narrative.* The narrative for the special grant will be composed of three separate sections as follows:

(A) *Vocational Education Services Program Narrative.* The program narrative contains *(1)* an explanation of the method used to allocate funds to prime sponsor areas and the rationale for the method used, (2) a summary of all agreements required in § 95.56 between individual prime sponsors and the Vocational Education Board and *(3)* a copy of each such agreement. The summary should follow the procedures established for the development of individual program narratives supporting each nonfinancial agreement. If all of the nonfinancial agreements are not available when the application is submitted, the Governor shall describe the training and services which he expects to be supplied by the Vocational Education Board to each prime sponsor. Nonfinancial agreements received after the grant is made will be forwarded to the ARDM.

(B) *State Manpower Services Council Program Narrative.* A description of the arrangements for the State Manpower Services Councils follows:

(1) A listing of members of the Council, identifying the group each member represents;

(2) Identification of the chairman;

(3) A statement of the procedures which will be followed in reviewing prime sponsor plans and making recommendations which will provide more effective overall coordination of manpower services in the State;

(4) A description of the system to be used in monitoring other prime sponsors and State manpower services;

(5) A description of the types of data, materials, and information which will be included in the annual report to the Governor;

(6) If the Governor plans to use part of the funds authorized for the Council under section 103(d) of the Act (one percent of the allocation) for section 106 (State services), the specific use of the funds shall also be described, including the amount and objectives to be accomplished.

(C) *State Manpower Services Program Narrative.* The narrative for this part will provide a specific description for each activity, the planned costs, and the planned results. The Program Narrative Description form contained in the Forms Preparation Handbook requires a detailed statement on the program including the following items:

(1) Explanation of steps taken to assure cooperation of State agencies with prime sponsors in implementing the program;

(2) Description of State plan for sharing of manpower resources and facilities for most efficient and economical operation;

(3) Coordination of programs financed under Wagner-Peyser Act to provide assistance to individuals in accordance with policies of this Act;

(4) An explanation of the arrangements made by the State to assist the Secretary under 38 U.S.C. 2012(a) in requiring each contractor, and subcontractor in Title I programs under the Act to list all suitable employment openings in State Employment Service local offices. Fulfillment of this responsibility shall be based upon information developed by the Secretary (sec. 106(b)(5));

(5) Description of any arrangements for planning areas to serve geographical regions within the State;

(6) Description of provisions for coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, including the exchange of information and coordination of manpower plans;

(7) A description of any of the activities allowable under section 106(c) of the Act, that the State chooses to provide, detailing those activities to be undertaken and the costs and goals of such activities, including:

(i) A description of allowable services being delivered under the Act throughout the State, by State agencies responsible for employment, training, and related services (sec. 106(c)(1));

(ii) A description of special programs and services for rural areas outside major labor market areas (sec. 106(c)(2));

(iii) A description of the extent to which information will be developed and published regarding economic, industrial, and labor market conditions;

(iv) A description of information and technical assistance to be provided to prime sponsors in the State; and

(v) A description of any model training and employment programs.

(iii) *Assurances and certifications.* The assurances and certifications form applicable to Title I and Title II grants will be included in the special grant application and agreement.

§ 95.53 Application approval and disapproval; grant agreement.

(a) The ARDM shall approve any grant application which meets the following standards and requirements:

(1) It contains all the required forms, information, and certifications required by the regulations; and

(2) It meets the conditions for approval of grant applications under Subpart B of this Part 95.

(b) A special grant agreement shall be signed when the grant application is approved by the ARDM. This agreement is composed of a Special Grant Signature Sheet and an Assurances and Certifications Form and the special Grant Plan which is included by reference. The special Grant Plan shall be attached to the grant agreement.

(c) An application for a special grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law. All other conditions set forth in § 95.19 shall apply to the disapproval of special grants.

(d) Upon approval, the Governor shall provide a summary of the Special Grant to each prime sponsor in the State.

§ 95.54 Modifications; limitations on use of funds.

A modification to a Governor's special grant may be accomplished in three different ways depending upon the magnitude of the modification:

(a) *Modification of grant agreement.* (1) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (i) the term of the grant, (ii) the amount funded by the grant, or (iii) the assurances and certifications included in the grant agreement. All modifications of the grant agreement are major modifications (secs. 105 and 108).

(2) When the term or amount funded by the grant is changed, the prime sponsor shall also submit revised portions of its special Grant Plan to specifically identify the changes.

(3) When the term or amount funded by a grant is changed, the Governor shall provide a summary of the change to each prime sponsor in the State.

(4) The request for modification will consist of the following: a grant signature sheet; a Project Operating Plan (one for the total project and one for each prime sponsor whose plan is changed); and a program narrative justifying the proposed modification.

(5) A denial of a prime sponsor's request for a grant modification shall be subject to the appeal procedures set out in Part 98.

(b) *Major plan modification.* (1) When a plan modification falls into one of the following categories, it will be considered to be major plan modification:

(i) When the cumulative amount of transfers among cost categories exceeds $10,000 or 5 percent of the grant, whichever is greater; or

(ii) When there is a 15 percent cumulative change in the number of program participants.

(iii) A Governor desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the ARDM. The ARDM shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final ARDM action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of the regulations.

(c) *Minor Modifications.* Any other modifications shall be considered a minor modification and as such can be made without the prior notification and approval of the ARDM. Such a modification shall be included in the Quarterly Progress Report and a revised Project Operating Plan reflecting only the items to be modified.

(d) *Limitation on use of funds.* (1) Funds for vocational education services may not be used for any other activities included in this special grant.

(2) Funds for State Manpower Services Councils may be used for State manpower services to the extent such funds are not needed for this council.

§ 95.55 Governor's distribution of vocational education funds.

(a) Upon notification of the funds available to his State for vocational education, the Governor shall inform the Vocational Education Board and each prime sponsor of the amount of funds available to be spent in each prime sponsor's area. If a prime sponsor elects not to use all or part of the funds provided for its area, it shall notify the Governor who will redistribute the funds among other eligible prime sponsors.

(b) The Governor shall determine the amount of funds to be made available in each prime sponsor's area assuring that such funds do not increase by more than 20 percent the amount of funds available to that prime sponsor's area under the basic allocation formula set out in § 95.2(b).

§ 95.56 Program operations.

(a) *Vocational education services and activities.* (1) The Governor shall provide vocational education funds he receives by special grant to the State Vocational Education Board as described in § 95.55 of this Subpart D. The State Vocational Education Board will then provide the training and services detailed in a nonfinancial agreement with the prime sponsor as described in § 95.58 of this Subpart D. This agreement will be developed at the local level between prime sponsors and the Vocational Education Board to provide vocational education services and activities to prime sponsor participants eligible under this Part 95. The agreement will then be forwarded to the Governor, to become part of his special grant application which shall be submitted to the ARDM.

(2) Vocational education services which may be provided by a State Vocational Education Board include, but are not limited to, basic or general education, educational programs conducted for offenders, institutional training, and supportive services. The services provided must be consistent with the provisions of the Act and regulations.

(3) If no Vocational Education Board exists within a State, the Governor may provide financial assistance to an alternate agency which serves the same purpose as a State Vocational Education Board.

(b) *State Manpower Services Council.* The Governor shall, from funds available under § 95.2(b)(2), provide staff and other necessary services in support of the Manpower Services Council in performing its functions under § 95.13(d).

(c) *State manpower services.* Funds provided under § 95.2(c)(2) of these regulations are to be used for the following:

(1) Activities required to be performed by State prime sponsors:

(i) Assurance that the State agencies providing manpower and manpower-related services either independently or as subgrantees or contractors will cooperate with prime sponsors and eligible applicants in implementation of the program.

(ii) Development of methods for the sharing of resources and facilities in order to carry out manpower programs throughout the State. The administration of such programs will be designed to meet the needs of the area with minimum duplication and in the most efficient and economical manner.

(iii) Coordination of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services to achieve their full occupational potential in accordance with the policies of the Act;

(iv) Arrangements to assist the Secretary under 38 U.S.C. 2012(a) in requiring each contractor and subcontractor in Title I programs under the Act to list all suitable employment openings in the State Employment Service local offices. Fulfillment of this responsibility shall be based upon information developed by the Secretary (sec. 106(b)(5));

(v) Arrangements for planning areas to service geographical regions within the State, including a description of the roles and responsibilities of the planning area with particular emphasis on the steps taken to assure that plans of all State agencies for delivery of services have been effectively coordinated.

(vi) Coordination of the manpower and related services to be provided by the State in areas to be serviced by prime sponsors other than the State, and that provision has been made for the establishment of mechanisms to (A) provide for the exchange of information between States and local governments on State, intrastate, and regional planning in areas such as economic development, human resource development, education, and such other areas that may be relevant to manpower planning; and (B) promote the coordination of all manpower plans in a State so as to eliminate conflict, duplication, and overlapping between manpower services under the Act and manpower services provided under other statutory authority.

(2) Activities which may be provided at the option of the State (sec. 106(c)) as follows:

(i) Provision of allowable services under the Act which are being delivered throughout the State by State agencies responsible for employment and training and related services;

(ii) The provision of financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(iii) Development and publication of information regarding economic, industrial, and labor market conditions, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupations, and economic and business development and location trends:

(iv) Provision of services without reimbursement and upon request to any prime sponsor serving an area within the State, such information and technical assistance to assist any such prime sponsor in developing and implementing its programs under the Act; and

(v) Development of special model training and employment programs and related services, including programs for offenders similar to programs described in section 301(c) of this Act.

§ 95.57 Funding; grant administration.

(a) *Funding.* Special grants will be funded in the same way as basic grants under this Part 95.

(b) *Grant administration.* The requirements relating to grant administration contained in Part 98 are applicable to special grants to Governors, except as provided in Subpart D of Part 95.

(1) The overall 20 percent limitation on funds used for administration as set out in § 98.12(e)(1) shall not apply to the special grant.

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(i) Funds provided for vocational education services through the special grant are subject to the provisions of the 20 percent limitation on use of funds § 98.12(e)(1).

(ii) There is no administrative cost limitation on funds for State Manpower Services Councils or State manpower services.

(2) When funds for vocational education services are used for the payment of allowances to participants, the method of payment utilized must be that of the prime sponsor whose participants are receiving such allowances.

(i) Where the prime sponsor has an established delivery system for the payment of allowances pursuant to § 95.34, the Vocational Education Board shall transfer the required funds to the agency administering that system.

(ii) Where the prime sponsor has no allowance payment delivery system, the method of payment shall be developed between the prime sponsor and the Vocational Education Board, subject to the requirements of § 95.34.

(c) *Reports for special grants.* (1) A Quarterly Progress Report containing financial and statistical data is required. The Governor will supply to each prime sponsor to which he is providing services a Quarterly Progress Report for funds expended in its area and will submit a summary Quarterly Progress Report, with copies of the individual prime sponsor reports attached, to the ARDM. These reports will be submitted for each Federal fiscal year quarter, to be submitted no later than 30 days after the end of the reporting quarter. Instructions for completion of this report are in the Forms Preparation Handbook.

§ 95.58 Nonfinancial agreement between prime sponsor and Vocational Education Board.

(a) Upon notification of the funds available for its area, the prime sponsor shall develop a financial, statistical, and narrative plan for the expenditure of such funds by the Vocational Education Board in the prime sponsor's area. This plan shall be developed consistent with the prime sponsor's Comprehensive Manpower Plan and shall be submitted to the Vocational Education Board for its approval. When approved, the plan will be signed by both the prime sponsor and the Board and will constitute a nonfinancial agreement.

(b) The Vocational Education Board shall provide services to the prime sponsor upon receipt of the necessary funds from the Governor. The nonfinancial agreement will consist of the following three sections:

(1) Prime sponsor vocational education nonfinancial agreement signature sheet;

(2) Vocational education Project Operating Plan; and

(3) Vocational education program narrative.

(c) After the agreement is signed, a copy will be sent to the Governor for his review and approval.

(d) The Governor shall develop procedures for the prime sponsors and the Vocational Education Board to follow when they desire to modify the nonfinancial agreement.

(e) The Governor shall develop procedures to assure that the Vocational Education Board provides services consistent with the Governor's vocational education plan and the nonfinancial agreements between the Board and the prime sponsors.

§ 95.59 Coordination with prime sponsor.

(a) The financial and statistical information from the approved Nonfinancial Agreement Project Operating Plan will be entered into the relevant columns of the prime sponsor's basic grant Project Operating Plan as provided in the Forms Preparation Handbook. If the Comprehensive Manpower grant has been signed prior to final approval of the Vocational Education Agreement, a modified prime sponsor's grant Project Operating Plan will be submitted when the vocational education information is available.

(b) Information provided by the Vocational Education Quarterly Progress Report, supplied to the prime sponsor from the Governor, will be entered in the prime sponsor's basic grant Quarterly Progress Report.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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AUTHORITY: Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, sec. 602(a), 87 Stat. 839), unless otherwise noted.

Subpart A—General

(a) This part contains the Department of Labor's regulations providing for the establishment and operation of public service employment programs, and other manpower programs, under Title II of the Act.

(b) Definitions for every abbreviation and major term may be found in Part 94 of these regulations.

(c) Statutory authority for the regulations contained in this part is found in the provisions of section 602(a) of the Act, and in such other provisions of the Act as are noted at the end of each substantive provision of these regulations.

§ 96.2 Allocation of funds.

(a) Funds appropriated under Title II of the Act are available only for areas of substantial unemployment and may be allocated by the Secretary only to eligible applicants (secs. 204(a) and 204(c)).

(b)(1) At least 80 percent of the funds available under Title II shall be allocated among eligible applicants in accordance with a ratio comparing the number of unemployed persons residing in areas of substantial unemployment within each eligible applicant's jurisdiction to the number of unemployed persons residing in all areas of substantial unemployment (sec. 202(a)).

(2) Funds not allocated as provided in paragraph (b)(1) of this section, may be distributed by the Secretary at his discretion taking into account the severity of unemployment in such areas and may include additional areas of substantial unemployment designated by the Secretary after the initial allocation of Title II funds (sec. 202(b)).

(c) An eligible applicant shall distribute to a program agent those funds that are allotted to the elegible applicant due to the level of unemployment within the program agent's jurisdiction, unless the program agent declines to operate a program under Title II of the Act, in which case, the eligible applicant will make other arrangements to serve that jurisdiction (sec. 204(d)(1)).

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§ 96.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. Eligible applicants are those prime sponsors and Indian tribes on Federal or State reservations, as defined in § 94.4, which include areas of substantial unemployment (sec. 204(a)).

(b) For the purpose of allocating funds, the term "eligible applicant" shall include any entity which is eligible to be a prime sponsor under Title I of the Act and Indian tribes on Federal or State reservations as described in § 96.42 (sec. 204(b)).

(c) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant within the State unless the non-State eligible applicant has not submitted an approvable application for Title II funds (secs. 204(d)(3) and 102(b)(1,2)).

(d) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable application for such areas (secs. 204(b) and 102(b)(2)).

(e) (1) Eligible applicants shall distribute funds to program agents, as provided in § 96.2(c) of this Part 96 (sec. 204(d)(1)).

(2) No program agent shall receive or continue to receive funds for any area of substantial unemployment within the jurisdiction of another program agent unless the ARDM determines that the smaller program agent has not carried out its administrative responsibility for developing, funding, overseeing, and monitoring programs within its area, consistent with the application for financial assistance developed by the eligible applicant (secs. 204(d)(3) and 102(b)(2)).

(f)(1) An eligible applicant or program agent, other than a State, whose entire jurisdiction qualifies as an area of substantial unemployment shall, to the extent feasible, allocate funds for identifiable subareas which meet the unemployment rate requirement of areas of substantial unemployment in § 94.4. Such allocation to subareas shall be based on the ratio of the number unemployed persons residing in each subarea to the total number of unemployed persons within the eligible applicant or program agent's jurisdiction.

(2) Where the eligible applicant is a State that has an unemployment rate for its jurisdiction of at least 6.5 percent, the State shall, to the extent feasible, allocate its funds under Title II to individual areas of substantial unemployment within its jurisdiction. Such allocations shall be based on the ratio of the number of unemployed persons residing in each individual area of substantial unemployment to the sum of unemployed persons residing in all such areas of substantial unemployment within its jurisdiction.

(g) If an eligible applicant finds that there is an area of substantial unemployment within its jurisdiction that has not been designated by the Secretary to receive assistance, it may recommend that such area be considered for assistance by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and its population. Such a recommendation shall be submitted to the ARDM. The Secretary shall, within a reasonable time, make a determination of the recommendation and inform the eligible applicant of the determination and the reasons therefor.

Subpart B—Grant Application

§ 96.10 General.

This Subpart B provides the procedures for obtaining grants to operate programs under Title II of the Act.

§ 96.11 Eligible applicant notification.

(a) Eligible applicants shall be notified of their eligibility for grants under Title II. At that time, eligible applicants shall inform the ARDM, the Governor, and the appropriate State and substate clearinghouse(s), as provided in OMB Circular A–95, of its intention to apply for a grant. If a potentially eligible applicant desires to apply for a grant and so notifies the ARDM and is so designated as eligible, a complete application package with forms and instructions will be forwarded to the eligible applicant.

(b) For Fiscal Year 1974 grants, eligible applicants shall follow procedures contained in the "Announcement of Proposed Financial Assistance and Request for Notice of Intent to Apply for Prime Sponsorship" published at 39 FR 2743, January 23, 1974.

§ 96.12 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which eligible applicants will use to apply for public service employment funds under Title II of the Act.

(2) A copy of all forms and instructions are contained in the Form Preparation Handbook.

(b) *Grant application forms.*

(1) *Application for Federal assistance.* The application for Federal assistance identifies the eligible applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The form provided in OMB Circular A–102 for Part I of a grant application for nonconstruction is being used.

(2) *The Comprehensive Title II Plan.* The Comprehensive Title II Plan is a statement of how the eligible applicant intends to use Title II funds within its jurisdiction. The Comprehensive Title II Plan consists of the Narrative Description of the Program, the Project Operating Plan and the Program and Occupational Summaries for Public Service Employment, all described below.

(i) *Narrative Description of Program.* The Narrative Description of the Program provides for a narrative outline of the proposed program under Title II. The Narrative Description of the program requires a detailed statement of the program including topics listed below. The Forms Preparation Handbook gives detailed instructions for these and other items on the Narrative Description of the program:

(A) Program objectives; (B) need for assistance; (C) results and benefits expected; (D) approach; (E) geographic area served; (F) a description of title I and II activities to be financed by title II funds (G) the methods, based solely on the criteria estabilshed by these regulations, which were used by the eligible applicant in making determinations under § 96.3(f); and (H) description of the strategy for matching jobs to special veterans.

(ii) *Project Operating Plan.* The Project Operating Plan requires a prime sponsor to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It also requires a prime sponsor to indicate planned expenditures by cost category and by program activity.

(iii) *Public Service Employment Occupational Summary.* The Occupational Summary requires a prime sponsor operating a public service employment program under the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages with wages for similar nonsubsidized jobs in the employing agency.

(iv) *Public Service Employment Program Summary.* The Program Summary presents a distribution of public service employment jobs, and funds to be provided to eligible applicants and subgrantees. It designates the areas to be served and the population of each area.

(v) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the eligible applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable circulars from the Office of Management and Budget (OMB) and the General Services Administration (GSA). The Assurances and Certifications form is contained in the Forms Preparation Handbook.

§ 96.13 Comment and publication procedures relating to submission of grant application.

(a) For Fiscal Years 1974 and 1975, each eligible applicant that plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following:

(1) The Governor;

(2) Officials of appropriate units of general local government within the eligible applicant's jurisdiction;

(3) Appropriate State and sub-state A–95 clearinghouse(s);

(4) Officials of labor organizations representing employees who are engaged in similar work in the same areas as that proposed to be performed by the eligible

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applicant (sec. 206). For Fiscal Year 1976 and subsequent years, each eligible applicant shall provide for a 30-day comment period as set forth in § 95.15 of Part 95.

(b)(1) Each eligible applicant shall provide a copy of its application, for the purpose of commenting thereon, to the Governor, and the State and appropriate sub-state A–95 clearinghouse(s). It shall also provide a summary to appropriate units of general local government with a population of at least 10,000 persons, appropriate Indian prime sponsors and officials of appropriate labor organizations described in paragraph (a)(4). Units of general local government with a population of less than 10,000 persons may comment through the publication procedure set out in paragraph (c).

(2) For applications under Title II for Fiscal Years 1974 and 1975, the copy sent to the clearinghouse(s) shall be accompanied by the following statement: Due to the time constraints on implementation of Titles I and II of the Comprehensive Employment and Training Act of 1973, the program plan(s) required by section 205 of the Act is (are) being submitted to the clearinghouse(s) and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower. This review and comment procedure has been approved by the Office of Management and Budget only for Fiscal Year 1974 title II and Fiscal Year 1975 titles I and II program approval cycles."

(c) Each eligible applicant shall publish its program summary in a newspaper or newspapers (including minority newspapers, where feasible) which will provide for general circulation throughout the areas to be served by the eligible applicant's plan. Such publication shall be for 3 consecutive issues and shall include an address and appropriate hours when the complete grant application will be available for review and the place where comments may be directed. The publication shall be made 30 days prior to the submission of the application to the ARDM, except that for Fiscal Years 1974 and 1975 the publication shall be no later than the date of submission of the application to the ARDM.

(d) Comments pursuant to paragraphs (b) and (c) of this section shall be made to the eligible applicant and the ARDM within 30 days of publication.

(e) The eligible applicant shall acknowledge any comment made pursuant to this section. It shall inform any party submitting a substantive comment of whether any plan revision will be made in response to the comment and the reasons for the eligible applicant's determination. All substantive comments and responses will be transmitted to the ARDM with the grant application, unless the comments are received after the application's submission, in which case they will be sent separately to the ARDM and the prime sponsor.

§ 96.14 Submission of grant application.

(a) Each eligible applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 96.12 of this Part 96.

§ 96.15 Application approval.

(a) An application for a grant shall be approved if it meets the requirement of the Act, other applicable law, and the regulations promulgated in this Part 96 (sec. 206).

(b) An eligible applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide a grant agreement to the eligible applicant consisting of the Grant Signature Sheet and the Assurances and Certifications Form. The Grant Signature Sheet specifies the amount of funds obligated by the Department and the term of the grant. It is signed by the ARDM and the eligible applicant. The Comprehensive Title II Plan is incorporated by reference in the grant agreement and will be attached to it.

§ 96.16 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, other applicable law or the regulations promulgated in this Part 96.

(b) No application for a grant shall be disapproved until:

(1) The eligible applicant has been notified that its application fails to meet a requirement of the Act, other applicable law, or the regulations promulgated under the Act.

(2) The eligible applicant has been provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) An eligible applicant has been provided with a reasonable time, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.

(c) When an application is disapproved, a notice of disapproval shall be transmitted to the eligible applicant and the Governor accompanied by a statement of the grounds for the disapproval. Such disapproval shall not be effective until notice and opportunity for a hearing has been provided, as required in Subpart C of Part 98.

§ 96.17 Use of alternative eligible applicants.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by one or more alternative eligible applicants to serve the area originally to be served by the primary eligible applicant, or the Secretary may serve such an area directly. In so doing, the Secretary shall make every effort to minimive or prevent any disruption in participant activities.

§ 96.18 Modification of grant agreements.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement. All modifications to the grant agreement are major modifications.

(b) When the term or amount funded by the grant is changed, the eligible applicant shall also submit revised portions of its Comprehensive Title II Plan to specifically identify the changes.

(c) When a modification to a grant agreement is requested, the comments and publication procedures provided in § 96.13 shall be followed (sec. 206).

(d) A denial of a prime sponsor's request for a grant modification shall be subject to the appeals procedures set out in Part 98.

§ 96.19 Modification of Comprehensive Title II Plan.

(a) *General.* Eligible applicants may make two types of modifications to comprehensive Title II Plans: major and minor. An ARDM may require a modification in certain instances.

(b) *Major plan modification.* When a plan modification falls into one of the following categories it will be considered to be a major plan modification:

(1) For grants of $100,000 or less:

(i) When the cumulative transfer of funds among program activities or cost categories exceeds $5,000.

(ii) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement termination, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(2) For grants of over $100,000:

(i) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater.

(ii) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(3) An eligible applicant desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the ARDM. This modification will be forwarded for comment to the Governor and appropriate interested units of general local government and labor organizations as appropriate in accordance with procedures set forth in § 96.13, and published in a newspaper or newspapers of general circulation (including minority newspapers when feasible) in the eligible applicant's area. The ARDM shall notify the eligible applicant of final approval or of tentative disapproval within 10 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of this title.

(c) *Minor plan modification.* An eligible applicant may make any change in its Project Operating Plan which is not set out in paragraph (b) of this section without prior approval, but must show any such change in the first Quarterly Progress Report submitted to the Department after the change has been made. At the same time that this report is submitted, an updated Project Operating Plan will also be submitted. Only those lines and columns affected by the modification shall be shown.

(d) *Modification required by ARDM.* After consultation with an eligible applicant, modification may be required by the ARDM as necessary to assure compliance with the regulations and the Comprehensive Title II Plan.

Subpart C—Program Operation

§ 96.20 General.

This Subpart C sets out the program operation requirements for eligible applicants and subgrantees. The utilization of funds under Title II of the Act is conditioned upon adherence to the requirements of this subpart, as well as adherence to the Act, other applicable law, and other terms and conditions of the regulations promulgated in this part.

§ 96.21 Basic responsibilities of eligible applicants.

An eligible applicant is responsible for:

(a) Requesting, receiving and administering funds within its jurisdiction (secs. 203(a) and 205(c)(1));

(b) Allocating funds and jobs equitably among public agencies within its jurisdiction (sec. 205(c)(23));

(c) Developing a plan to effectively implement a program of transitional public employment and related training and manpower services (sec. 203(a));

(d) Developing, to the greatest extent possible, new careers and opportunities for career advancement for participants (sec. 205(c)(4));

(e) Performing reviews at 6-month intervals on the status of each participant to assure that the participant's job has potential for advancement or suitable continued employment (sec. 207(a));

(f) Administering or supervising all activities under its approved plan including the establishment of hearing procedures, as set out in § 95.37 of this Title, (sec. 205(c)(1));

(g) Assuring that the program will, to the extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement within its jurisdiction (sec. 205(c)(18)); and

(h) Assuring that employing agencies take reasonable measures to provide information about their job openings with the employment service (sec. 205(c)(5)).

§ 96.22 Basic responsibilities of program agents; relationship with eligible applicants.

(a) A program agent, as defined in § 94.4, shall be delegated by the eligible applicant the administrative responsibility for developing, funding, overseeing and monitoring programs with respect to the funds made available to it under Title II of the Act.

(b) A program agent shall carry out its functions consistent with the grant application developed by the eligible applicant in cooperation with the program agent and shall be responsible to the eligible applicant for carrying out its program in a manner consistent with the application (sec. 204(d)(2)).

(c) Irreconcilable differences between an eligible applicant and a program agent shall be submitted to the ARDM.

§ 96.23 Acceptable public employment positions.

(a) Funds provided under Title II shall only be used to fund public service needs which have not been met and to implement new public services (sec. 201).

(b) In developing job opportunities under this Part 96 the following requirements shall apply:

(1) The jobs provided must meet public service needs as defined in the Act and the regulations promulgated in this Part 96 (sec. 205(a));

(2) Program emphasis shall be on transitional employment: jobs which are likely to lead to regular, unsubsidized employment or opportunities for continued training (secs. 201 and 205(b)(4));

(3) Jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes (sec. 205(c)(6));

(4) Jobs shall be allocated equitably to agencies of State and local government and subdivisions thereof, such as educational agencies, within the eligible applicant's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies, and the ratio of jobs in the area at each governmental level (sec. 205(c)(23);

(5) Jobs will not be "deadend," but will contribute to career advancement and the development of the employment potentials of participants. Opportunities for continued training are to be provided to support the upward mobility of participants (secs. 205(a), 205(c)(4), and 208(a)(6)).

(6) No more than one-third of the participants in any program may be employed in a bona fide professional capacity as defined in 29 CFR 541.3 issued pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exception to this limitation is the hiring of classroom teachers. (Generally, according to the F.L.S.A., a professional is an individual (i) with a professional education, usually requiring more education than a Bachelor's degree or whose work is original and creative in an artistic field; (ii) at least 80 percent of whose work requires discretion and judgment and is intellectual in nature, and (iii) who earns at least $140 a week ($125 in Puerto Rico, Virgin Islands, or American Samoa). A less stringent test applies to individuals earning $200 or more a week. Lawyers, doctors and teachers working as such are professional without regard to their earnings (for further explanation see 29 CFR 541.3) (sec. 205(c)(22));

(7) The program excludes employment in building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit-making organization.

(8) Jobs in each job category shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II (sec. 205(c)(24));

(9) No job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with (sec. 205(c)(24); and

(10) To the extent feasible, the public services provided by the jobs should be designed to serve the residents of the areas of substantial unemployment out assistance under this title (sec. 205(c)(3)).

§ 96.24 Maintenance of effort.

(a) Employment funded under Title II of the Act shall only be in addition to employment which would otherwise be financed by the eligible applicant without assistance under this title (sec. 205(c)(25)).

(b) To assure maintenance of effort, a public service employment program under Title II of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) Shall not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for existing federally assisted jobs (sec. 208(a)(1)).

§ 96.25 Responsibility for selecting participants.

(a) Eligible applicants, program agents and other subgrantees, and employing agencies shall be responsible for the selection of participants. To meet this requirement, employing agencies must provide adequate documentation of each applicant's eligibility, and retain in the participant's folder the information on which this documentation of eligibility is based. Employing agencies shall also retain for a reasonable period of time the applications of persons not selected for

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participation and the reasons for their non-selection (sec. 205(c)(2)).

(b) Adequate documentation shall consist of a signed, and dated, complete application for employment, including the last date of employment, which attests that the information the application contains is true, to the best of the eligible applicant's knowledge.

§ 96.26 Special limitations on programs and participant selection.

(a) *Place of residence*—(1) *General.* (i) At the time of both application and selection, program participants shall reside in an area of substantial unemployment within the jurisdiction of the eligible applicant or program agent (sec. 205(c)(3)).

(ii) When an eligible applicant receives additional funds as a subgrantee of an adjoining eligible applicant, the recipient eligible applicant shall use these additional funds to hire residents of the eligible area or areas within the donor eligible applicant's jurisdiction. A formal subgrant agreement shall be executed in such cases.

(2) *Consortia of eligible applicants.* In a case where two or more eligible applicants form a consortium to operate a Title II program, within the geographical boundaries of the consortium, residents of any designated area of substantial unemployment within the boundaries of the consortium may be employed at any site within such boundaries; provided that the total amount of funds available for residents of each area of substantial unemployment of each participating eligible applicant equals the amount of funds that the area would have received if the consortium had not been formed.

(3) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional eligible applicants.* The provisions of paragraph (c) (1) and (2) shall apply to consortia of units of general local government formed in order to qualify as program agents and to multijurisdictional eligible applicants.

(b) *Political patronage.* No program will be funded if the eligible applicant discriminates with respect to political affiliation. Specifically, no eligible applicant, subgrantee or employing agency may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is discrimination based on political belief or affiliation, and is prohibited (sec. 208(f)).

(c) *Nepotism*—(1) *Restriction.* No eligible applicant, subgrantee, or employing agency may hire a person into a Title II funded position if a member of his or her immediate family is employed in an administrative capacity for the same eligible applicant, subgrantee or employing agency. However, where a State or local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State or local statute in lieu of this policy.

(2) *Definitions.* (i) For purposes of this section, the term "member of the immediate family" includes: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

(ii) For the purposes of this section, the term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for Title II participants, or operational responsibility for the program.

(d) *Nondiscrimination generally.* (1) Every grant made pursuant to this part shall contain a certification statement signed by the grantee concerning the provision of equal employment opportunity under the grant.

(2) No discrimination shall be permitted in any program under this part with respect to race, creed, color, national origin, sex, age, handicap, political affiliation, or beliefs (sections 208(f), 612(a) and 603(l); Vocational Rehabilitation Act).

§ 96.27 Eligibility for participation in a Title II program.

(a) A person residing, as defined in paragraph (d), in an area of substantial unemployment who has been unemployed for at least 30 days prior to application or who is underemployed is eligible to participate in a program under Title II of the Act (secs. 201 and 205 (a)).

(b) A person participating in a public employment program under section 5 or section 6 of the Emergency Employment Act at the time of the grant award under this Act who is currently, or was at the time of his selection for such participation, geographically eligible may be transferred into the Title II grant program covering that geographical area, provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(c) A participant in an employment program under this Part 96 may change jobs within a particular eligible applicant's jurisdiction without an intervening period of unemployment, but may not be employed in a job for any other eligible applicant without an intervening period of unemployment of at least 30 days.

(d) For the purpose of this section, the term resident shall mean an individual's dwelling place or home, both at the time the individual applies and is selected for participation in a program under Title II of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as the manitenance of a dwelling place or home.

(e) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program under Title II to the extent consistent with applicable State law.

(f) These regulations do not authorize the hiring of any person when any other person is on lay off from the same or any substantially equivalent job (sec. 205 (c)(8)).

§ 96.28 Special consideration for most severely disadvantaged persons.

Special consideration in filling transitional public service jobs under Title II of the Act shall be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under title II (sec. 205(c)(7)).

§ 96.29 Serving significant segments of the population.

(a) The significant segments of an eligible applicant's population shall be served on an equitable basis. For example, individuals from each significant segment could be placed in programs under Title II in a manner consistent with their incidence in the unemployed population of the eligible applicant or other measures of equity could be utilized (secs. 205(c)(2) and 208(b)).

(b) Each eligible applicant shall monitor its program to assure that the significant segments of its population are being served in accordance with the requirements of this section.

§ 96.30 Groups to be provided special consideration.

(a) *Veterans.* Special consideration shall be given to veterans who served in the Armed Forces in Indochina or Korea, or the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge. These veterans shall be hired in a proportion at least equal to their incidence in the unemployed and underemployed population. In order to insure special consideration for veterans, all job vacancies under Title II, except those to which former emploeyes are being recalled, must be listed with the State employment service at least 48 hours before such vacancies are filled. During this period, the employment service will refer special veterans. Upon request, the employment service may also refer members or other significant segments. All other applicants are to be referred after the 48-hour period. A list of job openings, with the exception of those to which former employees are being recalled, shall be made available from time to time by the eligible applicant, to veterans organizations for the purpose of making those jobs known to the veterans described in this paragraph (sec. 205(c)(5)).

(b) *Welfare recipients.* In designing an eligible applicant's plan and placing individuals in employment under this Part 96, special consideration shall be given to welfare recipients.

(c) *Former manpower trainees.* Special consideration shall be given, in developing an eligible applicant's plan and placing individuals in employment under this Part 96, to persons who have participated in manpower training programs and for whom work opportunities are not otherwise immediately available (sec. 205(c) (9)).

§ 96.31 Training and supportive services.

Eligible applicants, subgrantees, and employing agencies may use granted funds to purchase necessary training and supportive services from public or private organizations, provided that such contracts are not entered into with private-for-profit organizations for the employment of participants.

§ 96.32 Linkages with other manpower programs.

An eligible applicant shall, where appropriate, maintain or provide linkages with upgrading and other manpower program for the purpose of (1) providing public service employment participants who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (2) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields.

§ 96.33 Placement goals.

(a) Public service employment programs under the act shall to the extent feasible, be designed to enable all individuals to move from such employment programs into unsubsidized full-time jobs in the private or public sector, and shall emphasize the development of new careers and career development opportunities (secs. 201 and 205).

(b) Each eligible applicant, program agent, and subgrantee shall be responsible for efforts to place all participants in unsubsidized employment in both the private sector and the public sector, or in training programs.

(c) To carry out the intent of paragraph (b), each eligible applicant, program agent and subgrantee shall, to the extent consistent with law and applicable collective bargaining agreements, have the goal of accomplishing on an annual basis at least one of the following:

(1) Placing half of the cumulative participants in unsubsidized private or public sector employment; or

(2) Placing participants in half the vacancies occurring in suitable occupations in an eligible applicant, program agent, or subgrantee's permanent work force which are not filled by promotion from within the agency.

§ 96.34 Compensation for participants.

(a) *Minimum wage for participants.* Each participant shall be paid at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of the Act applied to the participant and if he were not exempt under section 13 thereof;

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the same employer (sec. 208(a)).

(b) *Limitations on participant's salary.* Compensation to any participant from Title II Federal funds is limited to a maximum full-time rate of $10,000 per year, plus the cost of fringe benefits to the extent they do not exceed those paid to workers earning $10,000 a year. This limitation shall also be applicable for participants in public service employment funded under other titles of the Act.

§ 96.35 Working conditions for participants.

(a) Title II participants shall enjoy working conditions and promotional opportunities neither more nor less favorable than those enjoyed by other employees similarly employed (sec. 208(a)(4)).

(b) When a participant is eligible for a promotion of general salary increase that would mean a salary in excess of $10,000, the participant is entitled to it if other employees similarly employed would be promoted. The employer must pay the amount above $10,000 from his own funds as well as a prorated share of the increased fringe benefits. Funds from other titles of the Act shall not be used to supplement the maximum salary limitation for participants.

(c) Every participant must be advised prior to entering upon employment of the name of his employer, and of his rights and benefits in connection with his employment (sec. 208(a)(8)).

(d) No participant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed in jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safety practices. The provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such programs or activity (sec. 208(a)(5)).

(e) Participants shall receive the same fringe benefits as other employees of the employing agency similarly employed (e.g., workmen's compensation, health insurance, unemployment insurance, vacations) (sec. 208(a)(4)).

§ 96.36 Retirement benefits for participants.

(a) While the mass payment of retirement benefits is not encouraged, the Act does not prohibit payment into the retirement fund on behalf of title II participants where such payments are warranted.

(b) Expenditures may be made from Title II funds for payments under the Social Security Act.

(c) Expenditures for retirement fund payments for Title II participants may be made under any of the following conditions:

(1) Payments are for retirement benefits that are part of a consolidated package, including such benefits as health insurance and workmen's compensation, if separation of the benefits is not allowed;

(2) Payments are for participants who are immediately hired as regular employees (that is attain regular employee status, although salary is subsidized by Title II funds);

(3) Payments are for participants whom the employing agency or another employer intends to hire into permanent jobs at some future date, provided that:

(i) Payments on behalf of such participants are made into and retained in a reserve account, and not paid into the retirement fund until the participant has acquired regular employee status; and

(ii) If regular employment occurs with other than the employing agency, retirement fund payments may be allowed only if the participant is employed within the State, and the retirement benefits are portable; and

(4) Payments are for retirement benefits required by Federal, State, or local law, or for retirement plans set up by State or local law which will not permit the exclusion of Title II participants from coverage.

§ 96.37 Use of Title II funds for programs under Titles I and III–A: summer employment programs.

(a) Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part 96 for programs authorized under Title I and part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under this part 96, except § 96.38(a), shall apply in addition to those provisions applicable for programs under Title I and Part A of Title III (sec. 210).

(b) An eligible applicant planning to use Title II funds for a summer program shall reflect that decision in its Comprehensive Title II Plan or any modification thereof. The eligible applicant shall specify that the Plan provision or modification is being proposed for the purpose of using Title II funds for its summer program, and shall further specify the amount of Title II funds intended for such use.

§ 96.38 Limitation on funds.

(a) Not less than 90 percent (90 percent) of the funds appropriated pursuant to Title II of the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(b) The remaining 10 percent (10%) may be used for administration, training, or supportive services to participants in public service employment.

(c) An eligible applicant which does not itself administer the entire program may not retain the entire 10 percent (10 percent) mentioned in paragraph (b) for its own use unless this is agreed to by its subgrantees. At least 5 percent

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(5 percent) of a subgrantee's grant must be available to it for costs other than wages and fringe benefits.

Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

§ 96.40 General.

This subpart D contains special conditions for grants to Indian tribes on Federal and State reservations. To the extent that any provision of this subpart D differs from any other provision of this Part 96, the provision of this subpart D shall govern. In all other matters the requirements of Part 96, apply to this subpart D.

§ 96.41 Distribution of funds.

(a) Funds for programs under Title II of the Act for Indian tribes on Federal and State reservations shall be determined as follows:

(1) Funds for use under this subpart D shall be determined on the basis of a ratio taking the total number of unemployed Indians on all Federal and State Indian reservations which have areas of substantial unemployment and comparing this number with the total number of unemployed persons in all eligible applicant jurisdictions under this Part 96.

(2) Funds determined under paragraph (a)(1) of this section shall be allotted for use in the individual Indian reservations which have areas of substantial unemployment on the best available estimates of the population or unemployment on each such reservation as compared to the total population or total unemployment on all such reservations.

(b) Funds shall only be granted for individual reservations which either have a population of at least 1,000 Indians or are entitled to a title III grant of at least $50,000. Reservations which do not meet either of these requirements may, however, be combined to qualify for funds as provided in § 96.42 of this part (sec. 204(c)).

(c) An eligible applicant which represents more than one reservation shall further allocate funds for use among reservations in accordance, to the extent feasible, with the amounts indicated by the Secretary for each reservation.

(d) Within a single reservation, or a consortium of small reservations, the eligible applicant shall allocate granted funds, taking into consideration, to the extent feasible, differences in unemployment among identifiable areas within the reservation (sec. 204(c)).

§ 96.42 Eligibility for funds.

(a) An independently eligible applicant, shall be an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment. Such tribe must represent at least 1,000 persons or be entitled to a title III grant of at least $50,000, and have a governing body possessing the substantive powers which will enable it to carry out a program under this Part 96. A governing body having substantive powers is a body consisting of duly elected representatives who have the authority to provide services and to enter into contracts, and grants on behalf of the individuals who elected them, and who are recognized as having such authority by the appropriate Federal or State agencies (sec. 204(c)).

(b) If an Indian tribe does not have a governing body capable of performing the functions set out in paragraph (a) of this section, or if an Indian tribe declines to administer a program under this part, the eligible applicant for the identified area may be:

(1) The governing body of another reservation on which the tribe is located;

(2) The governing body of another reservation where several Indian tribes have combined into a consortium; or

(3) An intertribal council or organization, business council, statewide or regional organization; or another eligible applicant under this Part 96 within the same geographic area; provided that:

(i) The Indian tribe agrees to such eligible applicant;

(ii) The prospective eligible applicant operates the program in a manner consistent with the requirements of this Subpart D; and

(iii) Such body or organization is capable of performing the functions described in paragraph (a) of this section.

(c) Where a determination is made by the Secretary that a designated Indian eligible applicant does not have the capability to administer a program, the Secretary may reassign that responsibility to another eligible applicant acceptable to the tribe, provided that such applicant is capable of performing the function described in paragraph (a) of this section.

§ 96.43 Assistance by the Secretary.

If an Indian tribe which is an eligible applicant under this subpart D is unable to submit an application to carry out a program under this Part 96, the Secretary shall assist such eligible applicant in preparing, submitting, and implementing a program (sec. 207(c)).

§ 96.44 Nepotism.

(a) No eligible applicant or subgrantee under this subpart D shall hire, or permit the hiring of, any person in a position funded under title II of the Act if a member of the person's immediate family is employed in an administrative capacity by the eligible applicant. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister; the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Part 96, or operational responsibility for the program.

(b) If a subgrantee under this Subpart D has a population of less than 1,000 persons and cannot hire program participants without an immediate family member being included, the ARDM may waive the requirement of paragraph (a) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(c) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 96.45 Non-Discrimination.

Section 96.26(d) shall be applicable to Indian programs funded pursuant to title II of the Act, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

§ 96.46 Subgrants.

In addition to the requirements concerning subgrants, Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e–2(i).

§ 96.47 Comment and publication procedures relating to submission of Indian grant applications.

(a) Each eligible Indian applicant who plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following officials in accordance with section 206 of the Act:

(1) The Governor;

(2) Appropriate officials of units of general local government; and

(3) Officials of labor organizations representing employees who are engaged in similar work in the same area.

(b) Comments by those individuals and officials listed in paragraph (a) of this section shall be made available to the eligible applicant and the ARDM within thirty days of the receipt of notice of the opportunity to comment.

(c) Eligible Indian applicants shall acknowledge any comments made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt, if any, due to the comment. All such comments and responses shall be transmitted to the ARDM.

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—1974 Summer Program for Economically Disadvantaged Youth

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AUTHORITY: Pub. L. 93–203, sec. 602(a), 87 Stat. 839, unless otherwise noted.

Subpart A—1974 Summer Program for Economically Disadvantaged Youth

§ 97.1 Scope and purpose.

(a) This subpart A contains the policies, rules, and regulations of the Department in implementing and administering the 1974 summer programs for economically disadvantaged youth funded under Title III, section 304(a), of the Comprehensive Employment and Training Act (hereinafter referred to as the Act).

(b) Programs funded under this subpart A shall be designed by summer sponsors, defined in § 97.4, to provide summer employment and other activities and services authorized under Title I of the Act.

(c) Subpart A should be read in conjunction with Parts 94 through 98 of this Title 29, Code of Federal Regulations. These parts, in total, comprise the regulations promulgated by the Secretary pursuant to the authority in the Act. The provisions of Part 95, however, only apply to this subpart A as indiciated in specific sections of those regulations. The administrative provisions of Part 98 shall apply to this subpart A.

§ 97.2 Definitions.

Definitions for abbreviations and major terms used in this subpart A may be found in Part 94 of this title. In addition:

(a) The term "EEA" means the Emergency Employment Act of 1971, as amended;

(b) The term "EOA" means the Economic Opportunity Act of 1964, as amended; and

(c) The term "Indian or native American organization" includes Indian tribes, bands, and groups, and native American groups.

§ 97.3 Allocation of funds.

(a) The funds available under this subpart A shall be allocated to summer sponsors, defined in § 97.4, based upon the criteria set forth in paragraphs (b), (c), and (d) of this section.

(b) Allocations of funds available for summer sponsors who are prospective or actual prime sponsors under Title I of the Act shall be based on the following formula:

(1) Fifty percent of such funds shall be allocated so that each sponsor receives the same percentage of the 1974 summer funds available under this subpart A, as it received as a percentage of the funds available for the EOA and EEA summer program in 1973;

(2) Thirty-seven and one-half percent of the funds shall be allocated based on the ratio of the number of unemployed persons in the sponsor's area in 1973 to the total number of unemployed persons in the United States in that year; and

(3) Twelve and one-half percent of the funds shall be allocated based on the ratio of the number of adults in low income families in the summer sponsor's area in 1969 to the total number of adults in low income families in the United States for that year; and

(4) No prime sponsor area shall be allocated less than 90 percent of the funds allocated to the area under the EOA and EEA summer program of 1973.

(c)(1) The total allocation to Indian and native American sponsors of programs funded under this subpart shall be equal to the same percentage of the funds available for Indian and native American sponsors under the EOA and EEA summer program in 1973.

(2) The allocation to each eligible Indian or native American organization shall be based upon the amount of funds each Indian or native American organization received under the EOA and EEA summer program in 1973. Specifically, each Indian or native American organization shall receive the same percentage of the funds available for each organization under this Subpart A as it received as a percentage of the funds available for all Indian and native American organizations under EOA and EEA summer programs in 1973.

(d) The allocation of funds to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be based upon the criteria set forth in paragraph (c) of this section.

§ 97.4 Eligibility for funds.

Funds under this subpart A shall be allocated by the Secretary to summer sponsors who may be:

(a) Prospective or actual prime sponsors under Title I of the Act; or

(b) Indian tribes, bands, groups, or other Indian organizations and native American organizations which received funds under the EOA and EEA summer program in 1973.

§ 97.5 Notification of intent.

An eligible summer sponsor desiring financial assistance for a program under this subpart A shall, for the purpose of providing its notification of intent, submit to the appropriate ARDM (A listing of the ARDM's and the States within each Region is contained in the FEDERAL REGISTER, Volume 39, No. 16, Part IV of January 23, 1974.), the Preapplication for Federal Assistance Part I, prescribed by OMB Circular A–102. To facilitate the earliest implementation of the summer youth program, an eligible summer sponsor should file a Preapplication for Federal Assistance not later than May 31, 1974; however, a Preapplication for Federal Assistance shall not be submitted any later than June 12, 1974, unless the ARDM, for good cause, permits an extension of time.

§ 97.6 Application for grants and standards for reviewing grant applications.

(a) A program shall be undertaken under this subpart A, upon execution of an agreement between a summer sponsor and the ARDM. Upon receipt of a Preapplication for Federal Assistance. the ARDM shall send a grant application package to each eligible summer sponsor. The grant application shall be submitted to the ARDM not later than June 15, 1974, unless the ARDM, for good cause, permits an extension of time.

(b) Each grant application shall be reviewed by the appropriate ARDM using the standards described in § 95.17 of this title.

§ 97.7 Application approval and disapproval.

Each grant application shall be approved or disapproved under the provisions and conditions described in § 95.18 of this title.

§ 97.8 Use of alternative sponsors and services by the Secretary.

If a grant application is not filed, or is denied, or terminated, the Secretary may make provision for the use of an alternative sponsor, or provide services himself, as described in § 95.20 of this title.

§ 97.9 Content and description of grant application.

(a) The content of an application for programs funded under this subpart A shall be identical to the content of an application for Title I programs, as set forth in § 95.14(b) of this title, except that:

(1) The Program Narrative Description for programs under this subpart A shall be in accordance with the requirements of paragraph (b) of this section, rather than in accordance with the requirements of § 95.14(b)(2)(i) of this title.

(2) The Program Transition Schedule, set forth in § 95.14(b)(2)(ii) of this title shall be deleted; and

(3) The Public Service Employment Occupational Summary shall be prepared as provided in paragraph (c) of this section, rather than as set forth in § 95.14(b)(2)(iv) of this title.

(b) The Program Narrative Description shall consist of:

(1) A policy statement on the purpose of the program funded under this subpart A;

(2) A statement of the goals to be accomplished;

(3) A description of the number and characteristics of the participants to be served by (i) sex and (ii) age: 14 to 15, 16 to 17, 18 to 22;

(4) A description of each program activity and service;

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(5) A description of the methods to be used to recruit, select, and determine the eligibility of participants;

(6) A description of the geographical area to be served; and

(7) The Public Service Employment Program description, as applicable, and described in § 95.14(b)(2)(i)(F) of this title.

(c) The Public Service Employment Occupational Summary forms shall be submitted separately for on-the-job training, for work experience, and for public service employment, as appropriate, and shall be prepared as described in § 95.14(b)(2)(iv) of this title except that for on-the-job training and for work experience activities the comparison of wages shall not be included.

§ 97.10 Modification of the grant agreement; modification of the program plan.

(a) A summer sponsor desiring a modification to an existing grant agreement shall follow the procedure described in § 95.21 of this title.

(b) A summer sponsor desiring a major modification as defined in § 95.22(b) shall submit a revised project operating plan and a narrative explanation of the proposed changes to the ARDM. The ARDM shall notify the sponsor of final approval or tentative disapproval within 10 days of receipt of the proposed modification. An appeal of such determination may be obtained through the procedures set out in Part 98 of this Title 29, Code of Federal Regulations.

(c) A summer sponsor shall follow the procedure described in § 95.22(c) of this title in making a minor modification to programs funded under this Subpart A. However, a sponsor shall show such modifications on the end of summer progress report.

(d) An ARDM may require a modification as described in § 95.22(d) of this title.

§ 97.11 Basic responsibilities of sponsors.

A sponsor of a program funded under this subpart A shall be responsible for the compliances and provisions described in § 95.31 of this title.

§ 97.12 Eligibility for participation.

Each participant in a program funded under this subpart A shall be at time of enrollment:

(a) Economically disadvantaged, as defined in § 94.4; and

(b) A youth, 14 years of age through 22 years of age.

§ 97.13 Types of manpower services available in the summer program for economically disadvantaged youth.

(a) A program funded under this subpart A may include any activity or service specified in § 95.33 of this title.

(b) The requirements for Work Experience activities, as described in § 95.33(d)(3)(ii) of this title, are amended for programs funded under this subpart A to read as provided in paragraph (c) of this section.

(c) *Work Experience.* This program activity is to be designed to enhance the future employability of youth or to increase the potential of youth in obtaining a planned occupational goal.

(1) Work Experience activities for youth include part-time work for students attending school; short-term employment for out-of-school youth adjusting to a work setting and in transition from school to a job setting; short-term employment for recent graduates; and short-term or part-time employment for veterans, institutional residents and inmates under special work release agreements. In addition, it may include short-term employment while a training or job opportunity is being developed. Work Experience activities in the private for-profit sector shall be prohibited.

(2) Program outcomes for work experience participants include (i) return to school; (ii) enrollment in post secondary education; (iii) enlistment in the military services; (iv) enrollment in a manpower training activity; and (v) placement in subsidized or unsubsidized employment.

§ 97.14 Participant benefits.

(a) Participants in classroom training in programs funded under this subpart A shall receive allowances and other benefits as described in § 95.33(d)(1)(iii) of this title.

(b) Participants in on-the-job training in programs funded under this subpart A shall receive wages and other benefits as described in § 95.33(d)(2)(iv) of this title.

(c) Participants in transitional public service employment activities in programs funded under this subpart A shall receive wages and benefits as described in § 95.33(d)(3)(iii) of this title.

(d) Each participant in a work experience activity shall receive wages at a rate of pay commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that no participant's hourly rate of pay shall be less of whichever is the highest of the minimum wage prescribed for similar employment by State or local law or an hourly wage of $2 an hour. However, wages in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall be consistent with applicable provisions of the Fair Labor Standards Act of 1938, as amended.

(e) Participants in work experience activities shall be provided workmen's compensation and, as appropriate, other manpower services.

(f) Participants in work experience activities at Federal worksites shall be provided coverage by the Federal Employees Compensation Act.

§ 97.15 Sponsor review.

Each sponsor of a program funded under this subpart A shall establish a procedure as described in § 95.37 of this title for resolving any issue arising between it and a participant in a program funded under this subpart A.

§ 97.16 Non-Federal status for participants.

Participants in a program funded under this subpart A shall not be deemed Federal employees as provided for in § 95.38 of this title.

§ 97.17 Worksite standards; safety and health requirements for participants.

(a) The placement of participants on a Federal worksite for work experience activities does not constitute Federal employment, except for purposes of the Federal Employees Compensation Act and the Federal Tort Claims Act.

(b) No participant under 18 years of age will be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (see Part 570, subpart E of this title).

(c) Participants who are 14 and 15 years of age will participate only in accordance with the limitations imposed by §§ 31–35 of subpart C, Part 570, of this title.

(d) Participants shall be provided safe and healthful working conditions as described by the provisions of § 95.39 of this title.

(e) No participant shall be compensated for more than 40 hours per week.

§ 97.18 Training for lower wage industries and relocation of industries.

No participant may be enrolled in any activity or service provided by a program funded under this subpart A in any lower wage industry job as described by the provisions of § 95.40 of this title.

§ 97.19 Sponsor contracts and subgrants.

A sponsor of a program funded under this subpart A may enter into contracts or subgrants under the provisions described in § 95.41 of this title.

§ 97.20 Cooperative relationships between sponsors and other manpower agencies.

Each sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies as described in § 95.42 of this title.

§ 97.21 Reporting requirements.

(a) Each summer sponsor shall submit two reports to the ARDM: an End-of-Summer Progress Report, and a Summary of Client Characteristics Report.

(b) The End-of-Summer Progress Report (The Quarterly Progress Report Form generally used by a sponsor of a comprehensive manpower program, but labeled by the project sponsor as End-of-Summer Progress Report) will be used to summarize the accomplishments of the program. It constitutes the summer sponsor's statement of accomplishments and costs incurred and contains a certification of the correctness of the items reported. The End-of-Summer Report will be submitted not later than 30 days after the termination of the program, but in no case later than October 15, 1974.

(c) The Summary of Client Characteristics Report shall contain aggregate characteristics data on all participants in programs funded under this Subpart A. (This report is the Quarterly Summary of Client Characteristics Report regularly submitted by a sponsor of a Title I funded program, but labelled specifically for the Summer Program for Economically Disadvantaged Youth.) The summary is to be submitted to the ARDM with the End-of-Summer Progress Report appropriately marked, "Summer Program for Economically Disadvantaged Youth." The information for age characteristics on line 04 of the Summary of Client Characteristics Report shall be broken out on the back of the report by the following age groups:

(i) 14–15 years;
(ii) 16–17 years; and
(iii) 18–21 years.

§ 97.22 Terminal date for 1974 summer program.

No program under this subpart A shall continue beyond October 1, 1974.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER TITLE I AND TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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AUTHORITY: Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, sec. 602(a), 87 Stat. 839), unless otherwise noted.

Subpart A—Grant Administration

§ 98.1 General.

(a) This subpart A describes Federal requirements relating to the administration of grants by grantees (secs. 603(14) and 613).

(b) The Secretary will provide each grantee with the specific procedures to be followed to comply with the requirements of this subpart A (secs. 603(14) and 613).

§ 98.2 Payment.

Advance payments will be made by either a letter of credit or by U.S. Treasury check to grantees that demonstrate the willingness and ability to establish procedures which will minimize the time between the transfer of funds to them and their disbursement of such funds.

§ 98.3 Letter of credit.

(a) Grants will be financed by means of a letter of credit when the following conditions are met:

(1) The grant is for $250,000 or more;

(2) A continuing relationship exists for at least 12 months;

(3) The grantee can assure that the timing and amount of drawdowns will be as close as possible to disbursement needs;

(4) The grantee's accounting system will meet the recordkeeping and reporting requirements of this subpart.

§ 98.4 Payment by Treasury check.

(a) A grantee which does not meet the requirements for the letter of credit will be paid by Treasury check. The ARDM will determine whether such payment will be made on an advance or reimbursement basis. In making such a determination, the ARDM will consider the adequacy of the grantee's accounting and recordkeeping system with regard to items 3b and 3c of Attachment J of OMB Circular A–102.

(b) Advance by Treasury check will provide for advanced payments through use of predetermined payment schedules or upon the request of the grantee. When the request method is used, payments will be made to a grantee based upon a schedule contained on the Request for Advance or Reimbursement.

§ 98.5 Financial management systems.

(a) Each grantee and subgrantee shall maintain a financial management system which will provide accurate, current and complete disclosure of the financial results of each program activity by title of the Act, including Title II program activities by each area of substantial unemployment, provide the ability to evaluate the effectiveness of program activities and meet the reporting requirements of this subpart.

(b) Each grantee and subgrantee shall maintain its fiscal accounts in a manner sufficient to permit the reports required by the Secretary to be prepared therefrom.

§ 98.6 Audit.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local government and their subgrantees and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts, and transcripts (sec. 613(2)).

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of grantees and their subgrantees and contractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit or examination of grantees and their subgrantees and contractors using city or state auditors; or certified or licensed public accountants. Such surveys, audits, or examinations shall normally be conducted annually but not less than once every two years.

(d) Surveys, audits and examinations will conform to the standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States and guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary will conform, at a minimum to the first element of the Comptroller General's Standards: an audit to determine: (1) Whether financial operations are properly conducted, (2) whether the financial reports are fairly presented, and (3) whether the available information indicates that the entity has not complied with applicable laws, regulations, and administrative requirements. Existing audit systems, where acceptable under the Comptroller General's Standards, such as State audits of city and county activities, will be used to the maximum possible extent (sec. 613(1)).

§ 98.7 Reporting requirements in general.

Each grantee will be required to submit three periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These three reports are: (a) The Quarterly Progress Report, (b) The Quarterly Summary of Client Characteristics, and (c) The Report of Federal Cash Transactions (secs. 313(b) and 613). Detailed descriptions of these forms are in the Forms Preparation Handbook.

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§ 98.8 Quarterly Progress Report.

(a) The Quarterly Progress Report will be used to measure accomplishments in achieving objectives stated in the Project Operating Plan. It also constitutes the grantee's statement of costs incurred and contains its certification of the correctness of the costs reported.

(b) A grantee shall include the following items in the report together with a comparison of the same items as they appear in the Project Operating Plan for the period of the report:

(1) The total number of individuals served with granted funds during the grant period;

(2) The total number of individuals (participants) placed on self-sustaining employment at termination from the project and the number entering school, other training or military service;

(3) The level of enrollment and accrued expenditures associated with the program activities;

(4) The distribution of total accrued expenditures among cost categories; and

(5) The number of individuals within each significant segment of the population being served by the program.

(c) If performance goals are not being achieved, the ARDM may request additional information from grantees including reasons for the failure to achieve such goals.

(d) The Quarterly Progress Report will also permit grantees to report on objectives and accomplishments other than those established by the Secretary. If a prime sponsor or eligible applicant elects to include these other activities in its report, they will be used by the Secretary in his evaluation of the performance of the prime sponsor or eligible applicant's program.

(e) The Quarterly Progress Report will be prepared to coincide with the ending dates of Federal fiscal year quarters.

This report should be sent by the grantee to be received by the ARDM no later than 30 days after the end of the reporting period. If a grantee's grant period ends at a date other than the Federal fiscal year quarter, a fifth report, covering the entire grant period will be required.

(f) The Quarterly Progress Report will be submitted by the grantee to the Governor of the State.

(g) Accountability must be maintained by the grantee for each of the activities authorized under the Act. Therefore, a separate report will be required for Title I and Title II programs.

(h) The Secretary reserves the right to require the submittal of this report by grantees more frequently than quarterly in cases of major deviation from the Project Operating Plan.

(i) Specific procedures for meeting these reporting requirements will be furnished to each grantee in the Forms Preparation Handbook.

§ 98.9 Quarterly Summary of Client Characteristics.

(a) The Quarterly Summary of Client Characteristics contains aggregate characteristics data on all participants in the program. The Summary is to be submitted to the ARDM with the Quarterly Progress Report.

(b) The Summary will include characteristics data aggregated for all participants, those who terminated from the program and those who entered unsubsidized employment.

(c) The Summary will also aggregate wages before enrollment in the program and after placement and show the median wage for these two categories.

(d) A separate report will be required for Title I and Title II.

(e) Specific reporting procedures and appropriate definitions will be furnished to each grantee in the Forms Preparation Handbook.

§ 98.10 Report of Federal cash transactions.

(a) Each grantee shall submit periodically a report of Federal cash transactions. The report will be used to monitor cash advances and to obtain disbursement information. This report will be submitted monthly by each grantee receiving an annual grant totalling $1 million or more, and quarterly by other grantees (sec. 613(3)).

(b) Specific reporting procedures will be furnished to each grantee in the Forms Preparation Handbook.

§ 98.11 Reallocation of funds.

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section (secs. 103(1) and 602(b)).

(b) *Reallocation based on nonperformance.* (1) Pursuant to sec. 103(1) of the Act, when the Secretary considers through review of the grantee's reports, monitoring or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, he shall give due notice and opportunity for a public hearing as provided in § 98.47.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b)(1) of this section, he shall:

(i) Revoke the grantee's plan for the area, in whole or in part;

(ii) Make no further payments under this Act to the grantee, to the extent which he deems necessary; and

(iii) Notify the grantee of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by the State or other alternative prime sponsor to service the area which was served by the prime sponsor before the reallocation, or the Secretary may serve such an area directly (§ 95.20).

(c) *Reallocation based on need.* (1) In a limited number of circumstances, the Secretary may determine that the unobligated portion of a grantee's grant should be reallocated to another area because the funds are not needed where they were originally allocated. Such reallocations may be made only after the ninth month of the fiscal year for which the grant was made.

(2) Before reallocating funds as set forth in paragraph (c)(1) of this section, the Secretary must determine that:

(i) The grantee's plan will be carried out without expending all the funds previously made available for that plan; and

(ii) The excess funds identified under paragraph (c)(2)(i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, he will take the following actions:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate, he will notify the grantee and the appropriate Governor of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by prime sponsor or eligible applicant and the Governor.* The grantee and the Governor will be invited to submit comments on a proposed reallocation of funds out of their area. These comments shall be submitted to the appropriate ARDM within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* After reviewing any comments submitted by the grantee or Governor, the Secretary will notify them of his decision. A final decision to reallocate funds of a grantee will be published in the FEDERAL REGISTER and a modification will be made to the grant.

(4) *Reallocation procedures.* In reallocating such funds to supplement other grantee grants, the Secretary shall first consider the need for additional funds by other grantees within the same State. A decision to increase a grantee's grant with reallocated funds will not be made without prior consultation with the grantee as to how the funds will be expended, and prior notification to the Governor. Such a decision will be published in the FEDERAL REGISTER with an announcement of the grantee(s) receiving additional allocations and the amounts.

§ 98.12 Allowable Federal costs.

(a) *General.* Federal funds granted under the Act may be expended only for purposes permitted under the provision of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations (OMB Circular A–87), except as modified in these regulations. Costs are intended to be directed to increase the employability of participants.

(b) *Restriction on use of funds.* (1) Federal funds used for public service employment programs under Title I and for any programs under Title II of the Act shall not be used for the acquisition of or for the rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as a direct cost, indirect cost, or overhead cost (sec. 208(a)(7)).

(2) No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under the Act as a matching contribution in order to obtain additional funds under the Act is not prohibited.

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Title I funds may be expended for building repairs, maintenance and capital improvements to existing facilities. Such costs shall be reported against the administration category. These costs must relate to a facility or building which is used primarily for programs under the Act (sec. 602(b)).

(2) No funds for construction are allowable except as part of a training program in construction occupations and then such costs are allowable only for materials. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101).

(1) Costs are allowable to a particular cost category to the extent of benefits received by such category.

(2) All grantees are required to plan, control, and report expenditures against the aforementioned cost categories.

(e) *Costs allowable by each cost category.* Within the restrictions set forth under paragraph (b) of this section, the following are the costs which will be allowable by cost category;

(1) *Administrative costs.* Administrative costs shall be limited to those necessary to effectively operate the program. Such costs include overall program administration as well as program activity administration costs incurred by prime sponsors, subgrantees, and contractors. Costs should not generally exceed 20 percent of the total planned costs for a grant, unless the Program Narrative Description under § 95.14(b)(2)(i) sets forth an explanation of how such additional costs have been determined and a detailed documentation to support that amount (sec. 108(d)(2)).

(i) *Direct and indirect costs.* Included in administrative costs are both direct and indirect costs. Direct costs are those which can be specifically identified as relating to the project and indirect costs are those computed by application of an indirect cost rate. In determining the reasonableness of indirect costs, reliance will be placed on procedures established pursuant to OMB Circular A–87, including reliance on determinations made by other Federal agencies under arrangement made pursuant to A–87.

(ii) *Types of costs.* (A) Administrative costs include, but are not limited to salaries, wages, and fringe benefits of program administrators; salaries; wages, and fringe benefits of staff not involved in the direct provision of services or training to participants; costs of consumable office supplies used by program staff; costs incurred in the development, preparation, presentation, management and evaluation of the program; the costs of establishing and maintaining accounting and management information systems; cost incurred in the establishment and maintenance of State Manpower Services Councils, and Prime Sponsor Planning Councils; travel of program administrators; rent, utilities, custodial services and indirect costs allowable to the program; training of staff and technical assistance to contractor and subgrantee staff; costs of assistance to contractor and subgrantee staff; costs of equipment and material to be used by staff participants excluding training equipment and materials; capital improvements as permitted by these regulations; publication of Comprehensive Manpower Plan; and audit services. Prime sponsors may be able to lower these costs by using participants in the administration of the program. In such event, wages and fringe benefits or allowances for such persons shall be charged to subsidized employment, either transitional or for work experience.

(2) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organization, and all wages paid to participants in transitional subsidized employment and in work experience will be allowed. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(3) *Training.* Training costs include, but are not limited to the following: Salaries and fringe benefits of personnel engaged in providing training and/or counseling, tuition and entrance fees, books, and other teacher's aids, and equipment and materials used in the training of participants. For example: Administration of a training program or facility is not considered to be a training cost, including: Supervision of trainers, rental of facilities and utilities, general administrative supplies, cost of allowance payment processing including staff salaries, cost of equipment not used directly in training and any other cost which is not directly associated with training of participants.

(4) *Fringe benefits.* Fringe benefit costs for participants include, but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans; unemployment insurance; workmen's compensation insurance; and retirement benefits provided such benefits are granted under an approved plan.

(5) *Allowances.* All allowances paid to program participants pursuant to § 95.34 of these regulations shall be charged to this cost category.

(6) *Services. Services;* costs include, but are not limited to the following pursuant to § 95.33:

(i) Cost of supportive services such as child care, health care and medical services, residential support, assistance in securing bonds and family planning.

(ii) Cost of manpower services such as outreach, intake and assessment, orientation, counseling, job development, and job placement.

(iii) Administrative costs involved in furnishing of services to participants are not considered to be services costs. This includes any costs such as rental of facilities and utilities, salary of administrative staff, general administrative supplies or other costs which do not relate directly to the furnishing.

§ 98.13 Allocation of allowable costs among program activities.

The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training; on-the-job training; public service employment; work experience; services to participants and other activities. The cost categories under each of these activities are defined in § 98.12(d). The extent to which these cost categories are charageable to specific program activities is set forth below (sec. 101).

(a) *Classroom training.* Cost categories chargeable are: administration, training allowances, and services.

(b) *On-the-job-training.* Cost categories chargeable area: administration, training, services, wages (with public or private nonprofit employers only), and fringe benefits.

(c) *Public service employment.* Cost categories chargeable are: administration, wages, fringe benefits, services and training.

(d) *Work experience.* Cost categories chargeable are: administration, training, services, allowances, wages and fringe benefits.

(e) *Services to paricipants.* Cost categories chargeable are:

(1) *Allowances.* This includes all allowances paid for short periods of time to participants who are registered for training, but are waiting for startup of a component.

(2) *Services.* This includes all manpower and supportive services which are not part of another program activity and which are provided to participants by a prime sponsor, eligible applicant, contractor or subgrantee.

(3) *Administration.* This includes all allowable administrative costs directly associated with this activity and a pro rata share of each prime sponsor or eligible applicant's administrative costs under the Act not directly associated with any program activity.

(f) *Other activities.* Costs catergories chargeable area: administration, training, allowances, and services.

§ 98.14 Basic personnel standards for grantees.

(a) Each prime sponsor and eligible applicant shall assure that it will maintain personnel policies and practices for

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its employees in accord with State and local laws and regulations that adequately reflects the merit principles declared in the Intergovernmental Personnel Act of 1970 (Pub. L. 91–648). Prime sponsors may meet its requirement by certifying compliance with the uniform Federal Standards for a Merit System of Personnel Administration (45 CFR Part 70) including any amendments thereto (sec. 604(14)).

(b) Except as provided in paragraph (c) of this section, any prime sponsor or eligible applicant's personnel system that has not been certified previously as meeting these standards for other Federal grant programs shall certify that it will take necessary action to provide for merit based personnel system coverage within a reasonable period.

(c) Any non-governmental prime sponsor or administrative unit for a consortium is not subject to the requirements of paragraph (b) of this section unless they are governmental units.

(d) Prime sponsors and eligible applicants are encouraged to include on their staffs individuals who are representative of the population to be served by the program.

§ 98.15 Adjustments in payments.

(a) If any funds are expended by a grantee, subgrantee, or employing agency in violation of the Act, the regulations or grant conditions, the Secretary may make necessary adjustments in payments on account of such expenditures (sec. 108 (b)(2)).

(b) The Secretary may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures (secs. 103 (h) and 108(b)(2)).

§ 98.16 Termination of grant.

(a) If a grantee violates or permits a subgrantee or an employing agency to violate the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation or the determination of the Secretary, pursuant to a hearing under Part 98, if a hearing has been held.

(b) Termination shall be affected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of notice of termination, the grantee shall: (1) Discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within a reasonable period of time after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal (secs. 108(b)(2), 110(b), and 602 (b)).

§ 98.17 Grant closeout procedures.

(a) The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor. The following procedures will be complied with during this process of determination.

(b) Upon completion of the legal grant period or at such other termination date determined by the Secretary, the following steps will be taken by each grantee:

(1) An immediate refund to the ARDM of any unencumbered balance of cash drawn down from the letter of credit or advanced by treasury checks..

(2) An immediate refund to the ARDM of any interest income earned on the granted money except as provided in § 98.19.

(3) A final Quarterly Progress Report will be prepared for each grant and Title under which programs were conducted under the Act.

(4) A final Report of Federal Cash Transactions shall be prepared and sent to the ARDM.

(5) A final Summary of Client Characteristics Report shall be prepared and sent to the ARDM.

(6) Upon closeout, the regional office will insure that:

(1) Prompt payment is made to the prime sponsor or eligible applicant for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs.

(3) The letter of credit is cancelled.

(4) Final program and fiscal audits are performed as soon as possible after the completion of termination date of the grant.

§ 98.18 Retention of records.

(a) Grantees are required to maintain records on each program participant. The following types of information shall be recorded:

(1) Personal identifying information.

(2) Residence.

(3) Work history of the participant.

(4) Program activities in which the client participated.

(5) Supportive services received by the participant.

(6) Status of participant at termination from program.

Specific items, instructions, and definitions are contained in the Forms Preparation Handbook.

(b) Pursuant to the provisions set forth in Attachment C of Office of Management and Budget Circular A–102, the following shall apply with regard to the retention of records pertaining to any grant program under this Act (secs. 603(12) and 613).

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. No Federal requirements for records retention which exceed those established by State or local governments shall be otherwise imposed, with the following qualifications:

(i) Records shall be retained beyond the 3-year period if audit findings have not been resolved.

(ii) Records for nonexpendable property acquired with Federal grant funds shall be retained for 3 years after its disposition.

(iii) When grant program records are transferred to or maintained by the Secretary, the 3-year retention requirement will not be applicable to the grantee which had administered that grant program.

(2) The retention period shall start from the date of submission of the annual or final expenditure report, whichever applies to the particular grant.

(3) The substitution of microfilm copies in lieu of original records may be authorized by the ARDM upon request of the grantee.

(4) The Secretary will request State and local prime sponsors to transfer grant records to the Department's custody when it is determined that such records have long-term retention value. However, suitable arrangements to avoid duplicate recordkeeping shall be made where the Department and any grantee needs such records for joint use.

(5) The grantee agrees to maintain the confidentiality of any information regarding applicants, project participants or their immediate families that identifies or may be used to identify them, and which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant or participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the grant, to persons having responsibilities under the grant, including those furnishing services to the project under subgrant or contract, and to governmental authorities to the extent necessary for the proper administration of law.

§ 98.19 Program income.

(a) The State and any agency or instrumentality of a State which is a grantee shall not be held accountable for interest earned on grant-in-aid funds pending their disbursement for program purposes under the Act (OMB Circular A–102).

(b) Units of local government shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Attachment N of OMB Circular A–102 pertaining to Property Management.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Federal grantor agency (OMB Circular A–102).

(e) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives (OMB Circular A–102).

(f) The prime sponsor shall record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions.

§ 98.20 Procurement standards.

The standards to be used for the procurement of supplies, equipment, and other material and services with Federal grant funds are those described in Attachment O of OMB Circular A–102. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

§ 98.21 Nondiscrimination and equal employment opportunities.

(a) No person shall on the ground of race, creed, color, handicap (as defined in paragraph (g) of this section), national origin, sex, political affiliation, or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Act (secs. 603(1), 612, and Vocational Rehabilitation Act, sec. 504).

(b) When the Secretary determines that a grantee has failed to comply with the requirements of paragraph (a) of this section, he shall notify the grantee of the noncompliance and request the grantee to secure compliance. If within a reasonable time, not to exceed 60 days, the grantee fails or refuses to secure compliance, the Secretary may terminate financial assistance under the Act and:

(1) May refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) May exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42, USC 2000(d)); and

(3) May take other actions as may be provided by law.

(c) When a matter under this section is referred to the Attorney General, or when the Secretary of Labor believes that a pattern or practice of discrimination exists, the Attorney General may bring a civil action in any appropriate United States District Court, including injunctive relief.

(d) The Secretary shall enforce the provisions of paragraph (a) of this section with regard to discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce these provisions.

(e) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under the Act.

(f) The grantee shall be responsible for assuring that no discrimination prohibited by this section occurs in any program for which it has responsibility, and shall establish an effective mechanism for this purpose. The grantee may, as one possible means of establishing this mechanism, assign the responsibility for administering the Equal Employment Opportunity (EEO) program to one individual and requires subgrantees and contractors to prepare affirmative action plans. In such cases, the grantee may include in its comprehensive manpower plan a description of its EEO program and the related affirmative action plans of its subgrantees and contractors, including the procedures established for monitoring these activities.

(g) The term "Handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) can reasonably be expected to benefit in terms of employability from an activity under the Act.

§ 98.22 Nepotism.

The provisions of this section shall apply to all activities under the Act except that the nepotism requirements for Title II, found in § 96.26(c) and § 96.44 shall not be superseded.

(1) *Restriction.* No grantee, subgrantee or contractor may hire a person into an administrative position funded under the Act if a member of his or her immediate family is employed in an administrative capacity for the same grantee, subgrantee or contractor: *Provided, however,* That nothing in this paragraph shall be construed to prohibit an otherwise eligible individual from participating in any program under the Act. Where a State or local statute regarding nepotism exists which is more restrictive than this policy the eligible applicant should follow the State or local statute in lieu of this policy.

(2) *Definitions.* (i) For purpose of this section, the term "member of the immediate family" includes: Wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(ii) For the purposes of this section, the term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for Title II participants, or operational responsibility for the program.

§ 98.23 Special limitations on participant selection.

(a) (1) *Political activities.* No program under this part may involve political activities, and neither the program nor the funds provided therefor, nor the personnel employed in the administration of the program, shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code. Prohibited activities under this section include, but are not necessarily limited to the assignment of any participant by an eligible applicant or subgrantee or employing agency to work for or on behalf of a partisan political activity; to take part in voter registration activities; or to participate in other partisan political activities such as lobbying, collecting funds, making speeches, assisting at meetings and doorbell ringing, and distributing political pamphlets in an effort to persuade others of any political view.

(2) Participants employed in the administration of the program and participants whose principal employment is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act. Other participants are not precluded from taking an active part in political management or in a political campaign outside of working hours, provided they do not identify themselves as spokesman for any Title II funded program. All participants may take part in non-partisan activities outside of working hours (sec. 208(g)).

(b) *Sectarian activities.* No participant in any program under this part may be employed in the construction, operation, or maintenance of such part of any facility as is used or will be used for sectarian instruction or as a place of religious worship (sec. 208(h)).

Subpart B—Assessment and Evaluation

§ 98.30 General.

This Subpart B sets forth the assessment and evaluation responsibilities of the grantees (§ 98.31) and the Secretary of Labor (§ 98.32). The grantee shall, as part of its general responsibility to carry out the purposes and provisions of the Act, establish adequate program management for the purposes of examining, in a systematic fashion, the performance of its program in meeting the goals and objectives contained in the plan and measuring the effectiveness and impact of its program in resolving manpower problems identified in that plan (secs. 105 (a)(1)(b) and 603 (14)).

The Secretary shall assess grantees to determine whether they are carrying out the purposes and provisions of the Act in accordance with their approved

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plans. The Secretary shall also evaluate the overall programs and activities conducted under the Act to aid in the overall administration of the Act (secs. 311(c)(d) and 313(b)).

§ 98.31 Responsibilities of the prime sponsor or eligible applicant.

(a) As prescribed under subpart A of this Part 98, the grantee shall submit periodic reports on the performance of its program in relation to its plan as required by the Secretary (secs. 313(b) and 603(12)). The grantee shall implement and maintain the necessary recordkeeping required to complete these periodic reports. While such recordkeeping will support reports to the Secretary, it is principally for the use of the grantee to provide basic internal management information.

(b) The grantee is required to establish internal program management procedures (sec. 603(14)). Such procedures shall be used by the grantee in the monitoring of day-to-day operations, to periodically review the performance of the program in relation to program goals and objectives, and to measure the effectiveness and impact of program results in terms of participants, program activities, and the community. The objective of such procedures shall be the improvement of overall program management and effectiveness.

(c) The grantee shall monitor all activities for which it has been provided funds under the Act to determine whether the assurances and certifications made in its plans and the purposes and provisions of the Act are being met, and to identify problems which may require the grantee to take corrective action in order to assure such compliance. The grantee shall fulfill this monitoring function through the use of internal evaluative procedures, the examination of program data, or through such special analysis or checking as it deems necessary and appropriate (secs. 105 (a) and (b), 108(d), and 603).

(d) The grantee shall cooperate with the Secretary's evaluation and assessments by providing special reports on program activities and operations as requested; the findings of evaluations of effectiveness and impact; and access to its records and program operations.

(e) When the grantee finds that operations do not equal planned performance, it shall develop and implement appropriate corrective action.

§ 98.32 Responsibilities of the Secretary.

(a) As used in this section, the term "assessment" refers to the Federal review of plans and performance of individual grantees, and the term "evaluation" refers to the Federal study of the overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary has the responsibility to determine that the grantee is operating in general accordance with its approved plan in carrying out the purposes and provisions of the Act, and has demonstrated maximum efforts to implement the provisions in its prior year's plan.

(1) The Secretary shall assess the grantee's program and activities in order to determine compliance with assurances and certifications of its plan, compliance with the purposes and provisions of the Act, and performance in the achievement of goals and objectives specified in the approved plan (secs. 105, 108(d), and 603).

(2) Such assessment shall be conducted through the review of required periodic reports and shall be supplemented by special reports from the grantee, the examination of records maintained by the prime sponsor or eligible applicant, selective on-site reviews including in certain instances, the investigation of allegations or complaints, or other examination as deemed necessary and appropriate by the Secretary (secs. 311(c)(d), 313(a)(b), 603(12), and 108).

(3) Assessment may also be conducted for purposes of the offering of technical assistance and/or recommendations for corrective actions to grantees as considered necessary.

(c) The Secretary has the responsibility to provide for the continuing evaluation of all programs and activities conducted pursuant to the Act. Such studies shall include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implication for related programs;

(4) Extent to which needs of various age groups are met;

(5) Adequacy of mechanisms for the delivery of services;

(6) Comparative effectiveness of grantee programs with similar programs conducted by the Secretary under sec. 110 or Title III;

(7) Opinions of participants about the strengths and weaknesses of the programs;

(8) Relative and comparative effectiveness of programs under this Act and Part C of Title IV of the Social Security Act (Work Incentive Program for Welfare recipients) (sec. 313(a) and (b));

(9) The effectiveness of programs in meeting the employment needs of disadvantaged, unemployed, and underemployed persons; and

(10) The extent to which artificial barriers restricting employment and advancement opportunities in agencies receiving funds under the Act have been removed.

(d) The Secretary shall compile, on a State, regional and national basis, information obtained from periodic reports or special reports, surveys, or samples required from grantees, including information on:

(1) Enrollee characteristics, including age, sex, race, health, education level, and previous work and employment experience;

(2) Duration in training and employment situations including information on the duration of program participation for at least a year following the termination of participation in Federally-assisted programs and comparable information on other employees or trainees or participating employers; and

(3) Total dollar cost per trainee, including breakdown between salary or allowance, training and supportive services, and administrative costs (sec. 313 (b)).

(e) Evaluation carried out in accordance with paragraph (d) of this section may be conducted directly by Department of Labor staff or through contract, grant or other arrangement, as the Secretary deems necessary or appropriate (sec. 311(c)).

§ 98.33 Limitation.

No prime sponsor or eligible applicant nor the Secretary shall, in arranging for evaluation of any program under the act, utilize for such evaluation any non-governmental individual institution, or organization which is associated with that program as a consultant, technical advisor or in any similar capacity (sec. 604 (c)).

§ 98.34 Consultation with the Secretary of Health, Education, and Welfare.

The Secretary shall consult with the Secretary of Health, Education, and Welfare with respect to arrangements for services of a health, education, or welfare character in plans under this Act. This consultation shall focus on the relationship of such services to be delivered under this Act with those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible.

Subpart C—Hearings and Judicial Review

§ 98.40 Purpose and policy.

(a) The regulations set forth in this Subpart C contain the procedures established by the Secretary for carrying out his responsibilities under the Act for the review of comprehensive manpower plans and applications for financial assistance, and for the receipt, investigation, hearing and determination of questions of noncompliance with the requirements of the Act and the regulations promulgated under the authority of the Act (sec. 108).

(b) It is the policy of the Secretary to receive information concerning alleged violations of any title of the Act and the regulations promulgated pursuant thereto from any person, or any unit of Federal, State or local government. Assistance in the filing of a formal allegation may be secured from the appropriate Regional Solicitor, by any person who desires and needs such assistance.

(c) A participant in a program under the Act must exhaust the administrative remedies established by the prime sponsor or eligible applicant for resolving matters in dispute prior to utilizing the procedures under this subpart C. The filing of such a complaint shall not, however, automatically act as a stay of the decision rendered by the prime sponsor or eligible applicant. A participant may initiate an action under this subpart within 30 days of any final decision by a grantee.

§ 98.41 Review of plans and applications; violations.

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plan or application for financial assistance submitted under any title of the Act, or any modifications, or amendments thereof, without first affording the grantee submitting the plan or application reasonable notice and opportunity for a hearing as provided in § 98.47 et seq.

(b) When information available to the Secretary indicates that a grantee may be:

(1) Maintaining a pattern of practice of discrimination in violation of sec. 603 (1) or sec. 612(a) of the Act or otherwise failing to serve equitably the economically disadvantaged, unemployed, or underemployed persons in the area it serves;

(2) Incurring unreasonable administrative costs in the conduct of activities and program, as determined pursuant to regulation;

(3) Failing to give due consideration to continued funding of programs of demonstrated effectiveness including those previously conducted under provisions of law repealed by sec. 614 of the Act; or

(4) Otherwise materially failing to carry out the purposes and provisions of the Act or regulations issued pursuant to the Act; he shall, before taking final action on such grounds, notify the grantee of his proposed action and provide the grantee a reasonable time within which to respond. All further proceedings shall be conducted as provided in § 98.47 et seq.

(c) Every other person claiming legal injury because of any action under the Act may be heard only by initiating a complaint under § 98.42.

§ 98.42 Complaints; filing of formal allegations; dismissal.

(a) Every complaint by any complainant, whether in writing or not, shall be filed as a formal allegation before the commencement of any investigation or corrective action is required under this part.

(b) All formal allegations shall be filed with the appropriate ARDM. A formal allegation so filed may be withdrawn only with the consent of the Secretary.

(c) A formal allegation pending more than 6 months after filing because the complainant has failed to cooperate or make himself available during investigation of the matter may be dismissed by the ARDM upon notice to the last known address of the complainant.

§ 98.43 Form.

(a) Every formal allegation shall be in writing and signed by the complainant, and shall be sworn to before a Notary Public, or other duly authorized person. A formal allegation need not be in any particular form, but should be neat, legible and suitable for flat filing.

§ 98.44 Contents of formal allegations; amendment.

(a) The formal allegation should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the party against whom the formal allegation is made (hereinafter referred to as the respondent(s)).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful practice.

(4) Where known, the provisions of the Act, regulations, Comprehensive Manpower Plan, and application of the grantee believed to have been violated.

(5) A statement disclosing whether proceedings involving the act complained of have been commenced before a State or local authority, and, if so, the date of such commencement and the name of the authority.

(6) A statement that the administrative procedures established by the grantee have been, if applicable, followed to completion by the complainant.

(b) Notwithstanding the provisions of paragraph (a) of this section, a formal allegation will be considered to have been filed when the ARDM receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made, and to fairly afford the respondent an opportunity to prepare a defense. A formal allegation may be amended to cure technical defects or omissions, including failure to swear to the allegation, or to clarify and amplify allegations made therein, and such amendments relate back to the original filling date. An amendment alleging additional acts not directly related to or growing out of the subject matter of the original formal allegation will be permitted only where at the date of the amendment the allegation could not have been timely filed as a separate formal allegation and the rights of any respondent will not be prejudiced.

§ 98.45 Investigations.

(a) The ARDM will make a prompt investigation of each formal allegation filed as provided in this part. The investigation may include, where appropriate, a review of pertinent practices and policies of any grantee, the circumstances under which the possible noncompliance with the Act or regulations issued thereunder occurred, and other factors relevant to a determination as to whether the respondent has failed to comply with requirements of the Act, the regulations, and the Comprehensive Manpower Plan.

(1) If an investigation pursuant to paragraph (a) of this section indicates to the ARDM a failure to comply with the Act, the regulations, or the Comprehensive Manpower Plan, the ARDM will so inform the respondent and the complainant and the matter, will if possible, be resolved by informal means. If informal resolution does not occur within a reasonable period of time, action will be taken as provided in this part or as otherwise provided by law.

(2) If an investigation does not warrant action pursuant to paragraph (a)(1) of this section, the ARDM will so inform the respondent and the complainant in writing.

(b) No grantee, participant, respondent or other persons shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act, the regulations, the Comprehensive Manpower Plan, or the application of an eligible applicant because he has made a complaint, formal allegation, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation hearing, or judicial proceeding arising thereunder.

§ 98.46 Opportunity for hearings; when required.

An opportunity for a public hearing shall be extended in each of the following instances:

(a) When the ARDM receives a formal allegation from an affected unit of general local government that a grantee has changed its Comprehensive Manpower Plan so that it no longer complies with sec. 105 of the Act, or that in the administration of the plan there is a failure to comply substantially with any provision of the plan or with the requirements of secs. 603 and 604 of the Act and the matter has not been resolved informally within a reasonable period of time; or

(b) After the completion of an investigation, pursuant to § 98.45, or any formal allegation which indicates there is substantial evidence of facts supporting a conclusion of probable cause that a violation of the Act, or regulations issued pursuant thereto, has occurred or is occurring, or is about to occur, and the matter has not been resolved by informal means; or

(c) When the Secretary has reasonable cause to believe that a violation set forth in § 98.41(b) has occurred, or when the Secretary determines that fairness and the effective operation of programs under the Act would be furthered by an opportunity for a public hearing, including a finding under § 98.41 that a hearing should be provided.

§ 98.47 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by the Act, or § 98.46, and the issue has not been resolved informally, the Secretary or ARDM shall give reasonable notice by registered or certified mail, return receipt requested, to the affected respondent and complainant, if any. This notice shall advise the respondent of the allegations to be heard, the proposed remedial actions which may be taken, and the matters of fact or law asserted as the basis for the action. The notice shall (1) fix a date not less than 20 days after the date of such notice within which the respondent may request the Secretary or ARDM that the matter be scheduled for hearing, or (2)

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advise the respondent and the complainant that the matter in question has been set by a Hearings Officer for hearing at a stated place and time. The time and place shall be fixed by a Hearings Officer in accordance with paragraph (b) and shall be subject to change for cause. A respondent may waive a hearing and submit written information and argument for the record. The failure of a respondent to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under the Act and this part, and shall be respondent's consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearings.* Hearings shall be held in Washington, D.C., at a time fixed by a Hearing Officer. At the request of the respondent or Department, and upon a determination by the Hearings Officer that the relative conveniences of the respondent and Department so warrant, and no issue presented involved a determination which has been made at the Department's national office, the Hearings Officer may select a place for hearing in the city of the regional office of the Department.

(c) *Right to counsel.* In all proceedings under this section, the respondent and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with section 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the respondent shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the Hearings Officer conducting the hearings at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Hearings Officer conducting the hearing. The Hearings Officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(3) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the Hearing Officer concludes that their use would promote the efficient advancement of the hearing.

(4) When a public officer is a respondent in a hearing in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 98.48.

(f) *Hearing Officers.* Hearings shall be held before an Administrative Law Judge of the Department or by such other person as may be designated by the Secretary.

§ 98.48 Initial certification, decisions, and notices.

(a) *Authority of hearing officer to render decision.* The Administrative Law Judge or other designated hearing officer is authorized to make an initial decision unless the Secretary otherwise limits this authority in a particular case.

(b) *Decisions and certifications by hearing officers.* The Administrative Law Judge, or other persons designated to hear the matter, shall make an initial decision, if so authorized (see § 98.47(f)), or certify the entire record including his recommended findings of fact, conclusions of laws, and proposed decision to the Secretary for a final decision, and a copy of such initial decision of certification shall be mailed to the respondent and the complainant. When an initial decision is made the respondent may, within 30 days of mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the respondent a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the respondent and the complainant, if any. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of the Secretary.

(c) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews an initial decision pursuant to paragraph (a) of this section, the respondent shall be given reasonable opportunity to file with him briefs or other written statements of its contentions. A copy of the final decision of the Secretary shall be given in writing to the respondent and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearing is waived under this part, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the complainant, if any.

(e) *Rulings required.* Each decision of an Administrative Law Judge or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the Act of regulations issued thereunder with which it is found that the respondent has failed to comply.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved in accordance with the Act, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and regulations issued thereunder, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the respondent determined by such decision to be in default in its performance of an assurance given by it pursuant to the Act or regulations issued thereunder, or to have otherwise failed to comply with the Act or regulations issued thereunder, unless and until it corrects its noncompliance, and satisfies the Secretary that it will fully comply with the Act and regulations issued thereunder.

§ 98.49 Judicial review.

Action taken pursuant to section 108 of the Act is subject to judicial review as provided in section 109 of the Act. All other action initiated under the Act and regulations issued thereunder shall be final upon a determination by the Secretary.

Signed in Washington, D.C. this 28th day of May 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-12641 Filed 6-3-74;8:45 am]

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federal register

TUESDAY, JUNE 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 108

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART IV

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

Estuarine Sanctuary Guidelines

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Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 921—ESTURAINE SANCTUARY GUIDELINES

The National Oceanic and Atmospheric Administration (NOAA) on March 7, 1974, proposed guidelines (15 CFR Part 921) pursuant to section 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92–583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of establishing the policy and procedures for the nomination, selection and management of estuarine sanctuaries.

Written comments were to be submitted to the Office of Coastal Environment (now the Office of Coastal Zone Management), National Oceanic and Atmospheric Administration, before April 8, 1974, and consideration has been given those comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation. States are encouraged to develop and implement management programs to achieve wise use of the resources of the coastal zone, and the Act authorizes Federal grants to the States for these purposes (sections 305 and 306).

In addition, under section 312 of the Act, the Secretary of Commerce is authorized to make available to a coastal State grants of up to 50 per centum of the cost of acquisition, development and operation of estuarine sanctuaries. The guidelines contained in this part are for grants under section 312.

In general, section 312 provides that grants may be awarded to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of this program.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing the procedures for applications to receive grants for estuarine sanctuaries under section 312 of the Act. The final regulations and criteria were revised from the proposed guidelines based on the comments received. A total of fifty (50) States, agencies, organizations and individuals submitted responses to the proposed section 312 guidelines published in the FEDERAL REGISTER on March 7, 1974. Of those responses received, eight (8) offered no comment or were wholly favorable as to the nature and content of the guidelines as originally proposed. Forty-two (42) commentators submitted suggestions concerning the proposed section 312 guidelines.

The following summary analyzes key comments received on various sections of the proposed regulations and presents the rationale for the responses made.

Section 921.2 *Definitions*. Three comments requested that the term "estuary" be defined. Although the term is defined in the Act and also in the regulations dealing with Coastal Zone Management Program Development Grants (Part 920 of this chapter) published November 29, 1973, it has been added to these regulations and broadened slightly to include marine lagoons with restricted freshwater input such as might occur along the south Texas coast.

Two other comments requested that the "primary purpose" referred to in § 921.2(b) be clearly defined. Although elaborated upon in § 921.3(a), for the purpose of clarity this change has been made.

Section 921.3 *Objectives and Implementation*. Several comments suggested that the estuarine sanctuary program objectives were too narrowly defined and specifically that they should be broadened to include the acquisition and preservation of unique or endangered estuaries for wildlife or ecological reasons. Although the Act (section 302) declares it the nation's policy to preserve, protect, develop, and where possible, to restore or enhance coastal resources, this is perceived to be achievable through State actions pursuant to sections 305 and 305. While it is recognized that the creation of an estuarine sanctuary may in fact serve to preserve or protect an area or biological community, the legislative history of section 312 clearly indicates the estuarine sanctuary program was not intended to duplicate existing broad purpose Federal preservation programs, such as might be accommodated by use of the Land and Water Conservation Fund Act. Instead, both in the Act as well as its legislative history, the objective is defined as preserving representative estuarine areas for long-term research and educational uses.

Three other comments suggested the objectives of the program should be enlarged to include the restoration of environmentally degraded areas. This, too, is perceived to be a State requirement separate from section 312. In addition, adequate authority for restoring degraded water areas now exists (for example, Pub. L. 92–500 in addition to sections 302, 305 and 306 of the Act). No significant additional benefit would appear to result from declaring an area an estuarine sanctuary for the purposes of restoration.

A few comments indicated that the examples of sanctuary use were too heavily weighted toward scientific uses to the exclusion of educational uses. Public education concerning the value and benefits of, and the nature of conflict within the coastal zone, will be essential to the success of a coastal zone management program. The section has been changed to reflect an appropriate concern for educational use.

Some commentators suggested changes in or additions to the specific examples of sanctuary uses and purposes. These examples were taken from the Senate and House Committee Reports and are considered sufficient to reflect the kinds of uses intended within an estuarine sanctuary.

Several comments were received pertaining to § 921.3(c) involving the restrictions against overemphasis of destructive or manipulative research. Ten comments indicated that the section was too weak and would not provide sufficient long-term protection for the sanctuary ecosystem. Several commentators specifically recommended deleting the words "would not normally be permitted" and inserting in their place "will not be permitted." In contrast, three respondents indicated that the potential use of estuarine sanctuaries for manipulative or destructive research was too restricted, and that these uses should be generally permitted if not encouraged.

The legislative history of section 312 clearly indicates that the intent of the estuarine sanctuary program should be to preserve representative estuarine areas so that they may provide long-term (virtually permanent) scientific and educational use. The uses perceived are compatible with what has been defined as "research natural areas." In an era of rapidly degrading estuarine environments, the estuarine sanctuary program will ensure that a representative series of natural areas will be available for scientific or educational uses dependent on that natural character, for example, for baseline studies, for use in understanding the functioning of natural ecological systems, for controls against which the impacts of development in other areas might be compared, and as interpretive centers for educational purposes. Any use, research or otherwise, which would destroy or detract from the natural system, would be inappropriate under this program.

In general, the necessity of or benefit from permitting manipulative or destructive research within an estuarine sanctuary is unclear. While there is a legitimate need for such kinds of research, ample opportunity for manipulative or destructive research to assess directly man's impact or stresses on the estuarine environment exists now without the need for creation or use of an estuarine sanctuary for this purpose. In contrast, a clear need exists for natural areas to serve as controls for manipulative research or research on altered systems.

The section on manipulative research has been changed to reflect the concern for continued maintenance of the area as a natural system. However, the modifier "normally" has been retained because, within these limits, it is not felt necessary to preclude all such uses; the occasion may rarely arise when because of a thoroughly demonstrated direct benefit, such research may be permitted.

Several comments suggested that the program should include degraded estuarine systems, rather than be limited to areas which are "relatively undisturbed by human activities." Such areas would permit research efforts designed to restore an estuarine area. As indicated above, an ample legislative mandate to restore environmentally degraded areas already exists; the benefits to be derived from declaring such areas estuarine sanctuaries would be marginal. Indeed, it would appear that if restoration efforts cannot occur without estuarine sanctuary designation, then, given the limited resources of this program, such efforts would not be feasible.

A few commentators suggested that the phrase (§ 921.3(e)) "if sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest" be more clearly defined. Explanatory language has been added to that section.

Section 921.4 *Zoogeographic Classification*. Because the classification scheme utilized plants as well as animals, two commentators suggested that zoogeographic be changed to biogeographic. This change is reflected in the final regulations.

One comment suggested that selection of sanctuaries should depend on the pressures and threats being brought to bear upon the natural areas involved even if this meant selecting several sanctuaries from one classification and none from another.

The legislative history of section 312 clearly shows the intent to select estuarine sanctuaries on a rational basis which would reflect regional differentiation and a variety of ecosystems. The biogeographic classification system, which reflects geographic, hydrographic, and biologic differences, fulfills that intention. A scheme which would abandon that system, or another similar one, and would not fulfill the requirements of providing regional differentiation and a variety of ecosystems, would not be consistent with the intended purpose of the Act.

A few comments received suggested that the biogeographic classification scheme be enlarged by the addition of a new class reflecting an area or State of special concern or interest to the respondent. (No two commentators suggested the same area.) It is felt that adequate national representation is provided by the biogeographic scheme proposed, and that the changes offered were in most cases examples of sub-categories that might be utilized.

One comment suggested a specific change in the definition of the "Great Lakes" category. Portions of that suggestion have been incorporated into the final rules.

Two commentators requested assurance that sub-categories of the biogeographic scheme will in fact be utilized. The final language substitutes "will be developed and utilized" for "may be developed and utilized."

Section 921.5 *Multiple Use*. Several comments were received pertaining to the multiple use concept. Three commentators suggested that the multiple use directive was contrary to or absent from the Act and should be omitted. Ten respondents felt the concept should be more explicitly defined and restricted so that the primary purpose of the sanctuary would be more clearly protected. In contrast, two commentators felt that the definition might prove too restrictive and should be broadened. Several commentators suggested that examples of anticipated multiple use might be appropriate.

While recognizing that it is not always possible to accommodate more than a single use in an environmentally sensitive area, it is not the intention to unnecessarily preclude the uses of sanctuary areas where they are clearly compatible with and do not detract from the long-term protection of the ecosystem for scientific and educational purposes. The language of § 921.5 has been changed accordingly.

Section 921.6 *Relationship to Other Provisions of the Act and to Marine Sanctuaries*. Several comments were received which commended and stressed the need for close coordination between the development of State coastal zone management programs, especially and land and water use controls, and the estuarine sanctuary program.

The relationship between the two programs is emphasized: estuarine sanctuaries should provide benefit—both short-term and long-term—to coastal zone management decision-makers; and State coastal zone management programs must provide necessary protection for estuarine sanctuaries. This necessary coordination is discussed not only in the estuarine sanctuary regulations, but will also be addressed in an appropriate fashion in guidelines and rules for Coastal Zone Management Program Approval Criteria and Administrative Grants.

Three commentators discussed the need for swift action by both State and Federal governments to establish and acquire estuarine sanctuaries. The Office of Coastal Zone Management intends to pursue the program as swiftly as available manpower restraints will permit.

A few comments sought reassurance that the estuarine sanctuaries program will in fact be coordinated with the Marine Sanctuaries Program (Title III, Pub. L. 92–532). The guidelines have been changed to reflect that both programs will be administered by the same office.

SUBPART B—APPLICATION FOR GRANTS

Section 921.10 *General*. One reviewer indicated uncertainty about which State agency may submit applications for grants under section 312. Although individual States may vary in the choice of individual agencies to apply for an estuarine sanctuary, because of the necessity for coordination with the State coastal zone management program the entity within the State which is the certified contact with the Office of Coastal Zone Management, NOAA, responsible for the administration of the coastal zone management program must endorse or approve an estuarine sanctuary application.

Appropriate language has been included to ensure this coordination.

Section 921.11 *Initial Application for Acquisition, Development and Operation Grants*. Two comments requested that the source and nature of acceptable matching funds should be explicitly identified.

OMB Circular A–102 generally defines and identifies legitimate "match" for Federal grant projects. In general, reference should be made to that document. However, the section has been expanded in response to some specific and frequent questions.

Two comments stressed the need for increased availability of research funds to adequately utilize the potential of estuarine sanctuaries. While not an appropriate function of the estuarine sanctuary program, the Office of Coastal Zone Management is discussing the necessity of adequate funding with appropriate agencies.

One comment suggested that the term "legal description" of the sanctuary (§ 921.11(a)) is not appropriate for all categories of information requested. The word "legal" has been omitted.

Three reviewers indicated that the Act provides no basis for consideration of socio-economic impacts (§ 921.11(1)) and that this criterion seemed inappropriate to selecting estuarine sanctuaries. Apparently these reviewers misunderstood the intention of this requirement. The information in this section is necessary for preparation of an environmental impact statement which will be prepared pursuant to NEPA. Although required in the application, such information is not a part of the selection criteria, which are addressed in Subpart C, § 921.20.

One similar comment was received with regard to consideration of existing and potential uses and conflicts (§ 921.-11(h)). This item is also discussed under selection criteria (§ 921.20(h)). It is intended that this criterion will only be considered when choosing between two or more sanctuary applications within the same biogeographic category which are of otherwise equal merit.

One comment drew attention to an apparent typographic error in § 921.11 (m) where the term "marine estuaries" seems out of context. This has been corrected.

Two commentators suggested that public hearings should be required in the development of an estuarine sanctuary application. Although such a hearing is deemed desirable by the Office of Coastal Zone Management, it would not always seem to be necessary. The language in § 920.11(1) has been changed to reflect the sincere concern for the adequate involvement of the public, which is also addressed under a new § 920.21.

One respondent suggested that a new section be added requiring the applicant to discuss alternative methods of acquisition or control of the area, including the designation of a marine sanctuary, in place of establishing an estuarine sanctuary. A new section (§ 920.11(n)) has been added for this purpose.

Section 921.12 *Subsequent Application for Development and Operation Grants*. Three commentators expressed concern that the intent of § 921.12 be more clearly expressed. Appropriate changes have been made.

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One comment was made that a provision should be included to use existing Federally owned land for the purpose of the estuarine sanctuary program. A section has been added for that purpose.

Section 921.20 *Criteria for Selection.* One comment suggested that the consideration of conflict with existing or potential competing uses should not be included as a selection criterion. As discussed above, this criterion is considered appropriate.

Another reviewer suggested the addition of a new criterion, consideration of "the need to protect a particular estuary from harmful development." As discussed earlier, this criterion is not considered appropriate. Such a basis for determining selection would lead to a reactionary, random series of estuarine sanctuaries, rather than the rationally chosen representative series mandated in the legislative history.

Two reviewers commented that the limitation on the Federal share ($2,000,000 for each sanctuary) was too low and would severely restrict the usefulness of the program. However, this limitation is provided by the Act.

Another commentator suggested that § 921.20(g) was unnecessarily restrictive in that it might prevent selecting an estuarine sanctuary in an area adjacent to existing preserved lands where the conjunction might be mutually beneficial. The language of § 921.20(g) does not preclude such action, but has been changed to specifically permit this possibility.

Two commentators inquired whether the reference to a "draft" environmental impact statement (§ 921.20, last paragraph) indicated an intention to avoid further compliance with NEPA. It is the firm intention of the Office of Coastal Zone Management to fully comply in all respects with NEPA. The word "draft" has been struck.

Three reviewers addressed the problems of providing adequate public participation in the review and selection process. In addition to the change in § 920.11(1), a new section has been added to address this issue.

SUBPART D—OPERATION

Section 921.30 *General.* One commentator suggested that during contract negotiations, there should be a meeting between the applicant agency and proposed sanctuary management team, and representatives of the Office of Coastal Zone Management. The general provisions have been broadened to provide for this suggestion.

Two comments were submitted which urged that some discretion be exercised in the use and access to the sanctuary by scientists and students. Two other comments were received which requested specific protection for use by the general public. The guidelines have been changed to include these suggestions.

One comment was received suggesting language to clarify § 921.30(g), This was incorporated into the guidelines.

Two commentators expressed concern for enforcement capabilities and activities to ensure protection of the estuarine sanctuaries. A new section has been added which addresses this issue.

Finally, one suggestion was received that a vehicle for change in the management policy or research programs should be provided. A new section has been added for that purpose.

Accordingly, having considered the comments received and other relevant information, the Secretary concludes by adopting the final regulations describing the procedure for applications to receive estuarine sanctuary grants under section 312 of the Act, as modified and set forth below.

Effective date: June 3, 1974.

Dated: May 31, 1974.

ROBERT M. WHITE,
Administrator.

Subpart A—General

Sec.
921.1 Policy and objectives.
921.2 Definitions.
921.3 Objectives and implementation of the program.
921.4 Biogeographic classification.
921.5 Multiple use.
921.6 Relationship to other provisions of the Act and to marine sanctuaries.

Subpart B—Application for Grants

921.10 General.
921.11 Application for initial acquisition, development and operation grants.
921.12 Application for subsequent development and operation grants.
921.13 Federally owned lands.

Subpart C—Selection Criteria

921.20 Criteria for selection.
921.21 Public participation.

Subpart D—Operation

921.30 General.
921.31 Changes in the sanctuary boundary, management policy or research program.
921.32 Program review.

AUTHORITY: Sec. 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280).

Subpart A—General

§ 921.1 Policy and Objectives.

The estuarine sanctuaries program will provide grants to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time the ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of the program.

§ 921.2 Definitions.

(a) In addition to the definitions found in the Act and in the regulations dealing with Coastal Zone Management Program Development Grants published November 29, 1973 (Part 920 of this chapter) the term "estuarine sanctuary" as defined in the Act, means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(b) For the purposes of this section, "estuary" means that part of a river or stream or other body of water having unimpared connection with the open sea where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes as well as lagoons in more arid coastal regions.

(c) The term "multiple use" as used in this section shall mean the simultaneous utilization of an area or resource for a variety of compatible purposes or to provide more than one benefit. The term implies the long-term, continued uses of such resources in such a fashion that other uses will not interfere with, diminish or prevent the primary purpose, which is the long-term protection of the area for scientific and educational use.

§ 921.3 Objectives and implementation of the program.

(a) General. The purpose of the estuarine sanctuaries program is to create natural field laboratories in which to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. This shall be accomplished by the establishment of a series of estuarine sanctuaries which will be designated so that at least one representative of each type of estuarine ecosystem will endure into the future for scientific and educational purposes. The primary use of estuarine sanctuaries shall be for research and educational purposes, especially to provide some of the information essential to coastal zone management decision-making. Specific examples of such purposes and uses include but are not limited to:

(1) To gain a thorough understanding of the ecological relationships within the estuarine environment.

(2) To make baseline ecological measurements.

(3) To monitor significant or vital changes in the estuarine environment.

(4) To assess the effects of man's stresses on the ecosystem and to forecast and mitigate possible deterioration from human activities.

(5) To provide a vehicle for increasing public knowledge and awareness of the complex nature of estuarine systems, their values and benefits to man and nature, and the problems which confront them.

(b) The emphasis within the program will be on the designation as estuarine sanctuaries of areas which will serve as natural field laboratories for studies and investigations over an extended period. The area chosen as an estuarine sanctuary shall, to the extent feasible, include water and land masses constituting a natural ecological unit.

(c) In order that the estuarine sanctuary will be available for future studies, research involving the destruction of any portion of an estuarine sanctuary which would permanently alter the nature of the ecosystem shall not normally be permitted. In the unusual circumstances where permitted, manipulative field research shall be carefully controlled. No experiment which involves manipulative research shall be initiated until the termination date is specified and evidence given that the environment will be returned to its condition which existed prior to the experiment.

(d) It is anticipated that most of the areas selected as sanctuaries will be relatively undisturbed by human activities at the time of acquisition. Therefore, most of the areas selected will be areas with a minimum of development, industry or habitation.

(e) If sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest. Such interest may be, for example, the acquisition of a conservation easement, "development rights", or other partial interest sufficient to assure the protection of the natural system. Leasing, which would not assure permanent protection of the system, would not be an acceptable alternative.

§ 921.4 Biogeographic classification.

(a) It is intended that estuarine sanctuaries should not be chosen at random, but should reflect regional differentiation and a variety of ecosystems so as to cover all significant variations. To ensure adequate representation of all estuarine types reflecting regional differentiation and a variety of ecosystems, selections will be made by the Secretary from the following biogeographic classifications:

1. *Arcadian.* Northeast Atlantic coast south to Cape Cod, glaciated shoreline subject to winter icing; well developed algal flora; boreal biota.

2. *Virginian.* Middle Atlantic coast from Cape Cod to Cape Hatteras; lowland streams, coastal marshes and muddy bottoms; characteristics transitional between 1 and 3; biota primarily temperate with some boreal representatives.

3. *Carolinian.* South Atlantic coast, from Cape Hatteras to Cape Kennedy; extensive marshes and swamps; waters turbid and productive; biota temperate with seasonal tropical elements.

4. *West Indian.* South Florida coast from Cape Kennedy to Cedar Key; and Caribbean Islands; shoreland low-lying limestone; calcareous sands, marls and coral reefs; coastal marshes and mangroves; tropical biota.

5. *Louisianian.* Northern Gulf of Mexico, from Cedar Key to Mexico; characteristics of 3, with components of 4; strongly influenced by terrigenous factors; biota primarily temperate.

6. *Californian.* South Pacific coast from Mexico to Cape Mendocino; shoreland influenced by coastal mountains; rocky coasts with reduced fresh-water runoff; general absence of marshes and swamps; biota temperate.

7. *Columbian.* North Pacific coast from Cape Mendocino to Canada; mountaineous shoreland; rocky coasts; extensive algal communities; biota primarily temperate with some boreal.

8. *Fiords.* South coast Alaska and Aleutians; precipitous mountains; deep estuaries, some with glaciers; shoreline heavily indented and subject to winter icing; biota boreal to sub-Arctic.

9. *Subarctic.* West and north coasts of Alaska; ice stressed coasts; biota Arctic and sub-Arctic.

10. *Insular.* Larger islands, sometimes with precipitous mountains; considerable wave action; frequently with endemic species; larger island groups primarily with tropical biota.

11. *Great Lakes.* Great Lakes of North America; bluff-dune or rocky, glaciated shoreline; limited wetlands; freshwater only; biota a mixture of boreal and temperate species with anadromous species and some marine invaders.

(b) Various sub-categories will be developed and utilized as appropriate.

§ 921.5 Multiple use.

(a) While the primary purpose of estuarine sanctuaries is to provide long-term protection for natural areas so that they may be used for scientific and educational purposes, multiple use of estuarine sanctuaries will be encouraged to the extent that such use is compatible with this primary sanctuary purpose. The capacity of a given sanctuary to accommodate additional uses, and the kinds and intensity of such use, will be determined on a case by case basis. While it is anticipated that compatible uses may generally include activities such as low intensity recreation, fishing, hunting, and wildlife observation, it is recognized that the exclusive use of an area for scientific or educational purposes may provide the optimum benefit to coastal zone management and resource use and may on occasion be necessary.

(b) There shall be no effort to balance or optimize uses of an estuarine sanctuary on economic or other bases. All additional uses of the sanctuary are clearly secondary to the primary purpose and uses, which are long-term maintenance of the ecosystem for scientific and educational uses. Non-compatible uses, including those uses which would cause significant short or long-term ecological change or would otherwise detract from or restrict the use of the sanctuary as a natural field laboratory, will be prohibited.

§ 921.6 Relationship to other provisions of the act and to marine sanctuaries.

(a) The estuarine sanctuary program must interact with the overall coastal zone management program in two ways: (1) the intended research use of the sanctuary should provide relevant data and conclusions of assistance to coastal zone management decision-making, and (2) when developed, the State's coastal zone management program must recognize and be designed to protect the estuarine sanctuary; appropriate land and water use regulations and planning considerations must apply to adjacent lands. Although estuarine sanctuaries should be incorporated into the State coastal zone management program, their designation need not await the development and approval of the management program where operation of the estuarine sanctuary would aid in the development of a program.

(b) The estuarine sanctuaries program will be conducted in close cooperation with the marine sanctuaries program (Title III of the Marine Protection, Research Act of 1972, Pub. L. 92–532, which is also administered by the Office of Coastal Zone Management, NOAA), which recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, need to be preserved or restored for their conservation, recreational, ecologic or esthetic values. It is anticipated that the Secretary on occasion may establish marine sanctuaries to complement the designation by States of estuarine sanctuaries, where this may be mutually beneficial.

Subpart B—Application for Grants

§ 921.10 General.

Section 312 authorizes Federal grants to coastal States so that the States may establish sanctuaries according to regulations promulgated by the Secretary. Coastal States may file applications for grants with the Director, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852. That agency which has been certified to the Office of Coastal Zone Management as the entity responsible for administration of the State coastal zone management program may either submit an application directly, or must endorse and approve applications submitted by other agencies within the State.

§ 921.11 Application for initial acquisition, development and operation grants.

(a) Grants may be awarded on a matching basis to cover the costs of acquisition, development and operation of estuarine sanctuaries. States may use donations of land or money to satisfy all or part of the matching cost requirements.

(b) In general, lands acquired pursuant to this section, including State owned lands but not State owned submerged lands or bay bottoms, that occur within the proposed sanctuary boundary are legitimate costs and their fair market value may be included as match. However, the value of lands donated to or by the State for inclusion in the sanctuary may only be used to match other costs of land acquisition. In the event that lands already exist in a protected status, their value cannot be used as match for sanctuary development and operation grants, which will require their own matching funds.

(c) Development and operation costs may include the administrative expenses necessary to monitor the sanctuary, to ensure its continued viability and to protect the integrity of the ecosystem. Research will not normally be funded by Section 312 grants. It is anticipated that other sources of Federal, State and

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private funds will be available for research in estuarine sanctuaries.

(d) Initial applications should contain the following information:

(1) Description of the proposed sanctuary include location, boundaries, size and cost of acquisition, operation and development. A map should be included, as well as an aerial photograph, if available.

(2) Classification of the proposed sanctuary according to the biogeographic scheme set forth in § 921.4.

(3) Description of the major physical, geographic and biological characteristics and resources of the proposed sanctuary.

(4) Identification of ownership patterns; proportion of land already in the public domain.

(5) Description of intended research uses, potential research organizations or agencies and benefits to the overall coastal zone management program.

(6) Demonstration of necessary authority to acquire or control and manage the sanctuary.

(7) Description of proposed management techniques, including the management agency, principles and proposed budget including both State and Federal shares.

(8) Description of existing and potential uses of and conflicts within the area if it were not declared an estuarine sanctuary; potential use, use restrictions and conflicts if the sanctuary is established.

(i) Assessment of the environmental and socio-economic impacts of declaring the area an estuarine sanctuary, including the economic impact of such a designation on the surrounding community and its tax base.

(9) Description of planned or anticipated land and water use and controls for contiguous lands surrounding the proposed sanctuary (including if appropriate an analysis of the desirability of creating a marine sanctuary in adjacent areas).

(10) List of protected sites, either within the estuarine sanctuaries program or within other Federal, State or private programs, which are located in the same regional or biogeographic classification.

(i) It is essential that the opportunity be provided for public involvement and input in the development of the sanctuary proposal and application. Where the application is controversial or where controversial issues are addressed, the State should provide adequate means to ensure that all interested parties have the opportunity to present their views. This may be in the form of an adequately advertised public hearing.

(ii) During the development of an estuarine sanctuary application, all landowners within the proposed boundaries should be informed in writing of the proposed grant application.

(iii) The application should indicate the manner in which the State solicited the views of all interested parties prior to the actual submission of the application.

(e) In order to develop a truly representative scheme of estuarine sanctuaries, the States should attempt to coordinate their activities. This will help to minimize the possibility of similar estuarine types being proposed for designation in the same region. The application should indicate the extent to which neighboring States were consulted.

(f) Discussion, including cost and feasibility, of alternative methods for acquisition, control and protection of the area to provide similar uses. Use of the Marine Sanctuary authority and funds from the Land and Water Conservation Fund Act should be specifically addressed.

§ 921.12 Application for subsequent development and operation grants.

(a) Although the initial grant application for creation of an estuarine sanctuary should include initial development and operation costs, subsequent applications may be submitted following acquisition and establishment of an estuarine sanctuary for additional development and operation funds. As indicated in § 921.11, these costs may include administrative costs necessary to monitor the sanctuary and to protect the integrity of the ecosystem. Extensive management programs, capital expenses, or research will not normally be funded by section 312 grants.

(b) After the creation of an estuarine sanctuary established under this program, applications for such development and operation grants should include at least the following information:

(1) Identification of the boundary.

(2) Specifications of the management program, including managing agency and techniques.

(3) Detailed budget.

(4) Discussion of recent and projected use of the sanctuary.

(5) Perceived threats to the integrity of the sanctuary.

§ 921.13 Federally owned lands.

(a) Where Federally owned lands are a part of or adjacent to the area proposed for designation as an estuarine sanctuary, or where the control of land and water uses on such lands is necessary to protect the natural system within the sanctuary, the State should contact the Federal agency maintaining control of the land to request cooperation in providing coordinated management policies. Such lands and State request, and the Federal agency response, should be identified and conveyed to the Office of Coastal Zone Management.

(b) Where such proposed use or control of Federally owned lands would not conflict with the Federal use of their lands, such cooperation and coordination is encouraged to the maximum extent feasible.

(c) Section 312 grants may not be awarded to Federal agencies for creation of estuarine sanctuaries in Federally owned lands; however, a similar status may be provided on a voluntary basis for Federally owned lands under the provisions of the Federal Committee on Ecological Preserves program.

Subpart C—Selection Criteria

§ 921.20 Criteria for selection.

Applications for grants to establish estuarine sanctuaries will be reviewed and judged on criteria including:

(a) Benefit to the coastal zone management program. Applications should demonstrate the benefit of the proposal to the development or operations of the overall coastal zone management program, including how well the proposal fits into the national program of representative estuarine types; the national or regional benefits; and the usefulness in research.

(b) The ecological characteristics of the ecosystem, including its biological productivity, diversity and representativeness. Extent of alteration of the natural system, its ability to remain a viable and healthy system in view of the present and possible development of external stresses.

(c) Size and choice of boundaries. To the extent feasible, estuarine sanctuaries should approximate a natural ecological unit. The minimal acceptable size will vary greatly and will depend on the nature of the ecosystem.

(d) Cost. Although the Act limits the Federal share of the cost for each sanctuary to $2,000,000, it is anticipated that in practice the average grant will be substantially less than this.

(e) Enhancement of non-competitive uses.

(f) Proximity and access to existing research facilities.

(g) Availability of suitable alternative sites already protected which might be capable of providing the same use or benefit. Unnecessary duplication of existing activities under other programs should be avoided. However, estuarine sanctuaries might be established adjacent to existing preserved lands where mutual enhancement or benefit of each might occur.

(h) Conflict with existing or potential competing uses.

(i) Compatibility with existing or proposed land and water use in contiguous areas.

If the initial review demonstrates the feasibility of the application, an environmental impact statement will be prepared by the Office of Coastal Zone Management in accordance with the National Environmental Policy Act of 1969 and implementing CEQ guidelines.

§ 921.21 Public participation.

Public participation will be an essential factor in the selection of estuarine sanctuaries. In addition to the participation during the application development process (§ 921.11(e)), public participation will be ensured at the Federal level by the NEPA process and by public hearings where desirable subsequent to NEPA. Such public hearings shall be held by the Office of Coastal Zone Management in the area to be affected by the proposed sanctuary no sooner than 30 days after it issues a draft environmental impact statement on the sanctuary proposal. It will be the responsibility of the Office of Coastal Zone Management, with the assistance of the applicant State, to issue adequate public notice of its intention to hold a public hearing. Such public notice shall be distributed widely, especially in the area of the proposed sanctuary; affected property owners and those agencies, organizations or individuals with an identified interest in the area or estuarine sanctuary program shall be notified of the public hearing. The public notice shall contain the name, address and phone number of the appropriate Federal and State officials to contact for additional information about the proposal.

Subpart D—Operation

§ 921.30 General.

Management of estuarine sanctuaries shall be the responsibility of the applicant State or its agent. However, the research uses and management program must be in conformance with these guidelines and regulations, and others implemented by the provisions of individual grants. It is suggested that prior to the grant award, representatives of the proposed sanctuary management team and the Office of Coastal Zone Management meet to discuss management policy and standards. It is anticipated that the grant provisions will vary with individual circumstances and will be mutually agreed to by the applicant and the granting agency. As a minimum, the grant document for each sanctuary shall:

(a) Define the intended research purposes of the estuarine sanctuary.

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§ 921.31 Changes in the sanctuary boundary, management policy or research program.

(a) The approved sanctuary boundaries; management policy, including permissible and prohibited uses; and research program may only be changed after public notice and the opportunity of public review and participation such as outlined in § 921.21.

(b) Individuals or organizations which are concerned about possible improper use or restriction of use of estuarine sanctuaries may petition the State management agency and the Office of Coastal Zone Management directly for review of the management program.

§ 921.32 Program review.

It is anticipated that reports will be required from the applicant State on a regular basis, no more frequently than annually, on the status of each estuarine sanctuary. The estuarine sanctuary program will be regularly reviewed to ensure that the objectives of the program are being met and that the program itself is scientifically sound. The key to the success of the estuarine sanctuaries program is to assure that the results of the studies and research conducted in these sanctuaries are available in a timely fashion so that the States can develop and administer land and water use programs for the coastal zone. Accordingly, all information and reports, including annual reports, relating to estuarine sanctuaries shall be part of the public record and available at all times for inspection by the public.

[FR Doc.74–12775 Filed 5–31–74;9:57 am]

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federal register

June 5, 1974—Pages 19929–20044

WEDNESDAY, JUNE 5, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 109
Pages 19929–20044

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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H.R. 3418........ Pub. Law 93–290
Armed Forces, uniform enlistment qualifications
(May 24, 1974; 88 Stat. 173)

H.R. 5621........ Pub. Law 93–292
Ready Reserve and Reserve, deceased members, U.S. flag presentation.
(May 28, 1974; 88 Stat. 176)

H.R. 6574........ Pub. Law 93–289
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(May 24, 1974; 88 Stat. 165)

S. 514........ Pub. Law 93–291
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(May 24, 1974; 88 Stat. 174)

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Giant African Snail

REGULATED AREA IN FLORIDA

This document amends the regulation under the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*) restricting the interstate movement because of the giant African snail of certain products and articles from regulated portions of specified counties in the State of Florida by removing from the regulated portions of Dade County that portion specified below.

Pursuant to the provisions of section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the notice of existence of hazardous situation and regulations related thereto with respect to the giant African snail (7 CFR 331.3), is hereby amended by deleting from paragraph (a) thereof the following portion of Dade County:

That portion of Dade County bounded by a line beginning at the intersection of Northwest 22d Avenue and Northwest 91st Street, thence extending east along Northwest 91st Street to its junction with Little River Boulevard, thence southeast and south along Little River Boulevard to the point where it merges with Northwest 14th Avenue, thence south along said avenue to its intersection with Northwest 83d Street, thence west along Northwest 83d Street to its intersection with Norhwest 22d Avenue, thence north along Northwest 22d Avenue to the point of beginning.

(Sec. 106, 71 Stat. 33 (7 U.S.C. 150ee); 37 FR 28464, 28477; 38 FR 19140)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the giant African snail no longer exist in the area being removed from the list of regulated portions of Dade County in the State of Florida. Surveys have failed to reveal any infestations of giant African snail for at least 2 years in this area.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective June 5, 1974.

Done at Washington, D.C., this 30th day of May 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-12845 Filed 6-4-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $38,500 for the Lime Administrative Committee under Marketing Order No. 911, for the 1974–75 fiscal year and fixes a rate of assessment of $0.05 per bushel of limes handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On May 2, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 15284) inviting written comments not later than May 21, 1974, regarding proposed expenses and the related rate of assessment for the period April 1, 1974, through March 31, 1975, and carryover of unexpended funds, purusant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established purusant to said marketing agreement and order), it is hereby found and determined that:

§ 911.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1974, through March 31, 1975, will amount to $38,500.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.05 per bushel of limes.

(c) *Reserve.* Unexpended assessment funds in the amount of approximately $7,655, which are in excess of expenses incurred during the fiscal year ended March 31, 1974, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until on or before July 5, 1974 (5 U.S.C. 553), in that (1) shipments of limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1974, and said rate of assessment will automatically apply to all such limes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 30, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12842 Filed 6-4-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Deletion of the Commonwealth of Puerto Rico From List of Hog Cholera Eradication States

This amendment removes the Commonwealth of Puerto Rico from the list of Hog Cholera Eradication States in 9 CFR 76.2(f), as amended, because of the secondary spread of hog cholera within that State. This action is deemed necessary to prevent the further spread of the disease. The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Eradication and Free States are no longer applicable to the Commonwealth of Puerto Rico. However, the general provisions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from nonquarantined areas apply to the Commonwealth of

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Puerto Rico. This removal of the Commonwealth of Puerto Rico from hog cholera eradication status affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in the Commonwealth of Puerto Rico.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, in paragraph (f) the name of the Commonwealth of Puerto Rico is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective on June 5, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 31st day of May 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–12880 Filed 6–4–74;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1) administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), and April 4, 1974 (39 FR 12252), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

WITHIN METROPOLITAN AREA

1 HOUR

Add: Harrisburg, Pennsylvania (served from Camp Hill, Pennsylvania).

Delete: Camp Hill, Pennsylvania (served from Harrisburg, Pennsylvania).

OUTSIDE METROPOLITAN AREA

2 HOURS

Add: Harrisburg, Pennsylvania (served from Northumberland, Pennsylvania).

Delete: Lancaster and Northumberland, Pennsylvania (served from Harrisburg, Pennsylvania).

3 HOURS

Add: Harrisburg, Pennsylvania (served from Morgantown, Pennsylvania).

Delete: Morgantown, Pennsylvania (served from Harrisburg, Pennsylvania).

7 HOURS

Add: Kansas City International Airport (served from Jefferson City, Missouri).

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective June 5, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of May 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–12882 Filed 6–4–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–28–AD; Amdt. 39–1862]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TSCP700–5 Auxiliary Power Units (APU)

There have been fatigue cracks in the fuel control differential pressure regulator body of the Model TSCP700–4B APU's which can result in high pressure fuel leakage into the APU compartment. Since this same component is also used in the Model TSCP700–5 APU (installed in Airbus Industries A300B airplanes) and is subjected to the same operating conditions which have been determined to cause cracks to develop on the TSCP700–4B, an airworthiness directive is being issued to require an inspection of the regulator housing and the incorporation of a shut-down system to deliver fuel back to the inlet side of the pump in order to prevent pressure surges which can cause fatigue cracks. As an interim measure, the agency issued Amendment 39–1837 (39 FR 16874) AD 74–10–11, to prohibit all inflight operation of the TSCP700–4B APU's installed on McDonnell Douglas Model DC–10 aircraft. The FAA advised the Secretariat General A L Aviation Civile (SGAC) of this condition and recommended that similar action be considered on Model TSCP700–5 APU's installed in, but not limited to, Airbus Industries Model A300B aircraft, certificated in all categories.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to Model TSCP700–5 Auxiliary Power Units Installed in, but not Limited to, Airbus Industries Model A300B Aircraft Certificated in all Categories

Compliance required as indicated.

(a) For APU's with less than 1500 operating cycles on the effective date of this AD, inspect, prior to any further in-flight operation, unless already accomplished, the fuel control differential pressure regulator housing, P/N 977320–1 or –2, for minimum dimensions and cracks per paragraphs 2.B. (2) and (3) of AiResearch Alert Service Bulletin 969900–49–A3644, dated May 14, 1974, or later FAA-approved revisions. Re-work parts, if necessary, per paragraph 2.B.(4).

Housings which meet the prescribed minimum dimensions, or which are reworked to meet these dimensions per paragraph 2.B.(4) shall be re-identified as P/N 977320–4. Housings not meeting these dimensional requirements shall be rendered unserviceable and replaced with serviceable P/N 977320–4 housings. Housings which meet inspection and dimensional requirements may be continued in service up to a maximum of 1500 operating cycles.

NOTE: For the purpose of this AD, an APU operating cycle is any operation consisting of a start and shut-down. The number of cycles may be determined by actual count, or, subject to acceptance by the assigned FAA Maintenance Inspector, may be calculated by dividing the fuel control assembly time in service by the operator's fleet average APU operating time per APU operating cycle.

(b) For all APU's with 1,500 or more operating cycles in service on the effective date of this AD, inspect per (a), above, prior to further in-flight operation, unless already accomplished, and, in addition thereto, and prior to further in-flight operation, modify the fuel control assembly per (c), below.

(c) Before exceeding 1500 operational cycles in service, inspect the fuel control differential pressure regulator body per paragraph 2.B.(2) and modify the fuel control assembly in accordance with paragraphs 2.C. of AiResearch Service Bulletin 969900–49–A3644, dated May 14, 1974, or later FAA-approved revisions. Re-identify fuel control assembly per paragraph 2.D. of the referenced service bulletin.

(d) Within 3000 operating cycles in service after the accomplishment of paragraph (c), above, and at intervals not to exceed 3000 operating cycles in service thereafter, perform the inspections as defined in paragraph 2.B.(2) of AiResearch Service Bulletin 969900–49–A3644, dated May 14, 1974, or later FAA-approved revisions.

(e) The inspections prescribed in paragraph (d), above, may be discontinued when the fuel control differential pressure regulator P/N 977320–4 is replaced with a housing, P/N 977656–1.

(f) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

This amendment becomes effective June 10, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on May 24, 1974.

R. S. SLIFF,
Acting Director, FAA Western Region.

[FR Doc.74–12770 Filed 6–4–74;8:45 am]

[Airworthiness Docket No. 74–WE–20–AD; Amdt. 39–1861]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–10 Series Airplanes

There has been an apparent in-flight depressurization which may have been associated with a lower cargo door. Since this condition is likely to exist or develop in other airplanes of the same type design, a telegraphic airworthiness directive (74–08–04) was issued March 7, 1974, and amended by a telegram dated March 22, 1974. The agency has determined that further modifications are necessary to assure that in-flight depressurization will not occur as a result of the opening of a lower cargo door. Therefore, an airworthiness directive is being issued to require the installation of a view port to wing-to-fuselage fillet panel assembly on center lower cargo doors on McDonnell Douglas Model DC–10–30, DC–10–30F, and DC–10–40 airplanes. The installation of revised electrical wiring for all lower cargo door latch actuators, springs to vent doors and linkages, revised lock mechanism viewing windows, and revised lower cargo door markings on all McDonnell Douglas DC–10 airplanes is also required. The installation must be performed on or before November 1, 1974.

The November 1, 1974, compliance time for the modifications has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with minimum burden. To prescribe the modifications required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for modification required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the modifications required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective on July 5, 1974. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations is hereby amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F, and DC–10–40 Airplanes Certificated in all Categories

Compliance required on or before November 1, 1974.

To assure that in-flight depressurization will not occur as a result of the opening of a lower cargo door, accomplish the following McDonnell Douglas DC–10 Service Bulletins, in accordance with each service bulletin effectivity, or equivalents approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) Service Bulletin 52–98, "Doors—Cargo—Modify Vent Doors," dated May 13, 1974, or later FAA-approved revision.

(b) Service Bulletin 52–99, "Doors—Cargo—Replace Lock Mechanism Viewing Window," Revision 1, dated April 19, 1974, or later FAA-approved revision.

(c) Service Bulletin 52–102, "Doors—Cargo—Revise Lower Cargo Door Markings," Revision 1, dated April 12, 1974, or later FAA-approved revision.

(d) Service Bulletin 52–106, "Doors—Cargo—Revise Electrical Wiring for Forward, Center, and Aft Cargo Doors Latch Actuators" dated April 25, 1974, or later FAA-approved revision.

(e) Service Bulletin 53–69, "Fuselage-Aerodynamic Fairings—Add View Port To Wing-To-Fuselage Fillet Panel Assembly on Center Cargo Door," dated May 6, 1974, or later FAA-approved revision. Only applies to Model DC–10–30, –30F and –40 airplanes.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90801. These documents may also be examined at FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective July 6, 1974.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California on May 24, 1974.

R. S. SLIFF,
Acting Director, FAA Western Region.

[FR Doc.74–12769 Filed 6–4–74;8:45 am]

[Docket No. 13819; Amdt. 39–1866]

PART 39—AIRWORTHINESS DIRECTIVES

Nihon Model YS–11/11A Airplanes

There has been a report of a fire during ground operations on a Nihon Aeroplane Manufacturing Company (NAMC) Model YS–11A–500 airplane that resulted in extensive damage to the aircraft fuselage structure and cabin interior. Subsequent investigation revealed that the malfunction occurred as a result of a defective electrical wiring harness between the AiResearch auxiliary power unit (APU) electronic control box and the APU load control valve. The wire short in the harness that resulted allowed the bleed air valve to remain in the open position and caused the cooling turbine to overheat resulting in a fire in the proximity of the air conditioning compartment which propagated through the floor structure into the cabin interior. Since this condition is likely to exist or develop in other NAMC Model YS–11/11A series airplanes equipped with AiResearch APU's, an airworthiness directive is being issued to require the inspection and modification of APU wiring harnesses on NAMC YS–11/11A series airplanes equipped with AiResearch APU's.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

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In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Nihon Aeroplane Manufacturing Company Limited. Applies to NAMC Model YS-11/11A Series Airplanes (S/N's 2050 through 2053, 2056, 2057, 2061, 2062, 2072, 2073, 2075, 2077, 2079, 2084, 2086, through 2089, 2091, 2100, 2118 through 2123, 2126, 2128, 2129, 2132, 2140, 2148, 2159, 2169, 2172, 2173, and 2179 through 2181) Equipped With AiResearch APU's

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To prevent a possible malfunction in the auxiliary power unit (APU) wiring harness that could result in a fire, inspect and modify the installation of the APU electrical wiring harnesses in accordance with the Japan Civil Aviation Bureau approved NAMC YS-11 Service Bulletin No. A49-13, dated February 25, 1974 or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region.

This amendment becomes effective June 12, 1974.

Issued in Washington, D.C., on May 29, 1974.

James F. Rudolph,
Director,
Flight Standards Service.

[FR Doc.74-12768 Filed 6-4-74;8:45 am]

[Airspace Docket No. 74-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone; Correction

On May 16, 1974, FR Doc. No. 74-11227 was published in the Federal Register (39 FR 17431), amending Part 71 of the Federal Aviation Regulations by amending the designation of the Pompano Beach, Fla., control zone.

In the amendment, reference is erroneously made to "Runway 8/27" in lieu of "Runway 8/26." It is necessary to amend the Federal Register Document to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 74-11227 is amended as follows:

In line seven of the amended description "* * * Runway 8/27 * * *" is deleted and "* * * Runway 8/26 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on May 28, 1974.

Phillip M. Swatek,
Director, Southern Region.

[FR Doc.74-12771 Filed 6-4-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-853; Amdt. 20; Docket No. 26317]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans Rates

Correction

In FR Doc. 74-11910 appearing at page 18071 of the issue for Thursday, May 23, 1974, the tables labeled "Saturn" and "ONA", in the first column on page 18072, should appear on page 18071 as the end of footnote 5.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Recodification Docket No. 5]

PART 310—NEW DRUGS

Designated Journals; Correction

In FR Doc. 74-7383 appearing at page 11680 in the issue of Friday, March 29, 1974, on page 11682, under § 310.9 *Designated jounrals,* "American Journal of Hospital Pharmacy (Ann Arbor)" is corrected to read "American Journal of Hospital Pharmacy (Washington)."

Dated: May 30, 1974.

Sam D. Fine,
Associate Commissioner
for Compliance.

[FR Doc.74-12794 Filed 6-4-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-48 R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mystic River, Mass.

This amendment changes the regulations for the Wellington Bridge across the Mystic River between Somerville and Medford, Massachusetts to allow the draw to remain closed to the passage of vessels. This amendment was circulated as a public notice dated December 2, 1973 by the Commander, First Coast Guard District and was published in the Federal Register as a notice of proposed rulemaking (CGD 74-48) on March 25, 1974 (39 FR 11096). No replies were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (3) to paragraph (g) of § 117.75 to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(g) *Mystic River—Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.* * * *

(3) *Wellington Bridge between Somerville and Medford.* The draw need not open for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 146(c) (5), 33 CFR 1.05-1(c) (4)).

Effective date. This revision shall become effective on July 8, 1974.

Dated: May 30, 1974.

W. M. Benkert,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.74-12782 Filed 6-4-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

6-Chloropicolinic Acid

A petition (PP 2F1265) was filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the soil fungicide nitrapyrin (2-chloro-6-(trichloromethyl) pyridine) in or on the raw agricultural commodities potatoes at 2 part per million; cottonseed at 1 part per million; corn fodder and forage and sorghum fodder at 0.5 part per million; corn grain (field corn, sweet corn, popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), sorghum forage and grain, sugar beets (roots and tops), and wheat (forage, grain, and straw) at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by:

1. Proposing that the tolerances be established for residues of 6-chloropicolinic acid (resulting from the use of nitrapyrin) instead of for residues of nitrapyrin;
2. Deleting the proposed tolerances for residues in or on potatoes and sugar beets (roots and tops);
3. Increasing the proposed tolerance for residues in or on wheat (forage and straw) from 0.1 part per million to 0.5 part per million; and
4. By proposing a tolerance for negligible residues of 6-chloropicolinic acid in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.
2. Residues in plant or animal tissues will be in the form of 6-chloropicolinic acid or its conjugates.
3. The proposed tolerances are adequate to cover residues of 6-chloropicolinic acid in meat and poultry, and § 180.6(a)(2) applies.
4. There is no reasonable expectation of residues of 6-chloropicolinic acid in eggs and milk, and § 180.6(a)(3) applies.
5. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended by adding the following new sections to Subpart C:

§ 180.350 6-Chloropicolinic acid; tolerances for residues.

Tolerances are established for residues of 6-chloropicolinic acid resulting from the use of the soil fungicide nitrapyrin (2-chloro-6-(trichloromethyl) pyridine) in or on raw agricultural commodities as follows:

1 part per million in or on cottonseed.

0.5 part per million in or on corn fodder and forage, sorghum fodder, and wheat forage and straw.

0.1 part per million (negligible residue) in or on corn grain (field corn, sweet corn, popcorn), fresh corn including sweet corn (kernels plus cob with husk removed), sorghum grain and forage, and wheat grain.

0.05 part per million (negligible residue) in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep.

Any person who will be adversely affected by the foregoing order may, at any time on or before July 5, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on June 5, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a (d)(2)))

Dated: May 31, 1974.

Henry J. Korp,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.74-12912 Filed 6-4-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-5—WASHINGTON PLAN

Notice of Extension

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of Executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun and Prince William and the Maryland counties of Montgomery and Prince Georges. Due to the many good faith efforts of those subject to the Plan, significant progress has been made in eliminating the under-utilization of minorities in the Washington area construction industry. In order to further ensure such positive efforts, it is deemed appropriate to extend the Washington Plan for an additional month through June 30, 1974.

The extension of the Washington Plan for an additional month is intended to fill the void between the expiration date of the Washington Plan which was May 31, 1974 and the imminent development of a multitrade agreement (hometown plan) acceptable to the Department of Labor in lieu of any and all of the requirements of the present plan. In the absence of Federal EEO Bid Conditions incorporating such an agreement, Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000, in the Washington area until June 30, 1974. The goals contained in Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan until June 30, 1974.

Signed this 31st day of May 1974.

Peter J. Brennan,
Secretary of Labor.

Bernard E. DeLury,
Assistant Secretary
for Employment Standards.

Philip J. Davis,
Director, Office of
Federal Contract Compliance.

[FR Doc.74-12966 Filed 6-4-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

[FPMR Amdt. F-20]

PART 101-35—TELECOMMUNICATIONS

Telephone Services

Sections 101-35.203 (a) and (b) are amended and a new Subpart 101-32.49, Forms and Illustrations, is added to illustrate the chart currently referred to in § 101-35.203(a).

The table of contents for Part 101-35 is amended by the addition of new Subpart 101-35.49 as follows:

Subpart 101-35.9—101-35.48—[Reserved]

Subpart 101-35.49—Forms and Illustrations

Sec.
101-35.4900 Scope of subpart.
101-35.4901 Required information for changes in telephone services.

Subpart 101-35.2—Major Changes and New Installations

Sections 101-35.203 (a) and (b) are amended to read as follows:

§ 101-35.203 Justification of major changes and new installations.

(a) * * *

(1) Information shall be provided as prescribed in the chart illustrated in § 101-35.4901.

* * * * *

(b) *Intercity telephone service.* Describe the requirement which can not be satisfied by the FTS intercity voice network and include the average number of messages per business day, average, conversation time per message, operating time per message, and percent of messages in the busy hour based on 5 workdays. The information should cover toll calls originating at either end of the proposed circuit. A copy of the telephone company's monthly statement of the toll calls, including charges originating at either end of the proposed intercity circuit, should be furnished also.

* * * * *

Subpart 101-35.49 is added as follows:

Subpart 101-35.49—Forms and Illustrations

§ 101-35.4900 Scope of subpart.

This subpart contains forms and illustrations prescribed or available for use in connection with subject matter covered in other subparts of 101-35.

§ 101-35.4901 Required information for changes in telephone services.

Note: The illustration in § 101-35.4901 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486 (c)))

Effective date. This regulation is effective on June 5, 1974.

Dated: May 29, 1974.

Arthur F. Sampson,
Administrator of General Services.

[FR Doc.74-12856 Filed 6-4-74;8:45 am]

V 39 109 JUN 5 74 XUM

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order No. 5411]

ALASKA

Amendment of Public Land Orders No. 5174, No. 5180, and Any Order Amending the Foregoing Orders

Correction

In FR Doc. 74–3621 appearing at page 5632 of the issue of Thursday, February 14, 1974, in paragraph 4, the figure "1574" in the fifth line should read "5174".

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Correction

In the FR Doc. 74–11348 of May 17, 1974, appearing on page 17557, 50 CFR, Chapter II, Part 255, in paragraph (b) of § 255.0 Sec. 1105(c) is corrected to read as follows:

(c) In the event of any payment by the Secretary of Commerce under section (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of sale shall be as approved by the Secretary of Commerce.

Dated: May 31, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.74–12846 Filed 6–4–74;8:45 am]

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Correction

In FR Doc. 74–11348 appearing in the issue of May 17, 1974 on page 17555 make the following changes:

1. In paragraph 2, line 5, insert the word "Title" after the first entry.
2. In paragraph 3, line 4, the 5th word should read "loans".
3. In § 255.0(b) on page 17556, column 1, paragraph (g), lines 7 and 8 should read as follows:

"* * * by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual * * *"

4. In column 2 on page 17558, § 255.2 (b)(3), the last word in line 5 should be indented, run in with the remaining text and designated as a new paragraph (c).
5. In column 3 on page 17559 of § 255.3 (d)(1)(ii), the 4th word in line 14 should read "conservative".
6. In column 1 on page 17560 of § 255.3(d)(2)(vi) the last word in line 15 should read "science".

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–10828]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

Mortgage Securities and Dealers; Exemption

Adoption of a rule defining certain mortgage securities as exempted securities for certain purposes and rescission of Rule which exempts broker-dealers from registration requirements if they deal in whole loan mortgages under certain conditions.

The Securities and Exchange Commission today announced the adoption of Rule 3a12–4 (17 CFR 240.3a12–4) and rescission of Rule 15a–1 (17 CFR 240.15a–1) under the Securities Exchange Act of 1934 (the "Act"). The rule was originally released for public comment on December 13, 1973 [1] and has been revised in line with some of the comments received. The principal effect of the new rule will be to exempt broker-dealers dealing solely in mortgage securities (as defined) under specified conditions and other exempted securities from the operation of subsections (a) and (c)(3) of Section 15 of the Act which provide, respectively, for registration of broker-dealers and for regulation of their financial responsibility by the Commission. Rule 15a–1 currently provides only for an exemption from the operation of the registration requirement.

Background of proposed rule. The Federal Home Loan Mortgage Corporation [2] ("FHLMC") has determined to implement its Congressional mandate [3] to create a liquid secondary market in residential mortgages by establishing a pilot project for an automated trading information system that would list offerings to buy and sell: (1) government guaranteed and non-guaranteed aggregated and individual whole loan mortgages; (2) participation interests (as defined) in such mortgages; (3) commitments for such mortgages; [4] (4) FHLMC guaranteed participation certificates; and (5) Government National Mortgage Association pass-through securities.[5] FHLMC will supervise, monitor and coordinate with the Commission on the regulation of the system.

In view of the Congressionally determined public need for more capital to be made available for real estate mortgages, the Commission has been working with FHLMC in clarifying the applicability of the Federal securities laws to the establishment and operation of the pilot system.[6] The Commission's action today is related directly to this joint effort.

There has been some question as to whether broker-dealers who were exempt from registration because they dealt solely in whole loan mortgages, as provided in Rule 15a–1, were still required to comply with other provisions of the Act applicable to brokers and dealers, particularly the various financial responsibility rules under section 15(c)(3). In view of the special nature of the mortgage market and the participants in that market, the Commission has not sought to establish a unique regulatory structure governing the financial responsibility of such firms. The Commission believes it appropriate to exempt all brokers and dealers who deal solely in mortgage securities, where the entire evidence of indebtedness is transferred and the unpaid principal amount of the individual loan or aggregate loans involved in the transaction is at least $50,000, from the operation of section 15(c)(3) of the Act. In this regard, it should be noted that FHLMC has devised certain financial standards that must be maintained by the participants in its proposed automated system. Since there are mortgage brokers and dealers who may not participate in FHLMC's automated system and therefore may not be subject to financial responsibility oversight of FHLMC, the Commission believes that where a broker-dealer sells an exempted mortgage security there should be a minimum cash requirement applicable to each separate sale of a mortgage security. Thus, in order to maintain the status quo with respect to the sophistication of the participants in the mortgage market, the exemption under the rule is available in the case of a sale of the mortgage security by a broker-dealer, if at the time of such sale such mortgage security is not in default and has an unpaid principal amount of at least $50,000. The words "is not in default" have been added to the rule to make clear that a mortgage in default would not be an exempted security.

At the same time, the Commission rescinds Rule 15–a1, which had provided only for an exemption from the operation of the registration requirement for broker-dealers who deal in whole loan mortgages under certain conditions, and places the substance of its provisions within Rule 3a12–4.[7]

Rule 3a12–4 as originally proposed would have included only whole loan mortgages. In view of the comments received the rule has been revised to add certain mortgage participation interests and advance commitments to the exempted category. Trading in participation interests that represent one of two undivided interests in a whole loan or an aggregated whole loan (of which one interest is retained by the originator) presently amounts to over $10 billion annually. Trading in commitments, which are contracts to purchase mortgages or participation interest in the future (generally within 2 years), comprises approximately one-half of the mortgage sales in the existing secondary mortgage market and are issued for the purpose of shifting the long-term market risks such as interest rate fluctuations.

It should be noted that Rule 3a12–4 does not exempt transactions in qualified mortgage securities from other provisions of the Act (i.e., other than subsections (a) and (c)(3) of section 15) and implementing Commission rules under those provisions. For example, these transactions are not exempt from the margin and antifraud provisions.

It should also be noted that the exemption afforded by the rule may be inapplicable if the mortgage security is sold as part of an "investment contract." For example, the following is a list of accompanying services retained (i.e., not transferred with the mortgage) and other attributes afforded by the seller or someone other than the buyer that the Commission has previously indicated [8] may result in a mortgage constituting a part of an investment contract.

1. Complete investigation and placing service.
2. Servicing collection, payments, foreclosures, etc.
3. Implied or express guarantee against loss at any time or providing a market for the underlying security.
4. Making advances of funds to protect the security of the investment.
5. Acceptance of small uniform or continuous investments.
6. Implied or actual guarantee of specified yield or return.
7. Continual reinvestment of funds.
8. Payment of interest prior to actual purchase of the mortgage or trust note.
9. Providing for fractional interests in mortgages or deeds of trust (other than as provided for by the rule).
10. Circumstances which necessitate complete reliance upon the seller.
11. Seller's selection of the mortgage or deed of trust for the investor.

The Commission notes, however, that it does not generally consider the retention of attribute #2 alone sufficient to change a mortgage transaction into one involving an investment contract.

Statutory basis. Because the above described revisions in Rule 3a12–4 (17 CFR 240.3a12–4) are technical in nature or relax certain of the requirements of the Securities Exchange Act of 1934 the Securities and Exchange Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act, 5 U.S.C. 553 are unnecessary. Accordingly the Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(a)(12), 15(a)(2), 15(c)(3), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by rescinding § 240.15a–1 in its entirety and adopting § 240.3a12–4, effective July 1, 1974.

§ 240.3a12–4 Exemptions from sections 15(a) and 15(c)(3) for certain mortgage securities.

(a) When used in this Rule the following terms shall have the meanings indicated:

(1) The term "whole loan mortgage" means an evidence of indebtedness secured by mortgage, deed of trust, or other lien upon real estate or upon leasehold interests therein where the entire mortgage, deed or other lien is transferred with the entire evidence of indebtedness.

(2) The term "aggregated whole loan mortgage" means two or more whole loan mortgages that are grouped together and sold to one person in one transaction.

(3) The term "participation interest" means an undivided interest representing one of only two such interests in a whole loan mortgage or in an aggregated whole loan mortgage, provided that the other interest is retained by the originator of such participation interest.

(4) The term "commitment" means a contract to purchase a whole loan mortgage, an aggregated whole loan mortgage or a participation interest which by its terms requires that the contract be fully executed within 2 years.

(5) The term "mortgage security" means a whole loan mortgage, an aggregated whole loan mortgage, a participation interest, or a commitment.

(b) A mortgage security shall be deemed an "exempted security" for purposes of subsections (a) and (c)(3) of section 15 of the Act provided that, in the case of and at the time of any sale of the mortgage security by a broker or dealer, such mortgage security is not in default and has an unpaid principal amount of at least $50,000.

§ 240.15a–1 [Deleted]

(Secs. 3(a)(12), 15(a)(2), 15(c)(3), 23(a); 48 Stat. 882, 895, 901; as amended 49 Stat. 1379, 52 Stat. 1075, 78 Stat. 565, 84 Stat. 1653 (15 U.S.C. 78(c), 78*o*(a), 78*o*(c)(3), 78w(a)))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1974.

[FR Doc.74–12909 Filed 6–4–74;8:45 am]

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[1] Securities Exchange Act Release No. 10551. (38 FR 34898 December 20, 1973)

[2] FHLMC was established by Title III of the Emergency Home Finance Act of 1970, cited as the "Federal Home Loan Mortgage Corporation Act," codified as 12 U.S.C. Sections 1451–1459. FHLMC's capital stock consists solely of non-voting common stock held by the twelve Federal Home Loan Banks and its Board of Directors is composed of the three members of the Federal Home Loan Bank Board. It is an integral part of the Federal Home Loan Bank System.

[3] The Emergency Home Finance Act of 1970 was enacted following a determination by Congress that the nation needed more capital in residential mortgages and that this could be best accomplished by the establishment of a liquid market for such securities. FHLMC was established by this Act with the power "to make and enforce such by-laws, rules and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title." 12 U.S.C. § 1452(b)(3).

[4] Non-guaranteed whole loan mortgages, participation interests and commitments must be registered under the Securities Act of 1933 unless they are exempt from such registration. FHLMC has received a "no-action" letter from the Division of Corporation Finance with respect to such listings on its system under certain conditions. Letter to Thomas R. Bomar, Chairman of FHLMC, from Neal S. McCoy, Associate Director, Division of Corporation Finance, dated May 22, 1974.

[5] The Government National Mortgage Association, pursuant to section 306(g) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. (Supp. IV) 1721(g)) issues securities (referred to as "pass-through" securities) which are guaranteed as to timely payment of principal and interest with the full faith and credit of the United States. These securities are collateralized by pools of Federal Housing Administration (FHA) and/or Veterans Administration (VA) guaranteed mortgages.

[6] See Securities Exchange Act Release No. 9865 (November 17, 1972), relating to the adoption of Rule 3a12–1.

[7] A question has been raised as to whether whole loan mortgages can be aggregated and sold without losing their exempt status under Rule 15a–1. The exemption afforded by Rule 3a12–4 is not lost by such aggregation.

[8] See Securities Exchange Act Release No. 5633 (January 31, 1958) (interpretation of Rule 15a–1 noting these eleven attributes).

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Reporting Requirements on Disposition of Raisins to Canada

Notice is given of a proposal to require handlers to report disposition of free tonnage raisins to Canada in the same manner as they now report other export shipments of free tonnage raisins. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, hereinafter referred to as the "Committee".

The Committee's recommendation is under § 989.73(c) of the order. This section authorizes the Committee, with the approval of the Secretary, to request each handler to furnish to the Committee information as may be necessary to enable it to exercise its powers and perform its duties.

Section 989.173(c)(1) of Subpart—Administrative Rules and Regulations requires, in part, each handler who is not a processor to report monthly the aggregate quantity of each varietal type of free tonnage raisins which were shipped or otherwise disposed of by him during the preceding month, segregated according to domestic and export outlets. The last sentence of subdivision (v) of § 989.173(c)(1) provides that Canada shall be considered as a domestic outlet and not an export outlet for purposes of the required reports. Thus, the quantities of free tonnage raisins shipped by handlers to Canada are included in those quantities reported as shipments to domestic outlets. The Committee has concluded that reporting of free tonnage shipments to Canada as a separate figure would enable it to better exercise its powers and perform its duties and therefore has recommended that § 989.173(c)(1) be amended by deleting the last sentence of subdivision (v). After such deletion, Canada would be considered to be an export outlet for the reporting purposes of § 989.173(c) and thereafter, disposition of free tonnage raisins to Canada by handlers would be reported to the Committee as a separate figure. To conform other reporting requirements in § 989.173 with this change, the proposal would also delete other references to Canada in § 989.173 by deleting the words "including Canada" in § 989.173(f)(4)(i) and by deleting the parenthetical phrase "(including Canada)" in the first sentence in § 989.173(f)(5).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 21, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 30, 1974.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.74–12841 Filed 6–4–74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of Title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 102 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would update and correct the regulations pertaining to licensing as they are affected by recent amendments to other parts of 9 CFR. References to recently amended and new regulations and the use of newly defined terms constitute the primary changes. Paragraphing for emphasis and rewording for clarity have also been used.

Part 102—Licenses For Biological Products—is amended as follows:

1. Sections 102.3 (a)(4) and (b)(2) are amended to read:

§ 102.3 License applications.

(a) *U.S. Veterinary Biologics Establishment License.* * * *

(4) Triplicate copies of plot plans and blueprints, prepared as prescribed in Part 108 of this subchapter, shall accompany the application for license, unless such plot plans or blueprints, are already on file with Veterinary Services.

* * * * *

(b) *U.S. Veterinary Biological Product License.* * * *

(2) Each application for a U.S. Veterinary Biological Product License shall be supported by:

(i) At least three copies of an Outline of Production prepared in accordance with §§ 114.8 and 114.9 of this subchapter; and

(ii) At least three copies of test reports and research data sufficient to establish purity, safety, potency, and efficacy of the product; and

(iii) At least three copies of legends prepared as prescribed in § 108.8 of this subchapter designating which facilities are to be used in the preparation of the biological product; and

(iv) At least five copies of all labels in finished form or three copies of sketches prepared and submitted as prescribed in § 112.5 of this subchapter, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or related to the biological product.

2. Section 102.4 (a) and (b) is amended and a new paragraph (g) is added, to read:

§ 102.4 U.S. Veterinary Biologics Establishment License.

(a) Before a U.S. Veterinary Biologics Establishment License will be issued by the Deputy Administrator for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and the methods used to prepare biological products are in conformity with the requirements in the regulations.

(b) A license shall not be issued unless:

(1) In the opinion of the Deputy Administrator, the condition of the establishment, including its facilities, and the methods of preparation of biological products are such as reasonably to assure that the products shall accomplish the purpose for which they are intended; and

(2) The Deputy Administrator is satisfied on the basis of information before him that:

(i) The establishment shall be operated in compliance with the Act and applicable regulations and be under the supervision of person(s) competent in the preparation of biological products; and

(ii) The applicant, or the person having the responsibility for producing biological products in the establishment, or both, is qualified by education and experience, and has demonstrated fitness to produce such products in compliance with the Act and regulations issued pursuant thereto; *Provided,* That, previous violations of the Act, or such regulations or both shall be relevant to the Deputy Administrator's determination of fitness.

(3) Written assurance is filed with Veterinary Services that the biological products which are licensed to be prepared therein shall not be so advertised as to mislead or deceive the purchasers and that the packages or containers in which the same are to be marketed shall not bear any statement, design, or device which is false or misleading in any particular.

* * * * *

(g) The provisions of paragraph (b) of this section shall also be applicable to, and be considered by, the Deputy Administrator in connection with each application for an additional product license.

3. Section 102.5(d)(1) is amended to read:

§ 102.5 U.S. Veterinary Biological Product License.

* * * * *

(d) The following provisions shall apply to all licensed biological products:

(1) Licensed biological products shall be prepared as required by the regulations and in accordance with a filed Outline of Production as prescribed in §§ 114.8 and 114.9 of this subchapter. No change shall be made in the preparation of a biological product without prior approval of the Deputy Administrator.

* * * * *

4. Sections 102.6 (b) (1) and (3) and (c) and (e) are amended to read:

§ 102.6 U.S. Veterinary Biological Product License (Special).

* * * * *

(b) * * * (1) The product shall be prepared in a manner acceptable to the Deputy Administrator. The applicant for a license may be required to develop appropriate test methods for the product.

* * * * *

(3) The licensee shall request the handlers to whom the biological product is distributed to:

(i) Keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser; and

(ii) Furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by Veterinary Services, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and

(iii) Request users of the product to complete and return the report form to an official of the Department specified by the Deputy Administrator.

* * * * *

(c) A special license shall be dated to terminate on any date established by the Deputy Administrator at the time of issuance and the termination date shall appear on the license.

(1) Immediately prior to the termination date, the licensee may request reissuance of the special license or issuance of a regular product license. At that time, the licensee shall be given an opportunity to present to Veterinary Services to substantiate such request, all available data and information obtained since the special license was issued.

(2) After reviewing the matter with the licensee and considering all data and information, either obtained from the licensee or from other sources, the Deputy Administrator shall issue a regular product license, or reissue a special license, or allow the special license to terminate.

* * * * *

(e) Violation of any of the conditions of a special license shall constitute a violation of this section and may be grounds for suspension or revocation of the special license under § 105.1 of this subchapter.

* * * * *

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before July 8, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection of Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 31st day of May 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74–12883 Filed 6–4–74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION LOANS

Loan Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to amend REA Bulletin 20–2, Electric Loan Policy, and to replace the memorandum filed with that Bulletin dated, September 11, 1973, and entitled "Loan Processing for Distribution Borrowers. The proposed changes in loan policy and procedure establish revised criteria in accordance with which REA will process loan applications and approve new loans for rural electric distribution facilities.

Persons interested in the proposed changes in REA loan policy and procedure may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, USDA–REA, Washington, D.C. 20250, on or before June 20. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The text of the proposed memorandum amending REA policy and procedure for new loans to REA electric distribution borrowers is as follows:

ELECTRIC DISTRIBUTION LOAN PROCEDURES—MODIFICATION OF LOAN CATEGORIES

ALL REA ELECTRIC BORROWERS

This replaces the File With to REA Bulletin 20–2 dated September 11, 1973. In fiscal 1974, the one-year loan program was modified to allow the processing of loan applications according to one of three loan categories. Experience indicates that processing loans in accord therewith has substantially reduced the loan application workload for the electric distribution borrowers as well as for REA. A modification of the loan categories will further ease the loan application burden and simplify the loan process. Effective July 1, 1974, the loan categories are redefined as follows:

Category I. Loan applications based on a new two-year construction work plan having a two-year loan requirement of $750,000 or less will be considered for the full two-year amount.

Category II. All applications based on a new two-year construction work plan having a two-year loan requirement of more than $750,000 will be considered for the full two-year amount for determining loan feasibility. Loan applications will be processed on the basis of approximately one-half of the approved two-year requirement.

Funds for the second portion are not committed when the first portion is loaned, but the feasibility of the two-year amount is determined. Processing of the second portion is initiated by a board resolution requesting the second portion (a sample resolution is attached). Borrowers whose second portion of a current two-year work plan remains unloaned will be expected to apply for that second portion when needed provided the following conditions are met:

1. The designated amount of the second portion loan funds request remains unchanged.
2. The borrower's financial characteristics remain relatively unchanged.
3. The budget purposes on the work plan remain unchanged.

Category III. This category is reserved for loan applications to which special circumstances apply. This category does not have minimum or maximum dollar amounts. Applications in this category will be processed for a one-year loan requirement.

Examples of applications included in this category are:

1. Applications having special purposes or unusual circumstances may be administratively determined to fit into this category.
2. Applications covering the second year of a two-year work plan where the first year was loaned prior to July 1, 1973.
3. Applications covering the second year of a Category III loan.
4. The second portion of a Category II loan when the application represents the first concurrent loan.

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The amounts designated in this program pertain only to the loan requirements to be met by REA, and are exclusive of amounts to be obtained from supplemental lenders.

Loan procedures outlined above apply without regard to the borrower's eligibility for a standard (5 percent) or a special (2 percent) interest rate.

David A. Hamil,
Administrator.

Sample Board Resolution Requesting Second Portion of Category 2 Loan

WHEREAS, The ____________________ made
(name and address of applicant)
application to the Rural Electrification Administration, _________, _________, _________,
month day year
for a loan in the two-year amount of $________, and

WHEREAS, The Rural Electrification Administration processed this loan under Category 2 for the first portion in the amount of $________, and

WHEREAS, the financial characteristics of this organization have not materially changed, and

WHEREAS, The adjusted general funds level does not exceed the 8 percent guideline as set forth in REA Bulletin 1–7, and

WHEREAS, The second portion of the loan will be needed within ____________________
(time period)
for budget purposes outlined in the two year construction work plan,

NOW, THEREFORE, BE IT RESOLVED, That ______________________________ make
(name of applicant)
application to the Rural Electrification Administration for the second portion (balance) of the Category 2 loan in the amount of $________,[1] at ____ percent per annum, to be used in accordance with REA Bulletin 20–2,[1] and that an application be made to ______________________________ for a loan
(name of supplemental lender)
in the approximate amount of $________,[1] at ____ percent per annum, under terms and conditions satisfactory to the Administrator, to provide the balance of the required financing.

BE IT FURTHER RESOLVED, That the REA note shall be in the full amount of the REA loan and provide for the repayment of principal to begin ____ years from the date thereof.

BE IT ALSO RESOLVED,[2] that ______________, in order to facilitate the ob-
(name of applicant)
taining of the supplemental financing required, hereby authorize the Rural Electrification Administration to release to ______________________________ informa-
(name of supplemental lender)
tion relating to this application and to the financial and operating condition of ________________________, and such other
(name of applicant)
information and data relating thereto as REA in its discretion determines necessary for said purpose.

I, ________________________, Secretary of ____________________ do hereby certify that the above is a true and correct excerpt from the minutes of the meeting of the Board of Directors of the ____________________, held on the ____________ day of ____________, 19______, at which meeting a quorum was present.

____
Signature

[FR Doc.74–12839 Filed 6–4–74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Chapter V]

[Administrative Order No. 632]

SPECIAL INDUSTRY COMMITTEE FOR NEWLY COVERED EMPLOYMENT IN THE VIRGIN ISLANDS

Appointment; Convention; Notice of Hearings

Paragraph 6(c)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c)(3), as amended by the Fair Labor Standards Amendments of 1974 (P.L. 93–259, approved April 8, 1974)) provided that in the case of any employee employed in the Virgin Islands brought within the purview of the minimum wage provisions by those amendments, a special industry committee shall be appointed under section 5 of the Act (29 U.S.C. 205) to recommend the highest minimum wage rate or rates which accord with the standards prescribed by section 8 of the Act (29 U.S.C. 208) and which shall be not less than 60 per centum of the otherwise applicable minimum wage rate in effect under section 6(b), or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate or rates recommended by the special committee shall not exceed the rates prescribed in section 6(b) for nonagricultural employees and section 6(a)(5) for agricultural employees. Thus, for nonagricultural employees the rates recommended shall not be in excess of $1.90 an hour for the period ending December 31, 1974; $2.00 an hour during the year beginning January 1, 1975, $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976. For agricultural employees the rates recommended shall not exceed $1.60 an hour during the period ending December 31, 1974; $1.80 an hour during the year beginning January 1, 1975; $2.00 an hour during the year beginning January 1, 1976; $2.20 an hour during the year beginning January 1, 1976, and $2.30 an hour after December 31, 1976.

Pursuant to the above cited statutory authority and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby appoint Industry Committee No. 15 for Newly-Covered Employments in the Virgin Islands, to make recommendations in its industry, convene such committee, and give notice of the hearing to be held by it.

These newly covered employees include the following:

1. *Domestic service workers.* Domestic service means services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

2. Employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977.

3. Employees engaged in handling telegraphic messages for the public where the revenue does not exceed $500 a month.

4. Employees of motion picture theaters.

5. Agricultural employees engaged in processing shade-grown tobacco prior to stemming.

6. Employees in forestry or lumbering operations where the number of employees is eight or less.

7. Agricultural employees of conglomerates with an annual gross volume of sales exceeding $10 million regardless of the number of employees engaged in agriculture.

Industry Committee No. 15 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. on Monday, June 17, 1974.

The hearing will take place on the premises of the College of the Virgin Islands. The exact location will be posted at the main Adminstration Building of the college on the opening day of the hearing.

Promptly after the receipt of evidence and submissions, the committee shall resolve the issues before it and prepare a report containing its findings of facts, and conclusions as well as the reasons and basis therefor.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give such industry a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands of American Samoa; except that the minimum rate or rates recommended shall not be less than 60 per centum of the otherwise applicable wage rate in effect under subsection (b) or $1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by section 6(b), (or

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[1] The borrower shall establish the breakdown of the second proportions (REA and supplemental amounts) by following instructions in REA Bulletin 20–14, Attachment A. Enclose calculations.

[2] If the source of supplemental financing is not known, this portion should be submitted later as a separate resolution.

$1.14 an hour for nonagricultural employees or $1.00 for agricultural employees for the period ending December 31, 1974); and with the further exception that the committee shall recommend the minimum wage prescribed in section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof, is unable to pay that wage.

Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to it. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearing. The industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings are required to file prehearing statements, as provided in 29 CFR 511.8, containing the data specified in that section not later than 10 days before the hearing date set, namely, June 7, 1974. However, in view of the need to give adequate time to prepare such statements, prehearing statements received on or before June 12, 1974 will be considered as if they were received on June 7, 1974.

Signed at Washington, D.C., this 31st day of May 1974.

Peter J. Brennan,
Secretary of Labor.

[FR Doc.74–12860 Filed 6–4–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Exclusion From Coverage of Certain Items and Services; Termination of Certain Providers of Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments implement section 229 of the Social Security Amendments of 1972 (Public Law 92–603), enacted October 30, 1972, under which the Secretary is authorized to exclude from coverage under the Federal Health Insurance for the Aged and Disabled Program (Medicare), items and services rendered by physicians, providers, and suppliers of services who are found to have committed program abuses, and in the case of such providers of services, to terminate their agreements to participate in the Medicare program. Determinations under this provision are also made applicable by section 229 to amounts paid for services furnished under State plans pursuant to title V (Maternal and Child Health and Crippled Children's Services) and title XIX (Grants to States for Medical Assistance Programs) of the Social Security Act.

In general, the new provisions provide for the termination of payments to physicians, providers, and suppliers of service for certain specific types of program abuse. A determination to terminate payments because of a false statement or representation of a material fact can be made by the Secretary whereas a determination to terminate or exclude for other types of abuse generally requires the concurrence of a program review team. The law provides that, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of the Medicare program and consumer representative familiar with the health needs of the residents of the State, program review teams are to be appointed (composed of physicians, other professional personnel in the health care field, and consumer representatives) to review particular cases, where there is a likelihood that the provider, supplier, or other person furnishing items and services to individuals is involved in program abuse, and to examine such statistical data related to program utilization as may be submitted by the Department.

In brief, cases under section 229 will be developed substantially in accordance with the procedures currently applied in other situations involving program abuse. Every physician, provider, or supplier of services subject to these procedures has the right to be heard and to present evidence before a determination to apply these provisions is made, published, and put into effect. Thereafter, the party also has a right to a formal hearing before an Administrative Law Judge of the Administration's Bureau of Hearings and Appeals and to judicial review of his determination. Should the determination be to terminate payments, appropriate notification will be sent to the Health Services Administration (title V) and the Medical Services Administration (title XIX-Medicaid) since, by law, payments under those programs will also be prohibited.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before July 5, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1862, 1866, and 1871, 49 Stat. 647, as amended, 79 Stat. 325, as amended, 79 Stat. 327, as amended, 79 Stat. 331, as amended; 42 U.S.C. 1302, 1395y, 1395cc, and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: January 16, 1974.

J. B. Cardwell,
Commissioner of Social Security.

Approved: May 24, 1974.

Caspar W. Weinberger,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as set forth below.

1. A new § 405.315a is added to read as follows:

§ 405.315a Nonreimbursable expenses: Items or services furnished by excluded person.

(a) *Definitions.* As used in this section and in § 405.614:

(1) The term "provider of services" or "provider" means a hospital, skilled nursing facility, home health agency, or

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provider of outpatient physical therapy services (see Subparts J, K, L, and Q of this part), and

(2) The term "person" means a physician or other supplier of services, other than a provider of services.

(b) *General.* Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are furnished by a person where the Administration determines under this section that such person:

(1) Has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application or request for payment under title XVIII or for use in determining the right to a payment under title XVIII; or

(2) Has submitted or caused to be submitted (except in the case of a provider of services), bills or requests for payment under title XVIII containing charges (or in applicable cases, requests for payment of costs to such person) for items or services rendered which the Administration finds, with the concurrence of the appropriate program review team appointed pursuant to § 405.315b, to be substantially in excess of such person's customary charges (or in applicable cases, substantially in excess of such person's costs) for such items or services, unless the Administration finds there is good cause for such bills or requests containing such charges (or in applicable cases, such costs); for example, where the excess charges are found to be justified by unusual circumstances or medical complications requiring additional time, effort or expense in localities in which it is accepted medical practice to make an extra charge in such cases; or

(3) Has furnished items or services which are determined by the Administration, with the concurrence of the members of the appropriate program review team appointed pursuant to § 405.315b who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of grossly inferior quality.

(c) *Notice of proposed determination.* Whenever the Administration proposes, on the basis of appropriate evidence and with the concurrence of a program review team when required (see § 405.315b), to exclude items and services rendered by a provider of services or other person from coverage under title XVIII in accordance with paragraph (b) of this section, or to terminate a provider's agreement in accordance with § 405.614 (a)(5), it shall give written notice to such provider or other persons of its intention to exclude such items and services, or to terminate such agreement, and of its reasons for such proposed determination. Such provider or other person may, within fifteen days from the date of mailing of such notice of proposed determination, submit any written statement (including any pertinent evidence) as to why the proposed determination to exclude its items and services from coverage, or to terminate its agreement, should not be put into effect. Within such period, the provider or other person may also request in writing the right to appear before a representative of the Administration who has not had any direct involvement in any investigation into the facts of the case, in order to examine and question the evidence and to present and cross-examine witnesses. The provider or other person may be represented by counsel or other qualified representative (see §§ 405.1590 and 405.1591). For good cause shown, the Administration may shorten or extend the time within which such statement (or evidence) or request to appear may be submitted.

(d) *Determination of exclusion or termination.* After the submission or appearance provided for in paragraph (c) of this section, or if none, after fifteen days from the date of mailing of the notice of proposed determination (or such other period as provided in paragraph (c) of this section), the Administration may make a determination under paragraph (b) of this section, or under § 405.614(a)(5), as appropriate. Such a determination is an "initial determination" for purposes of the appeals procedures in Subpart O of this part (see § 405.1502(e)).

(e) *Notice of determination of exclusion or termination.* (1) The Administration shall send written notice of the determination under paragraph (b) of this section, or under § 405.614(a)(5), to such provider or other person at least fifteen days before the effective date of such determination. This notice shall state the reasons for the determination, its effective date, and the extent of its applicability as it relates to such provider's or other person's participation under title XVIII of the Act. Such notice shall constitute the notice of initial determination for purposes of the appeals procedures in Subpart O of this part (see § 405.1503).

(2) The Administration shall also give notice of the determination to the public and to recipients of services from such persons excluded under this section.

(f) *Effective date of determination of exclusion.* A determination by the Administration under paragraph (b) of this section shall be effective with respect to items and services furnished an individual by such provider or other person after an effective date which shall be no earlier than fifteen days, but not later than 30 days, after the date on which notice of the determination of exclusion was mailed to such person in accordance with paragraph (e) of this section. Notwithstanding such effective date, payment may be made under title XVIII for items and services furnished by an excluded person until the recipient of such services is given notice of such exclusion (see § 405.315(e)(2)). Such determination of exclusion shall remain in effect until the Administration determines, and gives notice to the public, that the reason for the determination has been removed and that there is reasonable assurance that it will not recur. (For the effective date of a termination of a provider's agreement under § 405.614(a)(5), see § 405.615.)

2. A new § 405.315b is added to read as follows:

§ 405.315b Establishment of program review teams.

(a) The Administration shall, after consultation with appropriate State and local professional societies, the appropriate carriers and intermediaries utilized in the administration of title XVIII, and consumer representatives familiar with the health needs of residents of the State, appoint one or more program review teams (composed of physicians, other professional personnel in the health care field, and consumer representatives) in each State which, among other things, shall:

(1) Undertake to review such statistical data on program utilization as may be submitted by the Administration;

(2) Submit to the Administration upon request, but at least annually, a report on the results of such review, together with recommendations with respect thereto;

(3) Undertake to review particular cases where there is a likelihood that the provider or other person furnishing items and services to individuals may come within the provisions of § 405.315a or § 405.614(a)(5);

(4) Submit to the Administration upon request, but at least annually, a report of cases reviewed pursuant to paragraph (a)(3) of this section along with an analysis of, and recommendations with respect to, such cases.

(b) In carrying out the functions of paragraph (a) of this section, such program review teams shall coordinate their activities with Professional Standards Review Organizations operating in the same area to avoid duplication of effort.

(c) When a Professional Standards Review Organization has demonstrated to the Secretary's satisfaction that it can carry out the functions of § 405.315a(b)(3) and § 405.614(a)(5)(iii), then the Secretary may authorize that professional Standards Review Organization to assume, for its area, the responsibilities of § 405.315a(b)(3) and § 405.614(a)(5)(iii).

(3) Section 405.614 is amended by revising paragraph (a)(4), adding paragraph (a)(5), and revising paragraph (c) to read as follows:

§ 405.614 Termination by the Secretary.

(a) *Cause for termination.* The Secretary may terminate an agreement if the Secretary determines that the provider of services: * * *

(4) Refuses to permit examination of its fiscal or other records by, or on behalf of, the Secretary as may be necessary for verification of information furnished as a basis for payment under the health insurance benefits program; or

(5)(i) Has knowingly and willfully made, or caused to be made, any false

statement or representation of a material fact for use in an application or request for payment under title XVIII or for use in determining the right to a payment under title XVIII; or (ii) has submitted, or caused to be submitted, requests for payment under title XVIII of amounts for items and services substantially in excess of the costs incurred by such provider for providing such items and services; or (iii) has furnished items or services which are determined by the Administration, with the concurrence of the members of the appropriate program review team appointed pursuant to § 405.315b who are physicians or other professional personnel in the health care field, to be substantially in excess of the needs of individuals or to be harmful to individuals or to be of a grossly inferior quality.

* * * * *

(c) *Appeal by agency or institution.* Any provider dissatisfied with a determination terminating the section 1866 agreement with such provider, shall be entitled to a hearing with respect to such determination (see Subpart O of this part). The termination of a provider's agreement on grounds specified in paragraph (b)(5) of this section is subject to the additional procedures provided in § 405.315a.

4. The heading to Subpart O of Part 405 is revised to read as follows: "Subpart O—Providers of Services, Emergency Service Hospitals, Independent Laboratories, Suppliers of Portable X-Ray Services, and Persons; Determinations and Appeals Procedures".

5. Section 405.1501 is amended by revising the section heading, revising paragraphs (a) and (b) and adding new paragraph (f) to read as follows:

§ 405.1501 Providers of services, emergency service hospitals, independent laboratories, suppliers of portable X-ray services, and persons; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to (1) whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, skilled nursing facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of tile XVIII of the Social Security Act and Subparts J, K, L, or Q of this Part 405, as appropriate; (2) whether an institution is a hospital, as such term is included in section 1861(e) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to a claim payment for all emergency hospital services furnished in a calendar year (see § 405.658); (3) the termination of the Secretary's agreement with a provider of services; (4) whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; (5) whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405); and (6) the exclusion from coverage of items and services rendered by a provider of services or other person (as defined in § 405.315a(a) under the provisions of section 1862(d) of the Act (see § 405.315 (a)).

(b) Any institution, facility, agency, or clinic dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or with an initial determination terminating the Secretary's agreement with it, an institution, facility, agency, or clinic is entitled to a hearing thereon and, if dissatisfied with the decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

* * * * *

(f) Any provider of services or other person dissatisfied with an initial determination excluding from coverage its items and services rendered to beneficiaries (see § 405.315a) is entitled to a hearing thereon and, if dissatisfied with the decision after such hearing, to Appeals Council review and then judicial review of such decision.

6. In § 405.1502, a new paragraph (e) is added to read as follows:

§ 405.1502 Initial determinations.

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

* * * * *

(e) The exclusion from coverage under the provisions of § 405.315a, of items and services rendered by a provider or other person to beneficiaries under title XVIII of the Act.

7. Sections 405.1503 and 405.1504 are revised to read as follows:

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to whether an institution is or is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act; or with respect to the termination of an agreement; or with respect to whether an institution continues to remain in compliance with the qualifications for claiming emergency services reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405); or with respect to the exclusion from coverage, under the provisions of § 405.315a, of items and services rendered by a provider or other person to beneficiaries under title XVIII of the Act, will be mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person (see §§ 405.1510 and 405.1530).

§ 405.1504 Effect of initial determination.

The initial determination shall be final and binding upon the parties to the determination unless it is revised (see § 405.1519), or unless, in the case of a determination described in § 405.1502(a), (b)(1), or (d)(1), it is reconsidered in accordance with § 405.1514 or, in the case of a determination described in § 405.1502 (b)(2), (c), (d)(2), or (e), a request for a hearing is filed and a decision rendered.

8. In § 405.1505, a new paragraph (k) is added to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

* * * * *

(k) The finding, pursuant to section 1862(d)(2) of the Act, that the basis for a determination excluding a person's items and services from coverage under title XVIII has not been removed or there is insufficient assurance that the basis for such exclusion will not recur.

9. Section 405.1519 is revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, or that an institution qualifies to elect to claim payment for all emergency hospital services furnished in a calendar year, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or person which was a party to the determination (see § 405.1520).

10. Sections 405.1530, 405.1531, and 405.1532 are revised to read as follows:

§ 405.1530 Hearing; right to hearing.

After an initial and reconsidered determination that it does not qualify as a

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provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services or that an institution does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year (see §§ 405.1502 (a), (b)(1), and (d)(1), and 405.1514); or after an initial determination described in § 405.1502(b)(2), (c), (d)(2), or (e); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall be entitled to a hearing with respect to such determination, if such person or the representative of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person files a written request for hearing as provided in § 405.1531.

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by the person, or a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with an Administrative Law Judge (formerly called "hearing examiner") or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b)(2), (c), (d)(2), or (e), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier or person (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

(b) The request for a hearing shall contain a statement as to the specific issues or findings of fact and conclusions of law in the preceding determination with which the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person disagrees, and the basis for its contention that the specific issues and/or findings and conclusions were incorrect.

(c) The legal representative or any other authorized official of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall be a proper person to file the request for hearing.

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person which was a party to the prior determination (see §§ 405.1502 (b)(2), (c), (d)(2), and (e), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

11. Section 405.1534 is revised to read as follows:

§ 405.1534 Disqualification of hearing examiner.

No Administrative Law Judge shall conduct a hearing in a case in which he is prejudiced or partial with respect to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the Administrative Law Judge who will conduct the hearing shall be made at the earliest opportunity. The Administrative Law Judge shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the Administrative Law Judge withdraws, another Administrative Law Judge shall be designated (see § 405.1533) to conduct the hearing. If the Administrative Law Judge does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reasons why he believes the Administrative Law Judge's decision should be revised or a new hearing held before another Administrative Law Judge.

12. Sections 405.1536 and 405.1537 are revised to read as follows:

§ 405.1536 Time and place of prehearing conference.

The Administrative Law Judge shall fix a time and place for the prehearing conference, written notice of which shall be mailed to the parties not less than 10 days prior to the conference date. The notice shall inform the parties of the purpose of the prehearing conference and the issues sought to be resolved, stipulated to, or excluded. If a party has information which will involve additional issues for consideration at the prehearing conference, other than those set forth in the notice of determination (see §§ 405.1503, 405.1516, and 405.1520) and the request for hearing by the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, timely notice should be given to the Administrative Law Judge and the other party of such information. The Administrative Law Judge may also raise any additional issues by including them in his notice of the prehearing conferences or during the conference.

§ 405.1537 Conduct of prehearing conference.

The prehearing conference shall be open to the person or his representative, the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, to their technical advisors, and to such other persons as the Administrative Law Judge deems necessary or proper. The Administrative Law Judge may accept the agreement of the parties as to those facts which are not in controversy and as to questions which have been resolved favorably to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person subsequent to the determination in dispute. The Administrative Law Judge may accept the agreement of the parties as to the remaining issues to be resolved. The parties may be requested to indicate what witnesses will be present to testify at the hearing, the qualifications of such witnesses, and the nature of other evidence to be submitted.

13. In § 405.1542, paragraph (a) is revised to read as follows:

§ 405.1542 Hearing on new issues.

(a) On the application of either party, or on his own motion, the Administration Law Judge (formerly called "hearing examiner") may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference: *Except that*, in the case of an initial determination described in § 405.1502(b)(2), (c), (d)(2), or (e), the Administrative Law Judge shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary, or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services, (3) the effective date of the notification to an institution of its failure to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act, or (4) the effective date of the exclusion from coverage of items and services rendered by a provider or other person (see § 405.315a). Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the Administrative Law Judge shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

* * * * *

14. Section 405.1543 is revised to read as follows:

§ 405.1543 Joint hearings.

When two or more institutions, facilities, agencies, clinics, laboratories, portable X-ray suppliers, or persons, have requested hearings and the same or substantially similar matters are in issue, the Administrative Law Judge may, if all parties agree, fix the same times and places for each prehearing conference or hearing and conduct all such proceedings jointly. Where joint hearings are held, a single record of the proceedings shall be made and a separate decision issued with respect to each institution, facility, agency, clinic, laboratory, or portable X-ray supplies, or person.

15. Section 405.1545 is revised to read as follows:

§ 405.1545 Conduct of the hearing.

The hearing shall be open to the person and his representative, the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, and the representatives of the Bureau of Health Insurance, their technical advisors, and to such other persons as the Administrative Law Judge deems necessary or proper. The Administrative Law Judge shall inquire fully into all of the matters at issue (see § 405.1542) and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the Administrative Law Judge believes that there is relevant and material evidence available which has not been presented at the hearing, the Administrative Law Judge may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the Administrative Law Judge.

16. Sections 405.1550, 405.1551, and 405.1552 are revised to read as follows:

§ 405.1550 Waiver of right to appear and present evidence.

If the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person waives its right to appear before the Administrative Law Judge and present testimony, it shall not be necessary for the Administrative Law Judge to give notice of and conduct an oral hearing. A waiver of this right shall be made in writing and filed with the Administrative Law Judge. A waiver may be withdrawn by an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, for good cause shown, at any time prior to the mailing of notice of the decision in the case. Even though an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person has filed a waiver of a hearing before an Administrative Law Judge, the Administrative Law Judge may, nevertheless, give notice of a time and place and conduct a hearing if he believes that testimony of the person or his representative, representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or other persons is needed to clarify the facts in issue, or on a showing of good cause by the Bureau of Health Insurance of the need to present oral evidence. When such a waiver has been filed and no testimony received, the Administrative Law Judge shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial, reconsidered, or revised determination (see §§ 405.1502, 405.1514, and 405.1519), and whatever additional relevant and material evidence was submitted by the parties for consideration by the Administrative Law Judge. Any additional evidence submitted by either party shall be furnished to the other party and that party shall be given a reasonable opportunity to submit further evidence in rebuttal. The parties may submit briefs or other written statements of evidence and/or proposed findings of fact or conclusions of law, copies of which shall be sent in accordance with § 405.1695. After the Administrative Law Judge sets the case for oral hearing and gives notice of the time and place for the hearing, the request for hearing shall be dismissed in accordance with § 405.1552 where the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person fails to appear without good cause.

§ 405.1551 Dismissal of request for hearing.

The Administrative Law Judge, at any time prior to the mailing of notice of the decision (see § 405.1557), may dismiss a hearing request where a party withdraws its request for a hearing or where the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person asks that its request be dismissed. An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may request a dismissal by filing a written notice with the Administrative Law Judge.

§ 405.1552 Dismissal by abandonment.

The Administrative Law Judge may dismiss a request for hearing upon its abandonment by the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person on whose behalf it was filed. An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may be deemed to have abandoned a request for hearing if the person, representative, or the proper official does not appear at the prehearing conference or hearing and prior to that time has not shown good cause as to why he could not appear; or, within 10 days after the mailing of a notice to the person or the representative by the Administrative Law Judge to show cause, did not show good cause for failing to appear or to notify the Administrative Law Judge prior to the time for the prehearing conference or hearing that he could not appear.

17. In § 405.1553, paragraphs (a) and (c) are revised to read as follows:

§ 405.1553 Dismissal for cause.

On his own motion, or on the motion of a party to the hearing, the Administrative Law Judge may dismiss a hearing request either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata.* Where there has been a previous determination or decision by the Secretary with respect to the rights of the same institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person on the same facts and law pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, upon failure of the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person timely to request reconsideration, hearing, or review, or to commence a civil action with respect to such determination or decision.

* * * * *

(c) *Hearing request not timely filed.* Where an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person has failed to file a hearing request timley and the time for filing such request has not been extended.

18. Section 405.1554 is revised to read as follows:

§ 405.1554 Notice of dismissal and right to request review thereof.

Notice of the Administrative Law Judge's dismissal action shall be mailed to the parties. Such notice shall advise the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person of its right to request review by the Appeals Council as provided in §§ 405.1561 and 405.1562.

19. Section 405.1563 is revised to read as follows:

§ 405.1563 Action by the Appeals Council on request for review.

The review or denial of the Administrative Law Judge's decision shall be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. Except as provided in § 405.1568, the Appeals Council shall review the Administrative Law Judge's decision or dismissal where an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person, files a request for review. The Appeals Council may dismiss, deny, or grant a request for review filed by the Bureau of Health Insurance. If the review is granted, the Appeals Council may either modify, affirm, or reverse the Administrative Law Judge's decision. Notice of the action by the Appeals Council shall be mailed to the institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person and the Bureau of Health Insurance.

20. Section 405.1567 is revised to read as follows:

§ 405.1567 Effect of the Appeals Council decision.

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b), (e), and (f)) is filed by the institution, facility, agency, clinic, or person in a district court of the United States as authorized by section

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1869(c) or 1862(d)(3), as appropriate, of the Act or unless the decision is revised in accordance with § 405.1570. (Section 1869(c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

21. Section 405.1569 is revised to read as follows:

§ 405.1569 Extension of time to request a hearing or review or begin civil action.

(a) Any institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person which is a party to an initial determination described in § 405.1502 (b)(2), (c), (d)(2), or (e); or to a reconsidered determination that it does not qualify as a provider of services or does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of an Administrative Law Judge (formerly called "hearing examiner") may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before an Administrative Law Judge is sought, the request may be filed with the Administrative Law Judge. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, clinic, or person whch is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the Administrative Law Judge may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

(b) An independent laboratory or supplier of portable X-ray services is not entitled to judicial review of the Secretary's final decision after the hearing and review; except where such final decision relates to the exclusion of its items and services from coverage under title XVIII (see § 405.1502(e)).

22. Sections 405.1572 and 405.1590 are revised to read as follows:

§ 405.1572 Effect of revised determination.

A revised decision by an Administrative Law Judge (formerly called "hearing examiner") shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561–405.1563. A revised decision by the Appeals Council shall be final and binding unless a civil action (see § 405.-1501 (b), (e), and (f)) is filed by the institution, facility, agency, clinic, or person in a district court of the United States as authorized by section 1869 of the Act.

§ 405.1590 Representation.

An institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person may appoint as its representative any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Social Security Administration or otherwise prohibited by law. Except where the representative appointed is an attorney, an institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person must give written notice of the appointment of a representative. The notice of appointment shall be filed at an office of the Administration, or with the Administrative Law Judge or the Appeals Council. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has the authority to represent the party shall be accepted as evidence of his authority.

23. Section 405.1592 is revised to read as follows:

§ 405.1592 Fees for services.

Fees for any services rendered by a representative appointed and qualified as in §§ 405.1590 and 405.1591 on behalf of any institution, facility, agency, clinic, laboratory, portable X-ray supplier, or person shall not be subject to the provisions of section 206 of title II of the Social Security Act.

[FR Doc.74–12749 Filed 6–4–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR PART 73]

[CGD 72–181]

PASSENGER VESSELS

Proposed Subdivision Requirements

The Coast Guard is considering amendments to the regulations for passenger vessels in services other than ocean or coastwise and vessels under 150 gross tons in ocean or coastwise service and not on an international voyage. The amendments concern § 73.15–5 which sets the minimum compartment standards of all passenger vessels other than ferry vessels.

The Coast Guard proposes to revoke § 73.15–5(a) which was promulgated before Subchapter T, Small Passenger Vessels, came into effect. Subchapter T is applicable to all vessels under 100 gross tons while § 73.15–5(b) is applicable to all vessels of 100 gross tons and over. The proposed change will clarify the subdivision requirements of Subchapter T when these requirements refer back to Subchapter H, Passenger Vessels. These amendments are editorial in nature and contain no new requirements.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (G–CMC), Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72 181), and give reasons for any recommendations. Comments received before July 18, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice of the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

To implement the proposals, the Coast Guard would amend Part 73 of Title 46 of the Code of Federal Regulations as follows:

1. By revoking paragraph (a) of § 73.15–5.
2. By revising paragraph (b) of § 73.15–5.

As revised, § 73.15–5 would read as follows:

§ 73.15–5 Compartmentation of all vessels other than ferry vessels.

(a) [Reserved]

(b) Every vessel shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

* * * * *

These amendments are proposed under 46 U.S.C. 482; 49 U.S.C. 1655(b)(1) and 49 CFR 1.46(b).

Dated: May 28, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74–12780 Filed 6–4–74;8:45 am]

[46 CFR Part 178]

[CGD 72–180]

SMALL PASSENGER VESSELS

Proposed Subdivision Requirements

The Coast Guard is considering amendments to the watertight bulkhead regulations for "S" vessels carrying not more than 150 passengers, "S" vessels carrying more than 150 passengers and all "L" vessels not on an international voyage. The amendments will allow credit for bulkheads spaced less than the current minimum allowable spacing for vessels under 143 feet in length and will clarify those subparts in Part 73 of Subchapter H, Passenger Vessels, which are applicable to Subchapter T vessels.

46 CFR 178.20–1(b) and 46 CFR 178.20–5 both refer to Parts 73 and 74 of Subchapter H (Passenger Vessels) for the subdivision requirement to be applied to certain Subchapter T vessels. The proposed regulation changes will narrow down the applicable provisions of Part 73. 46 CFR 178.20–5 requires that "S" vessels carrying more than 150 passengers and all "L" vessels regulated under Subchapter T meet the subdivision requirements of Part 73 of Subchapter H. 46 CFR 73.15–15 states that to be effective, watertight bulkheads abaft the collision bulkhead must be spaced not less than 10 feet plus 3 percent of the load waterline length. This requirement was established for ships well over 150 feet in length and the Coast Guard has recognized that this criterion is too stringent for vessels under 150 feet in length while an adequate degree of safety can be obtained at some lesser minimum bulkhead spacing. This proposed regulation change will provide uniform criteria for determining the minimum watertight bulkhead spacing while maintaining the degree of subdivision provided under Part 73 for vessels under 150 feet in length.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G–CMC/82), Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 72 180), and give reasons for any recommendations. Comments received before July 18, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

To implement the proposals, the Coast Guard would amend Part 178 of Title 46 of the Code of Federal Regulations as follows:

1. By revising paragraph (b) of § 178.20–1 to read:

§ 178.20–1 Requirements for "S" vessels carrying not more than 150 passengers—S.

* * * * *

(b) In lieu of complying with paragraph (a) of this section, any owner may, if he so desires, determine compliance with the subdivision and damaged stability requirements by direct calculations that take into account the form and proportions of the hull. If this option is taken the provisions of § 178.20–5 and the alternate procedure of § 179.10–3 of this chapter apply. These calculations and the supporting data must be submitted to the Commandant for approval.

2. By revising § 178.20–5 to read:

§ 178.20–5 Requirements for "S" vessels carrying more than 150 passengers and all "L" vessels—S and L.

(a) For "S" vessels carrying more than 150 passengers and all "L" vessels, engaged in international voyages, the location of the transverse watertight bulkheads to meat the requirements for subdivision and damage stability, is determined by direct calculations which take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 and Part 74 of Subchapter H (Passenger Vessels) of this chapter shall be applicable. These calculations and the supporting data must be submitted to the Commandant for approval.

(b) For S vessels carrying more than 150 passengers and all L vessels, not engaged in international voyages, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damaged stability is determined by direct calculations that take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 (except 73.15–15 for vessels under 143 feet in length) and Part 74 of Subchapter H (Passenger Vessels) of this chapter apply. For vessels not over 143 feet in length, watertight bulkheads abaft the collision bulkhead, to be considered effective, may not be spaced less than 10 percent of the load waterline length but in no case may the minimum spacing be less than 6 feet. For double ended ferries, this minimum spacing applies between collision bulkheads. These calculations and supporting data must be submitted to the Commandant for approval.

These amendments are proposed under 46 U.S.C. 482; 49 U.S.C. 1655(b)(1) and 49 CFR 1.46(b).

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74–12781 Filed 6–4–74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–WE–13]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the San Diego, California (San Diego County—Gillespie Field) control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 5, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A localizer and two fan markers are being installed to provide an instrument approach for Gillespie Field, San Diego, California. The navigation equipment will be owned by the County of San Diego; however, the approach procedure will be published for public use. The localizer will be aligned 282° T (268° M) and approach minima will be circling only. A small extension to the control zone is necessary to provide controlled airspace for aircraft executing the approach procedure while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (39 FR 354) the description of the San Diego, California (Gillespie Field) control zone is amended to read as follows:

SAN DIEGO, CALIF. (SAN DIEGO COUNTY—GILLESPIE FIELD)

Within a 3-mile radius of San Diego-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.) and within 1 mile each side of a 102° bearing from the end of Runway 27R, extending from the 3-mile radius zone to 5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on May 28, 1974.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.74–12772 Filed 6–4–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 566, 567, 568, 571]

[Docket No. 73–14; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Manufacturer Identification Code

This notice proposes an amendment to the Manufacturer Identification Regula-

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tion, 49 CFR Part 566, and related sections of 49 CFR Parts 567, 568, and 571, which would establish the manufacturer identification code for use by manufacturers of vehicles and motor vehicle equipment (other than tires) to fulfill their identification, certification and labeling requirements.

On June 7, 1973, the NHTSA issued in the FEDERAL REGISTER (38 FR 14968) a notice of a proposed manufacturer identification code. The code would have consisted of one letter and four nonsignificant numbers to be assigned by the Department of Transportation.

On November 28, 1973, subsequent to the closing date for comments on the NHTSA proposal, the U.S. Department of Commerce issued a regulation which implemented a government-wide program for the standardization of data elements and representations used in Federal automated data systems (15 CFR Part 6; 38 FR 33482). This regulation was issued pursuant to Executive Order 11717 and section 111(f) of the Federal Property and Administrative Services Act of 1949, as amended (79 Stat. 1127, 40 U.S.C. 759). Under the Department of Commerce regulation, the National Bureau of Standards (NBS) is assigned the responsibility of providing procedures, guidelines, and criteria to Federal agencies for the development of standards relating to data elements. The NHTSA sought the guidance of the NBS in establishing a manufacturer identification code.

Two nine-digit manufacturer identification code systems were suggested by NBS: the Employer Identification Number (EIN) maintained by the U.S. Internal Revenue Service and the D-U-N-S number maintained by Dun and Bradstreet, Inc. The NBS recommendation is identical to the American National Standards Institute proposed American National Standard Structure for Identification of Organizations for Information Interchange. After a consideration of the relative merits of both systems, the NHTSA is proposing to adopt as its manufacturer identification code the nine-digit system administered by Dun and Bradstreet, Inc.

The manufacturer identification code would consist of nine-digit numbers assigned to business establishment headquarters locations, major branches, and certain remittance locations. Under an agreement with the United States General Services Administration, manufacturer identification numbers would be assigned at no charge by writing to Dun and Bradstreet, Inc., 99 Church Street, New York, N.Y. 10007, or any other Dun and Bradstreet office.

A number of comments concerning the original NHTSA proposal for a manufacturer identification code assigned by the Department of Transportation complained of the proliferation of identification codes and recommended one or another of the standard codes now in existence. The adoption of this system is meant to meet this objection. In addition, the recognition of discrete establishments will allow for a more effective defect analysis program.

Several comments received in response to the previous NHTSA proposal related to possible technical difficulty in adding a manufacturer's identification number to specific pieces of motor vehicle equipment because of size or optical properties. Specific comments are requested concerning this issue. The code would affect the following certification procedures and equipment standards:

49 CFR Part 567, Certification, would be amended by adding new §§ 567.4(g)(2) and 567.5(a)(2), and changing §§ 567.5(a)(4), 567(c), and 567.5(d) to reflect the new code marking requirements.

49 CFR Part 568, Vehicles Manufactured in Two or More Stages, would be amended by changing §§ 568.(a)(1) and 568.5 to reflect the code requirements.

49 CFR Part 571, Federal Motor Vehicle Safety Standards, would be amended to require the use of the new numbers in the following equipment standards:

Section 571.106, Hydraulic brake hoses.
Section 571.116, Motor vehicle brake fluids.
Section 571.125, Warning devices.
Section 571.126, Truck-camper loading.
Section 571.205, Glazing Materials (replacing the system presently specified in that standard.
Section 571.208, Occupant crash protection.
Section 571.209, Seatbelt assemblies.
Section 571.211, Wheel nuts, wheel disks, and hubcaps.
Section 571.213, Child seating systems.

In addition, a proposed amendment to Standard 108 (Docket 69–19, Notice 2, 37 FR 17493) is amended by this notice.

Use of the DOT symbol, or other means, to indicate compliance with the safety standards would be added to MVSS 208, 209, 211, and 213 for labeling uniformity.

In consideration of the foregoing, it is proposed that 49 CFR Part 566, Manufacturer Identification, Part 567, Certification, Part 568, Vehicles Manufactured in Two or More Stages, and Part 571, Federal Motor Vehicle Safety Standards, be amended as follows:

PART 566—MANUFACTURER IDENTIFICATION

1. Part 566, Manufacturer Identification, would be amended by adding a new § 566.7, to read:

§ 566.7 Code number.

Each manufacturer of motor vehicles or covered equipment shall apply for and receive a nine-digit number for identification purposes. Manufacturer identification numbers are assigned by Dun and Bradstreet, Inc., 99 Church Street, New York, N.Y. 10007, or any other Dun and Bradstreet branch office. Upon receipt of this number, each manufacturer shall advise the Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administrative, 400 Seventh Street SW., Washington, D.C. 20590 of his number, as well as any numbers assigned to plants, subsidiaries, or other entities under his control. Motor Vehicles or covered equipment shall be identified by the manufacturer identification number assigned to the plant, subsidiary, or entity which manufactured it.

PART 567—CERTIFICATION

2. Part 567, Certification, would be amended by adding a new subparagraph (1–a) to § 567.4(g), to read:

§ 567.4 Requirements for manufacturers of motor vehicles.

* * * * *

(g) * * *

(1–a) "Code number" followed by the code number assigned pursuant to § 566.7 of this chapter to the manufacturer identified in accordance with paragraph (g)(1) of this section.

* * * * *

3. Part 567, Certification, would be amended by adding a new subparagraph (1–a) to § 567.5(a) to read:

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) * * *

(1–a) "Code number" followed by the code number assigned pursuant to § 566.7 of this chapter to the manufacturer identified in accordance with § 567.5(a)(1).

* * * * *

§§ 567.5, 567.7 [Amended]

4. Part 567, Certification, would be amended by adding "and code number assigned pursuant to § 566.7 of this chapter" following "name" in §§ 567.5(a)(4), 567.5 (c) and (d), and 567.7(a).

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

§§ 568.4, 568.5 [Amended]

5. Part 568, Vehicles manufactured in two or more stages, would be amended by adding ", code number assigned pursuant to § 566.7 of this chapter," following "name" in §§ 568.4(a)(1) and 568.5.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

6. Section 571.106, Brake hoses, would be amended by changing paragraph S5.2.2(b) to read:

§ 571.106 Standard No. 106; Brake hoses.

* * * * *

S5.2.2 * * *

(b) The hose manufacturer's code number assigned pursuant to § 566.7 of this chapter.

* * * * *

7. Section 571.108, Lamps, reflective devices and associated equipment, as proposed in Docket 69–19, Notice 2, 37 CFR 17493, would be amended by changing S4.8.1(d), to read:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4.8.1 * * *

(d) The manufacturer's code number assigned pursuant to § 566.7 of this chapter, and model designation or part number.

* * * * *

8. Section 571.116, Motor vehicle brake fluid, would be amended by changing S5.2.2.2(b) and subparagraph S5.2.2.3 (a), to read:

§ 571.116 Standard No. 116; Motor vehicle brake fluid.

* * * * *

S5.2.2.2 * * *

(b) The name of the packager of the brake fluid or the code number assigned pursuant to § 566.7 of this chapter.

* * * * *

S5.2.2.3 * * *

(a) The name of the packager of the brake fluid or the code number assigned pursuant to § 566.7 of this chapter.

* * * * *

9. § 571.125, Warning devices, would be amended by adding new paragraph S5.1.4 (d) to read:

§ 571.125 Standard No. 125; Warning devices.

* * * * *

S5.1.4 * * *

(d) The code number assigned pursuant to § 566.7 of this chapter.

10. § 571.126, Truck-camper loading, would be amended by adding new paragraph S5.1.1(f), to read:

§ 517.126 Standard No. 126; Truck-camper loading.

* * * * *

S5.1.1 * * *

(f) "Code number" followed by the manufacturer's code number assigned pursuant to § 566.7 of this chapter.

* * * * *

11. Section 571.205, Glazing materials, would be amended to institute a new code for glazing material manufacturers by changing S.6.2 to read:

§ 571.205 Standard No. 205; Glazing materials.

* * * * *

S6.2 Each prime glazing material manufacturer shall certify each piece of glazing material to which the standard applies that is designed as a component of any specific motor vehicle or camper, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by adding to the mark required by S6.1 in letters and numerals of the size specified in section 6 of ANS Z26, the symbol "DOT" and the code number assigned pursuant to § 566.7 of this chapter.

* * * * *

12. Section 271.208, Occupant crash protection, would be amended by adding a new paragraph S9.3 to read:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S9.3 Each pressure vessel and explosive device shall be permanently and legibly marked or labeled with the manufacturer's code number assigned pursuant to § 566.7 of this chapter and the symbol DOT constituting a certification by the manufacturer that the device complies with all applicable motor vehicle safety standards.

13. Section 571.209, Seatbelt assemblies, would be amended by changing paragraph S4.1(k), to read:

§ 571.209 Standard No. 209; Seatbelt assemblies.

* * * * *

S4.1 * * *

(k) *Marking.* Each seatbelt assembly shall be permanently and legibly marked or labeled with:

(i) Year of manufacture, model, name of manufacturer or distributor, and manufacturer code number assigned pursuant to § 566.7 of this chapter.

(ii) The symbol DOT, or a statement that the seatbelt assembly complies with all applicable motor vehicle safety standards.

* * * * *

14. § 571.211, Wheel nuts, wheel discs, and hubcaps, would be amended by redesignating the contents of "S3. Requirements" as "S3.1 Winged Projections" and adding a new section "S3.2. Labeling." to read:

§ 571.211 Standard No. 211; Wheel nuts, wheel discs, and hubcaps.

* * * * *

S3.2. *Labeling.* Each wheel nut, wheel disc, and hubcap shall be permanently and legibly marked or labeled with the manufacturer's code number assigned pursuant to § 566.7 of this chapter and the symbol DOT, constituting a certification by the manufacturer that the device complies with all applicable motor vehicle safety standards.

* * * * *

15. Section 571.213, Child seating systems, would be amended by revising paragraph S4.1(a), to read:

§ 571.213 Standard No. 213; Child Seating Systems.

* * * * *

S4.1 *Labeling.* * * *

(a) The manufacturer's name, the code number, assigned pursuant to § 566.7 of this chapter, and certification by the manufacturer that the child seating system complies with all applicable motor vehicle safety standards. However * * *

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: August 5, 1974.

Proposed effective date: September 1, 1975.

(Secs. 103, 112, 114, 119, Pub. L. 89–563; 80 Stat. 718, 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 30, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–12861 Filed 6–4–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

VIRGINIA AIR QUALITY PLAN

Proposed Revisions

On February 14, 1973, August 10, 1973, and February 12, 1974, the Commonwealth of Virginia submitted to the Administrator proposed revisions to the Commonwealth's Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The proposed changes include:

1. An operations manual outlining the administrative procedures to be followed in the event of an emergency episode. The manual includes procedures to be followed in the event of an emergency episode. The manual includes procedures for the forecast, alert, warning and emergency stages of an episode. The manual was submitted on February 14, 1973.

2. A re-write of the air quality surveillance section of the original Implementation Plan. This section deals with surveillance practices, procedures, and instrumentation. Surveillance is used to establish trends in air quality with regard to ambient air quality standards. Surveillance is used also to activate air pollution episode control procedures. This revision was submitted February 14. 1973.

3. Amendments to §§ 10–17.10, 10–17.-14, 10–17.18, 10–17.18:1, 10–17.18:2, 10–17.-19, 10–17.29 and 10–17.30 of Title 10, Chapter 1.2 of the Code of Virginia and to § 46.1–301.1 of Title 46.1 of Chapter 4 of the Code of Virginia and to § 58–16.3 of Title 58, Chapter 1 of the Code of Virginia. These amendments include a change in the title of the chief executive officer of the State Air Pollution Control Board, changes in the procedures for amending, adopting, repealing or enforcing certain rules, regulations, permits, variances, orders, special orders, and control programs, changes in the

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power of the Board to govern its relationship with its own employees, changes in the duties of local air pollution control committees, changes increasing the possible state penalties for violation of the state law and orders of the Board and adding equivalent penalties for violations of rules and regulations of the Board in the absence of an order. These amendments also provide for deference to local regulations where such regulations are more stringent than state regulations. These amendments also provide for deference to local regulations governing the residential burning of leaves. The amendments submitted to Title 46.1, Chapter 4, § 46.1–301.1, prohibit operation of motor vehicles of model years 1973 and later if the pollution control systems of said vehicles are rendered inoperative. The amendment submitted, for public and EPA information to Title 58, Chapter 1, § 58–16.3 provides special tax treatment for certified pollution control equipment and facilities. Approval or disapproval action will not be taken by the Administrator with respect to the taxation amendment since it involves matters of state and local taxation rather than the institution or implementation of emission controls. The various amendments to the Code of Virginia were submitted in part on February 14, 1973, and in part, on August 10, 1973.

4. An amendment to the Virginia regulations on odor. This amendment was submitted only for the information of the Environmental Protection Agency and the public since odor regulations are not designed for the attainment or maintenance of any national ambient air quality standard. Approval or disapproval action is not appropriate for the odor amendment. This change was submitted August 10, 1973.

5. Amendments to section 3.703 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution changing air quality standards for sulfur oxides (sulfur dioxide) to 0.03 ppm from 0.02 ppm annual arithmetic mean, and from 0.10 ppm to 0.14 ppm maximum 24 hour concentration not to be exceeded more than once per year. These amendments were submitted February 12, 1974.

All proposed revisions submitted by the Commonwealth of Virginia received proper public advertisement and hearing in accordance with 40 CFR 51.4 except that in some instances less than a full 30 day notice was given to other states included in interstate regions with Virginia. Also, notice to local agencies was oral rather than written. To cure any possible deficiencies, Virginia has sent copies of this notice to all relevant local agencies and adjoining state agencies advising those agencies of the opportunity to submit comments to the Administrator. In accordance with the policy reflected in 40 CFR 51.4(e), the Administrator approves these actions on the part of Virginia as compliance with 40 CFR 51.4(b) (4) and (5).

The public is invited to submit comments on whether the above described proposed revisions should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received by July 5, 1974 will be considered. The Administrator's decision to approve or disapprove each proposed revision will be based on whether it meets the requirements of section 110(a) (2) (A)–(H) of the Act and EPA regulations in 40 CFR, Part 51.

Copies of the proposed revisions are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, 2d Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, and in the Office of the Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. sec. 1857c–5)

Dated: May 30, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74–12913 Filed 6–4–74;8:45 am]

POSTAL SERVICE

[39 CFR Parts 123, 124]

PREPARATION FOR MAILING

Nonmailable Writings and Articles

The Postal Service proposes to promulgate revised regulations concerning matter the mailability of which is prohibited or conditioned by law. Part 123 has been retitled: Nonmailable matter—written, printed and graphic matter; Part 124 has been retitled: Nonmailable matter—articles and substances; special mailing rules.

The two parts are closely interrelated. For example, the rules governing the authority of postmasters to give interpretative advice to mailers are all contained in Part 123.

Because certain "written, printed and graphic" materials (Part 123) potentially involve First Amendment considerations, they are treated differently from "articles and substances" (Part 124). Generally, postmasters are forbidden to determine whether matter in Part 123 is nonmailable so as to prevent the entry of such matter into the mails: Instead, they are instructed to call postal customers' attention to the relevant portion of Part 123 (which, in turn, cites the appropriate sections of the U.S. Code which make the mailing of certain matter a criminal offense). Responsibility for compliance with the law is with the mailer. Postmasters are also directed to refer any suspected law violation or information concerning such law violation on matter found in the mailstream to the Postal Inspection Service.

Postmasters have wider latitude concerning the acceptability for mailing of "articles and substances." By virtue of Part 124, they are expected to advise mailers as to the mailability of most items and to inform them of any special rules governing matter subject to this Part, and they are authorized to exclude matter they determine to be nonmailable from entry into the mails. Certain suspected violations involving matter found in the mails are to be referred directly to the Inspection Service. They involve the mailing of firearms, switchblade knives, motor vehicle master keys, and controlled substances (narcotics). All other questionable mailings are to be referred to the Mail Classification Division of the Finance Department. Postmasters are also authorized to take any reasonable or necessary steps to protect postal personnel and equipment from injury or damage.

In rewriting Part 124 (and related portions of Part 123) an effort has been made to facilitate access by postal customers and postal officials to the basic criteria applicable to the mailing of various restricted articles; to provide more detailed information concerning the mailability of particular classes of articles; and to furnish specific instructions for obtaining administrative mailability determinations by the Mail Classification Division, Finance Department.

As rewritten, Part 124 also introduces a number of substantive changes. These include revisions in the regulations governing the mailing of intoxicating liquors which are not taxed as beverages, disease germs, controlled substances (narcotics), firearms and meat products. Plant quarantine information has been deleted and will be reissued as a separate publication.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260, at any time before June 20, 1974. Material submitted after that date will be considered by the Postal Service as it may bear on the need for amending final regulations promulgated in Parts 123 and 124.

Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking, the Postal Service proposes to completely revise Parts 123 and 124 of Title 39, Code of Federal Regulations, to read as set forth below, to be effective July 1, 1974.

ROGER P. CRAIG,
Deputy General Counsel.

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

Sec.
123.1 General provisions.
123.2 Responsibility of mailer.
123.3 Advice to mailers; mailability decisions.
123.4 Nonmailable written, printed, or graphic matter generally.
123.5 Sexually oriented advertisements.

AUTHORITY: 39 U.S.C. 401, 3001–3011.

§ 123.1 General provisions.

(a) *Scope of this part.* Certain potentially undesirable, harmful or dangerous matter has been declared nonmailable by statute or regulation. This part contains the rules relating to such nonmailable matter in written, printed or graphic form. The rules relating to nonmailable articles and substances and the special conditions under which certain of them can be mailed are contained in Part 124 of this chapter.

(b) This part contains rules on how advice may be given to mailers on mailings of matter covered in this Part and Part 124 of this chapter. These rules restrict Postmasters in making decisions to exclude written, printed and graphic matter from the mails as nonmailable. See § 123.3.

(c) *Other nonmailable matter.* Matter is also nonmailable when it cannot be forwarded to its destination because of illegible, incorrect or insufficient address or because it fails to comply with postal regulations regarding preparation for mailing, classification, rates of postage, size, weight, etc.

§ 123.2 Responsibility of mailer.

It is the responsibility of the mailer to refrain from depositing nonmailable matter in the mails. When a mailer is in doubt as to whether particular matter is nonmailable, he should inquire of the postmaster prior to depositing such matter in the mails. See § 123.3.

§ 123.3 Advice to Mailers; Mailability Decisions.

(a) *General advice.* When a mailer seeks advice as to whether particular matter may be mailed, or where the postmaster otherwise learns that matter of questionable mailability is to be mailed, it is his responsibility to call to the mailer's attention the relevant provisions of Parts 123 and 124 and any relevant guidelines issued by the Postal Service. The scope of the postmaster's authority to decide whether particular matter is nonmailable and to exclude matter from the mails in accordance with his decison depends upon the nature of the matter in question and is determined by this section.

(b) *Mailability decision not authorized—written, printed and graphic matter.* Postmasters are not authorized to decide whether written, printed or graphic matter (Part 123) is nonmailable and to exclude such matter from the mails in accordance with his decision. As stated in paragraph (a) of this section postmasters should call the attention of prospective mailers of such matter to any apparently relevant provisions of this Part 123. If, after being so informed, the mailer demands that matter described in Part 123 be accepted for mailing, such matter shall be accepted and shall be treated as provided in paragraph (e) of this section.

(c) *Mailability decisions authorized.* Postmasters may decide whether articles and substances (Part 124 of this chapter) are nonmailable and shall, where appropriate, refuse to accept for mailing such matter determined to be nonmailable. If the mailer desires review of the postmaster's decision, the postmaster shall refer a sample or complete statement of the facts, whichever may be appropriate, to the Manager of Mail Classification Division, Finance Department.

(d) *Laws and regulations of other agencies.* Postmasters shall not give advisory opinions concerning the mailing of articles and substances (Part 124 of this chapter) under laws and regulations administered by agencies other than the Postal Service, but postmasters shall inform postal customers of the existence of such laws and regulations, and the source from which further information may be obtained, when known. For example, postal customers with questions about the interstate shipment of rifles and shotguns should be referred to the Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226, or to the nearest Regional Director of this Bureau.

(e) *Referral to the inspection service.* (1) Mail matter believed to be nonmailable under this Part that has entered the mails or a report containing information on such matter shall be referred immediately to the Inspection Service and the matter shall be handled in accordance with instructions promptly furnished by the Inspection Service.

(2) Mail matter believed to be nonmailable under Part 124 of this chapter that has entered the mails shall be withheld from dispatch or delivery. Matter coming within the scope of §§ 124.4, 124.5, 124.6 and 124.7 of this chapter (Firearms and Switchblade Knives, Controlled Substances, Motor Vehicle Master Keys, Abortive and Contraceptive Devices and Materials and Intoxicating Liquors) or a report containing information on such matter, shall be immediately referred to the attention of the Inspection Service. All other articles and substances, or a report containing information on such matter, shall be referred to the Mail Classification Division, Finance Department. Postmasters are authorized and directed to take any steps reasonable and necessary to protect Postal Service personnel and equipment from the effects of potentially dangerous or injurious materials or substances found in the mails.

(f) *Judicial determinations.* The other provisions of this Part do not apply to matter, the mailability of which has been determined by the Judicial Officer or a court of competent jurisdiction. Such matter shall be treated in accordance with the applicable decision of the Judicial Officer or court, whichever is appropriate.

(g) *Administrative appeals.* Any mailer who believes his right to use the mails is being wrongly impaired by reason of any final mailability determination or ruling under Part 123 or 124 may appeal to the Judicial Officer Department by filing a written Notice of Appeal with the Docket Clerk, U.S. Postal Service, Washington, D.C. 20260, together with a copy or description of the determination or ruling in question. Such appeals shall be governed by Part 953 of this chapter, Rules of Practice in Proceedings Relating to Mailability.

§ 123.4 Nonmailable written, printed or graphic matter generally.

(a) *Solicitations in the guise of bills or statements of account (39 U.S.C. 3001(d)).* Any matter otherwise legally acceptable in the mails which could reasonably be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, is nonmailable unless such matter conforms to the following requirements:

(1) Each such solicitation shall prominently bear on its face the following notice:

> This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.

(2) The prescribed notice shall be printed on the face of the solicitation:

(i) In a size not smaller than the type size for printing any other word on the solicitation nor under any circumstances less than 12-point type;

(ii) In no less conspicuous type than the boldest type used to print other words on the solicitation.

(3) The background on which the prescribed notice is printed shall not diminish the contrast between the background and the printing so that it is less than the contrast between the background and the printing of any other words on the face of the solicitation.

(4) There shall be a clear space no less than one-quarter of an inch surrounding the prescribed notice.

(5) The prescribed notice shall be printed in boldface type capital letters.

(6) The prescribed notice shall not, by folding or any other device, be rendered less prominent than any other information on the face of the solicitation.

(7) In the case of a solicitation for the order of goods not involving services, the following may be omitted from the prescribed notice: "And/or services". Similarly, in the case of a solicitation for the order of services not involving goods, the following may be omitted from the prescribed notice: "Goods and/or".

(8) No solicitation shall state that it has been approved by the Postal Service or by the Postmaster General or that it conforms to any Federal law or regulations issued thereunder.

(b) *Lottery matter (18 U.S.C. 1302)*—(1) Definition. Any scheme or promotion, whether or not lawful under the laws of any state, which, upon payment of consideration, offers a prize dependent in whole or in part upon lot or chance, is a lottery.

(2) The following matter is unlawful mail matter:

(i) Any letter, package, postal card, or circular which advertises, invites or otherwise permits or facilitates participation in a lottery;

(ii) Any lottery ticket or part thereof or substitute;

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(iii) Any form of payment for a lottery ticket or share;

(iv) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prizes awarded in such an enterprise.

(3) This section does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event (18 U.S.C. 1305).

(c) *Advertising matter*. (1) Any advertising, promotional, or sales matter which solicits or induces the mailing of any article described in §§ 124.2, 124.3, 124.4(f) and 124.8 of this chapter (harmful matter, radioactive material, switchblade knives, and intoxicating liquor), is likewise nonmailable except that such matter relating to articles described in §§ 124.2, 124.3 and 124.4(f) of this chapter is mailable if it contains wrapping or packaging instructions which are in accord with such provisions of Part 124 of this chapter (18 U.S.C. 1716).

(2) Advertisements for motor vehicle master keys (see § 124.6(b)) of this chapter are nonmailable (18 U.S.C. 1716A, 39 U.S.C. 3002).

(3) Any advertisement or other written representation that any article, substance or thing may or can be used for producing abortion, is nonmailable (18 U.S.C. 1461). (See § 124.7(a) of this chapter.)

(4) Unsolicited advertisements for articles or things which are designed, adapted or intended for preventing conception are nonmailable except when sent to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic. Advertisements contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive are not deemed unsolicited for the purposes of this section (39 U.S.C. 3001). (See § 124.7(b) of this chapter.)

(d) *Other prohibited matter*. The following are nonmailable:

(1) *Fictitious matter (18 U.S.C. 1342)*. Any matter addressed to a person using any fictitious name, title, or address in conducting, through the mail, any scheme or device in violation of law if, after notification, the addressee fails to appear at the post office and be identified or if the fictitious character of such mail is established to the satisfaction of the Judicial Officer in consequence of a proceeding initiated pursuant to Part 953 of this chapter.

(2) *Copyright violations (17 U.S.C. 109)*. Mail of foreign origin containing matter determined by a court of competent jurisdiction to violate the copyright laws of the United States or any copyright convention or treaty to which the United States is a party.

(3) *Certain foreign communications*. Matter addressed to foreign countries posted in violation of law or treaty stipulation.

(4) *Lewd or filthy matter (18 U.S.C. 1461, 1462)*. Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such matter may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(5) *Matter inciting to violence (18 U.S.C. 1461, 1717*. Any matter of a character tending to incite arson, murder, assassination, treason, insurrection, or forcible resistance of any law of the United States, or containing any threat to take the life of, or to inflict harm upon, the President of the United States.

(6) *Libelous matter (18 U.S.C. 1718)*. Any matter otherwise mailable which has on its outside wrapper or envelope or any postal card which bears on its face, any libelous, scurrilous, defamatory or threatening language or delineation or is otherwise obviously intended to reflect injuriously on the character or conduct of another.

(7) *Other matter (18 U.S.C. 1717)*. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book or other publication, matter or thing, described in the statutes hereinafter referenced.

(i) Forged or altered military or official passes (18 U.S.C. 499);

(ii) Matter bearing forged or altered seals of Government departments or agencies (18 U.S.C. 506);

(iii) Defense information (18 U.S.C. 793, 794);

(iv) Documents obtained by persons falsely assuming to be foreign diplomats (18 U.S.C. 915);

(v) False statements influencing foreign governments (18 U.S.C. 954);

(vi) Matter relating to a conspiracy to injure property of a foreign government (18 U.S.C. 956);

(vii) Matter unlawfully in aid of a foreign government (18 U.S.C. 957);

(viii) Matter relating to an expedition against a friendly nation (18 U.S.C. 960);

(ix) Matter relating to delivery of an armed vessel to a belligerent nation (18 U.S.C. 964);

(x) Matter wrongfully bearing seal of a Government department or agency (18 U.S.C. 1017);

(xi) Passport applications containing false statements, and passports falsely obtained (18 U.S.C. 1542);

(xii) Forged, altered or misused passports (18 U.S.C. 1543, 1544);

(xiii) Matter bearing false statements intended to injure armed forces during war (18 U.S.C. 2388).

§ 123.5 Sexually oriented advertisements.

(a) *General* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. section 3011 and in 18 U.S.C. sections 1735–37.

(2) 39 U.S.C. section 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for insuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by § 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the list.

(b) *Application for listing*. (1) A person may invoke the protection of § 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, or supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office of the Office of ADP Services, Management Information Systems Department, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Mail Classification Division, Finance Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address and the names and addresses of his minor children if any are included on the application, on the Postal Service List (hereafter List) of persons desiring not to receive sexually oriented advertising. This information will be processed during the month and at the end of each month a revised or supplemental List will be prepared. The List will be dated the 10th day of the month following the month in which the Forms 2201 were processed. The 30-day period provided by section 3010(b) starts on the effective date of the List on which a person's name first appears.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing*. A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of § 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service list*.

(1) Copies of the List or portions thereof and periodic amendments thereto shall be available to any person by annual subscription or by purchase of individual issues of the List. Requests for subscriptions and purchases of the individual issues should be submitted to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, D.C. 20260.

(i) A subscription year runs from January 1 through December 31. An annual subscriber will receive on a monthly schedule a reproduced copy of the printout of the List and may also receive, upon request, a computer tape of the List. If the blank tape used in preparation of the taped List is furnished by the Postal Service, a charge of $30 per tape is applied. Further information on the format of the tapes may be obtained from the Manager, Mail Classification Division. Computer tapes of the List will be available only to annual subscribers. Requests for subscriptions must be accompanied by a certified check for $5,000 payable to the U.S. Postal Service to be applied, at the end of the subscription year, against the annual subscription fee. Any excess over the annual subscription fee will be refunded and any deficiency charged to the subscriber. The annual subscription fee will be established at the end of each subscription year and will represent the net cost (after deduction of receipts from sales of individual issues of the List), prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription fee exceed $10,000.

(ii) Nonsubscribers who wish to purchase reproduced copies of the printout of the List must request such copies by the 25th of each month to allow sufficient time for the List to be received by the 10th of the following month. The reproduced printout may be purchased at a fee of one-half of 1 cent per page, payable in cash or by certified check. All checks must be made payable to the U.S. Postal Service and should be sent to the Manager, Mail Classification Division.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope*. Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, which sealed envelope or cover bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

(f) *Violations*. (1) The following is a partial list of conduct which may violate 39 U.S.C. section 3010 or 18 U.S.C. section 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

No person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the U.S. Postal Service list.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the list for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The

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mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Senior Assistant Postmaster General, Support Group, to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

Sec.

124.1 General provisions.
124.2 Harmful matter (18 U.S.C. 1716).
124.3 Radioactive material (18 U.S.C. 1716).
124.4 Firearms, knives and sharp instruments (18 U.S.C. 1715, 1716).
124.5 Controlled substances, narcotics (18 U.S.C. 1716).
124.6 Motor vehicle master keys (18 U.S.C. 1716A, 39 U.S.C. 3002).
124.7 Abortive and contraceptive devices or materials.
124.8 Nonmailable articles (18 U.S.C. 1716).

AUTHORITY: 39 U.S.C. 401, 3001–3011.

§ 124.1 General provisions.

(a) *Scope of this part.* Certain potentially harmful or dangerous articles and substances are nonmailable. Some of them may be mailed if specially prepared for mailing or if mailed between specified classes of persons. This Part covers the rules applicable to nonmailable articles and substances and the special rules under which certain of them may be mailed. This part does not contain rules relating to nonmailable written, printed or graphic material. For rules relating to these kinds of material, see Part 123 of this chapter.

(b) *Responsibility of mailer.* The mailer is responsible for compliance with applicable postal laws and regulations governing mailability and preparation for mailing as well as other laws and regulations pertaining to the shipment of particular matter. The general requirements applicable to preparation, packaging and packing of mailable matter are contained in Part 121 of this chapter.

(c) *Mailability rulings.* For rules on giving advice as to the mailability matter covered by this Part and Part 123, see § 123.3 of this chapter.

(d) *Other laws and regulations.* The customer's right to mail particular matter may be affected by conditions or limitations upon transportation of specific articles imposed by Federal agencies having jurisdiction over interstate transportation. See, for example: 49 CFR Parts 100 through 199 (Department of Transportation Regulations); 14 CFR Part 103 (Federal Aviation Regulations); the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513), 21 U.S.C. 801; and the Gun Control Act of 1968 (Public Law 90–618), 18 U.S.C. 921. For the rule on advising mailers about these other laws and regulations see § 123.3(d).

(e) *Markings and labels*—(1) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this Part 124, except firearms and switchblade knives (§ 124.4), controlled substances (§ 124.5) and motor vehicle master keys (§ 124.6) must be stated plainly on the outside of the parcel as a condition of mailing.

(2) *Address marking.* The name and address of both the mailer and the addressee must be affixed to the outside of any package the mailing of which is covered by this Part 124 using a material or method which is not water soluble and which cannot be easily rubbed off or smeared.

(3) *Labels.* Except for controlled substances mailed under § 124.6, labels or other markings required by Federal law or regulation of any Federal agency must be securely affixed to the outside of the package.

(4) *Airmail shipment certification* Every airmail shipment of restricted articles mailable under this Part shall be accompanied by a shipper's certification prepared in accordance with Federal Aviation Regulations, completed and signed in duplicate by the mailer.

§ 124.2 Harmful matter (18 U.S.C. 1716).

(a) Except as provided below, any article, composition, or material which may kill or injure another or injure the mail or other property is nonmailable. Harmful matter includes, but is not limited to:

(1) All kinds of poison or matter containing poison;

(2) All poisonous animals, except scorpions (see paragraph (i)(3)(iv) of this section), all poisonous insects, all poisonous reptiles, and all kinds of snakes;

(3) All disease germs or scabs;

(4) Narcotics and other "Controlled Substances" as defined by 21 U.S.C. 801 or the regulations thereunder, and

(5) All explosives, flammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

Harmful matter also includes that which is likely to destroy, deface, or otherwise damage the mails or postal equipment, or which is likely to harm postal employees, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable liquids, gases or solids; or which is likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; radioactive materials; matches; or articles emitting abnoxious odors. (For advertisements for the mailing of harmful matter generally see § 123.4(c)(1) of this chapter.)

(b) *Chemicals.* The great variety of chemical compositions precludes the listing of each such item that may be mailed and each such item that may not be mailed. The acceptability of chemicals for mailing generally depends upon container fluid/vapor capacities, the ability of the complete package to contain the product, and the method of absorbing and containing the product in case of accidental leakage of the primary container. To permit mailability determinations on specific products, the following information is required:

(1) Name of material.

(2) Chemical composition by percentage of ingredient.

(3) Flash point.

(4) Toxic properties.

(5) Irritant action to eyes and skin.

(6) Special precautions necessary to permit handling to avoid harm to postal personnel or property or other mail matter.

(7) Explanation of warning labels required by State or Federal regulations.

(8) Proposed method of packaging.

(c) *Explosives.* All Class A and B explosives as defined by Title 49, CFR, are nonmailable. When specifically authorized by the Mail Classification Division, some Class C explosives may be mailed if they are prepared for mailing as may be determined sufficient to render such matter not outwardly or of their own force dangerous or injurious to life, health or property.

(d) *Flammable material*—(1) *Flammable solids and oxidizing materials; matches.* Flammable solids are those items, other than explosives, which are liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, or retained heat or which can be readily ignited and when ignited burn rapidly, vigorously and persistently. Oxidizing materials are those, such as peroxide, which yield oxygen readily to stimulate combustion of organic matter. Flammable solids and oxidizing materials in general are subject to the rules relating to the mailability of chemicals. Matches are mailable under the following conditions:

(i) Strike-anywhere matches may not be mailed.

(ii) Safety matches may be mailed under the following conditions:

(A) Safety matches (book, card or strike-on-box) must be of a type that will not ignite spontaneously under conditions normally incident to transportation and of a type which can be readily ignited by friction only by striking on the manufacturer's (or similar) box, book or card.

(B) Matches must be tightly packed to prevent movement within the container and to prevent ignition by rubbing against adjoining boxes, books or cards. They must be securely wrapped in paper or foil or packed in tightly closed inner containers.

(C) Not more than 50 books of matches may be packed in each inside container. Inner packages shall be securely packed in strong wood or fiberboard mailing containers. The maximum weight of matches that may be packed in any outside container is 50 pounds. Alternatively, book safety matches up to a maximum of 50 books may be packed in a fiberboard carton, covered with kraft paper, having a securely-glued inside lining consisting of aluminum foil at least 0.0004 inch thick. The carton must have a full depth lid with all joints secured with gummed paper tape.

(2) *Flammable liquids.* Flammable liquids and semi-solids which may liquify under normal conditions of mailing and which have a flash point above 20° F. may be accepted for domestic surface mail. Overseas mail and air mail are restricted to items with a flash point above 100° F. Containers of flammable liquids must have sufficient air space to prevent vapor expansion pressure variations from causing container failure.

(e) *Gases.* Compresesd gas containers containing gaseous matter must be of metal or of other nonshattering material meeting Federal requirements applicable to the interstate transportation of gases. Containers with release mechanisms must be cushioned to absorb shock and protected against damage or accidental discharge in transit. (See § 121.5(c).) Definitions of terms covering compressed gases are set forth in Title 49, CFR. These items are generally considered mailable if exempt from compliance with Federal statutes, regulations, and associated tariffs applicable to their interstate transport. Nonexempt items are nonmailable.

(f) *Powders.* Powders which, if allowed to escape from their containers could cause damage, discomfort, destruction or soiling, must either be packed in sift-proof containers or in other containers sealed in durable sift-proof outer containers.

(g) *Poisons*—(1) *Highly toxic poisons for scientific use.* Highly toxic poisons for scientific use which are not outwardly or of their own force dangerous or injurious to life, health or property may be shipped only between manufacturers, dealers, bona-fide research or experimental scientific laboratories, and employees of the Federal, State, or local governments who have officials use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons.

(2) *Highly toxic poisonous drugs and medicines.* Highly toxic poisonous drugs and medicines may be shipped only from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers and veterinarians. (See 18 U.S.C. 1716.)

(h) *Disease germs and biological products.* Disease germs and scabs, such as contained in etiologic agents, diagnostic specimens and biological products which may cause disease, are nonmailable except when it is determined that such items are properly prepared for mailing and conform to Federal requirements applicable to interstate transportation of such matter. To be accepted, such matter must be packaged in waterproof inner containers which are not permeable by the contents. When other than dry items are mailed, the inner container(s) must then be packaged in sufficient absorbent cushioning material to completely absorb the contents in case of leakage of the inner container. The cushioning and inner container(s) of liquid or semi-liquid must then be enclosed in a sealed nonpermeable outer container which may also serve as the shipping container.

(1) *Marking.* When applicable, the outer containers will have required marking affixed (e.g., the etiologic agent label required for international mail by § 213.25 of the Postal Service Publication 42).

(i) *Perishable matter*—(1) *Time factor.* Harmless live animals, perishable foods, and game may be sent through the mail only if they can reach their destination in good condition in the normal transit time between the mailing and address points. Perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Air mail, special handling, or special delivery services are recommended.

(2) *Highly perishable food and game.* (i) Crates, boxes, baskets, or other containers used to ship highly perishable goods should be constructed to protect the contents and to prevent their escape.

(ii) Berries, fruits, and vegetables are not mailable unless presented in dry condition.

(iii) Water ice used as a refrigerant must be packed as though it were a liquid in accordance with § 121.5(c) of this chapter "Dry ice" (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal, or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(3) *Live animals*—(i) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl, and turkeys are acceptable in the mail only under the following conditions:

(A) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(B) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof. (In the case of COD shipments made by a hatchery for the account of others, the name or initials and address of the hatchery or the post office box number and address of the hatchery must be prominently shown in connection with this requirement.)

(C) They must not be over 24 hours old.

(D) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mail. (These boxes will not be stacked more than 10 high.)

(E) They can be delivered to the addressee within 72 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(F) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, on a national holiday, or on the afternoon preceding a Sunday or holiday.

(G) Shipments shall not be forwarded to the addressee from the office of origin address nor returned to mailer if delivery cannot be made to either the addressee or sender within 72 hours of the time of hatching, but will be disposed of in accordance with § 159.2(h) of this chapter, "Shipments" that are delayed beyond the 72-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in § 159.2(h) of this chapter.

(H) If a COD shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 72-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 72-hour period, the shipment has not been accepted, it will be sold. COD shipments will not be sold to the original addressee unless paid for in full, including all postal service charges. If the parcel is sent as ordinary or insured mail, it will be disposed of in accordance with § 159.2(h) of this chapter.

(I) Boxes of day-old poultry of approximately identical size, securely fastened together to prevent separation in transit, may be accepted for mailing as a single parcel provided such parcel

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does not exceed 100 inches in length and girth combined.

(J) Day-old poultry, originally shipped by air express or air cargo and then presented for mailing, must be in first-class condition, and prepared in accordance with paragraph (i)(3)(i) (A) through (F) of this section.

(K) The shipments must bear special delivery or special handling postage in addition to regular postage.

(L) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(M) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

(N) Whenever live, day-old poultry is sent air mail all provisions of the airline tariffs must be met and air carriers must have equipment available to safely deliver shipments within the specified time limitations, allowing for delays en route in air and ground transportation.

(ii) *Other animals.* (A) Mailable—Small, harmless, cold-blooded animals (except snakes) which do not require food or water or attention during handling in the mail and which do not create sanitary problems or obnoxious odors are mailable. For example, the following are mailable: Baby alligators and caymans not exceeding 20 inches in length, bloodworms, earthworms, mealworms, chameleons, frogs, toads, goldfish, hellgrammites, newts, salamanders, leeches, lizards, snails and tadpoles. Turtles (including terrapins, tortoises and all other animals of the Order *Testudinata,* Class *Reptilia*) with a carapace not exceeding 2½ inches in length, and viable turtle eggs, may be accepted for mailing only when accompanied by a certificate issued by the State Health Department of the State of origin certifying that such turtles or viable turtle eggs are free of bacteria of the *Salmonella* and *Arizona* genera. The certification shall be based upon results obtained through the test procedures specified by the Department of Health, Education, and Welfare. (See 42 CFR 72.26.) The mailing containers shall be marked in bold block letters: "Turtles or turtle eggs—complies with 124.293b, PSM." Turtles with a carapace exceeding 2½ inches in length are nonmailable. Animals mailed into the Trust Territory of the Pacific Islands require a permit issued by the Director of Agriculture of that Territory. Shipping containers for mailable animals must be, as a minimum, made of 275-pound double-wall corrugated weather-resistant fiberboard, and shall be adequately ventilated and marked to indicate contents.

(B) Nonmailable—No warm-blooded animals except day-old poultry are acceptable. The following are examples of animals which are not mailable: Hamsters, white mice, rats, guinea pigs, rabbits, kittens, puppies, chickens, flying squirrels, parakeets, canaries and pigeons.

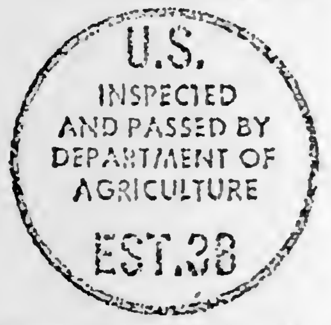
(iii) *Insects.* (A) Bees are acceptable in the continental surface mail when shipped in accordance with Federal and State regulations to assure that they are free of disease. Packages of honey bees must bear special delivery or special handling postage. Queen bees only may be shipped airmail.

(B) Other live, nonpoisonous and nondisease-conveying insects may be sent through the mail when properly prepared for mailing and when shipped in accordance with regulations of the U.S. Department of Agriculture. When such insects are mailed into the Trust Territory of the Pacific Islands, they are also subject to regulations of the Director of Agriculture of that Territory.

(iv) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted only in the continental surface mail when packaged in a double mailing container, both parts of which are closed or fastened to prevent escape of the scorpions. The inner container must be of material which cannot be punctured by the scorpions and must be plainly marked "Live Scorpions." Cushioning material must be used when necessary to prevent shifting of the inner container. The outer container must be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mail, and also must be plainly marked "Live Scorpions."

(4) *Meat and meat products*—(i) *Certificate required.* Shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied by a certificate by the mailer unless the shipment shows on the outside the mark of Federal meat inspection. The mailer's certificate may be applied directly to the outside of the parcel, container or wrapper (in the case of volume shippers), or be submitted on Form 3583 filed at a time of mailing. (See paragraph (i)(4)(iii) of this section.)

(ii) *Mark of federal meat inspection.* Outside containers used to mail meat or meat products hearing the following mark of Federal Meat Inspection may be accepted without requiring a certificate:



(iii) *Form of certificate.* (A) Volume shippers of U.S. inspected and passed products may elect to rubber hand stamp or by other means affix the following certificate to the address side of each package of meat and meat products:

I hereby certify that the following described product, which is offered for shipment in commerce, has been U.S. inspected and passed by the U.S. Department of Agriculture, is so marked, and at this date is not adulterated or misbranded.

Kind of product	*Amount and weight*
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-------------------	-------------------
-------------------	-------------------

Signature of shipper

Address of shipper

(B) Mailers not preparing their shipments as provided in paragraph (i)(4)(ii) or (iii)(A) of this section should use Form 3583, "Certificate of Shipper Interstate Mail Shipment of Meat or Meat-Food Products." The form is designed for use by all other shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment.

(iv) *Disposition of Form 3583.* The original Form 3583 shall be filed in such a manner as to be readily available to authorized Department of Agriculture employees. This original shall be maintained for a period of two years after December 31 of the year in which the transaction occurred. A copy will be provided the mailer upon request.

(5) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken, and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of paragraph (i)(4) of this section.

(6) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins, or pelts of wild animals are mailable only when their contents are properly dried or cured, have no offensive odor, and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and addressee, together with such endorsement, if any, as may be required by state laws. Hides and pelts must be wrapped when necessary to prevent damage to other mail.

(7) *Plant quarantines.* Regulations on plant quarantines are found in Postal Service Publication 14.

§ 124.3 Radioactive Material (18 U.S.C. 1716).

Radioactive material may not be mailed except in accordance with the regulations found in Publication 6. (For advertisements for the mailing of radioactive material, see § 123.4(c)(1).)

§ 124.4 Firearms, knives and sharp instruments (18 U.S.C. 1715, 1716).

(a) *Pistols, revolvers and other concealable firearms generally.* Pistols, revolvers and other firearms capable of

being concealed on the person (hereinafter referred to as "hand guns") are nonmailable except when mailed between the parties specified in paragraph (a) (2) and (4) of this section and upon the filing of an affidavit or statement as required by paragraph (a) (3) and (5) of this section.

(1) *Definitions.* (i) The term "hand gun" means any pistol, revolver or other firearm or device the mailing of which is regulated by this section.

(ii) The term "pistol" or "revolver" means a hand gun styled to be fired by the use of a single hand and to fire or otherwise expel a projectile by the action of an explosion, spring, or other mechanical action, or air- or gas-pressure with sufficient force to be used as a weapon.

(iii) The term "firearm" means any device, including a starter gun, which is designed to or may readily be converted to expel a projectile by the action of an explosion, spring, or other mechanical action, or air- or gas-pressure with sufficient force to be used as a weapon.

(iv) The phrase "other firearms capable of being concealed on the person" includes, but is not limited to, short-barreled shotguns, and short-barreled rifles.

(v) The term "short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length. These definitions include any weapon made from a shotgun or rifle, whether by alteration, modification or otherwise, if such weapon as modified has an overall length of less than 26 inches. A short-barreled shotgun or rifle of greater dimension may also be regarded as nonmailable when it has characteristics allowing it to be concealed on the person.

(vi) The terms "licensed manufacturer" and "licensed dealer" mean, respectively, a manufacturer of firearms or a bona-fide dealer therein duly licensed by the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, pursuant to the Gun Control Act of 1968 (Pub. L. 90–618), 18 U.S.C. 921 et seq.

(vii) The term "antique firearm" means any firearm (including those with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898, or any replica thereof if such replica

(A) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(B) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) *Mailings between authorized persons.* Subject to the requirements of paragraph (a)(3) of this section, hand guns may be mailed by a licensed manufacturer of firearms, a licensed dealer therein, or an authorized agent of the Federal Government or the government of a State, District or Territory, only when addressed to a person in one of the following categories for use in connection with his official duties:

(i) Officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps.;

(ii) Officers of the National Guard or Militia of a State, District or Territory;

(iii) Officers of the United States or of a State, Territory or District whose official duty is to serve warrants of arrest or commitment;

(iv) Employees of the Postal Service specifically authorized by the Chief Postal Inspector;

(v) Officers and employees of enforcement agencies of the United States;

(vi) Watchmen engaged in guarding the property of the United States, a State, Territory or District;

(vii) Purchasing agent or other designated member of agencies employing officers and employees included in paragraph (a)(2)(iii), (iv), and (v) of this section.

(3) *Affidavit of addressee required.* Any person proposing to mail a hand gun pursuant to § 124.412 must file with the postmaster, at the time of mailing, an affidavit signed by the addressee setting forth that he is qualified to receive the firearm under the particular paragraph (a)(2) (i) through (vii) of this section, and that the firearm is intended for his official use. The affidavit must also bear a certificate stating that the firearms are for the official duty use of the addressee, signed by one of the following as appropriate:

(i) For officers of Armed Forces, a certificate by the commanding officer;

(ii) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used;

(iii) For watchmen, a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of the United States, the State, the Territory, or the District by which the watchman is employed;

(iv) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearm is to be used by an officer or employee included in paragraph (a)(2) (iii), (iv), and (v) of this section.

(4) *Mailings between licensed manufacturers and dealers.* Hand guns may also be conveyed in the mails between licensed manufacturers of firearms and licensed dealers therein in customary trade shipments or for repairs or replacement of parts.

(5) *Certificate of manufacturers and dealers.* A licensed manufacturer or dealer need not file the affidavit required under paragraph (a)(3) of this section but must file with the postmaster a statement (Form 1508, "Statement by Shipper of Firearms") signed by the mailer that he is a licensed manufacturer of firearms or dealer therein, that the parcels containing handguns (or major component parts thereof) are customary trade shipments or contain such articles for repair or replacement of parts, and that to the best of his knowledge or belief the addressees are licensed manufacturers of firearms or dealers therein. If satisfied with the mailer's statement, the postmaster will accept the parcels for mailing. If the postmaster is not satisfied with the mailer's statement, he will forward it to the Mail Classification Division, Finance Department, for a ruling.

(6) *Federal Bureau of Investigation; crime detection bureaus.* Hand guns addressed to the Federal Bureau of Investigation, or its Director, or to the scientific laboratory or crime detection bureau of any agency whose members are federal law-enforcement officers or officers of a State, Territory or District authorized to serve warrants of arrest or commitment, may be accepted for mailing without regard to the provisions of paragraph (a) (2) through (5) of this section.

(7) *Official shipments.* Hand guns may be accepted for mailing without regard to the provisions of paragraph (a) (2) (5) of this section when offered by an authorized agent of the federal government as an official shipment to any qualified addressee in paragraph (a)(2) (i) through (vii) of this section or to a licensed manufacturer of firearms or dealer therein or to a federal agency.

(b) *Antique firearms.* Antique firearms sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraph (a) (2) through (5) of this section.

(c) *Rifles and shotguns.* While unloaded rifles and shotguns not precluded by paragraphs (a), (a)(1) of this section are mailable, mailers are responsible for compliance with the Gun Control Act of 1968, Pub. L. 90–618, 26 U.S.C. 921, et seq., and the rules and regulations promulgated thereunder, 26 CFR 178, as well as state and local laws. The mailer may be required by the Postal Service to establish, by opening of the parcel or by written certification, that the gun is unloaded and not precluded by paragraph (a)(1)(v) of this section. It is recommended that all such mailings be sent by registered mail.

(d) *Legal opinions about mailing firearms.* Postmasters are not authorized to give opinions concerning the legality of any shipment of rifles or shotguns. (See § 124.3(d).)

(e) *Switchblade knives*—(1) *When mailable.* Knives having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, are mailable only when sent to:

(i) The following designated supply or procurement officers and employees ordering, procuring, or purchasing such knives for use in connection with the activities of their respective governments or organizations:

(A) Civilian or Armed Forces supply or procurement officers and employees of the federal government;

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(B) Supply or procurement officers of the National Guard, the Air National Guard, or the Militia of a State, Territory, or the District of Columbia;

(C) Supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or of any county, city or other political subdivision of a State or Territory;

(ii) Manufacturers of such knives, or bonafide dealers therein, in connection with a shipment made pursuant to an order from any person designated in paragraph (e)(1)(i) of this section. (For advertisements for the mailing of switchblade knives, see paragraph (c)(1) of this section.)

(2) *Identification of addressee.* Before making delivery, the postmaster will satisfy himself that the addressee is in one of the categories of 124.4 1a.

(3) *Explanation of mailing.* When the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he shall require the mailer to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he will forward it to the Mail Classification Division, Finance Department, for a ruling.

(f) *Marking of parcels of firearms and switchblade knives.* No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing firearms or switchblade knives.

(g) *Sharp objects and knives.* Sharp-pointed or sharp-edged instruments such as knives, tools, ice picks, razor blades, etc., must be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

§ 124.5 Controlled substances, narcotics (18 U.S.C. 1716).

(a) *Definitions*—(1) *Controlled substances.* A "controlled substance" is any narcotic, hallucinogenic, stimulant or depressant drug included in Schedules I through V of the "Controlled Substances Act" (Public Law 91–513), 21 U.S.C. 801 et seq., and the regulations thereunder, 21 CFR 1300 et seq.

(2) *Narcotic drugs.* Narcotic drugs as defined in the Controlled Substances Act include opium, cocaine and opiates (synthetic narcotics) and the derivatives thereof.

(b) *Declaration as to injurious nature.* Controlled substances are, by reason of their addictive nature or capacity for abuse, hereby declared to be "Articles, compositions, or materials which may kill or injure another" within the intent and meaning of 18 U.S.C. 1716.

(c) *Nonmailable generally.* Except under the conditions specified in § 124.5, controlled substances are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof nor by any letter carrier.

(d) *Mailing requirements*—(1) *Authorized mailings.* Controlled substances may be transmitted in the mails between persons registered with the Drug Enforcement Administration or between persons who are exempted from registration such as military, law enforcement and civil defense personnel in the performance of their official duties. Prescription medicines containing nonnarcotic controlled substances may be mailed from a registered practitioner or dispenser to an ultimate user. Prescription medicines containing narcotic drugs may be mailed only by Veterans Administration medical facilities to certain veterans. Parcels containing controlled substances must be prepared and packed for mailing in accordance with the requirements of paragraph (d)(2) of this section.

(2) *Preparation and packing.* (i) The inner container or any parcel containing controlled substances must be marked and sealed in accordance with the applicable provisions of the Controlled Substances Act, 21 U.S.C. 801, and the regulations promulgated thereunder, 21 CFR 1300 et seq.

(ii) The inner container of prescription medicines containing controlled substances must, in addition to the marking and sealing requirements set forth above, be labeled to show the name and address set forth above, be labeled to show the name and address of the practitioner or the name and address of the pharmacy or other person dispensing the prescription (if other than the practitioner) and the prescription number.

(iii) Every parcel containing controlled substances shall be placed in a plain outer container or securely overwrapped in plain paper.

(iv) No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing controlled substances.

(3) *Use of registered mail required.* Parcels containing controlled substances, including those sent to D.E.A. Regional Offices for disposal (see 21 CFR 1307.21), generally must be sent by registered mail, return receipt requested. The Drug Enforcement Administration number or exemption status of the sender shall be set forth in the senders' address section of PS 3806 or PS 3877, as applicable. This information shall appear in the following format:

DEA Registration No. 654321

or

DEA Exempt—Police.

(4) *Regular mail permitted.* The following may be sent by regular mail without regard to the provisions of paragraph (d)(3) of this section.

(i) Prescription medicines containing non-narcotic controlled substances listed in Schedule II in amounts not exceeding a 34-day supply or 100 dosage units, whichever is less; and

(ii) Prescription medicines containing controlled substances listed in Schedules III, IV and V in amounts not exceeding a 100-day supply or 200 dosage units, whichever is less.

(iii) Physician's samples of medicines containing nonnarcotic controlled substances in amounts not exceeding the limitations set forth in paragraph (d)(4)(i) or (ii) of this section.

(e) *Exempt shipments.* Small quantities of unknown matter suspected of containing controlled substances may be sent by regular mail without regard to the other provisions of § 124.5 only when addressed to a federal, state or local law enforcement agency for law enforcement purposes. Such mailings must comply with paragraph (d)(2)(iii) and (iv) of this section.

(f) *Violations.* Violations of this section shall be referred to the Inspection Service.

§ 124.6 Motor vehicle master keys (18 U.S.C. 1716A, 39 U.S.C. 3002).

(a) *Definition.* Motor vehicle master key means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) or manipulation type device designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations, including any pattern, impression, or mold from which a master key or manipulation device can be made.

(b) *Mailability.* The items defined in § 124.6(a) and any advertising (§ 124.4(c)(2)) for the sale of any of these items, are nonmailable except when sent to:

(1) Lock manufacturers
(2) Professional locksmiths
(3) Motor vehicle manufacturers or
(3) Motor vehicle manufacturers or
(4) Federal, State or local government agencies.

(c) *Marking.* No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing motor vehicle master keys.

(d) *Questioned mailings.* When the postmaster at either the office of mailing or the office of address has reason to question whether the addressee qualifies under paragraph (b) of this section to receive a mailing, or whether an item is nonmailable for any other reason, he shall require the mailer or addressee to furnish a written explanation of the addressee's eligibility, or of the item's mailability. If the explanation is not satisfactory to the postmaster, he shall forward it with his statement of the pertinent facts to the Mail Classificaiton Division, Finance Department, for a ruling.

§ 124.7 Abortive and contraceptive devices or materials.

(a) *Abortive devices and materials (18 U.S.C. 1461).* Any article or thing designed, adapted or intended for producing abortion is nonmailable. (For advertisements of abortive devices and materials see § 123.433 of this chapter.)

(b) *Unsolicited samples of contraceptive materials (39 U.S.C. 3001, 18 U.S.C. 1461).* Unsolicited samples of articles or things which are designed, adapted or intended for preventing conception are mailable only when sent through the mails to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic. (For advertisement of contraceptive materials, see § 123.4(c)(4) of this chapter.)

§ 124.8. Nonmailable articles (18 U.S.C. 1716).

(a) *Intoxicating liquors.* Potable beverages of ½ percent or more alcoholic content by weight, which are taxable under Chapter 51 of the Internal Revenue Service Code, are nonmailable. If the product conforms to applicable requirements of the Internal Revenue Service and Food and Drug Administration and is neither an alcoholic beverage, poisonous nor flammable (See § 124.2(d)), it may be mailed. (For advertisements for the mailing of intoxicating liquor, see § 123.4(c)(1)) of this chapter.

(b) *Matter emitting obnoxious odors.* Any matter which is a source of an obnoxious odor is nonmailable.

(c) *Liquids.* Liquids and semi-solids which may liquify under normal conditions and are otherwise mailable, must be adequately prepared for mailing in accordance with § 121.5(b) of this chapter.

[FR Doc.74–12933 Filed 6–4–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33–5497]

EXEMPTION OF CERTAIN PROMISSORY NOTES

Withdrawal of Proposed Rule

The Securities and Exchange Commission announced today that it was withdrawing proposed Rule 239 (17 CFR 230.239) under the Securities Act of 1933 ("Act") from further consideration. The proposed rule, if adopted, would have provided a limited exemption from the registration provisions of the Act for certain first lien mortgages on real property. See in this regard, Securities Act Release No. 5419 (September 6, 1973, 38 FR 24668) which originally announced the proposed rule.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 23, 1974.

[FR Doc.74–12910 Filed 6–4–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Monetary Offices

REPORTING OF LARGE DOMESTIC CURRENCY TRANSACTIONS

Notice of Intent To Enforce Regulations

The Treasury Department announced today that beginning June 15, 1974, the regulations requiring banks and certain other financial institutions to report unusual transactions involving more than $10,000 in currency will be enforced. The regulations are among those which implement Titles I and II of Pub. L. 91–508, which was upheld by the Supreme Court on April 1, 1974. Until the Court's decision, enforcement of the provisions requiring the reporting of large domestic currency transactions had been enjoined by a Federal district court. Such transactions should be reported on IRS Form 4789, which may be obtained from any Internal Revenue Service district office.

Dated: May 31, 1974.

[SEAL] EDWARD C. SCHMULTS,
General Counsel.

DAVID R. MACDONALD,
Assistant Secretary.

[FR Doc.74–12864 Filed 6–4–74;8:45 am]

Office of the Secretary

LOAN TO GOVERNMENT OF MALAYSIA

Public Notice of Invitation To Bid

I. *Invitation to bid—classes of bidders.* The Department of the Treasury, acting for the Department of Defense, by this notice and under the terms and conditions hereof invites bids on the interest rate on a $9,375,000 loan to the Government of Malaysia, hereinafter referred to as the borrower. The loan is described in Section V hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the borrower of defense articles and services from United States sources in furtherance of the Foreign Military Sales Act, as amended, P.L. 90–626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571–2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. *United States Government Guaranty of Loan.* The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of 100 percent of the principal and 100 percent of the interest thereon by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that:

> Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

III. *Tax exemptions.* There will be *no:*

(a) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense. (The lender will be acting merely as a conduit.)

(b) Federal stamp tax; or

(c) Tax imposed by the borrower.

IV. *The loan, promissory notes, participations—eligibility for purchase by national banks as collateral for treasury tax and loan accounts, etc.* (a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participation will be acceptable from special depositaries of public money at their face amount to secure deposits under Department of the Treasury Circular No. 92, current revision (31 CFR 203), provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the following provision: "Participant may assign or endorse over this participation certificate to the (*Name of the Federal Reserve Bank or Branch of the territory in which the participant is located*) in connection with a pledge of collateral security to protect a Treasury tax and loan account under Treasury regulations published at Title 31, Code of Federal Regulations, Part 203. In the event that this participation certificate is assigned to (*Same bank or branch as above*), it shall not be further assigned or sub-divided without prior written notice to that bank and the prior written consent of this bank."

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in 31 CFR 203.8(d).

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

V. *Description of loan agreement.* The principal features of the loan are as follows:

(a) There will be a commitment fee payable semiannually of one-quarter of one percent (¼ of 1 percent) per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(b) There will be a commitment period from the "date of execution" of the loan agreement to and including December 31, 1974 or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the borrower or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(c) The minimum drawdown under the loan agreement will be $500,000.

(d) The principal is to be repayable in eight consecutive semiannual installments of $1,171,875, specifically each December 31 and June 30, beginning December 31, 1974 and ending on June 30, 1978.

(e) Interest is payable on a fixed semiannual basis beginning December 31, 1974 and thereafter on June 30 and December 31 of each year until the entire principal has been repaid.

VI. *Submission of bids—acceptance and opening of bids.* Each bid shall be submitted in triplicate on the letterhead of the bidder and shall specify a single annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed three decimals, for example, 5.125 percent. Each bidder may submit a bid for the entire amount of the loan or portions thereof in multiples of $3,125,000.

Bidders should fill in the blanks in the loan agreement (except for the date of the loan agreement itself) and should furnish three signed copies when submitting the bids. Most of the blanks are self-explanatory. At section 7.1., the guaranty fee will be 1/400th of the amount of the principal liability under the guaranty.

The bids should be enclosed in sealed envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11:00 a.m., Eastern Daylight Time, on June 14, 1974.

Bids will be opened at the Federal Reserve Bank at 11:00 a.m., Eastern Daylight Time, on June 14, 1974. In determining the successful bids, those specifying the lowest rate of interest will be accepted. Upon award of the bids, the Government of the United States will promptly secure the signature of the borrower to the loan agreement, as well as necessary copies thereof, and will return one copy.

Copies of the loan agreement, of the exhibits and of the guaranty agreement may be obtained upon request from the Department of the Treasury, Bureau of the Public Debt, Room 200, Washington Building, Washington, D.C. 20226, or by telephoning (202) 964–2992 or (202) 964–8241.

Dated: May 30, 1974.

[SEAL] PAUL A. VOLCKER,
Under Secretary of the Treasury for Monetary Affairs.

[FR Doc.74–12865 Filed 6–4–74;8:45 am]

TAPERED ROLLER BEARINGS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

JUNE 3, 1974.

Information was received on October 31, 1973, that tapered roller bearings from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER on December 4, 1973, on page 33408. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of tapered roller bearings from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the U.S. Customs Service tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes. Sales by the manufacturers are to related parties in the United States. Accordingly, the probable basis of comparison will be between exporter's sales price and the adjusted home market price of such or similar merchandise sold in Japan.

Exporter's sales price will probably be calculated by deducting from the resale price to unrelated purchasers in the United States, U.S. duties, Customs brokerage fees, freight and insurance charges, commissions, inspection fees and selling expenses, as appropriate.

Home market price will probably be calculated on the basis of a preponderant delivered price, with a deduction for inland freight. Adjustments will probably be made for differences in warranty costs, credit costs, selling expenses and packing costs.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of tapered roller bearings from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office on or before June 17, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before July 5, 1974.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on June 5, 1974. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–13031 Filed 6–4–74;9:07 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 20101]

NEW MEXICO

Notice of Application

MAY 29, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
  Sec. 8, NW¼NE¼, S½NE¼ and E½SE¼;
  Sec. 9, SW¼SW¼;
  Sec. 16, N½NW¼ and SE¼NW¼.

This pipeline will convey natural gas across 1.47 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Managment, P.O. Box 1397, Roswell, New Mexico 88201.

MARIE D. LARRAGOITE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12848 Filed 6–4–74;8:45 am]

Office of the Secretary

[INT DES 74–64]

PROPOSED IMPORTATION REGULATIONS ON INJURIOUS WILDLIFE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement for the Proposed Importation Regulations on Injurious Wildlife, and invites written comments on or before July 29, 1974.

Importation Regulations on Injurious Wildlife. The proposal recommends restrictions on the importation of all wildlife, except that which is found to create a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. A list of

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such "low risk" wildlife is included with the proposal.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
Division of Law Enforcement
1612 K Street, NW.
Suite 600
Washington, D.C. 20006

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
P.O. Box 3737
Portland, Oregon 97208

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
P.O. Box 1306
Albuquerque, New Mexico 87103

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
17 Executive Park Drive N.E.
Atlanta, Georgia 30329

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
U.S. Post Office and Courthouse
Boston, Massachusetts 02109

Regional Director
U.S. Department of the Interior
Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

Area Director
U.S. Department of the Interior
Fish and Wildlife Service
813 "D" Street
Anchorage, Alaska 99501

Regional Solicitor
Federal Building
450 Golden Gate Avenue #14126
San Francisco, California 94102

U.S. Department of the Interior
Fish and Wildlife Service
4471 N.W. 36th Street
Miami Springs, Florida 33166

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

STANLEY D. DOREMUS,
Deputy Assistant Secretary,
Program Development and Budget.

MAY 29, 1974.

[FR Doc.74-12847 Filed 6-4-74;8:45 am]

[INT FES 74-29]

PROPOSED OIL AND GAS EXPLORATION IN OCALA NATIONAL FOREST, FLORIDA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey, Department of the Interior, has prepared a final environmental impact statement on an application by the Amoco Production Company for a permit to drill an exploratory well on one of its existing oil and gas leases in the Forest with consideration given to the potential for additional drilling whether or not oil or gas is discovered in the initial well.

Reading copies of the final environmental impact statement on "Proposed Oil and Gas Exploration in Ocala National Forest, Florida" are available at:

U.S. Geological Survey
Public Inquiries Office
National Center, Mail Stop 341
Reston, Virginia 22092

U.S. Department of Interior
Office of Communications, Room 7222
Eighteenth and C Streets NW.
Washington, D.C. 20240

Central Florida Community College Library
Ocala, Florida.

Central Florida Regional Library
15 Southeast Osceola Avenue
Ocala, Florida

Palatka Public Library
216 Reid Street
Palatka, Florida

St. Johns River Junior College Library
5001 St. Johns Avenue
Palatka, Florida

Eustis Memorial Library
4 North Grove Street
Eustis, Florida

University of Florida Library
University Station
Gainesville, Florida

Upon written request, individual copies may be obtained from Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

C. K. MALLORY,
Deputy Assistant Secretary
of the Interior.

MAY 30, 1974.

[FR Doc.74-12870 Filed 6-4-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Notice of Meeting

Notice is hereby given that the General Conference Committee of the National Poultry Improvement Plan will meet at 8 a.m., June 17, 1974 at the Hotel Utah, Salt Lake City, Utah. This Committee represents cooperating State Agencies and participating industry members in advising the Department of Agriculture with respect to the interpretation of and changes in the provisions of the National Poultry Improvement Plan.

The purpose of the meeting will be to review the proposed changes to the National Poultry Improvement Plan. These proposed changes will subsequently be discussed and voted on by official delegates from the 47 cooperating States, during the biennial National Plan Conference, Hotel Utah, Salt Lake City, Utah, June 17-19, 1974.

The meeting of the General Conference Committee is open to the public. Written statements may be filed with the Committee before or after the meeting. Public attendance, depending on available space, may be limited to those persons who have notified the Chairman in writing, at least 5 days prior to the meeting, of their intention to attend the June 17 meeting.

All communications regarding this meeting should be addressed to Raymond D. Schar, Chairman, General Conference Committee, Building 265, BARC-East, Beltsville, Maryland 20705.

Done at Washington D.C., this 31st day of May 1974.

RALPH J. MCCRACKEN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.74-12844 Filed 6-4-74;8:45 am]

Farmers Home Administration

[Notice of Designation Number A050]

PUERTO RICO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following municipalities in Puerto Rico:

Aguada
Aguadilla
Aibonito
arroyo
Barceloneta
Barranquitas
Cabo Rojo
Cayey
Cidra
Coamo
Comerio
Corozal
Culebra
Dorado
Florida
Guanica
Guayama
Guayanilla
Jayuya
Juan Diaz
Lajas
Lares
Las Marias
Manati
Maricao
Maunabo
Moca
Morovis
Naranjito
Orocovis
Patillas
Penuelas
Ponce
Rincon
Sabana Grande
Salinas
San German
San Sebastian
Santa Isabel
Tos Alta
Tos Baja
Vega Alta
Vega Baja
Vieques
Villalba
Yauca

The Secretary has found that this need exists as a result of a natural disaster consisting of drought occurring from October 1, 1972, through July 1, 1973, in all 46 municipalities. The municipalities of Morovis and Vega Baja also suffered adversely because of a hailstorm and tornado on May 1, 1973, in addition to the drought.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Rafael Hernandez-Colon that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 30, 1974, for physical losses and production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of May 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-12843 Filed 6-4-74;8:45 am]

Forest Service

COOPERATIVE SPRUCE BUDWORM SUPPRESSION 1974 PROJECT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for suppression of the spruce budworm in Minnesota in 1974. Forest Service Report Number USDA-FS-NA-FES (Adm.) 74-02.

The environmental statement concerns a proposed cooperative aerial spray project on approximately 3,500 acres of forest lands within Finland State Forest, in Lake County, Minnesota to prevent or minimize tree mortality and reduce high spruce budworm populations until the mature timber can be harvested. To accomplish these objectives, the insecticide mexacarbate (Zectran®) will be applied by aircraft. The impacts, both beneficial and adverse, available alternative actions, and the purposes and objectives of the cooperative spruce budworm suppression program are discussed in detail.

This final environmental statement was filed with CEQ on May 22, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Northeastern Area
State and Private Forestry
6816 Market Street, Room 207
Upper Darby, Pennsylvania 19082

A limited number of single copies are available upon request to:

Robert D. Raisch, Area Director
Northeastern Area
State and Private Forestry
6816 Market Street
Upper Darby, Pennsylvania 19082

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Dated: May 22, 1974.

H. W. BURNETT,
Acting Director, Northeastern Area, State and Private Forestry.

[FR Doc.74-12840 Filed 6-4-74;8:45 am]

MULTIPLE-USE PLAN—HOLLAND LAKE PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed Multiple-Use Plan—Holland Lake Planning Unit, Report Number USDA-FS-FES (Adm). 74-62.

The environmental statement concerns a proposed management plan for about 70,750 acres of National Forest land on the Swan Lake Ranger District of the Flathead National Forest, Missoula County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the eleven management units within the total planning area.

This final environmental statement was filed with CEQ on May 29, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Region 1—Northern Region
200 East Broadway
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main
Kalispell, Montana 59901

USDA, Forest Service
Swan Lake Ranger Station
Bigfork, Montana 59911

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

MAY 29, 1974.

[FR Doc.74-12849 Filed 6-4-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-418]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. has applied for an increase in its aggregate number of sailings for all its subsidized services from 79 to 91 sailings per annum. Delta provides service between U.S. Gulf ports and ports on the East Coast of South America and between U.S. Gulf ports and ports in West Africa. Concurrently, Delta is also applying for authorization to operate up to two additional C-4 type cargo vessels on its Trade Route No. 14 Service 2 from U.S. Gulf ports to West Africa.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 19, 1974, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: June 3, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-13017 Filed 6-4-74;8:45 am]

National Bureau of Standards

VOLUNTARY STANDARDS

Action on Proposed Withdrawal

In acordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the following Commercial Standards:

CS 120–58, "Ponderosa Pine Doors.
CS 163–64, "Ponderosa Pine Windows, Sash and Screens (Using Single Glass and Insulating Glass)"
CS 171–58, "Hardwood Veneered Doors (Solid-Core, Hollow-Core and Panel and Sash)"
CS 190–64, "Wood Double-Hung Window Units"
CS 204–64, "Wood Awning Window Units"
CS 205–64, "Wood Casement Window Units"
CS 208–57, "Standard Stock Exterior Wood Window and Door Frames"
CS 262–63, "Water-Repellent Preservative Non-Pressure Treatment for Millwork"
CS 264–64, "Wood Horizontal-Sliding Window Units (All Sash Operating)"
CS 265–64, "Wood Horizontal-Sliding Window Units (One or More Non-Operating Sash)"
CS 266–64, "Wood Single-Hung Window Units"

It has been determined that each of these standards has become technically inadequate, and in view of the existence of up-to-date National Woodwork Manufacturers Association standards for the products covered, revision of the Commercial Standards would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of March 27, 1974 (39 FR 11319), to withdraw these standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: May 30, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–12838 Filed 6–4–74;8:45 am]

Social and Economic Statistics Administration

MULTI-ESTABLISHMENT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a 1974 Company Organization Survey. It is designed to collect information on the number of employees, payrolls, geographic location, current status and kind of business for the establishment of multi-establishment companies. The information will provide a base for the general purpose Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than November 1, 1974.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before July 5, 1974, will receive consideration.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

MAY 30, 1974.

[FR Doc.74–12852 Filed 6–4–74;8:45 am]

Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on June 18, 1974, in Room 3817, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 26 members representing exporting firms and three trade associations, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Trends.
2. Report on Conditions in the Export Markets.
3. Non-Tariff Barriers Affecting U.S. Trade.
4. Export Documentation.
5. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–12964 Filed 6–4–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Dentifrices and Dental Care Agents.	June 19 and 20, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 19, 9 a.m. to 10 a.m., closed June 19 after 10 a.m., closed June 20. Michael D. Kennedy, Room 10B–05, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Skin Test Antigens.	June 25, 9:30 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open 9 a.m. to 12 noon, closed after 12 noon. Clay Sisk, Room 220, Bldg. 29, 9000 Rockville Pike, Bethesda, Md. 20014, 301–496–2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products which are used in diagnostic substances for dermal tests.

Agenda. Open session: Panel orientation; introductory session; and panel organizational matters. Closed session: General review of data submitted and assignments to panel members.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice of the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views crally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meetings is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 30, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–12795 Filed 6–4–74;8:45 am]

[DESI 9296]

CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

In the FEDERAL REGISTER of February 6, 1973 (38 FR 3418), the Commissioner of Food and Drugs published conclusions concerning the effectiveness of certain antihypertensive combination drugs. That announcement is amended to include the following reformulated antihypertensive combination drug:

NDA 12–708; Diutensen-R Tablets containing methyclothiazide and reserpine; Mallinckrodt Chemical Works, Pharmaceutical Products Division, Post Office Box 5439, St. Louis, MO 63160.

This drug is concluded to be effective for treatment of hypertension, and the FEDERAL REGISTER of February 6, 1973 states the conditions of approval and marketing of such combination drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 30, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 74–12793 Filed 6–4–74;8:45 am]

[DESI 1002; Docket No. FDC–D–0211; NDA 10–740]

MERRELL-NATIONAL LABORATORIES, PIPRADROL HYDROCHLORIDE

Order Refusing Approval of Supplemental New Drug Application

In the FEDERAL REGISTER of September 12, 1969 (34 FR 14339) the Food and Drug Administration published its conclusions, pursuant to the Drug Efficacy Study, concerning Alertonic Elixir (pipradrol hydrochloride, choline, inositol, vitamins and minerals) marketed by Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, OH 45215 (NDA 10–740). The notice stated that there was a lack of substantial evidence that the product is effective for its claimed uses. Subsequently, a notice of opportunity for hearing (35 FR 16421; October 21, 1970) and a final order withdrawing approval (39 FR 8179; March 4, 1974) were published.

Merrell-National elected to reformulate Alertonic and submitted a supplement to NDA 10–740 to provide for a liquid dosage form containing pipradrol hydrochloride as the only active ingredient. Having reviewed available data pertaining to pipradrol hydrochloride in liquid or solid dosage form, the Food and Drug Administration concluded that the reformulated Alertonic was less-than-effective (possibly effective) for fatigue, apathy, or lack of energy and activity accompanying mild depression or occurring by themselves without sufficient physical cause. That conclusion was published in the FEDERAL REGISTER of December 12, 1972 (37 FR 26455). Data submitted did not provide substantial evidence of effectiveness and, in a letter of February 28, 1974, Merrell-National was informed that the supplemental application was not approvable and that the Director of the Bureau of Drugs intended to recommend that a notice of opportunity for hearing issue on the proposal to refuse to approve the supplement. Merrell-National responded March 21, 1974, stating that the product had been deleted, and waived opportunity for a hearing on the issue of refusal to approve the supplement.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him

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(21 CFR 2.121), finds that on the basis of information submitted to him as part of the supplemental application, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of the supplement to NDA 10–740 providing for reformulated Alertonic, filed on July 13, 1972, is refused.

Dated: May 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–12796 Filed 6–4–74;8:45 am]

[DESI 9366; Docket No. FDC–D–556; NDA 11–932]

PFIZER LABORATORIES, DIVISION OF PFIZER, INC.

Nialamide, Withdrawal of Approval of New Drug Application

On January 4, 1974, there was published in the FEDERAL REGISTER (39 FR 1084) a notice of opportunity for hearing (DESI 9366) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 11–932 for Nimid Tablets containing 25 milligrams or 100 milligrams nialamide per tablet; Pfizer Laboratories, Division or Pfizer, Inc., 235 East 42nd Street, New York, New York 10017.

The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 11–932 and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed product or of any identical, related or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–12797 Filed 6–4–74;8:45 am]

[DESI 8904; Docket No. FDC–D–674; NDA 8–904]

WILLIAM H. RORER, INC., PROCAINE ISOBUTYRATE

Notice of Withdrawal of Approval of New Drug Application

On December 5, 1973, there was published in the FEDERAL REGISTER (38 FR 33512) a notice of opportunity for hearing (DESI 8904) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 8–904 for Probutylin Capsules and Elixir, containing procaine isobutyrate; William H. Rorer, Inc., 500 Virginia Drive, Port Washington, PA 19034.

The basis of the proposed action was the lack of substantial evidence that the drug product is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing. Rorer has informed the Administration that the products have been discontinued.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application NDA 8–904 and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed products or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–12798 Filed 6–4–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74–39]

ATCHAFALAYA RIVER (BERWICK BAY), LOUISIANA

Special Order To Assist Traffic; Termination

Notice is hereby given that Ellis L. Perry, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, on May 8, 1974, terminated the Special Order to Assist Traffic published in the Thursday, March 7, 1974, issue of the FEDERAL REGISTER (39 FR 8947).

Dated: May 30, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74–12779 Filed 6–4–74;8:45 am]

[CGD 74–31]

MISSISSIPPI RIVER IN THE VICINITY OF THE PORT OF NEW ORLEANS

Special Order To Regulate the Mooring of Barges and Vessel Operation and Control Barge Breakaways

Notice is hereby given that Ellis L. Perry, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, on May 8, 1974, amended Special Order No. 3–74 pertaining to the mooring of barges and vessel operation and control barge breakaways in the vicinity of the Port of New Orleans, which notice was published in the FEDERAL REGISTER of Tuesday, February 19, 1974 (39 FR 6137).

The amendment revokes paragraph 4c (Standby towboats) and paragraph 4d (Transfers in the fleet) of the Special Order.

All other requirements of Special Order No. 3–74 remain in effect until further notice.

Dated: May 29, 1974.

W. M. BENKERT,
Read Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 74–12778 Filed 6–4–74;8:45 am]

Federal Highway Administration

MICHIGAN

Proposed Action Plan; Addition of Addresses for Comments

In FR Doc. 74–12291, appearing at page 18690 in the issue of Wednesday, May 29, 1974, comments to the Michigan State Proposed Action Plan may also be sent to the following addresses on or before June 18, 1974.

1. Michigan Division Office—FHWA, Room 211, Federal Building, P.O. Box 147, Lansing, Michigan 48901.
2. FHWA Regional Office—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74–13009 Filed 6–4–74;8:45 am]

National Highway Traffic Safety Administration

CHEVROLET AND BUICK CARBURETORS

Public Proceeding Regarding Defect Investigation

Pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq., 1402), the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to failures of the fuel inlet plug on Rochester "Quadrajet" carburetors in 1965 and 1966 Chevrolets and 1966 Buicks manufactured by General Motors, in that such failures result in engine compartment fires which could cause loss of vehicle control and personal injury.

A public proceeding will be held at 10 a.m., on July 9, 1974, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C. 20590, at which General Motors will be afforded an opportunity to present its views and evidence to establish that the alleged defect does not exist or does not affect motor vehicle safety. Interested persons are invited to participate through written or oral presentations. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 113, Pub. L. 89–563, 80 Stat. 718 (25 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 30, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–12851 Filed 6–4–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–269, 50–270]

DUKE POWER CO.

Notice of Issuance of Facility Licenses Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License Nos. DPR–38 and DPR–47 (respectively) issued to the Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, and 2, located in Oconee County, South Carolina. The amendments are effective one day from date of issuance.

The amendments permit changes in control rod group and power distribution limits and require tighter control over reactor power quadrant tilt.

The application for the amendments complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendments dated March 8, 1974, (2) Amendment Nos. 1 to License No. DPR–38 and License No. DPR–47, with any attachments, and (3) the Commission's related Safety Evaluation dated April 19, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 29th day of May 1974.

For the Atomic Energy Commission.

ALBERT SCHWENCER,
Chief, Light Water Reactors Branch 2–3, Directorate of Licensing.

[FR Doc.74–12783 Filed 6–4–74;8:45 am]

[Docket No. 70–1257]

EXXON NUCLEAR CO.

Notice of Availability of Final Environmental Statement for Mixed Oxide Fabrication Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the Mixed Oxide Fabrication Plant currently operating under an interim license by EXXON Nuclear Company in Richland, Washington, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504, and at the Regional Clearinghouse, Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

The notice of availability of the Draft Environmental Statement for the Mixed Oxide Fabrication Plant, and requests for comments from interested persons was published in the FEDERAL REGISTER on January 4, 1974 (39 FR 1090). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Maryland, this 19th day of May.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.74–12784 Filed 6–4–74;8:45 am]

[Docket No. PRM–20–5]

WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL, INC.

Filing of Petition

Notice is hereby given that the West Michigan Environmental Action Council, Inc. (WMEAC) 822 Cherry Street, SE., Grand Rapids, Michigan, by petition for rule making dated April 10, 1974, has petitioned the Commission to amend its radiation protection standards as they apply to insoluble particles of plutonium and other alpha-emitting hot particles as more fully described in petition for rule making 20–5 filed by the Natural Resources Defense Council, Inc. (NRDC) together with the report appended to the NRDC petition by Drs. Arthur R. Tamplin and Thomas B. Cochran, entitled "Radiation Standards for Hot Particles."

A notice of filing of petition for rule making 20–5 by NRDC was published in

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the FEDERAL REGISTER on March 28, 1974 (39 FR 11450) inviting comments from interested persons on or before May 28, 1974. The petition filed by WMEAC incorporates by reference the petition filed by NRDC.

WMEAC is an intervenor *In the Matter of Consumers Power Company (Big Rock Point Nuclear Plant)*, Docket No. 50–155. The petitioner requests the Commission to order the Atomic Safety and Licensing Board in Docket No. 50–155 to take no further action (except to void or suspend the effectiveness of Amendment No. 4 to Consumers Power Company's license No. DPR–6 for the Big Rock Point plant) in said proceeding until the matters set at issue in the petition for rule making have been finally determined.

A copy of the petition for rule making by WMEAC is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C., on or before August 5, 1974.

Dated at Germantown this 30th day of May, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–12874 Filed 6–4–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

MAY 31, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27545) a letter dated September 28, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on October 1, 1973, pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti.

Among the provisions of the agreement, as amended, is one establishing an aggregate limit for the 64 categories of 4,961,250 square yards equivalent for the agreement year which began on October 1, 1973. Pursuant to paragraph 16 of the agreement, the United States Government has decided to control imports at that aggregate level for the remainder of the agreement year. The level of restraint contained in the letter published below has been adjusted to reflect entries charged against such level through March 31, 1974 for categories not subject to specific ceilings. The level has not been adjusted to reflect entries in Categories 39, 51, 53 and 63 which are subject to specific ceilings.

Accordingly, there is published below a letter of May 31, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption during the twelve-month period beginning October 1, 1973 and extending through September 30, 1974, be limited to 3,568,708 square yards equivalent.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MAY 31, 1974.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on September 28, 1973 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The directive of September 28, 1973 was previously amended by directive of December 5, 1973.

Pursuant to paragraph 16 of the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible, and for the period extending through September 30, 1974, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, in excess of an adjusted level of restraint of 3,568,708 square yards equivalent.[1]

Cotton textiles and cotton textile products in categories other than Categories 39, 51, 53 and 63, produced or manufactured in Haiti, and which have been exported to the United States prior to October 1, 1973 shall not be subject to this directive.

Cotton textiles and cotton textile products in categories other than Categories 39, 51, 53 and 63 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–12915 Filed 6–4–74;8:45 am]

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[1] This level has been adjusted to reflect entries charged through March 31, 1974 for categories not subject to specific ceilings. It has not been adjusted to reflect entries in Categories 39, 51, 53, and 63.

ENVIRONMENTAL PROTECTION AGENCY

CHEVRON CHEMICAL CO.

Notice of Establishment of Temporary Tolerances

Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804, submitted a petition (PP 4G1420) requesting establishment of temporary tolerances for residues of the fungicide *cis-N*-(1,1,2,2-tetrachloroethyl) - thio]-4-cyclohexene-1,2-dicarboximide in or on the raw agricultural commodities peanut hulls at 1 part per million and peanuts at 0.1 part per million.

It has been determined that temporary tolerances for residues of the fungicide in or on peanut hulls at 1 part per million and peanuts at 0.1 part per million will protect the public health. They are therefore established as requested on condition that the fungicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Chevron Chemical Co. name.

These Temporary tolerances expire May 31, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: May 31, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–12914 Filed 6–4–74;8:45 am]

[OPP–180011]

USE OF STRYCHNINE ALKALOID IN AN EMERGENCY RABID ANIMAL CONTROL PROGRAM IN TEXAS

Notice of Issuance of a Specific Exemption

Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) granted a specific exemption from the provisions of section 3 of the Act (86 Stat. 979) on May 15, 1974, to the Texas State Department of Health, Austin, Texas. This specific exemption will allow the use of strychnine alkaloid baits as a means of emergency control of rabid foxes, raccoons, skunks, possums, bobcats, and coyotes only in Sutton and Schleicher counties, on non-Federal lands. However, EPA has determined that, if the State of Texas diagnoses rabies in animals in additional counties, the State should contact Regional EPA personnel prior to June 30, 1974, when the approved program is to be concluded, for possible approval to extend the control program to these additional counties.

The primary (non-urban) program will include placement of strychnine alkaloid-treated tallow baits. Trained personnel of the Bureau of Veterinary Public Health, Texas State Department of Health, will be responsible for conducting and monitoring this control program. A maximum of 500 strychnine baits will be placed within each 3-mile radius where rabid animals are detected, provided this radius encompasses areas of human habitation. Baits are to be labeled as poisonous and placed to maximize efficacy and limit non-target animal exposure. Baits remaining longer than 30 days must be collected and destroyed. Animals killed by poisoning must be buried.

If it is determined that a clear hazard to humans and domestic animals also exists in the urban area, a secondary program similar to the primary program will be implemented. In this case, the local citizenry must be notified of the program in advance to prevent poisoning of humans and domestic animals. In addition, the EPA Regional Office (VI) must be notified in advance of this secondary program. These strychnine baits will be made from eggs; the egg baits will be placed in the urban areas at night at 10 p.m. or after and must be picked up the following morning by daylight, in order to lessen the possibility of accidental poisoning of humans and domestic animals. No egg bait will be left in the urban areas during daylight hours. No more than 5,000 baits (eggs or tallow) are to be used in the program. These and other details are to be coordinated with the Regional office.

This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR § 166.2(a), issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions. The purpose of this control program is to prevent further exposure of domestic animals and man to rabid animals, thereby preventing, so far as is possible, domestic animal deaths and the need for postexposure human antirabies treatment.

No irreversible adverse environmental effects have been detected in previous use of strychnine in similar programs nor are any anticipated as a result of use in this rabid animal control program. Because of the emergency nature of the situation and the epizootic proportions, a poisoning program as outlined above is deemed to be the best possible alternative. This program has been authorized with the concurrence and support of the Center for Disease Control, Atlanta, Georgia.

This exemption is valid only through June 30, 1974; it is subject to withdrawal if it is determined by the Administrator (EPA) that the State of Texas is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Room 347, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: May 24, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–12787 Filed 6–4–74;8:45 am]

FEDERAL ENERGY OFFICE

[Order 5]

STATE OFFICES OF PETROLEUM ALLOCATION

Delegation of Authority

Section 211.15 (10 CFR 211.15) of the Mandatory Petroleum Allocation Regulations provides that any state, including the territories and possessions of the United States, may apply to the Federal Energy Office for permission to establish a State Office of Petroleum Allocation. Section 211.15 also provides for delegation of authority to State Offices by FEO.

Effective June 1, 1974, each supplier which supplies allocated products for which there is a State set-aside is required by § 211.17(c) to designate a representative within each State in which the supplier acts as a prime supplier. Such designation must be made by June 15, 1974. The State Offices of Petroleum Allocation are required to consult, to the maximum extent practicable, with a prime supplier's representative before issuing authorizing documents affecting the set-aside volumes to be provided by the supplier.

In order to provide the State Offices of Petroleum Allocation with sufficient flexibility to continue past practices which have proved satisfactory in the administration of the State set-aside program, FEO believes that each State Office of Petroleum Allocation should be delegated the authority to waive the requirements of § 211.17(c).

Therefore, pursuant to the authority vested in me as Administrator of the Federal Energy Office by Executive Order 11748, 38 FR 33575, *It is hereby ordered*, That:

1. The authority of the Federal Energy Office to waive the provisions of § 211.17 (c) of the Mandatory Petroleum Allocation Regulations, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, by granting exceptions or exemptions thereto, is delegated to the State Offices of Petroleum Allocation which have been certified pursuant to § 211.15 of the regulations.

2. The State Offices of Petroleum Allocation may by exception or exemption waive in whole or in part the requirements of § 211.17(c).

3. Such waivers may be revoked or modified at any time by the State Offices of Petroleum Allocation.

4. This order is effective June 1, 1974.

JOHN C. SAWHILL,
Administrator,
Federal Energy Office.

MAY 31, 1974.

[FR Doc.74–12916 Filed 6–4–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. #174]

FRED MEYER, INC.

Receipt of Application for Permission To Acquire Control of Fred Meyer Savings and Loan Association

MAY 31, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fred Meyer, Inc., Portland, Oregon, for approval of acquisition of control of the Fred Meyer Savings and Loan Association, Portland, Oregon, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said association by Fred Meyer, Inc. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision Federal Home Loan Bank Board, Washington, D.C. 20552, on or before July 5, 1974.

[SEAL] GREENVILLE L. MILLARD, Jr.
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74–12859 Filed 6–4–74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF MILWAUKEE AND HANSEN SEAWAY SERVICE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with

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the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 25, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. L. Haskell
Deputy Port Director
Board of Harbor Commissioners of the City of Milwaukee
City Hall, Room 606
Milwaukee, Wisconsin 53202

Agreement T-2965, between the City of Milwaukee (City) and Hansen Seaway Service, Ltd. (Hansen) grants Hansen the exclusive right to provide stevedoring services at the City Heavy Lift Dock located at Milwaukee, Wisconsin. The term of this agreement will be for a period of 2 years with renewal options. Hansen will pay City an annual fee of $12,000, a tonnage charge based on the amount of cargo handled over the facility and wharfage charges as they appear in City's published tariff. At the same time, Hansen will be permitted to rent office space and other available covered space as well as the use of agreed storage space at rates to be agreed upon by the parties. Finally, Hansen will abide by all the rules, regulations and charges as set forth in City's published tariff.

Dated: May 31, 1974.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.74-12876 Filed 6-4-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 369]

RENEY FORWARDING CO., INC.

Order of Revocation

Reney Forwardng Co., Inc., 104 Fifth Avenue, New York, New York 10011, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 369 for revocation, effective May 24, 1974.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 369 be and is hereby revoked effective May 24, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon Reney Forwarding Co., Inc.

Aaron W. Reese,
Managing Director.

[FR Doc.74-12875 Filed 6-4-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8796]

ALABAMA POWER CO.

Rate Schedule Change

May 28, 1974.

Take notice that on May 13, 1974 Alabama Power Company (Alabama) tendered for filing an unsigned service agreement with Pea River Electric Cooperative, Inc. (Pea River) intended to replace Rate Schedules FPC No. 114 and No. 115. Alabama states the said Agreement provides that the Ozark delivery point of Pea River will be converted to Alabama's FPC Electric Tariff Original Volume No. 1, as of June 18, 1974. In addition, the said Agreement, according to Alabama shows that the Newton Delivery Point of Pea River will be converted to Alabama's FPC Electric Tariff, Original Volume No. 1, as of July 15, 1974.

Alabama also tendered for filing Sixth Revised Sheet No. 38 to its FPC Electric Tariff, Original Volume No. 1. Alabama states the said Revised Sheet indicates that the Newton and Ozark delivery points of Pea River will be converted to Rate Schedule REA-1 of Alabama's FPC Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-12802 Filed 6-4-74;8:45 am]

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in Rates, Charges, and Tariff

May 28, 1974.

Take notice that on May 16, 1974, Algonquin Gas Transmission Company (Algonquin Gas) tendered for filing proposed changes in rates and charges, to become effective on July 1, 1974. Algonquin Gas states that the proposed changes are applicable to gas service rendered to its customers under its tariff Rate Schedules F-1, WS-1, I-1, E-1, X-5, T-1, and SNG-1. The change amounts to an increase in revenues of approximately $17.6 million annually based upon volumes for the twelve months ended February 28, 1974, as adjusted.

Of the total increase, $16.5 million applies to Rate Schedule SNG-1, and, $1.1 million represents increases applicable to other rate schedules.

According to Algonquin Gas, the proposed change in rates is needed in order to meet increased cost of operations under current economic conditions, including an overall rate of return of 9.75 percent. Algonquin Gas requests an effective date of July 1, 1974 for the proposed changes.

Algonquin Gas also tendered for filing a newly revised FPC Gas Tariff entitled, "FPC Gas Tariff, First Revised Volume No. 1 (Supersedes Original Volume No. 1)." The Company states it is necessary to file a newly revised tariff since several tariff provisions have become obsolete, in that they are no longer applicable to Algonquin Gas' current operating conditions, and the tariff in general requires revision in order to eliminate duplicate provisions and to combine and coordinate provisions which are common to each rate schedule. Algonquin Gas further states that the newly revised tariff modifies the Company's delivery and billing unit in all of its rate schedules from "Mcf" to "MMBtu" in order to provide a unit which reflects possible differences in heat content of gas delivered as among the customers served, and to coordinate with a similar change in the FPC Gas Tariff of Algonquin Gas' pipeline supplier, Texas Eastern Transmission Corporation.

Algonquin Gas states further that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before June 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Algonquin Gas' proposed revised tariff and rate filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-12832 Filed 6-4-74;8:45 am]

[Docket No. E-8795]

ALLEGHENY POWER SERVICE CORP.

Modification of Electric Service Agreement

May 29, 1974.

Take notice that on May 9, 1974, Allegheny Power Service Corporation (Applicant) filed, pursuant to section 35 of the Commission's Regulations, a Modification to the Electric Service Agreement, dated October 31, 1967, between Applicant and the City of Hagerstown, Maryland. Said Electric Service Agreement has been designated as Applicant's Rate Schedule FPC No. 30. The Modification tendered in this application provides for an additional point of interconnection.

Exhibit B in the tendered filing provides as follows: The Modification does not increase any rate; it only adds an additional supply point and increases the amount of service that Hagerstown can receive. Granting of this request will have no effect upon purchases under other rate schedules. The Applicant provided an additional point of interconnection with Hagerstown in May 1972, and increased the capacity available to Hagerstown to 48,000 Kw.

The City of Hagerstown, Maryland Certificate of Concurrence is simultaneously filed. It is requested that the Modification to the Electric Service Agreement be deemed effective as of May 1, 1972.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The documents referred to above are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-12834 Filed 6-4-74;8:45 am]

[Docket No. E-8187]

BOSTON EDISON CO.

Further Postponement of Prehearing Conference and Hearing

May 24, 1974.

On May 16, 1974, Staff Counsel filed a motion for change of hearing date in the above matter because of conflict in the schedule of the Administrative Law Judge. The motion states the proposed date of July 1 would conflict with other scheduled commitments of Counsel for the Town of Norwood. On May 23, 1974, the City of Norwood (Norwood) filed a motion or answer in partial opposition to change in hearing date. The answer requests that the hearing be phased and that the discrimination issue be set for hearing on June 10, 1974.

On May 24, 1974, Commission Staff Counsel filed a reply to Norwood's answer.

Upon consideration, notice is hereby given that the hearing is postponed to July 1, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-12801 Filed 6-4-74;8:45 am]

[Docket No. CI74-385]

BRUNSON & McKNIGHT, INC.

Order Establishing Procedures, Setting Hearing Date and Granting Intervention

May 24, 1974.

On January 31, 1974, Brunson & McKnight, Inc. (B&M) filed in Docket No. CI74-385 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the Hat Mesa (Morrow) Field, Lea County, New Mexico (Permian Basin), all as more fully set forth in the application in this proceeding.

B&M proposes to sell approximately 90,000 Mcf per month from the Brunson & McKnight, Inc. Hat Mesa well for a period of one year at a rate of 55.0¢ per Mcf (14.65 psia) which is to be adjusted upward or downward from 1,000 Btu per cubic foot, but is not to be adjusted upward beyond 1,100 Btu per cubic foot. The proposed rate is in excess of 35¢ per Mcf established by Commission Opinion No. 662. This application was noticed on February 11, 1974 and was published in the Federal Register on February 19, 1974. On February 28, 1974, Transwestern petitioned to intervene in these proceedings.

In Order 431, issued April 15, 1971, the Commission stated, inter alia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however, that the Commission in a recent order has already held that an emergency exists on Transwestern's system. See Marathon Oil Co., ------ FPC ------, Docket No. CI74-258, issued January 16, 1974. We therefore conclude that there is an emergency on El Paso's system.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ------ FPC ------, Docket No. CI73-691, order issued August 30, 1973, and ------ FPC ------, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of Transwestern in this proceeding may be in the public interest.

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

V 39 1099 JUN 5 74 XUM

The Commission orders:

(A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74–385 is hereby set for hearing.

(B) Transwestern is hereby permitted to interevene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16 and the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing July 15, 1974, at 10 a.m., e.d.t., at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all petitioners supporting the application shall, on or before July 8, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12799 Filed 6–4–74;8:45 am]

[Docket No. CI74–649]

RICHARD A. CAMPBELL

Notice of Application

MAY 29, 1974.

Take notice that on May 14, 1974, Richard A. Campbell (Applicant), P.O. Box 51733, Lafayette, Louisiana 70501, filed in Docket No. CI74–649 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from certain leases in the Church Point Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced an emergency sale of natural gas to Texas Gas from subject acreage on March 27, 1974, for 60 days within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale after the end of the emergency period for one year at 55.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates monthly deliveries of gas to Texas Gas at 3,750 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised. It will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB.
Secretary.

[FR Doc.74-12827 Filed 6–4–74;8:45 am]

[Docket No. CI74–434]

C & K OFFSHORE CO.

Notice Postponing Hearing

MAY 28, 1974.

On May 24, 1974, Staff Counsel filed a motion to postpone the hearing scheduled for May 19, 1974 by Order issued April 22, 1974 in the above-designated matter. On May 28, 1974, C & K Offshore Company filed an answer opposing the motion. By letter dated May 28, 1974, Staff Counsel advised that the Public Service Commission of New York and the American Public Gas Association concur in the request.

Upon consideraton, notice is hereby given that the hearing in the above matter is postponed to June 12, 1974, at 2 p.m. Staff counsel and interveners may file supplementary testimony on or before June 7, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12814 Filed 6–4–74;8:45 am]

[Docket No. CI74–629]

CNG PRODUCING CO.

Notice of Application

MAY 28, 1974.

Take notice that on April 30, 1974, CNG Producing Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CI74–629 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Consolidated Gas Supply Corporation (Consolidated) from the Block 118 Field, East Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell to Consolidated natural gas produced from the East Cameron Block 118 Field at an initial price of 45 cents per Mcf at 15.025 psia subject to Btu adjustment[1] pursuant to the terms of a contract dated April 24, 1974. Said contract provides for fixed annual price escalations of 1.0 cent per Mcf, as well as certain tax reimbursement and provisions for upward price adjustment to an area ceiling rate.[2] The application states that sales volumes under the subject contract are estimated to be 66,000 Mcf per month.

The application states that the contract price of 45 cents per Mcf is lower than that contracted for by other producers operating in the East Cameron Block 118 Field who have contracted to sell natural gas to Texas Eastern at an initial rate of 50 cents per Mcf with such contracts limited to terms of 10 years. The application asserts further that it is universally recognized that there is no cheaper alternative supply than domestically produced natural gas, noting that LNG, SNG, and gasified coal gas are all estimated to cost in excess of one dollar per Mcf and, based on present estimates, will not become available to Consolidated until the mid-1970's in the case of LNG and the 1980's in the case of coal gas. Applicant asserts that 45.0 cents per Mcf is the minimum price necessary to enable Applicant to continue its drilling program in the East Cameron Block 118 Field and assist Consolidated in avoiding the necessity to curtail firm services.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12804 Filed 6–4–74;8:45 am]

[Docket No. CI74–495]

CNG PRODUCING CO.

Extension of Time and Postponement of Hearing

MAY 29, 1974.

On May 24, 1974, CNG Producing Company filed a motion for consolidation with Docket No. CI74–629 and revision of the procedural dates fixed by order issued July 15, 1974, in the above-designated matter. The motion states that there was no objection to the motion by any of the parties or the staff.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Direct evidence of Applicant and Interveners, June 25, 1974.
Answering evidence of Staff and Interveners in opposition, July 25, 1974.
Rebuttal evidence, August 13, 1974.
Hearing, September 4, 1974 (10 a.m., e.d.t.).

Action on the motion for consolidation is deferred pending further action.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12835 Filed 6–4–74;8:45 am]

[Docket No. CP74–282]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

MAY 28, 1974.

Take notice that on May 6, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74–282 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain field lines and measuring stations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place and by salvage a measuring station located in the Orange Grove Field, Terrebonne Parish, Louisiana, used to receive gas from Texasgulf Inc. (Operator), et al., and 1,700 feet of 4-inch supply line and measuring station, and 24,000 feet of 6-inch supply line in the Twin Island field, Cameron Parish, Louisiana, used to receive gas from Consolidated Gas Supply Corporation. Applicant states that the wells connected to the subject facilities are no longer capable of producing natural gas and that the reservoirs in which they were completed are fully depleted. Applicant states further that the gas purchase contracts relating to sales by the producers from said fields have been terminated by cancellation agreements executed by the purchaser, Columbia Gas Transmission Corporation, and the respective producers. Texasgulf Inc. was authorized in Docket No. CI73–852 to abandon the sale of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12805 Filed 6–4–74;8:45 am]

[Docket No. RI74–46]

DALPORT OIL CORP.

Notice of Settlement Agreement

MAY 28, 1974.

The Federal Power Commission hereby issues notice of a settlement agreement submitted in this proceeding by Dalport Oil Corporation (Dalport) on April 8, 1974. This proceeding involves an increase in rate for gas sold to El Paso Natural Gas Company (El Paso), pursuant to Dalport's FPC Gas Rate Schedule No. 6. This gas is produced in Lea County, New Mexico (Permian Basin Area).

On July 11, 1973, Dalport filed a petition for special relief to 35 cents per Mcf for the period ending December 31, 1973, with a 1 cent annual escalation per Mcf.

Pursuant to Commission order issued March 13, 1974, a prehearing conference was held on March 14, 1974. At the prehearing conference Dalport provided additional information and explanations, and supporting data. After evaluation of these filings, Staff constructed a cost study which supports the rate proposed by Dalport. The Staff's cost study shows that the proposed rate is justified taking into consideration the additional work which must be completed on the subject well in order to produce the remaining reserves and provide these volumes of natural gas to the interstate market.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–12820 Filed 6–4–74;8:45 am]

[Docket No. E–8797]

ELECTRIC ENERGY, INC.

Supplement To Rate Schedule

MAY 28, 1974.

Take notice that on May 14, 1974 Electric Energy Inc. (Electric) tendered for filing Supplement No. 8 to its Rate Schedule FPC No. 3. Electric states the said Supplement consists of a Letter Agreement, dated May 10, 1973, between

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[2] Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody are filed as part of the original document.

[1] Btu adjustment is calculated downward for gas containing less than 1,000 Btu per cubic foot or upward adjustment if provided by an area ceiling rate.

[2] Applicant waives said "area rate clause" conditioned upon receipt of a satisfactory order by the Commission granting the instant application as herein requested.

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Electric and the Atomic Energy Commission (AEC), whereby supplemental power, reserved on a weekly basis, will be obtained from any of Electric Energy, Inc. Sponsoring Companies and delivered to the AEC during the period May 3, 1974 to June 30, 1974.

Electric requests an effective date of May 3, 1974 for said Supplement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12803 Filed 6-4-74;8:45 am]

[Docket No. CP74-289]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 29, 1974.

Take notice that on May 13, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing special operating arrangements with Pacific Gas and Electric Company (PG&E) and Southern California Gas Company (SoCal) to assist Applicant in maintaining reliable service to Priority 1 and 2 east-of-California natural gas customers during the 1974-75 heating season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant projects that for the 1974-75 heating season (November 1, 1974, through April 30, 1975) Priority 1 and 2 needs of its full requirement east-of-California natural gas customers will exceed Applicant's supply of gas by approximately 6.5 million Mcf. To meet such deficiency Applicant proposes, by contract with PG&E dated April 18, 1974, the following arrangements to commence on May 1, 1974 (or such later date following receipt of all necessary regulatory authorizations) and to continue through April 30, 1975:

By curtailing daily deliveries of gas to its low priority[1] east-of-California customers, Applicant states it will obtain and deliver to PG&E additional quantities of gas (advance sale gas) above those quantities PG&E would otherwise receive from Applicant at the Topock, Arizona, delivery point, subject to PG&E's operational capability to receive such deliveries and limited to cumulative deliveries of 25,000,000 Mcf during the contract period. Additionally, for each advance sale delivery day a quantity of gas equal to 1½ percent of advance sales for that day is proposed to be delivered at no charge to PG&E to replace its compressor fuel used and losses incurred incident to this arrangement. It is stated that during the 1974-75 heating season, Applicant has the right, subject to PG&E's consent, to reduce, by a maximum of the lesser of 300,000 Mcf or the cumulative total of advance sales to date, daily deliveries to PG&E below the volume which PG&E would otherwise receive under the currently effective service agreement between the parties dated February 10, 1969, now on file with the Commission. By PG&E's subsequently accepting reduced deliveries at Applicant's request (after prior accumulation of advance sale deliveries), Applicant states that equivalent quantities will be available to maintain Priority 1 and 2 service to its east-of-California customers during the 1974-75 heating season.

It is proposed that PG&E will purchase such advance sale gas from Applicant on a monthly basis at the rate in effect under Rate Schedule G of Applicant's FPC Gas Tariff, Original Volume No. 1, computed at the unit cost that results from a load factor of 100 percent.[2] In consideration of the added burden on PG&E's storage and other facilities, applicant proposes to credit PG&E's monthly account by the total of a uniform monthly amount obtained by dividing $4,392,000 by the total number of months (a partial month counting as a whole month for this purpose) during the period from the date that all regulatory authorizations have been received through April 30, 1975, plus 1.1 percent of an amount equal to the sum paid by PG&E (calculated without regard to the storage billing credit herein provided) for the total cumulative volume of advance sale gas, if any, delivered through the end of the billing month less a sum proportionate to the total cumulative reductions in deliveries, if any, made under the agreement through the end of the billing month. If at the term's end total reductions in PG&E deliveries are less than total advance sales, and if for any reason a similar temporary agreement between Applicant and PG&E is not reached for the 1975-76 heating season, then, the application indicates, a uniform schedule of reducing deliveries to PG&E through July 1975 will be agreed upon to amortize said advance sale gas credit remaining at term's end.

As a condition of PG&E's entering into the subject agreement, Applicant has also entered into a "back-up" agreement with SoCal dated April 26, 1974. The "back-up" agreement provides that on those days on which PG&E does not consent to accept reduced deliveries from Applicant, Applicant may divert from SoCal up to 300,000 Mcf of gas per day, below the quantities of gas which SoCal would otherwise receive, during the period November 1, 1974, through April 30, 1975. The agreement, it is stated, is subject to the conditions that (1) the outstanding accumulative reduction in deliveries at any one times does not exceed 1,500,000 Mcf, (2) prior to diversion from SoCal maximum reductions in deliveries to PG&E have been made, and (3) gas diverted from SoCal by Applicant will be returned in kind prior to any further advance sales to PG&E or resumption of deliveries to low priority east-of-California customers. Applicant states that the "back-up" agreement provides that in consideration of SoCal's support, Applicant will reduce SoCal's monthly bill by $0.375 multiplied by the volumes in Mcf diverted.

Applicant states that it has filed concurrently with its application, pursuant to Part 154 of the Commission's Regulations, changes in the storage service provisions of its tariff as necessary to implement the special operating arrangements, including provisions for a surcharge rate of 5.77¢ per Mcf to be paid by Applicant's east-of-California customers having Priority 1 and 2 gas requirements which are to be protected as a result of the special operating arrangements herein proposed. Such surcharge is designed to recover for Applicant the cost to be incurred by it under the special operating arrangements from the commencement of service through April 30, 1975, from those east-of-California customers which will be the beneficiaries of the service protection afforded by such arrangements. Applicant proposes to contract with those of its direct industrial customers who have Priority 1 and 2 requirements, and who will benefit from the project presented herein, for the recovery from such customers of that portion of such cost attributable to them. Separate provisions are also made for refund to Applicant's appropriate east-of-California customers of any excess in surcharge revenues over actually incurred costs and provisions for Applicant to recover from its affected east-of-California customers any deficiencies in such surcharge revenues under actually incurred costs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any

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[1] Presently Applicant anticipates that the subject special operating arrangements can be fully utilized through curtailment of only Priority 5 service to its east-of-California customers.

[2] Such rate in effect on April 2, 1974, is 53.31 cents per Mcf.

person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-12812 Filed 6-4-74;8:45 am]

[Rate Schedule 12, etc.]

EXXON CORP. ET AL.

Rate Change Filings

MAY 28, 1974.

Take notice that the procedures listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
May 6, 1974	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	12	Texas Eastern Transmission Corp.	Texas Gulf Coast.
May 9, 1974	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	107	Phillips Petroleum Co.	Hugoton-Anadarko.
May 19, 1974	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	115	United Gas Pipe Line Co.	Other Southwest.

[FR Doc.74-12810 Filed 6-4-74;8:45 am]

[Docket No. RP72-136]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

MAY 28, 1974.

Take notice that on May 15, 1974, Florida Gas Transmission Company (Florida Gas) tendered for filing Fifth Revised Sheet 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its Rate Schedules G and I. The changes in rates result from the application of the purchased gas cost adjustment provision in Section 15, General Terms and Conditions of the tariff, which was approved by the Commission in Docket No. RP72-136. Florida Gas proposes the changes become effective on July 1, 1974.

A comparison between the currently effective rates and those to be made effective on July 1, 1974 under this filing is as follows:

	Cents per therm	
	Currently effective	To become effective July 1, 1974
Rate Schedule G	6.977	7.011
Rate Schedule I	5.587	5.621

The annual effect on the proposed changes is $252,000 based on sales for the twelve months ended March 31, 1974.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12831 Filed 6-4-74;8:45 am]

[Docket No. CI74-650]

GREAT SOUTHERN OIL AND GAS COMPANY, INC.

Notice of Application

MAY 29, 1974.

Take notice that on May 13, 1974, Great Southern Oil and Gas Company, Inc. (Applicant), P.O. Box 51436, Lafayette, Louisiana 70501, filed in Docket No. CI74-650 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Mowata Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas an estimated 4,000 Mcf of natural gas per month for one year from the Mowata Field at a rate of 35.0 cents per Mcf at 15.025 psia, subject to a downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12824 Filed 6-4-74;8:45 am]

[Docket No. RI74-235]

GROUP 27, AGENT

Petition for Special Relief

MAY 28, 1974.

Take notice that on May 16, 1974, Group 27, Agent (Petitioner), P.O. Box 13244, Houston, Texas 77019, filed a petition for special relief in Docket No. RI74-235 seeking a rate of 75 cents per Mcf for the sale of gas to Tennessee Gas Pipeline Company from a well in the South Luck Field, Matagorda County, Texas. Petitioner states that it is willing to expend $25,000 for the installation of a pump which would restore gas production from the subject well, in exchange for its proposed rate, and estimates a production rate of 250,000 cubic feet per day.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12818 Filed 6-4-74;8:45 am]

[Docket No. CP73-294]

IROQUOIS GAS CORP. ET AL.

Application To Amend

MAY 28, 1974.

Take notice that on May 22, 1974, Iroquois Gas Corporation (Iroquois), 10 Lafayette Square, Buffalo, New York 14203, Pennsylvania Gas Company (Penn Gas), 213 Second Avenue, Warren, Pennsylvania 16365, United Natural Gas Company (United), 308 Seneca Street, Oil City, Pennsylvania 16301, and NFG Gas Corporation (National-NY), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP73-294 an application to amend the Commission's order issued May 10, 1974, in said docket (51 FPC ______), pursuant to sections 7(b) and 7(c) of the Natural Gas Act, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of May 10, 1974, granted Applicants permission and approval to abandon certain facilities and issued a certificate of public convenience and necessity authorizing the acquisition and operation of these same facilities, all to to facilitate a major realignment of the National Fuel Gas Company (National-NJ) system. The applicants are to be transformed into two companies, one, United, with the name changed to National Fuel Gas Supply Corporation (NFG), will assume the production, gas purchase, gathering, storage, transmission, and sale for resale functions, and the other, National-NY, will assume the distribution functions. The existing holding company, National-NJ, was to be merged by National-NY. Applicants state that the plan of realignment has been conditional upon receiving a satisfactory tax ruling to be certain that there would be no additional federal tax burden on either investors or customers and that they have been advised that the realignment of the three operating companies can proceed without adverse tax consequences but that elimination of the holding company would be considered in a way that would incur adverse tax consequences.

Applicants state that after consideration they have concluded that the tax consequences require the holding company to be kept in existence. Accordingly, Applicants request modification of the order of May 10, 1974, to recognize that this aspect of the original proposal will not be undertaken and National-NJ will remain in existence with two major subsidiaries, the distribution company and the supply company.

Applicants describe the steps in the amended plan of realignment as follows:

> The first step of the amended plan of realignment will be the transfer of the gas distribution property, related intrastate transmission and general plant facilities, and certain other assets of Iroquois, Penn Gas and United to National-NY. In exchange for these assets National-NY will (a) assume certain liabilities related to gas distribution operations, (b) issue common stock to each transferor and (c) assume certain long-term indebtedness of each transferor to National-NJ. The consideration received by the transferors will in each case equal the original cost of its assets transferred to National-NY net of accumulated depreciation. By this step, National-NY will become a gas distribution company, operating under the jurisdiction of the New York, Pennsylvania and Ohio public utility regulatory commissions, and carrying out the distribution and intrastate transmission operations now performed by Iroquois, Penn Gas and United.
>
> The second step will be for Iroquois, Penn Gas and United to transfer all of the shares of National-NY held by them to National-NJ in exchange for certain of their respective shares held by National-NJ. After such exchange of shares, Iroquois, Penn Gas, United and National-NY will all be wholly owned subsidiaries of the holding company, National-NJ.
>
> The final step of the amended realignment will be the creation of an integrated gas supply network by the transfer of the remaining plant and property of Iroquois and Penn Gas to United by means of a merger of these three companies. United, as the owner and operator of this network will be engaged in the production, purchase, storage, interstate transmission and sale for resale of natural gas. It will make no sales to ultimate consumers and over 98 percent of its sales will be to its affiliate, National-NY. The remainder will be sales for resale to non-affiliated distributors currently being made by United and Penn Gas.

Applicants assert that the completed realignment will result in National-NY's, the distribution company, and United's, the supply company, providing integrated wholesale and retail gas service to the area now being served by Iroquis, Penn Gas and United and each resulting company will be a wholly-owned subsidiary of National-NJ, with their outstanding long-term indebtedness also held by National-NJ. Applicants further state that the continuation of the holding company will have no effect on the operations of the supply and distribution companies and that all of the operating benefits anticipated in the original proposal will be equally obtainable under the new arrangement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application to amend should on or before June 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12809 Filed 6-4-74;8:45 am]

[Docket No. CI74-433]

J. S. ABERCROMBIE MINERAL COMPANY, INC., ET AL.

Order Establishing Procedures, Setting Hearing Date and Granting Interventions

MAY 24, 1974.

On February 11, 1974, J. S. Abercrombie Mineral Company, Inc., et al. (Abercrombie) filed in Docket No. CI74-433 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of

natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the Antelope Ridge Area, Lea County, New Mexico (Permian Basin), all as more fully set forth in the application in this proceeding.

Abercrombie proposes to sell approximately 600,000 Mcf per month to El Paso from the subject acreage for 16 months at an initial rate of 55.0¢ per Mcf (14.65 psia) which is to be adjusted upward or downward from 1,000 Btu per cubic foot. The proposed rate is in excess of 35¢ per Mcf established by Commission Opinion No. 662. This application was noticed on February 26, 1974 and was published in the Federal Register on March 5, 1974. On March 18, 1974, Pacific Gas and Electric Company petitioned to intervene in these proceedings, as did El Paso on March 20, 1974.

In Order 431, issued April 15, 1971, the Commission stated, interalia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate emergency need. We note, however, that the Commission in a recent order has already held that an emergency exists on El Paso's system. See *Superior Oil Co.*, ____ FPC ____, Docket No. CI74-327, issued March 25, 1974. We therefore conclude that there is an emergency on El Paso's system.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the short-fall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227, (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ____ FPC ____, Docket No. CI73-691, order issued August 30, 1973, and ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of the above parties in this proceeding may be in the public interest.

The Commission orders:

(A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74-433 is hereby set for hearing.

(B) The above parties are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16 and the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing July 17, 1974, at 10 a.m., e.d.t., at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all petitioners supporting the application shall, on or before July 10, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12800 Filed 6-4-74;8:45 am]

[Docket No. ID-1586]

FRANCIS L. KINNEY

Supplemental Application

MAY 29, 1974.

Take notice that on May 20, 1974, Francis L. Kinney (Applicant), filed a supplemental application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305(b) of the Federal Power Act:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power & Electric Company, Public Utility.

Both The Connecticut Light and Power Company and The Hartford Electric Light Company are Connecticut corporations, engaged principally in the production, purchase, transmission distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts is a Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chicopee and to the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric is a wholly-owned subsidiary of Holyoke which conducts certain of Holyoke's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

[2] Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody filed as part of the original document.

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make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12816 Filed 6-4-74;8:45 am]

[Docket No. CI74-292]

KIRBY PETROLEUM CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

MAY 24, 1974.

On November 1, 1973, Kirby Petroleum Company (Kirby) filed, in Docket No. CI74-292, an application requesting issuance of a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Texas Eastern Transmission Corporation (Texas Eastern) from acreage in the White Castle Area, Iberville Parish, South Louisiana (Southern Louisiana Area).

Specifically, Kirby proposes to sell and deliver to Texas Eastern up to 2,000 Mcf of gas per day, plus additional gas which may be available and which the purchaser can receive, at a rate of 55.0 cents per Mcf subject to downward Btu adjustment from a base of 1,000 and upward Btu adjustment from a base of 1,000 to a maximum of 1,100 Btu's per cubic foot.

Concurrently with its certificate application, Kirby submitted a letter agreement dated October 17, 1973, as the proposed rate schedule. The letter agreement limits Texas Eastern's take or pay obligation to 2,000 Mcf per day; however, if additional volumes are available and Texas Eastern has sufficient capacity to handle the additional volumes, Kirby will deliver such volumes to Texas Eastern.

Kirby commenced an emergency sale to Texas Eastern from the subject acreage on October 23, 1973, at a rate of 55.0 cents per Mcf, pursuant to Order No. 418.

Texas Eastern on November 21, 1973, and Algonquin Gas Transmission Company (Algonquin) on November 26, 1973, filed timely petitions to intervene in support of the application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Texas Eastern's system. See Southwestern Electric Power Co. et al., —— FPC ——, Docket No. CI74-131, issued November 15, 1973. We therefore, conclude that there is an emergency on Texas Eastern's system which could warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, —— FPC ——, Docket No. CI73-691, order issued August 30, 1973, and —— FPC ——, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds:

(1) The intervention of Texas Eastern and Algonquin in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Texas Eastern and Algonquin are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of said intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of said intervenors shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on July 24, 1974, at 10 a.m., (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before July 15, 1974, Kirby and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12711 Filed 6-4-74;8:45 am]

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

[2] Concurring statements of Commissioners Brooke and Smith, and dissenting statement of Commissioner Moody filed as part of the original document.

[Docket No. ID-1733]

JOSEPH R. MAHER

Notice of Application

MAY 29, 1974.

Take notice that on May 20, 1974, Joseph R. Maher (Applicant) filed an initial application with the Federal Power Commission, seeking authority to hold the following positions pursuant to section 305(b) of the Federal Power Act:

Director, The Connecticut Light and Power Company, Public Utility.
Director, The Hartford Electric Light Company, Public Utility.
Director, Western Massachusetts Electric Company, Public Utility.
Director, Holyoke Water Power Company, Public Utility.
Director, Holyoke Power & Electric Company, Public Utility.

Both The Connecticut Light and Power Company and The Hartford Electric Light Company are Connecticut corporations, engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts is a Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power is a Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the Cities of Holyoke and Chipcopee and to the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric is a wholly-owned subsidiary of Holyoke which conducts certain of Holyoke's electric operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12823 Filed 6-4-74;8:45 am]

[Docket No. E-8806]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Memorandum

MAY 29, 1974.

Take notice that on May 15, 1974 Northern Indiana Public Service Company (NIPS) tendered for filing Memorandum No. 59 to its Rate Schedule FPC No. 8. NIPS states said Memorandum relates to the costing of overhaul and emergency energy when such energy must be supplied at a cost higher than the State Line Generating Station, either from oil or gas-fired units or from other Commonwealth Edison of Illinois sources.

NIPS requests an effective date of May 6, 1974 for said Memorandum.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12822 Filed 6-4-74;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

MAY 29, 1974.

Take notice that North Penn Gas Company (North Penn), on May 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, effective July 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by $970,491 based on the 12-month period ending February 28, 1974 as adjusted.

North Penn states that the principal reasons for the proposed increase are:

1. To reflect the general inflation in costs in every aspect of its pipeline operations which are not now reflected in its current effective rates.

2. To increase its rate of return to 9.5% which is the minimum return required to maintain the integrity of investor-provided capital presently devoted to the business and attract on a reasonable basis the necessary amount of capital required in the future.

In addition North Penn is requesting a Gross Receipts Tax Surcharge Clause in its tariff which will be applicable to Rate Schedule P-1 only.

Copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12828 Filed 6-4-74;8:45 am]

[Docket No. G-9279, etc.]

NORTHERN NATURAL GAS CO.

Motion To Order Payment of Refunds

MAY 29, 1974.

Take notice that on May 7, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) transmitted a motion to this Commission that it order Northern Natural Gas Company (Northern) to refund to Kansas-Nebraska the sum of $2,432.44, plus accumulated interest.

Kansas-Nebraska states that Northern was ordered by this Commission, in the above captioned docket, to retain portions of the amounts received by Northern from Pan American Petroleum Corporation in this proceeding because of uncertainties concerning Kansas-Nebraska's intended disposition of its share of the refund.

Kansas-Nebraska states in its motion that it proposes to refund to its jurisdictional customers the amount retained by Northern plus the accumulated interest on such amount by crediting the sum to its Unrecovered Purchase Gas Cost Account in accordance with its FPC Gas Tariff, Second Revised Volume No. 1.

Kansas-Nebraska, in its motion, requests the Commission to issue an order approving the proposed disposition and directing Northern to refund said amount plus accumulated interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12806 Filed 6-4-74;8:45 am]

[Docket No. RP69-1]

NORTHERN NATURAL GAS CO.

Motion To Order Payment of Refunds

MAY 29, 1974.

Take notice that on May 7, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) transmitted a motion to this Commission that it order Northern Natural Gas Company (Northern) to refund to Kansas-Nebraska the sum of $26,647.19 plus accumulated interest.

Kansas-Nebraska states that Northern was ordered by this Commission, in the above captioned docket, to retain refunds due to Kansas-Nebraska because of uncertainties concerning Kansas-Nebraska's intended disposition of its share of the refund.

Kansas-Nebraska states in its motion that it proposes to refund to its jurisdictional customers the amount retained by Northern plus the accumulated interest on such amount by crediting the sum to its Unrecovered Purchase Gas Cost Account in accordance with its FPC Gas Tariff, Second Revised Volume No. 1.

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Kansas-Nebraska, in its motion, requests the Commission to issue an order approving the proposed disposition and directing Northern to refund said amount plus accumulated interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12833 Filed 6-4-74;8:45 am]

[Docket No. RP72-115]

OKLAHOMA NATURAL GAS GATHERING CORP.

Tendered Tariff Sheets

MAY 28, 1974.

Take notice that on May 16, 1974, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation), tendered for filing tariff sheets providing for changes in Gathering Corporation's FPC Gas Tariff to include Fourth Revised Sheet PGA-1. The Company states that the tariff sheet will become effective July 1, 1974 and will revise Gathering Corporation's Base Tariff Rate to recover the balance accumulated in the unrecovered purchase gas cost account and flow through the increase in the system cost of purchased gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12808 Filed 6-4-74;8:45 am]

[Docket No. CI74-655]

PETROLEUM CORP.

Notice of Application

MAY 28, 1974.

Take notice that on May 14, 1974, The Petroleum Corporation (Applicant), 3303 Lee Parkway, Dallas, Texas 75219, filed in Docket No. CI74-655 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the existing Hull No. 1 Well and any additional wells hereafter drilled, owned or controlled by Applicant in section 121, Block A.H.E. & W.T. Ry. Co. Survey in the Sonora Upper Canyon Gas Field, Sutton County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is currently selling up to 2,000 Mcf of gas per day from subject acreage to El Paso under a one-year certificate granted by Commission order issued in Docket No. CI73-854 on July 31, 1973, at a price of 45.0 cents per Mcf at 14.65 psia. Applicant proposes to sell to El Paso up to 200 Mcf of gas per day from subject acreage at a price of 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, commencing on August 1, 1974, or on the issuance date of an appropriate certificate if such date is later, within the contemplation of § 2.70 of the Commission's general policy and interpretations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12817 Filed 6-4-74;8:45 am]

[Docket No. CI74-626]

PHILLIPS PETROLEUM CO.

Notice of Application

MAY 28, 1974.

Take notice that on May 3, 1974, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI74-626 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Pacific Lighting Service Company (PLS) from Applicant's interest in gas well gas from Federal Lease No. OCS P-0166, between the depth of 100 feet below the bottom of the Repetto Sands and the depth of 100 feet below the bottom of the Vaqueros Sands, offshore Santa Barbara County, California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver natural gas from said acreage to PLS pursuant to the terms of a 20-year contract dated November 29, 1973. Under said agreement Applicant is to deliver the subject gas to PLS at Applicant's LaConchita Shore site located in Ventura County, California, at an initial price for such gas well gas of 60.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Applicant states that the only pipelines that Applicant will own or operate in connection with this sale will consist of its gathering lines extending from the production platforms to the point of delivery described above. Applicant states further that its initial price of 60.0 cents per Mcf is less than the prices charged in numerous intrastate sales and less than prices in some emergency interstate sales. Applicant asserts that the testing and development of these deep gas reserves are in the public interest.

The application states that estimated sales volumes under the instant application are unknown at this time.

Applicant states that it is presently selling casinghead gas to PLS from the Repetto Sands underlying Federal Lease No. OCS P-1066.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12819 Filed 6-4-74;8:45 am]

[Project 2140]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Application for New License

MAY 24, 1974.

Public notice is hereby given that application for new license was filed December 22, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Public Service Company of New Hampshire (Correspondence to: Mr. Eliot Priest, Vice President, Public Service Company of New Hampshire, 1000 Elm Street, Manchester, New Hampshire 03105) for its constructed Project No. 2140, known as the Garvins Falls Project located on the Merrimack River in the Town of Bow, City of Concord, Merrimack County, New Hampshire. The project affects navigable waters of the United States and the Cities of Laconia and Manchester are within a radius of approximately 25 miles. The present license expires December 31, 1975.

The Garvins Falls Project with an installed capacity of 5,600 kw consists of: (1) A dam, approximately 550 feet in length with maximum height of 18 feet, in two sections (a) a low crest section (elevation 216.85 feet U.S.G.S. datum) approximately 475 feet in length surmounted by 3-foot flashboards and (b) a high crest section (elevation 218.65 feet U.S.G.S. datum) approximately 75 feet in length; (2) a canal about 500 feet in length leading from the southern end of the dam to the powerhouse; (3) a ten-foot wide waste gate at the end of the canal; (4) a reservoir, eight miles in length, extending upstream to the foot of the Sewalls Falls Dam; (5) a powerhouse containing two generators rated at 2400 kw and 3200 kw, (6) a substation containing six 1500 kva step-up transformers; (7) a single 34.5 kv transmission line extending 340 feet to the Applicant's Garvins Substation, and (8) all other facilities and interests appurtenant to the operation of the project.

Applicant's estimated net investment in the project is $600,615 which is less than its estimate of fair value.

Under present plans, the Applicant proposes to develop a boat ramp and dock in addition to the recreation facilities to be developed at its downstream Hooksett Project No. 1913.

Applicant's supplies project energy to its system which serves 10 cities and 183 other municipalities within the State of New Hampshire and 16 communities in Maine and Vermont. Electricity is also furnished to 8 other utilities. In addition, the project releases a 1000 cfs continuous flow from the project for the benefit of Applicant's downstream Merrimack Steam Station.

Any person desiring to be heard or to make protest with reference to said application should on or before July 26, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12811 Filed 6-4-74;8:45 am]

[Docket No. E-8807]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Cancellation of Contract

MAY 29, 1974.

Take notice that on May 20, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing a Notice of Cancellation of Contract. This Notice of Cancellation is of a contract between PSCO and Red River Valley Rural Electric Association dated October 2, 1968, Rate Schedule FPC No. 179. The contract was canceled effective November 18, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed or or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12821 Filed 6-4-74;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revised Tariff Sheets

MAY 28, 1974.

Take notice that on May 16, 1974 South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1:

Sixth Revised Sheet No. 3A.
Thirty-First Revised Sheet No. 5.
Thirtieth Revised Sheet No. 6.
Twenty-Second Revised Sheet No. 9.
Twenty-First Revised Sheet No. 11.
Twenty-Fifth Revised Sheet No. 12B.

South Georgia states that the above sheets represents a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in Docket No. RP73-49 issued April 13, 1973. South Georgia further states that it proposes to increase its rates $456,025 for the purpose of tracking a rate increase filing by Southern Natural Gas Company on May 16, 1974, which would increase South Georgia's cost of gas $785,593 annually.

South Georgia requests an effective date of July 1, 1974, or such other date as the rate increase filed by Southern Natural is permitted to go into effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12829 Filed 6-4-74;8:45 am]

[Docket No. RI74-237]

SUN OIL CO.

Petition for Special Relief

MAY 29, 1974.

Take notice that on May 22, 1974, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-237, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 40.0 cents per Mcf, plus 1¢ per Mcf annual escalations, adjusted for upward and downward Btu from a base of 1000, for the sale of gas from certain leases in the John Creek Field, Hutchinson County, Texas to Northern Natural Gas Company under its FPC Gas Rate Schedule Nos. 139 and 347 and to Transwestern Pipeline Company under

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its FPC Gas Rate Schedule No. 122. Petitioner states that it plans to enter the Yanda et al. Unit Well No. 1, located in the John Creek Field and dually complete this well in the Cleveland Sand and, if successful, plans to dually complete up to five wells in the Cleveland Sand. Petitioner states that it estimates that there are some 2.763 Bcf of recoverable reserves which could be obtained through its proposed program.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12825 Filed 6-4-74;8:45 am]

[Docket No. RI74-236]

SUN OIL CO.

Petition for Special Relief

MAY 29, 1974.

Take notice that on May 22, 1974, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-236, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 45.0 cents per Mcf, plus 1¢ per Mcf annual escalations, adjusted for upward and downward Btu from a base of 1000, for the sale of gas to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 233 from the Cole-McGrew Unit Well No. 2, Morrow-Chester Formation, section 28-4N-24ECM, Beaver County, Oklahoma. Petitioner proposes to re-enter the dry hole and to complete the Morrow-Chester Formation. Petitioner states that there are some 500 MMcf of reserves located in the Morrow-Chester Formation which may be obtained by such proposal.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12826 Filed 6-4-74;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Revised Tariff Sheets

MAY 28, 1974.

Take notice that The Toledo Edison Company (Toledo) on May 8, 1974, tendered for filing service agreements with the City of Bryan, Ohio, and the Village of Pemberville, Ohio, under Toledo's FPC Electric Tariff, Original Volume No. 1. Toledo states that the existing contracts (Rate Schedule FPC Nos. 7 and 17) with these two customers terminate on May 31, 1974, and that as of that date they will be served under Toledo's Tariff. An effective date of June 1, 1974, is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12813 Filed 6-4-74;8:45 am]

[Docket No. E-8794]

TOLEDO EDISON CO.

Changes in Rates and Charges

MAY 28, 1974.

Take notice that The Toledo Edison Company (Toledo) on May 16, 1974, tendered for filing a proposed new Fuel Conservation Power Schedule, pursuant to the Commission's Notice and Order issued April 30, 1974, in New England Power Pool Participants, et al., Docket No. RM74-22, et al. Toledo states that service under the proposed rate schedule will be offered as soon as it becomes effective. The Company is not requesting any accelerated effective date since it has received no request for fuel conservation energy.

The proposed new rate schedule states that it is intended to provide a rate under which coal generated electric power would be available on an off-peak basis for transmission to other systems during periods of critical oil shortage. The Energy Charge is priced at out-of-pocket generation costs, with fuel priced on a replacement basis, plus ten percent. The Generation Usage Charge of 2.5 mills per KWH is derivable by proration from a supported, approved and widely used short term power rate of 45 cents per KW-week.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12807 Filed 6-4-74;8:45 am]

[Docket No. RP74-89]

TRUNKLINE GAS CO.

Proposed Changes in FPC Gas Tariff

MAY 28, 1974.

Take notice that Trunkline Gas Company (Trunkline) on May 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $63,940,397 based on the 12 month period ending January 31, 1974, as adjusted.

Changes in Trunkline's tariff, other than the increased rates being filed for, are as follows:

(1) A new format in which the commodity rate in each zone was split into its component parts defined as gas supply and capacity, respectively.

(2) Revisions of the Pipeline Service, Excess Service, General Service and Small General Service Rate Schedules requiring adjustments to the capacity component of the commodity rate at six months intervals to reflect the changes in Trunkline's gas deliveries above and below the base levels which have been established in the proposed rates.

(3) Section 19 of Trunkline's General Terms and Conditions is a proposed tariff provision authorizing Trunkline to adjust its rates upward or downward semiannually for changes in the level of advance payments included in Account 166. Section 19 is based on the tracking provision for advance payments which has been in effect since April 1972 pursuant to Article V of the Stipulation and Agreement dated February 8, 1972.

Trunkline states that this increase in rates is necessitated by additional new transportation and gas supply costs associated with the Stingray project, a revision in depreciation rates, increases in costs of senior capital and operating expenses and declining gas supply. Trunkline requests an effective date of July 1, 1974 for the proposed changes.

Copies of the filing were served upon the company's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12830 Filed 6-4-74;8:45 am]

[Docket No. E-8803]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Supplement

MAY 29, 1974.

Take notice that on May 17, 1974 Virginia Electric and Power Company (VE&P) tendered for filing Supplement dated May 4, 1974 to its FPC Rate Schedule No. 87-18. VE&P states the said Supplement is between it and Virginia Electric Cooperative for connection of a new Delivery Point (Kings Dominion), located east of Route 688 near Doswell, in Hanover County, Virginia.

VE&P requests an effective date as that of the date of connection of facilities which it expects to occur sometime in July, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12815 Filed 6-4-74;8:45 am]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change

MAY 30, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on May 16, 1974, tendered for filing Substitute Eighth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The rate change, Algonquin Gas states, is being filed to reflect a decrease in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern) effective May 1, 1974, as a result of a rate decrease issued by Texas Eastern on May 7, 1974.

The above-noted Texas Eastern filing reflects a reduction in Texas Eastern's base tariff rates and was filed under Commission Opinion Nos. 672 (issued November 1, 1973) and 672-A (issued January 15, 1974), disallowing inclusion of certain advance payments (Nova Scotia) in Texas Eastern's rate base. Accordingly, Algonquin Gas has filed, in place of its Eighth Revised Tariff Sheet No. 3-A filed on April 19, 1974, a substitute tariff sheet reflecting the above-noted Texas Eastern May 1, 1974 revision. The proposed effective date of the substitute tariff sheet is May 1, 1974, the effective date of Texas Eastern's rate decrease.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12895 Filed 6-4-74;8:45 am]

[Docket No. RP74-91-1]

CITY OF RIPLEY, MISSISSIPPI

Notice of Petition for Emergency Relief

MAY 31, 1974.

Take notice that on May 8, 1974, the City of Ripley, Mississippi (City), filed a petition for emergency relief pursuant to § 1.7 of the Commission's Rules of Practice and Procedure requesting, (1) waiver of a $40,710.00[1] penalty assessed by Tennessee Gas Pipeline Company, a Division of Tenneco (Tennessee) for violations of Tennessee's curtailment plan during the January-March, 1974, curtailment period; or (2) a reduction in the City's April-October, 1974, period entitlement by the amount of the overrun (i.e. 4071 Mcf) to offset the penalty imposed by Tennessee.

The gas the City purchases from Tennessee is used in a municipally owned natural gas transmission and distribution system serving the citizens of the City and its environs and the towns of Blue Mountain and Falkner, Mississippi, as well as residences and commercial establishments along the routes of the City's gas main.

The City states it had adequate notice of Tennessee's implementation of its curtailment plan and in order to comply with the plan's provisions the City installed a telemetry system which records the quantity of gas received from Tennessee. The City further states that due to a malfunction of the telemetry system in March, 1974, it overran its Curtailment Period Quantity Entitlement (CPQE) by 4,071 Mcf. City states, that Tennessee thereupon assessed a penalty of $40,710.00 for the overrun ($10.00 per Mcf) in accordance with its tariff provisions.

In support of its petition for emergency relief, the City states that payment of the penalty would create a severe economic depression in the City's economy; that the payment of the penalty would have to be passed on to the citizens, taxpayers, and consumers of the City, and that the negative economic effect of these citizens would be incalculable.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before June 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12911 Filed 6-4-74;8:45 am]

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[1] City's Petition for Emergency Relief stated the amount of the overrun penalty was $40,071.00. By letter of May 13, 1974, the City informed us the correct penalty figure is $40,710.00. We shall therefore, accept the corrected figure as part of the City's Petition for Emergency Relief.

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[Project No. 460]

CITY OF TACOMA

Notice of Issuance of Annual License

MAY 30, 1974.

The City of Tacoma, Licensee for Lake Cushman Project No. 460, located in Mason County, State of Washington, has been granted an extension of time until December 1, 1974, to file an application for a new license pursuant to section 15 of the Federal Power Act and Commission Regulations thereunder (sections 16.1–16.6).

The license for Project No. 460 was issued effective June 3, 1924, for a period ending June 3, 1974, therefore in order to authorize the continued operation of the project, pursuant to Section 15 of the Act pending filing and completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to the City of Tacoma for the continued operation and maintenance of Lake Cushman Project No. 460.

Take notice that an annual license is issued to the City of Tacoma (Licensee) for the period June 4, 1974, to June 3, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 460 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12887 Filed 6-4-74;8:45 am]

[Project No. 2739]

CITY OF VANCEBURG, ET AL.

Notice of Application for Approval of a Preliminary Permit for Unconstructed Project

MAY 30, 1974.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by City of Vanceburg, Kentucky and Vanceburg Light, Heat and Power System (Correspondence to: Philip P. Ardery, Brown, Todd & Heyburn, Sixteenth Floor, Citizens Plaza, Louisville, Kentucky 40202) for proposed Project No. 2739, known as the Meldahl Project, which is located on the Ohio River on the Kentucky side of the Captain Anthony Meldahl Locks and Dam in the Commonwealth of Kentucky, County of Bracken some 436.2 river miles below Pittsburgh, Pennsylvania, and approximately 1.7 river miles downstream from the town of Chilo, Ohio. The proposed project would also be located near the towns of Maysville and Newport, Kentucky, and New Richmond, Ripley, and Cincinnati, Ohio.

The proposed run of the river project would affect approximately 81.4 acres of U.S. land which are under the supervision of the U.S. Corps of Engineers and would utilize water from a government dam. The hydroelectric facilities for this project would consist of a powerhouse containing low-head generating units with a proposed capacity of 70,000 kw.

Vanceburg plans to use the power generated at the project to meet its load requirements and to sell any excess energy to East Kentucky Rural Electric Cooperative Corporation. Vanceburg, through its transmission facilities, plans to be interconnected with the East Kentucky System.

Any person desiring to be heard or to make protest with reference to said application should on or before July 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12890 Filed 6-4-74;8:45 am]

[Dockets Nos. CP74-292 and CP74-293]

Notice of Applications

INTERSTATE TRANSMISSION ASSOCIATES (ARCTIC) ET AL.

MAY 30, 1974.

Take notice that on May 14, 1974, Interstate Transmission Associates (Arctic) (ITAA), Pacific Interstate Transmission Company (PacIn), 720 West Eighth Street, Los Angeles, California 90017, and Northwest Energy Company (Energy), 315 East Second South, Salt Lake City, Utah 84111, [hereinafter collectively referred to as "Applicant"] [1] filed in Docket No. CP74-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce from a point near Kingsgate, British Columbia, through the states of Idaho, Washington, Oregon, and Nevada to the Nevada-California border all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Take further notice that, in conjunction with the above proposal, Applicant filed in Docket No. CP74-293 an application pursuant to Executive Order No. 10485 for a permit to construct, operate, maintain and connect a 42-inch O.D. pipeline approximately 2.6 miles in length, extending from a point of connection with the facilities of Canadian Arctic Gas Pipeline Limited (Canadian Arctic) at the international boundary near Kingsgate to a point of connection with a meter station, also to be constructed under such permit, which meter station is to consist of measuring equipment, instrumentation, meter buildings and other appurtenances all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes in Docket No. CP74-292 to construct and operate, as a contract carrier of natural gas, a 42-inch pipeline approximately 373 miles in length from a point near Kingsgate through Idaho and Washington to Rye Valley, Oregon,[2] and a 36-inch pipeline approximately 504 miles in length from Rye Valley to a point on the California-Nevada border near Oasis, California. Applicant further proposes to construct and operate a total of 249,350 standard installed horsepower to be located at eleven compressor stations along the pipeline, four meter stations, and other appurtenant facilities. Applicant requests authority to transport up to a maximum design capacity of 1,900,000 Mcf of natural gas per day at 14.73 psia for PacIn's account through these proposed facilities.

Applicant states that the instant applications are part of an overall project designed to make available to markets in the lower 48 states volumes of natural gas from Northern Alaska and the Mackenzie Delta region of northern Canada. Natural gas produced in the Prudhoe Bay area of the North Slope of Alaska will be transported across Alaska through a natural gas transmission system proposed to be constructed by Alaskan Arctic Gas Pipeline Company (Alaskan Arctic) in Docket No. CP74-239. Alaskan Arctic will deliver such natural gas at the Alaskan-Canadian international boundary to Canadian Arctic at a point of interconnection with the facilities proposed to be constructed by Canadian Arctic, including facilities to connect the Mackenzie Delta reserves. Canadian Arctic will transport the gas in a southeasterly direction through Canada, continuing to a point near Caroline, Alberta. At this point, the pipeline will split with one line delivering the gas destined for mid-western and eastern regions of the United States to a delivery point on the international boundary near Monchy, Saskatchewan. The other line, which will transport gas destined for the western and Rocky Mountain markets of the United States, will extend to a delivery point near Kingsgate.

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[1] PacIn, a wholly-owned subsidiary of Pacific Lighting Corporation (PacLight), is a corporation organized and existing under the laws of the State of California. Energy, a wholly-owned subsidiary of Northwest Pipeline Corporation (Northwest), is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Salt Lake City. PacIn and Energy intend to form ITAA as a general partnership to be organized under the laws of Utah, with the possibility of using a corporate form of organization either initially or at a subsequent time. Upon formation of ITAA, PacIn and Energy will withdraw as Applicants in the instant proceedings, leaving ITAA as the sole Applicant.

[2] Interstate Transmission Associates (ITA), a general partnership owned by PacIn and Energy, filed in Docket No. CP74-216, on February 26, 1974, an application for authority to construct, *inter alia*, a 26-inch pipeline which will parallel the 42-inch pipeline under consideration in the instant application. Applicant states that it is possible that ITAA will acquire the facilities of ITA subsequent to certification in Docket No. CP74-216 and size the first 373 miles of its pipeline so that the combination of the 26-inch and the new pipeline would have approximately the same capacity as the single pipeline proposed by ITAA in the instant application. In this way there would be no duplication of facilities, according to Applicant. The facilities proposed in Docket No. CP74-216 are to be constructed to transport gas produced in Alberta by Pan-Alberta Gas, Ltd.

The gas destined for the mid-western and eastern market areas will be delivered by Canadian Arctic into the facilities proposed to be constructed by the Northern Border Pipeline Company (Northern Border) in Docket No. CP74-290 at a point of interconnection between the facilities of Canadian Arctic and Northern Border near Monchy. Northern Border will transport and deliver such volumes to various pipeline companies serving the mid-western and eastern market areas.

The gas destined for the western markets served by ITAA will be transported by Canadian Arctic to an interconnecting point near Kingsgate, frim which Applicant will transport its share of the volumes to its markets. The gas destined for markets served by Pacific Gas Transmission Company (PacGas) will be delivered to Alberta Natural Gas Company Ltd. (Alberta Gas) by Canadian Arctic at the Alberta-British Columbia border then further transported to PacGas at Kingsgate for ultimate transportation and delivery to markets in northern and central California, as more fully explained in the application in Docket No. CP74-242.

Applicant expects initially to deliver approximately 20 percent of such volumes as are received from Candian Arctic for the account of PacIn into the facilities of Northwest in the vicinity of Rye Valley and to deliver approximately 80 percent of such volumes to Southern California Gas Company (SoCal) at the Nevada-California border near Oasis.

Applicant states that initially the proposed facilities will have a daily capacity of 558,000 Mcf of natural gas, but that such facilities through the addition of compressor horsepower may be increased to the ultimate design capacity of 1,900,000 Mcf of gas per day, as described *supra*. The timing of the construction of facilities neecssary to increase the system capacity, according to Applicant, will depend upon the contractual commitments between shippers and producers as well as the deliverability of the committed gas reserves. Applicant intends to present the detailed timing of facilities and the resulting economic impact as part of supplemental exhibits to be filed later. Applicant therefore, requests, pursuant to Sections 1.7 and 1.14 of the Commission's Rules of Practice and Procedure (18 CFR 1.7 and 1.14), that the Commission waive the requirements to file Exhibits I, K, L, N, O and P to the application in Docket No. CP74-292 and proposes to file the balance of the required exhibits in support of this proposed project at the earliest possible date.

Applicant states the following applications are interdependent with Applicant's filing and are necessary to effectuate Applicant's proposal herein:

APPLICATIONS PRESENTLY ON FILE

(1) Applications of Alaskan Arctic in Docket Nos. CP74-239 and CP74-240 pursuant to Section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for permission to construct and operate a pipeline from the Prudhoe Bay area on the North Slope of Alaska to the Alaskan-Yukon international boundary where it will interconnect with the pipeline of Canadian Arctic and for permission to construct, operate, maintain and connect facilities at the Alaskan-Yukon international boundary.

(2) Application of Canadian Arctic before the National Energy Board of Canada for authority to construct and operate the Canadian Arctic system.

APPLICATIONS TO BE FILED

(1) Applications of various shippers before the Federal Power Commission and the National Energy Board to export and import natural gas between the United States and Canada.

(2) Applications of various producers of Alaskan gas for certificates to sell gas in interstate commerce pursuant to section 7(c) of the Natural Gas Act.

(3) Application of PacIn pursuant to section 7(c) of the Natural Gas Act for authorization to sell natural gas in interstate commerce.

(4) Application, if necessary, of Northwest to construct and operate facilities on its transmission system in order to accept and redeliver gas received from PacIn pursuant to this project.

(5) Application of SoCal before the California Public Utilities Commission for authority to construct and operate facilities in order to transport gas to be delivered to it by Applicant at the Nevada-California border.

Applicant states that it has not yet entered into contracts for the construction of, or for any of the materials requisite to the construction of the proposed facilities. Applicant further states that Northwest will act as operator of the proposed facilities, pursuant to an operating agreement, not yet executed, between Applicant and Northwest.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP74-292 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12892 Filed 6-4-74;8:45 am]

[Docket No. E-8587]

PUBLIC SERVICE COMPANY OF INDIANA

Order Denying Applications for Rehearing and Denying Motion To Dismiss

MAY 30, 1974.

On April 4, 1974, the Cities of Crawfordsville, Logansport, Peru, and Washington, Indiana (Cities), and the City of Frankfort, Indiana (Frankfort), tendered for filing Applications for Rehearing of the Commission's Suspension Order issued March 7, 1974, in the above referenced docket. The Cities also tendered for filing a Motion to Dismiss the Section 206 investigation instituted by that order. On April 23, 1974, the Public Service Company of Indiana (PSCI) filed an answer to the Motion to Dismiss.

Our order of March 7, 1974, concluded that the Cities' Interconnection Agreements (Agreements) with PSCI were fixed rate, fixed term contracts, and accordingly, we instituted an investigation pursuant to Section 206 of the Federal Power Act to determine whether PSCI's proposed rates were in the public interest. In regard to Frankfort's Interconnection Agreement (Agreement), however, we concluded that the Agreement contained a proper *Memphis*[1] clause in Article 12 which would permit such a unilateral filing with the Commission. As a result, the proposed rates for Frankfort were accepted for filing, suspended for the full statutory period, and set for

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[1] *United Gas Pipe Line Company v. Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

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hearing pursuant to section 205 of the Federal Power Act.

Cities, in their application, raise the following allegations: (1) the Commission instituted the section 206 investigation based solely on PSCI's unsupported allegation that failure to apply the rate increase to the Cities would result in undue discrimination vis a vis other wholesale customers; (2) there were not sufficient facts available concerning the profitability of the contracts between PSCI and the Cities to justify our determination that a section 206 investigation is necessary; (3) the Commission failed to examine every facet of PSCI's operations to determine if an undue discriminatory burden on other PSCI customers would result; (4) the lack of specificity in the March 7, 1974, order shifted to the Cities the burden of proving that the rates currently in effect are profitable; and (5) the Commission did not articulate the specific issues which will be the subject of the section 206 investigation.

Although the Supreme Court has indicated that the fixed rate contract can only be unilaterally changed pursuant to a section 206 investigation,[2] at no point has the Court articulated any restrictions on our authority to institute such an investigation. As the Court emphasized in the *Mobile* decision, contracts remain fully subject to the paramount power of the Commission to modify them when necessary in the public interest.[3] In its answer to the Cities' petition to intervene filed with the Commission on February 19, 1974, PSCI alleges that its rate of return from firm power sales to the five municipalities with generation was 2.57 percent for the twelve months ended June 30, 1973, and that sufficient information is available to determine whether the proposed rates are not in the public interest. Further, the fact that Cities' are served under fixed rate, fixed term contracts while Frankfort is subject to the change in rates proposed by PSCI (immediately following the suspension period) may indicate undue rate discrimination among these customers. We believe that there is before us at least a prima facie case requiring further investigation in an evidentiary hearing. We conclude that a section 206 investigation is necessary to determine whether a sufficient showing can be made so as to satisfy the test enunciated by the Supreme Court in the *Sierra* case, supra. With regard to the question of the burden of proof, our order of March 7, 1974, did not shift the burden of proof to the Cities.

Frankfort's petition alleges that we misinterpreted the provisions of its contract with PSCI. Article 12 of its Agreement with PSCI reads as follows:

> This Agreement is made subject to the jurisdiction of any governmental authority or authorities having jurisdiction in the premises. The terms and conditions of this Agreement, and the provisions of the rates attached hereto and made a part hereof, may be changed by the Company from time to time by filing such change(s) with the Federal Power Commission and upon receipt of such Commission's acceptance for filing will supersede and cancel the present terms and conditions of this Agreement and such rate provisions.

It is Frankfort's contention that, despite the above provisions, Article 2, sections 2.2 and 2.3 and Article 11 of the Agreement require a binding mutual agreement before any amendment to the contract can be effected. The relevant portion of Section 2.2 reads as follows:

> Inasmuch as the specific services to be rendered in furtherance of such purpose will vary from time to time during the duration of this Agreement, and the terms and conditions applicable to such services may require modification from time to time, it is intended that such specific services and the terms and conditions applicable thereto will be set forth in service schedules mutually agreed upon between the parties. Subject to the provisions of Article 12 hereof, such service schedules, until and unless changed by such mutual agreement, shall be those provided by section 2.3 hereof.

Frankfort's argument assumes that Article 12 is merely an implementing provision for Articles 2 and 11.

Our interpretation of the Agreement is that Article 12 provides PSCI with an alternate means of revising the Agreement through the machinery of the regulatory process. To interpret Articles 2 and 11 as a precondition to Article 12 would eliminate any need for Article 12. Our interpretation of Frankfort's contract is strengthened by comparing it with the provisions found in the Cities' fixed term, fixed rate contracts. Frankfort's Agreement is the most recent of the Agreements at issue in this proceeding, and it is identical to the other contract except for the addition of the language in Section 2.2 subjecting that section to the provisions of Article 12 and a substantial revision of the language of Article 12 itself. In contrast to Article 12 in Frankfort's contract, the Article 12 in the Cities' Agreements read as follows:

> "This Agreement is made subject to the jurisdiction of any governmental authority or authorities having jurisdiction to the premises."

The language of this article evidences no *Memphis* intent and, in fact, seems to have the kind of implementing function that Frankfort would have us assign to the Article 12 in its contract.

The applications for reconsideration of the Cities and Frankfort and Cities' motion to dismiss raise no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of March 7, 1974.

The Commission finds:

The applications for reconsideration of the Cities and Frankfort and Cities' motion to dismiss raise no facts or points of law which would provide an appropriate basis for modification of the Commission's Order of March 7, 1974.

The Commission orders:

(A) The applications for reconsideration of the Cities and Frankfort, filed on April 4, 1974, are denied.

(B) The Cities' motion to dismiss the section 206 investigation, filed on April 4, 1974, is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12885 Filed 6-4-74;8:45 am]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Notice of Filing of Revised Tariff Sheet

MAY 29, 1974.

Take notice that on May 16, 1974, Sea Robin Pipeline Company tendered for filing Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 to affect a purchased gas adjustment to its rates. The tariff sheet has a proposed effective date of July 1, 1974, and is in purported compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Sea Robin states that copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12888 Filed 6-4-74;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON

Notice of Extension of Time

MAY 29, 1974.

On May 23, 1974, Southern California Edison Company filed a motion for an extension of time to serve its rebuttal evidence as required by notice issued March 29, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor Interveners object to the requested extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

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[2] *Federal Power Commission v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[3] *United Gas Pipe Line Company v. Mobile Gas Service Corporation, et al.*, 350 U.S. 344 (1956).

Service of Rebuttal Evidence, June 14, 1974.
Hearing, June 25, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12893 Filed 6-4-74;8:45 am]

[Docket No. CP73-154]

SOUTHERN NATURAL GAS CO.

Notice of Withdrawal of Application in Part

MAY 30, 1974.

By amendment filed April 1, 1974, to its application in Docket No. CP73-154 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, Southern Natural Gas Company has withdrawn that part of the application designated as Phase II, in which authorization is sought for a synthetic natural gas or maximum utilization plant, and so much of that part of the application designated as Phase I as is concerned with the addition of compression facilities at the existsing Selma Compressor Station. No hearing has been held or convened on the subject application.

Therefore, take notice that pursuant to Section 1.11 of the Commission's Rules of Practice and Procedure, 18 CFR 1.11, the withdrawal of the application in part shall be effective May 1, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12894 Filed 6-4-74;8:45 am]

[Docket No. CP74-287]

TRANSWESTERN PIPELINE CO.

Notice of Application

MAY 30, 1974.

Take notice that on May 13, 1974, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-287 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7 (g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing July 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be initially financed from funds made available from company operations and may at some later date be financed through issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12884 Filed 6-4-74;8:45 am]

[Project No. 1889]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Supplement to Pending Application

MAY 30, 1974.

Public notice is hereby given that a supplement to an existing application for new major license was filed March 25, 1974 under the Federal Power Act (16 U.S.C. 791a-825r) by Western Massachusetts Electric Company (correspondence to: Mr. Robert E. Barrett, Jr., President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089) for the pending Exhibit S for the constructed Turners Falls Project No. 1889, located on the Connecticut River, in the Towns of Erving, Gill, Greenfield, Montague and Northfield, Massachusetts and in the vicinity of Town of Hinsdale, New Hampshire and the town of Vernon, Vermont.

The supplement presents four Exhibit S drawings which propose a design for fish passage facilities at Cabot powerhouse, at the spillway of the Turners Falls dam, and at the Gatehouse at the dam which controls the discharge of impounded project water into the power canal extending to Cabot powerhouse. The purpose of these facilities is to allow anadromous fish arriving at the tailrace of Cabot powerhouse or at the base of Turners Falls dam of Project No. 1889 to reach the project reservoir formed by Turners Falls dam across the Connecticut River.

Any person desiring to be heard or to make protest with reference to said application should on or before July 20. 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12886 Filed 6-4-74;8:45 am]

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Filing of Rate Schedules

MAY 29, 1974.

Take notice that on May 20, 1974, Wisconsin Public Service Corporation (WPSC) tendered for filing 6th Revised Sheet No. 1, Schedule W-1, which reflects certain revisions in its rate schedule for Primary Resale Service. This filing was made pursuant to the Commission's Order Approving Rate Settlement in Docket No. E-8157 (issued April 30, 1974). The Company states that copies of the filing have been mailed to the customers affected and to the appropriate state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12889 Filed 6-4-74;8:45 am]

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[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Rate Schedule Changes

MAY 30, 1974.

Take notice that Western Massachusetts Electric Company (WMECO) on May 16, 1974, tendered for filing proposed changes in its rate schedules designated FPC Nos. 22, 24, 25, 33, 45 and 67. The proposed changes would, effective June 15, 1974, increase revenues from jurisdictional sales and service by $686,000 based on the 12 month period ending December 31, 1974. In addition, WMECO proposes to make modifications in its fuel adjustment clause formula and, with respect to certain of its wholesale customers, to adopt a demand energy charge rate form and reactive power and late payment charges.

The increased rates are proposed in order to provide WMECO with increased revenues in order to permit it to earn a higher return upon its property devoted to service of its wholesale customers. WMECO cites, *inter alia*, increased taxes, high interest rates and rising labor and material costs in support of this rate increase.

Copies of the filing were served upon WMECO's jurisdictional customers and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12891 Filed 6-4-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS

Executive Branch Position

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendations:

I. *Recommendation I-1.* "Implement the revised Presidential Statement of Government Patent Policy promptly and uniformly."

Executive Branch Position. The recommendation has been adopted. Implementation has been accomplished by: (1) the promulgation of GSA licensing regulations in Federal Property Management Regulations (FPMR) 101-4.1 for Government owned inventions; (2) Part 1-9 of the Federal Procurement Regulations (FPR) establishing uniform contract clauses and procedures for patent rights applicable to civilian agencies; and (3) a revision to the Armed Services Procurement Regulation (ASPR), Section 9. The Federal Council for Science and Technology will be assigned responsibility to consider amending or repealing certain legislation to allow for total Government-wide implementation of the Presidential Statement of Government Patent Policy.

II. *Recommendation I-14, 15, and 16. Recommendation I-14.* "Amend or repeal statutes limiting agency flexibility in dealing with the publication of works developed under Government contracts."

Recommendation I-15. "Enact legislation giving all agencies authority to acquire private copyrights or interests therein."

Recommendation I-16. "Establish an interagency task force under the lead of the Office of Federal Procurement Policy to develop and evaluate the implementation of a statement of Government copyright policy."

Executive Branch Position. The recommendations have been adopted. The Federal Council for Science and Technology will be assigned responsibility to lead an interagency task force and develop a statement of Government copyright policy in implementation of Recommendation I-16. The Council will also, during this study, consider appropriate implementation of Recommendations I-14 and I-15.

Dated at Washington, DC, on May 22, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-12854 Filed 6-4-74;8:45 am]

COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS

Implementation

In accordance with our policy to announce implementations or pending implementations of Commission on Government Procurement (COGP) recommendations, the following notice is given:

I. *Recommendation A-36.* "Enact legislation to authorize negotiated sale of surplus elephantine tools (such as heavy machine tools) and of equipment which is 'excess to Government ownership but not to Government requirements,' with adequate protection to the Government for its future needs when competition is not feasible. While the lack of such authority now appears to be a problem only for the Department of Defense, to provide for future contingencies the legislation should cover all agencies."

Executive Branch Position. This recommendation has been accepted and it is expected that implementation will be effected through appropriate legislation. (H.R. 611 and S. 2152)

II. *Recommendation B-12.* "When a potential organizational conflict of interest exists and use of a hardware exclusion clause is proposed, require a senior official of the procurement agency to examine the circumstances for benefits and detriments to both the Government and potential contracts, and reach and justify his decision to contract with either no restraint, partial restraint, or strict hardware exclusion provisions."

Executive Branch Position. This recommendation has been accepted. Implementation will be effected by appropriate regulatory issuances in the Federal Procurement Regulations (FPR) and the Armed Services Procurement Regulation (ASPR). Executive branch coordination and private sector comments will be sought.

III. *Recommendation D-5.* "Encourage agencies to use headquarters procurement staff personnel in the conduct of on-the-job training of field procurement personnel to (a) implement techniques adopted to specific field activity needs, and (b) identify possibilities for procurement innovation and transfusion."

Executive Branch Position. This recommendation has been adopted. The recommendation will be implemented by the media of a Federal Management Notice which will soon be issued by GSA. The provisions of the Notice will apply to all executive departments and establishments having decentralized purchasing activities.

IV. *Recommendation D-19.* "Review transportation procurement techniques to determine whether more innovative procurement methods are warranted when alternative sources and modes are available."

Executive Branch Position. This recommendation has been adopted. It is being implemented through the ongoing efforts to implement the recommendations of the Joint Agency Transportation Study and by a continuing examination of procurement techniques relative to obtaining competition among alternative sources and modes of transportation services.

V. *Recommendation G-18.* "Improve contracting agency debriefing procedures."

Executive Branch Position. This recommendation has been accepted: Implementation will be effected by appropriate regulatory issuances in the Federal Procurement Regulations (FPR) in conjunction with issuances in the Armed Services Procurement Regulation (ASPR). Executive branch coordination and private sector comments will be sought.

Dated at Washington, DC, on May 30, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-12855 Filed 6-4-74;8:45 am]

[Federal Procurement Regs.; Temporary Reg. 27, Supplement 6]

NEGOTIATED NONDEFENSE CONTRACTS

Certain Accounting Provisions

Subject. Revision of regulations pursuant to Public Law 91-379, as implemented by the Cost Accounting Standards Board

1. *Purpose.* This regulation provides that the standards of the Cost Accounting Standards Board (CASB) on Accounting for Unallowable Costs and on the Cost Accounting Period are applicable to negotiated nondefense contracts under the provisions of FPR Temporary Regulation 27.

2. *Effective date.* This regulation is effective May 24, 1974, for CASB standard 405 and July 1, 1974, for CASB standard 406 for negotiated nondefense contracts. The standards are effective on April 1, and July 1, 1974, respectively, for negotiated defense contracts as provided in CASB regulations.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* (a) FPR Temporary Regulation 27, including Supplements 1, 2, 3, 4, and 5, implements the CASB standards and regulations with respect to negotiated defense contracts. The application of the Board's rules, subject to certain exemptions, has been extended to negotiated nondefense contracts in the interest of Governmentwide uniformity of procurement policies and procedures. FPR Temporary Regulation 27 provides that CASB standards are operative for defense contracts as the standards become effective. However, individual implementation of new standards is required with respect to nondefense contracts. The CASB now has promulgated standards on Accounting for Unallowable Costs (4 CFR 405, 38 FR 24195, September 6, 1973) and the Cost Accounting Period (4 CFR 406, 38 FR 30730, November 7, 1973).

(b) The effective date of Part 405, Accounting for Unallowable Costs, was April 1, 1974, as specified in 38 FR 31813, November 19, 1973. The effective date of Part 406, Cost Accounting Period, will be July 1, 1974, as specified in 39 FR 10115, March 18, 1974.

5. *Agency action.* Agencies entering into negotiated nondefense contracts which are subject to CASB standards and regulations, by reason of the requirements of FPR Temporary Regulation 27, shall require the contractors and subcontractors under such contracts to comply with the CASB standards on Accounting for Unallowable Costs and on the Cost Accounting Period which have been prescribed by the CASB in accordance with the terms of those standards. As indicated in paragraph 4 above, the referenced standards are also applicable to negotiated defense contracts.

ARTHUR F. SAMPSON,
Administrator of General Services.

MAY 24, 1974.

[FR Doc.74-12853 Filed 6-4-74;8:45 am]

OFFICE OF THE FEDERAL REGISTER

STANDARDIZATION OF INDEXING TERMS

Extension of Time for Filing Comments

The purpose of this notice is to extend the time for filing comments in response to the Office of the Federal Register's notice published at 39 FR 14548, April 24, 1974 and republished at 39 FR 14773, April 26, 1974.

Interest in the development of a thesaurus of indexing terms for publications of the Office of the Federal Register has been so great that the Office of the Federal Register has determined that an extension of the comment period is warranted.

The original date of June 1, 1974 is therefore extended to June 28, 1974. Comments should be sent to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: June 4, 1974.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.74-13055 Filed 6-4-74;10:38 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

KENTLAND ELKHORN COAL CORP.

Opportunity for Public Hearing Regarding Applications for Renewal Permits Electric Face Equipment Standard

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP DOCKET NO. 4255-000, Kentland Elkhorn Coal Corporation, Kentland No. 3 Mine, Mine ID No. 15 02104 0, Mouthcard, Kentucky, ICP Permit No. 4255-003 (Galis Roof Bolting Machine, Serial No. 32471081).
(2) ICP DOCKET NO. 4257-000, Kentland Elkhorn Coal Corporation, Feds Creek No. 1, Mine, Mine ID No. 15 02097 0, Mouthcard, Kentucky, ICP Permit No. 4257-001 (Lee Norse 35 Y Continuous Serial No. 4075).
(3) ICP DOCKET NO. 4389-000, Kentland Elkhorn Coal Corporation, Kentland No. 2 Mine, Mine ID No. 15 02106 0, Mouthcard, Kentucky, ICP Permit No. 4389-001 (Galis 320 Roof Bolting Machine, Serial No. 3296954),
    ICP Permit No. 4389-006 (Joy 18SC Shuttle Car, Serial No. 8376),
    ICP Permit No. 4389-008 (Joy 11RU Cutting Machine, Serial No. 17297),
    ICP Permit No. 4389-009 (Joy 14BU10 Loading Machine, Serial No. 8715),
    ICP Permit No. 4389-010 (Galis 320 Roof Bolting Machine, Serial No. 320381291),
    ICP Permit No. 4389-011 (Long Airdox TD-24 Coal Drill, Serial No. 9453104),
    ICP Permit No. 4389-012 (Lee Norse Continuous Miner, Serial No. 4302),
    ICP Permit No. 4389-013 (Joy 18SC Shuttle Car, Serial No. 8460).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 20, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 30, 1974.

[FR Doc.74-12785 Filed 6-4-74;8:45 am]

OMAR MINING CO. AND CONSOLIDATION COAL CO.

Opportunity for Public Hearing Regarding Applications for Renewal Permits Electric Face Equipment Standard

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP DOCKET NO. 4100-000, Omar Mining Company, Chesterfield No. 3 Mine, Mine ID No. 46 01790 0, Madison, West Virginia.
    ICP Permit No. 4100-001 (Joy 14BU-10-11BE Loading Machine, Serial No. 9283),
    ICP Permit No. 4100-004 (Joy CD71A Coal Drill, Serial No. 3701),
    ICP Permit No. 4100-005 (Galis 320 Roof Drill, Serial No. 1081390),
    ICP Permit No. 4100-006 (Joy 9SC Shuttle Car, Serial No. 6534),
    ICP Permit No. 4100-007 (Joy 9SC Shuttle Car, Serial No. 6064).
(2) DOCKET NO. 4352-000, Consolidation Coal Company, Franklin No. 25 Mine, Mine ID No. 33 00963 0, New Athens, Ohio.
    ICP Permit No. 4352-006 (Joy 10RU Cutting Machine, Serial No. 14838),
    ICP Permit No. 4352-008 (Joy 11RU Cutting Machine, Serial No. 17514),
    ICP Permit No. 4352-017 (Joy CD41 Coal Drill, Serial No. 3548),
    ICP Permit No. 4352-018 (Long Airdox TDE-24A Coal Drill, Serial No. 52-302),
    ICP Permit No. 4352-022 (National Mine Serivce 48-48 Shuttle Car, Serial No. 1389),
    ICP Permit No. 4352-025 (National Mine Service 48-45 Shuttle Car, Serial No. 1101),
    ICP Permit No. 4352-026 (National Mine Service 48-45 Shuttle Car, Serial No. 1100).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 20, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

George A. Hornbeck,
Chairman,
Interim Compliance Panel.

May 31, 1974.

[FR Doc.74-12786 Filed 6-4-74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

ARCHITECTURE AND ENVIRONMENTAL ARTS PROGRAM

Guidelines, Fiscal Year 1975; Correction

The application deadline for Professional Education and Development grants made under the Architecture and Environmental Arts Program of the National Endowment for the Arts was erroneously given in the May 13, 1974 issue of the Federal Register. The actual deadline is January 6, 1975. Interested persons should contact Bill N. Lacy, Director, Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-6657 for guidelines and application forms.

Signed at Washington, D.C. on 24 May 1974.

Fannie Taylor,
Director,
Program Information.

[FR Doc.74-12788 Filed 6-4-74;8:45 am]

MUSIC PROGRAM

Guidelines for Grants to Symphony Orchestras, Fiscal Year 1976

The following are guidelines for grants made to Orchestras under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for this program is December 1, 1974. Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-5755 for further information and application forms. Only the Music Program office may distribute application forms.

Signed at Washington, D.C., on May 24, 1974.

Fannie Taylor,
Director, Program Information.

General Information

The National Endowment for the Arts plans to continue its program of assistance to symphony orchestras in Fiscal Year 1976 (July 1, 1975–June 30, 1976). Although total resources available for this program may not be known before the fall of 1975, applications are being requested in time for the symphony orchestras to plan in advance.

DEADLINE

Applications must be postmarked no later than December 1, 1974.

The deadline will be adhered to strictly. Applications postmarked later than December 1, 1974 will not be considered under the Fiscal Year 1976 Orchestra Program.

Applications for orchestras meeting the eligibility criteria as set forth on page 2 may be obtained from the Music Program, National Endowment for the Arts, Washington, D.C. 20506. Project Grant Application Forms No. NEA-3/Rev. should be requested.

The completed application forms in triplicate, and all accompanying material, in duplicate, should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

GENERAL PURPOSE

The purpose of this program in support of symphony orchestras is to:

(1) Encourage and strengthen the performances of symphony orchestras in all sections of the country and to improve the level of artistic quality and management;

(2) Broaden the repertory to include works of various historical periods, with particular emphasis on works by American composers;

(3) Provide sustained professional opportunities for American artists;

(4) Encourage more flexible service of symphony orchestras to the larger community through the use of smaller performing units.

BICENTENNIAL

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within the funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for the projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

While most music projects in support of the nation's bicentennial will fall into one of of the regular music categories, it is possible that projects may be developed which do not readily meet the regular program guidelines. If funding levels permit, an additional grant may be considered for support of a special bicentennial project. Such grants are not expected to be awarded to all organizations meeting eligibility criteria, but will be reserved for imaginative and significant activities. It is anticipated that these grants will be on a highly competitive basis to a limited number of organizations. Further information will be forwarded concerning applications if the program is initiated.

ELIGIBILITY

By statute the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(1) *Only* those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. *Copy of Internal Revenue Service determination letter of tax-exempt status must be submitted with each application.*

(2) *Only* those organizations which compensate at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(3) *Only* those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Assistance, further, will be limited to professional orchestras which have maintained an annual operating budget in excess of $100,000 for a minimum of three seasons and:

(1) Which have national or regional impact while demonstrating high standards of performance and administration;

Or

(2) Which serve unique needs due to geographical location or other special conditions and demonstrate high standards of performance and administration.

GRANT PERIOD

The proposed period of grant support should not begin prior to September 1, 1975. In some instances the Endowment will accept applications for projects taking place in the summer of 1975. Generally, the projected grant period may not extend beyond a one-year period.

NOTICE OF APPROVAL OR REJECTION

Notice of approval or rejection will be sent as the Chairman authorizes in the summer or early fall of 1975. Applicants are requested not to seek information on the status of their applications prior to notification. Funding levels will not be confirmed until Congressional appropriations are known.

GRANT AMOUNTS

Grants to symphony orchestras will be considered in amounts within the following budget ranges:

Budgets in excess of $1,000,000. Orchestras with annual budgets in excess of $1,000,000 during the 1973–1974 season may request assistance of up to $150,000 *in federal funds.*

Applicants in this category should request assistance through a combination of Program Funds and Treasury Funds with no more than $100,000 through the Program Fund. Please refer to: Methods of Funding, Option 3, page 6.

In many instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

Budgets of $500,000 to $1,000,000. Orchestras with expenditures in the 1973–1974 season within this range will be considered for grants in varying amounts, up to a maximum of $50,000 *in federal funds.*

In most instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

Budgets of $100,000 to $500,000. Orchestras with expenditures in the 1973–1974 season within this range will be considered for grants in varying amounts up to $35,000 *in federal funds.*

In most instances grants will be for lesser amounts; therefore, orchestras are urged to limit any requests for increased support above previous funding to moderate increments.

Orchestras not previously receiving assistance, and which are now eligible, are asked to request only moderate amounts, that is, amounts within the scope of realistic fiscal planning.

Note to All Applicants. Grants in each category will not be considered in amounts:

(1) **Exceeding the limits set forth under Grant Amounts.**

(2) Exceeding 50% of the total cost of the project(s).

For clarification of assistance available through the Program Funds, the Treasury Fund and the Combined Program Funds and Treasury Fund Method, see "Methods of Funding," page 6.

PROJECT EXAMPLES

Although the Endowment welcomes the vitality of new programs and, under all conditions, encourages applicants to develop *new* sources of funds, applications first and foremost should represent the genuine needs of the applicant organizations. Accordingly, *orchestras may request assistance to strength existing programs.* Also assistance may me requested to support the same project for more than one year. In no instance however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion into future seasons.

The following are examples of projects that are eligible for assistance. The National Council on the Arts has recommended that the Endowment extend first priority to applications which would provide assistance and recognition to American artists.

(1) Programs by full orchestra or smaller ensembles from the orchestras designed to present works by contemporary composers, especially living American composers.

(2) Programs designed to present gifted young American artists as soloists with the orchestra or smaller ensembles.

(3) Programs designed to reach larger and more diversified audiences than those usually served by the subscription series; e.g., improved services to local communities, such as schools, inner-city areas, parks, neighborhoods, churches, industries, et cetera.

(4) Collaboration with and/or sponsorship of programs with other established performing organizations, such as dance companies, opera companies, resident professional theatre companies and experimental groups through use of the orchestra or smaller ensembles.

(5) Projects to improve the quality of performance, including increased rehearsal time and improved artistic direction and management.

(6) Flexible use of orchestral personnel in smaller ensembles and solo performances.

(7) Experimental programming with commercial and educational public media through radio, television, film, and new technological developments. Project proposals in this area should include:

A full description of the proposed program(s).
Letters of interest from the stations involved.
Resumes and a sample of previous work of key artistic personnel: director, producer, filmmaker, et cetera.

(8) Exploration of new ways to improve earned and contributed income, including development programs staffed by professional development personnel and new methods of promotion to increase audiences and improve ticket sales.

(9) Professional apprentice programs in performance and/or management.

(10) Regional touring programs, particularly to areas where instrumental performances of quality normally are not possible.

(11) Special series of concerts in cooperation with unions, schools, teacher organizations, college groups, etcetera. Project proposals in this area should include:

Full description of the proposed project to include the planning stage, program implementation and evaluation.
Letters of interest from the organizations involved.

(12) Extended seasons. Evidence that the extension, without continued Endowment support, would not jeopardize the orchestra's continued existence will be required.

(13) Cooperative planning among orchestras on a regional level to achieve greater efficiency in operations, improvement in quality of performance, enlarging touring opportunities (perhaps via an arrangement with regional blocs of state arts agencies).

LIMITATIONS

(1) Although the Endowment seeks information regarding plans for recording, the present policy of the Endowment does not include support to orchestras for the purpose of recording.

(2) Applications will rarely be considered for non-specific support.

(3) The Endowment's assistance is never intended to discourage admission fees irrespective of how nominal the charge may be.

(4) The Endowment's assistance is never intended to substitute for previous local support but, instead, is designed to encourage continuing and increased local contributions.

(5) Applicants are required to limit their requests to a single application; however, requests for more than one project may be presented in the application if:

The total funds sought do not exceed the maximum levels outlined under grant amounts.
The overall project description does not attempt to encompass all or most aspects of the orchestra's total program.

(6) The Endowment's assistance under this program is not intended to provide support for youth orchestras and their activities or for the support of scholarshipa for young student musicians.

(7) The Endowment's assistance is not intended to provide support for the initial employment of a general manager.

Methods of Funding

OPTION 1, PROGRAM FUNDS METHOD

Applicants requesting assistance from Program Funds must present evidence in the proper space provided on the application that one-half the total cost of the project will be provided by the applicant. Sources of matching funds must be identified.

Example

Grantee receives endowment award	$20,000
Required matching by the grantee	20,000
Minimum required budget	40,000

OPTION 2, TREASURY FUND METHOD

Applicants are encouraged to use the Treasury Fund Method.

Example

Restricted gift(s)	$50,000
Endowment Treasury funds	50,000
Proposed award	100,000
Required matching by the grantee	100,000
Minimum required budget	200,000

OPTION 3, COMBINED PROGRAM FUNDS AND TREASURY FUND METHOD

Applicants may request assistance through a combination of funds through the Treasury Fund method and Program Funds method, but the combined amount of federal funds cannot exceed the program maximum.

Example

Program funds	$100,000
Restricted gift(s)	35,000
Endowment Treasury funds	35,000
Combined restricted gift(s) and endowment Treasury funds	70,000
Proposed award	170,000
Required matching by the grantee	170,000
Minimum required budget	340,000

Grant Application

THE APPLICATION FORM

Typewritten application forms must be submitted in triplicate. All essential elements of the proposal *must be included in a concise project description* in the space provided on the first page of the application. If additional space is needed, no more than two additional 8½" x 11" pages may be attached to each of the application forms.

If the applicant develops a multi-purpose application, please number each project separately with its own budget. For example: if the application contains three projects numbered 1, 2, 3—develop the budget numbered 1, 2, 3 to correspond with the appropriate project description. Budget detail for the individual projects should be in accordance with the categories on the application, such as: Personnel, Fringe Benefits, Supplies, et cetera. The budget figures appearing on the first page of the application must represent the sum of all expenses related to projects.

The Music Staff advises applicants to study carefully, point by point, the Eligibility Criteria, Maximum Grant Amounts and Program Limitations, as described earlier, before submitting an application. Applicants are urged to retain duplicates of any materials sent to the agency.

ADDITIONAL REQUIRED MATERIALS

Please forward *in duplicate* the following.

(1) Copy of Internal Revenue Service determination letter for tax-exempt status. Although this letter may have been submitted previously, it must be submitted with each application.

(2) Audited financial statement for the most recent completed fiscal period. Unaudited financial statement is acceptable if audited statement is not available, but the audit should be forwarded when available.

(3) Total operating budget showing estimated income and expenses for the 1974–75 and the 1975–76 seasons.

(4) Complete representative reviews of regular performances from the past year with dates provided.

(5) Biographical sketches of Project Director, Manager, and Conductor.

(6) The supplementary information sheet completed in full.

SUPPLEMENTARY INFORMATION

The following materials is required of all applicants which have not received assistance in Fiscal Year 1975 *and* applicants for which previously submitted information is not up-to-date. Please submit, *in duplicate:*

(1) A brief history of the organization.

(2) The number of members of the board and the executive committee.

(3) The number of times the board and the executive committee meet.

SUPPORTING STATEMENTS

The following statements are required of applicants as indicated below, *in duplicate.*

Statements to confirm the involvement of cooperating organizations and/or individuals

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must accompany all applications in the following areas:

(1) School-related proposals. The Endowment must be assured that school-related proposals have the cooperation of the appropriate officials and classroom teachers and that careful, coordinated planning for in-school concerts or educational programs has been accomplished. See page 5, no. 11.

(2) Programs in special areas. The Endowment must be assured that proposals for programs in special areas, such as the inner city, have the cooperation of the leaders in those areas and that businesses and other involved organizations are prepared to identify with the program plans.

The Endowment is anxious to know where and when presentations will occur, recognizing that some details must be tentative from time to time, but that, in general, a well-defined proposal is under consideration.

APPLICATION PROCESSING

The application, if not completed properly, will be returned to the applicant for corrections. If the corrected application is not received by the Endowment in time for processing in accordance with the deadline date, it will not be considered under the Fiscal Year 1976 appropriations. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

Incomplete application files. If all additional required material has not been submitted, the application may be rejected.

APPLICATION REVIEW

After an application with all necessary information has been received, the file will be reviewed as follows:

(1) The Endowment Music Staff, the Music Advisory Panel, and the National Council on the Arts successively review the application;

(2) The applicant is notified concerning final action taken by the Chairman of the Endowment.

Applications are reviewed according to the following criteria:

(1) Artistic quality;
(2) Merit of the project;
(3) Organizational stability;
(4) Capacity to achieve objectives;
(5) Professional service to the maximum constituency.

Notices of approval or rejection will be sent, as the Chairman authorizes. Applicants are requested not to seek information on the status of their applications prior to such notification. While the Endowment welcomes expressions of interest in a project, extraordinary pressures beyond direct negotiations are not helpful.

FINAL REPORTS

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Reporting suggestions will accompany the grant letter. All grantees are required to submit the following *in triplicate:*

(1) *Final Descriptive Report:* A detailed narrative report describing what was accomplished during the grant period with NEA funds.

(2) *Final Expenditure Report:* An accounting of total expenditures and matching funds related to the project. *Note:* This report is to be submitted on the same form No. NEA-7 (Rev. 71) used for interim cash requests. The final cash request may also serve as a final expenditure report if all income and expenditures for the project may be detailed.

SUPPLEMENTARY INFORMATION SHEET

This page and all other material should be sent to Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

Name of Organization: ______________________________ Date: __________

The informattion requested below must be sumitted before the application can be reviewed.

Number of performances presented in 1973–74		*Attendance*
____________	Major subscription series	____________
____________	Other local performances	____________
____________	Tour or run-out performances	____________
____________	Children-youth performances	____________
____________	Aged or Handicapped performances	____________
____________	Other performances	____________
____________	Workshops, lecture/demonstrations, educational or community programs	____________

Number of Staff

____________	Artistic	____________	Capacity of home hall
____________	Administrative	____________	Total potential income
____________	Volunteer		

Ticket sales—1973–74

____________ Number sold
____________ Value

	1972–73	*1973–74*	*1974–75 (est.)*	*1975–76 (est.)*
Expenses:	____________	____________	____________	____________
Income:	____________	____________	____________	____________

[FR Doc.74-12869 Filed 6-4-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECONOMICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Economics to be held at 9 a.m. on June 24, 1974, in Room 511 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552 (b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92-463.

Individuals requiring further information about this panel may contact Dr. James Blackman, Program Director, Economics Program, Room 205, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

MAY 28, 1974.

[FR Doc.74-12863 Filed 6-4-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 30, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Availability Form and Claim Form for Electronic Products, Forms FLH 2768, FD 2767, FLH 2769, FD 2766, Occasional, Caywood, Business firms.

Health Resources Administration: Follow-up Health Surveys for Evaluating Selected Neighborhood Health Centers. Form HRABHSR 0424, Single time, HRD/Reese, Households in 5 selected NHC service areas.

Health Services Administration: Evaluation of Women's Health Care Specialists, Form HSABCHS 0517, Single time HRD/Reese, Women's health care specialist graduates.

DEPARTMENT OF THE INTERIOR

Geological Survey:
- Preliminary Determination of Epicenter and PDE Monthly Listing, Form, Single time, Weiner, Seismologists earthquake data contributors.
- Earthquake Data Report, Form, Single time, Weiner, Seismologists earthquake data contributors.

DEPARTMENT OF LABOR

Employment Standards Administration: Application for Continuation of Death Benefit for Student, Form LS 266, Single time, Caywood, Parent or guardian of workmen's compensation survivors under 18.

NATIONAL SCIENCE FOUNDATION

Report on Attitudes of the U.S. Public Toward Science and Technology, Form, Single time, Weiner/Wann/Planchon, Households in 360 communities.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Air Force: AFLCM 65-1, Chapter 5, "Material Requirements List," Form, Quarterly, Sheftel, Aerospace hardware repair contractors.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Cotton Market Canvas, Form CN 73-1, Occasional, Evinger, Cotton merchants.

Animal and Plant Health Inspection Service: Regulations-Recognitions of Breeds and Books of Record of Purebred Animals, Form, Occasional, Evinger, Animal importers.

Statistical Reporting Service: Cleaners Report of Seed Cleaned, Form, Annual, Evinger, Seed buyers and cleaners.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12837 Filed 6-4-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5503]

APPALACHIAN POWER CO.

Proposed Agreement for Construction of Pollution Control Equipment

MAY 30, 1974.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission designating sections 6(b), 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian states that in order to comply with prescribed air and water quality control standards of the State of Virginia it has been and will be necessary to construct certain high efficiency electrostatic precipitators ("Project") for particulate emission control and related facilities at its Glen Lyn and Clinch River Plans. By resolution of September 26, 1972, the Industrial Development Authority of Russell County, Virginia ("Authority"), authorized a proposal to Appalachian to construct the Project at the Glen Lyn and Clinch River Plants.

Appalachian proposes to enter into an agreement of sale ("Agreement") with the Authority whereby the Authority will construct and equip the Project. To finance construction, the Authority will issue, pursuant to an indenture ("Indenture") to be entered into between the Authority and an indenture trustee ("Trustee"), pollution control revenue bonds ("Revenue Bonds") in principal amount presently estimated not to exceed $45,000,000. The proceeds from the sale of the Revenue Bonds will be deposited by the Authority with the Trustee and will be applied to the payment of the cost of construction (as defined in the Agreement) of the Project.

The Agreement also will provide for the sale of the Project to Appalachian at a price payable in semi-annual installments over a term of years sufficient to pay the principal of and interest on the Revenue Bonds as they become due and payable. The Agreement further provides that Appalachian may prepay the purchase price (a) at any time on or after 10 years from the date of issuance of the Revenue Bonds, in whole or in part at the option of Appalachian, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds, including applicable premiums, and (b) in whole, without premium, at the option of Appalachian, in certain other specified conditions.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to a rating enjoyed by the first mortgage bonds outstanding under Appalachian's bond indenture ("Mortgage"), Appalachian proposes to issue a series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, pursuant to a supplemental indenture ("Supplemental Indenture"). The Collateral Bonds, to be issued in a principal amount (not exceeding $45,000,000) equal to the principal amount of the Revenue Bonds, will be deposited with the Trustee as security for Appalachian's obligations under the Agreement. The Collateral Bonds will have a stated interest rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such Revenue Bonds, will be non-transferable, and interest on the Collateral Bonds will accrue at the time and under conditions specified in the Supplemental Indenture.

The Indenture will provide that, upon deposit of funds with the Trustee or direction to the Trustee by Appalachian to apply available funds, or upon delivery of outstanding Revenue Bonds sufficient to pay or redeem all or any part of the Revenue Bonds, the Trustee will be obligated to deliver to Appalachian Collateral Bonds in an aggregate principal amount equal to that amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

The terms of the Revenue Bonds contain sinking fund provisions, which, in the aggregate, will retire at least twenty-five percent of the original issue by its final maturity date.

In order to comply with the provisions of the Mortgage, it will be necessary for Appalachian to sell to the Authority such portions of the Project which have been constructed and now owned by Appalachian ("Existing Facilities"). The Agreement states that Appalachian will receive, out of the proceeds of the Revenue Bonds, an amount equal to Appalachian's original cost for the Existing Facilities. The Existing Facilities will become a part of the Project which Appalachian proposes to purchase as provided in the Agreement. The proceeds to be received by Appalachian for the Existing Facilities will be applied to obtain their release from the lien of the Mortgage and, after such release, Appalachian will convey said Existing Facilities to the Authority free and clear of the Mortgage Lien.

It is contemplated that the Revenue Bonds will be sold by the Authority pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co. Incorporated. In accordance with the laws of the State of Virginia, the interest rate to be borne by the Revenue Bonds will be fixed by the board of directors of the Authority. While Appalachian will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the Authority shall be satisfactory to Appalachian.

Appalachian has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½ to 2½ percent lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The application-declaration states that the fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the Authority payable out of the proceeds of such sale) will be supplied by amendment. It is stated that the issuance of the Collateral Bonds is subject to the jurisdiction of the State Corporation Commission of Virginia and the Public Service Commission of Tennessee, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Appalachian further requests exception from the competitive bidding requirements of Rule 50 under the Act in respect of the issuance of the Collateral Bonds, stating that such requirements are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Appalachian's obligations to the Authority and no public offering of the Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than June 27, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12896 Filed 6-4-74;8:45 am]

[File No. 81-153]

CAMPEAU CORP.

Notice of Application and Opportunity for Hearing

MAY 29, 1974.

Notice is hereby given that Campeau Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), that Applicant be granted an exemption from the provisions of sections 12(g), 13, 14, 15(d), and 16 of the 1934 Act.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in, or is in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitation. Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting or proxy solicitation provisions under sections 12, 13 and 14 and any officer, director or beneficial owner of more than 10 percent of the 12(g) registered equity securities of any issuer from the insider trading provisions of Section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states, in part:

1. Applicant is a Canadian corporation formed on October 1, 1973, upon consummation of an amalgamation of Campeau Corporation Limited ("Campeau Ltd.") with Canadian Interurban Properties Limited ("Interurban") and certain of its wholly-owned subsidiaries.

2. In connection with the amalgamation, Campeau Ltd. filed a registration statement on Form S-14 pursuant to the Commission's Rule 145 under the Securities Act of 1933, to register the shares of Applicant which were to be delivered to those shareholders of Campeau Ltd. or Interurban who were residents in the United States upon the consummation of the amalgamation. This registration statement became effective on August 23, 1973.

3. Prior to the amalgamation, Campeau Ltd., had two classes of shares outstanding; Campeau Ltd. Class A Common Shares were held by 15 persons resident in the United States and by 4,199 persons resident in countries other than the United States. Campeau Ltd. Class A Shares Par $.20 were held by one person, a Canadian. Applicant's Class A Common Shares were issued for Campeau Ltd.'s Class A Common Shares. Applicant's Second Preference Shares were issued for the latter class of Campeau Ltd.'s shares.

4. Interurban Common Shares were 98.7 percent owned by Campeau Ltd.; 1,250 persons resident in the United States held approximately .53 percent of the outstanding common shares, and the remainder were held by 487 persons resident in countries other than the United States. Interurban's Series A Preference Shares Par $10 were owned by 8 residents of the United States and by 705 residents of countries other than the United States. Pursuant to the plan of amalgamation, Applicants First Preference Shares were issued for Interurban's Third Preference Shares were issued for Interurban's Series A Preference Shares and Applicant's common shares. The Third Preference Shares were redeemed for cash on December 18, 1973.

5. The present stock ownership of Applicant is as follows:

Security	Number of shareholders	Number of shares
Class A common shares	15 United States	2,546
	4,199 Canadian and Foreign.	6,724,530
First preference shares	8 United States	3,750
	705 Canadian and Foreign.	757,105
Second preference shares.	1 Canadian	1,000,000

6. Applicant states that its contacts with the United States are limited in that Applicant had less than 1 percent of its gross assets of $313,000,000 at December 31, 1972 located in the United States and derived less than 1 percent of its gross revenues of $91,000,000 for the year then ended from the United States. In addition Applicant asserts that Campeau Ltd. has never made a public offering in the United States (other than the S-14 mentioned above) and that as the successor to Campeau Ltd., Applicant has no existing plans to engage in any public financing transactions in the United States, either by way of a public offering of its securities within the United States or otherwise and that a trading market in the United States for its securities does not exist at present and that development of such a market is unlikely.

7. Applicant asserts that it is subject to Canadian securities laws which require (a) distribution to shareholders of quarterly reports containing unaudited comparative financial information and an annual report containing certified comparative financial statements, and (b) submission of these reports to the Ontario Securities Commission.

8. Applicant further asserts that compliance with the reporting requirements of both the United States and Canada would require Applicant (at substantial expense) to prepare two sets of financial statements to reflect the accounting principles and practices of both countries.

In the absence of an exemption, Applicant would be required to register its shares pursuant to section 12(g) of the 1934 Act by reason of the facts that Applicant is engaged in interstate commerce and that Applicant has more than $1,000,000 in assets and 500 shareholders. In the absence of an exemption, Applicant would be subject to the provisions of Section 15(d) relating to reports to be filed with the Commission by reason of the fact that its registration statement on Form S-14 was declared effective.

Applicant argues that the exemptive order requested by it is appropriate in view of the fact that a trading market in the United States for its securities does not exist at present and that development of such a market is unlikely; that the Applicant now has only 23 shareholders who are resident in the United States; that the 23 shareholders will be receiving reports distributed pursuant to the laws of the Province of Ontario; and that the requirement for reports filed pursuant to section 15(d) of the 1934 Act would subject Applicant to the not insubstantial burden of compliance.

Applicant states that it is willing to have the Commission issue a conditional order granting the application which conditional order would remain in effect only so long as:

a. Applicant has fewer than 300 shareholders resident in the United States.

b. Applicant files with the Commission all of the reports which it is required pursuant to the laws of the Province of Ontario to distribute to its shareholders or to submit to the Ontario Securities Commission.

For a more detailed statement of the information presented, all persons are referred to said application and amendments which are on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than June 24, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12897 Filed 6-4-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

MAY 24, 1974.

The common stock of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 28, 1974 through June 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-12898 Filed 6-4-74;8:45 am]

[70-5509]

COLUMBIA GAS SYSTEM, INC.

Proposed Issue and Sale of Preferred Stock at Competitive Bidding

MAY 29, 1974.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

All external financing for the Columbia System is done at the parent company level, i.e., through the issue and sale of securities of Columbia. In anticipation of the sale of an initial series of preferred stock Columbia, on April 18, 1974, amended its Certificate of Incorporation (see HCAR No. 18304, March 15, 1974) so as to restate its preferred stock protective provisions in substantial conformity with the Statement of Policy with respect to preferred stock promulgated by the Commission in 1956 and 1970 (HCAR Nos. 13106 and 16758). Columbia now proposes to issue and sell in July 1974, subject to the competitive bidding requirements of Rule 50 under the Act, 1,000,000 shares of ---- percent Cumulative Preferred Stock, Series A, par value $50 per share ("Stock").

The dividend rate (which shall be a multiple of 0.08 percent) and the price (which shall be not less than $50 nor more than $51.375 per share) will be determined by the competitive bidding. The terms of the Stock will provide that Columbia shall have the option to redeem shares of the Stock, provided however, that no such optional redemption shall be made prior to July 1, 1979, directly or indirectly, with borrowed funds having a lower effective interest cost or from the issuance of another series of preferred stock having a lower effective dividend cost. A sinking fund will be provided to redeem 50,000 shares of Stock yearly beginning with the year 1980.

The following tabulation shows the consolidated capital structure of Columbia and its subsidiaries as to March 31, 1974, actual and pro forma, giving effect to the issuance of the Stock, at an assumed price to Columbia of $50 per share.

[Dollars in thousands]

	Actual		Pro Forma	
	Amount	Percent	Amount	Percent
Long-term debt: [1]				
Debentures	$1,108,621	51.6	$1,108,621	50.6
Subordinated bank loans	60,000	2.8	60,000	2.7
Term bank loans	50,000	2.3	50,000	2.3
Other	8,621	0.4	8,621	0.4
Total long-term debt	1,227,242	57.1	1,227,242	56.0
Common Stock equity	920,485	42.9	[2] 915,860	41.7
Preferred Stock equity			50,000	2.3
Total	2,147,727	100.0	2,193,102	100.0

[1] Includes current maturities.

[2] After payment of preferred dividends at an assumed rate of 9¼%.

Columbia proposes to use the proceeds from the sale of the Stock together with: (1) proceeds from the sale of $40 million principal amount of ---- percent Debentures, Series due June 1999 (File No. 70-5486); (2) an additional $85 million of long-term financing in late 1974 (in a form to be determined); and (3) internally generated funds, to finance the 1974 capital expenditure program of Columbia's subsidiaries (estimated at approximately $340 million).

Columbia also expects, in 1974, to issue and sell (i) an additional $60 million of subordinated notes to banks, pursuant to the authorization granted in File No. 70–5039 (HCAR No. 17213, August 2, 1971); and (ii) commercial paper and/or notes to banks ("short-term notes") in an aggregate face amount not exceeding $220 million at any time outstanding, pursuant to the authorization sought in File No. 70–5481 (HCAR No. 18388, May 10, 1974). After applying part of the proceeds from the anticipated long-term financing later in 1974, to retirement of short-term notes, Columbia expects that the amount thereof outstanding at December 31, 1974 will consist of $20 million commercial paper and $115 million of gas inventory bank loans. Said inventory bank loans are expected to be repaid early in 1975 as gas is withdrawn from inventory and sold.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the transaction proposed herein.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12899 Filed 6–4–74;8:45 am]

[File No. 500–1]

CONTINENTAL DYNAMICS LTD.

Suspension of Trading

MAY 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2 p.m. (e.d.t.) on May 22, 1974 through May 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12900 Filed 6–4–74;8:45 am]

[File No. 24SF–4052]

DELTA STEEL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 29, 1974.

I. Delta Steel Corporation ("Delta"), 1745 East Factory Street, Tucson, Arizona 85719, is an Arizona corporation located at 1745 East Factory Street, Tucson, Arizona 85719. It was organized on November 2, 1972. Its purpose is to manufacture steel.

On December 19, 1972, Delta filed a notification pursuant to Regulation A in connection with the proposed public offering of 500,000 shares of its 10¢ par value common stock at $1.00 per share with the Fort Worth Regional Office, 24FW–1565. This filing was withdrawn by Delta on May 16, 1973. On December 4, 1973, Delta filed another notification for the same number of shares at the same price with the Fort Worth Regional Office, 24FW–1605. Since this filing was improperly filed in the Fort Worth Regional Office, it was effectively withdrawn on March 20, 1974, and on March 22, 1974, was transferred to the San Francisco Branch Office, which administers the area where Delta's principal place of business is located.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose James N. Concannon as the manager and controlling person of Delta;

2. The failure to state that certain designated directors and/or officers, including the president, the secretary, and the treasurer are not active in the management of Delta.

3. Falsely stating that certain persons were engaged in providing technical advice to Delta.

B. The terms and conditions of Regulation A have not been met in that the notification and offering circular fail to list James N. Concannon as an affiliate of Delta.

C. The offering would be made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Delta Steel Corporation under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12901 Filed 6–4–74;8:45 am]

[File No. 500–1]

FRANKLIN NATIONAL BANK

Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock of Franklin National Bank being

traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12902 Filed 6–4–74;8:45 am]

[File No. 500–1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 25, 1974 through June 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12903 Filed 6–4–74;8:45 am]

[812–3416]

NEW YORK HEDGE FUND, INC.

Notice of Application

Notice is hereby given that New York Hedge Fund, Inc. ("Applicant"), 116 John Street, New York, New York 10038, a nondiversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting, retroactively, postponement of full payment for shares tendered to the Applicant for redemption. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On March 5, 1973, the Commission announced that it had ordered the temporary suspension of over-the-counter trading in the securities of Beneficial Laboratories, Inc. ("Beneficial") for a period of 10 days. This order was renewed for successive 10-day periods until October 30, 1973. Applicant states that, based on a valuation of its assets made shortly before said suspension, securities of Beneficial represented approximately 71 percent of its total net asset value. Applicant maintains that because of the suspension of trading in the stock of Beneficial it could not, during the period of the trading suspension, ascribe a fair market value to the shares of Beneficial held by it and that it was, therefore, not reasonably practicable for it fairly to determine the value of all its net assets during that time.

Applicant, therefore, adopted a plan of a partial postponement of payment for shares tendered for redemption pursuant to which shareholders who requested redemeption subsequent to March 5, 1973, and before trading in Beneficial was resumed, received the net asset value of their shares, exclusive of their interests in the assets of Applicant represented by its holdings of securities of Beneficial. These shareholders were also allocated a pro-rata interest in the shares of Beneficial held by Applicant. On March 8, 1973, Applicant filed an application for an order permitting its plan of partial postponement of payment. After the resumption of trading in Beneficial, Applicant sold its Beneficial holdings, and the proceeds of such sale allocable to shareholders who had redeemed their shares were distributed to them.

On January 16, 1973, the Commission suspended trading in the shares of Pelorex Corporation ("Pelorex"). Prior to such suspension, Applicant had sold 500 shares of Pelorex short and was entitled to receive $46,475 upon delivery of 500 shares of Pelorex common stock to the selling broker-dealer. On June 22, 1973, Applicant's board of directors determined that it could no longer ascribe a good faith valuation to Hedge Fund's interest in Pelorex. Consequently, shareholders who submitted their shares for redemption after such determination received an amount based on their pro-rata share of the assets of Hedge Fund calculated without regard to the Pelorex interest. These shareholders were also allocated a pro-rata interest in any proceeds obtained from completion of the Pelorex short sale. On September 2, 1973, the Commission permitted the resumption of trading in shares of Pelorex, and Applicant proceeded to complete the short sale, realizing $33,475. Subsequently, the pro-rata shares of the proceeds of the short sale allocable to shareholders who had redeemed their shares were distributed to them.

Section 22(e)(3) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant maintains that its plan of partial postponement of payment was appropriate under the circumstances since the plan permitted immediate redemption by Applicant's shareholders of their pro-rata interests in their fund's portfolio other than in the fund's position in securities in which trading had been suspended, and enabled shareholders who had redeemed their shares to receive, after trading in such securities had resumed, amounts equal to their pro-rata shares of the market value of Applicant's positions in such securities.

Notice is further given that any interested person may, not later than June 24, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following June 24, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12904 Filed 6–4–74;8:45 am]

[812–3626]

PIONEER ENTERPRISE FUND, INC. AND PIONEER II, INC.

Filing of Application

MAY 30, 1974.

Notice is hereby given that Pioneer Enterprise Fund, Inc. ("Enterprise") and Pioneer II, Inc. ("Pioneer") (collectively referred to as "Applicants"), 28 State Street, Boston, Massachusetts 02109, both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end management investment companies, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by Enterprise of substantially all of its assets to Pioneer in exchange for shares of common stock of Pioneer. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Enterprise, a Delaware corporation, was organized in 1955 and, as of March 31, 1974, had net assets of $4,590,000. Pioneer, a Massachusetts corporation, was organized in 1969 and, as of March 31, 1974, had net assets of $8,746,000. The principal investment objective of Enterprise is to seek long-term capital growth

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and that of Pioneer is to seek reasonable income and growth of capital. Each of the Applicants employ Pioneering Management Corporation (the "Adviser"), a wholly-owned subsidiary of Fund Research and Management, Inc. ("Fund Research"). as its investment adviser pursuant to identical investment advisory contracts. Fund Research acts as principal underwriter for both Applicants. The board of directors of each of the Applicants are identical and their officers are the same individuals with the exception of their vice presidents.

Enterprise and Pioneer have entered into an Agreement and Plan of Reorganization (the "Agreement") providing for the acquisition of substantially all of the assets of Enterprise by Pioneer and the liquidation and subsequent dissolution of Enterprise. The proposed transaction is contingent upon the receipt of an opinion of counsel to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized by the Applicants or their shareholders as the result of the transaction. The Agreement is subject to approval by the affirmative vote of at least a majority of the outstanding voting securities of Enterprise. If the Agreement is approved by shareholders, it is anticipated that the transaction will take place on June 28, 1974.

Prior to the closing date of the proposed transaction, ("Closing Date"), Enterprise will declare and distribute to shareholders all of its net investment income. On the Closing Date, Enterprise will retain from cash an amount estimated to pay its expenses under the Agreement including the expenses of liquidation and dissolution. Pioneer will assume all other liabilities of Enterprise. The number of shares of Pioneer to be issued to shareholders of Enterprise will be determined on the basis of the relative net asset values per share of each of the Applicants computed as of the close of the New York Stock Exchange on the Closing Date. The net asset value per share of each of the Applicants will be determined by dividing the total value of the investments and other assets of each of the Applicants less any liabilities by the total number of shares outstanding. Upon consummation of the transaction as contemplated by the Agreement, each Enterprise shareholder will have an account established in his name on the books of Pioneer credited with the number of Pioneer shares (including fractional shares carried to four decimal places) due such shareholder.

As of March 31, 1974, Enterprise had a tax loss carry forward of $119,910 and Pioneer had an undistributed net realized gain of $1,060,052. In addition to these tax positions, Enterprise and Pioneer have net unrealized depreciation on the securities in their portfolios of $1,590,436 and $728,673, respectively. It is submitted that no adjustment on account of these differences in realized and unrealized gains and losses can be demonstrated to result in fairer treatment for the shareholders of the Applicants than not making an adjustment since any such adjustment must relate to individual shareholders with different objectives, holding periods, tax bases and tax rates. Accordingly, the Agreement does not provide for any adjustment to be made in the bases of exchange between the Applicants. If the proposed transaction had been consummated on March 31, 1974, the shareholders of Enterprise would have received approximately 34.2% of the shares of Pioneer.

Applicants state that, since the boards of directors and most of the officers of the Applicants are identical, the Applicants might be deemed to be under "common control" and each of the Applicants might be deemed to be an "Affiliated person" of the other under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants represent that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned since shares of Pioneer will be issued to the shareholders of Enterprise on the basis of the respective net asset values of each of the Applicants determined at the same point in time and in the same manner. It is stated that Enterprise has experienced a declining trend in both assets and numbers of shareholders while per share expenses have increased. Applicants assert that the shareholders of both of the Applicants will benefit by the elimination of certain duplicated costs, principally costs relating to legal and accounting and printing services and mailings. It is stated that the Adviser and Fund Research will also benefit from the consummation of the proposed transaction. Applicants anticipate that annual cash benefits for the shareholders of the Applicants as the result of the proposed transaction will be about one-third of such benefits for the Adviser and Fund Research. The Adviser and Fund Research have agreed to bear three quarters of the expenses of the reorganization which are estimated at $24,000. Of the remaining expenses, Enterprise will bear approximately $4000, which amount includes its liquidation and dissolution costs, and Pioneer will bear approximately $2000.

Applicants assert that the proposed transaction is consistent with the policies of both Enterprise and Pioneer and the general purposes of the Act. Applicants state that the investment restrictions and policies of both of the Applicants are substantially the same. Pioneer has an investment restriction which limits borrowing from banks to 5 percent of the value of its total assets at the time of borrowing, Enterprise may borrow from banks up to 10% of the value of its net assets at the time of borrowing. It is stated that neither of the Applicants has ever borrowed any money. It is submitted that, in the opinion of management of the Applicants, the investment portfolio of Enterprise is, at present, generally comparable to that of Pioneer. It is represented that the investment manager and the Boards of Directors of Pioneer will determine what securities, if any, in the Enterprise portfolio are not compatible with the investment objective of Pioneer and those securities will be sold by Enterprise prior to the Closing Date.

Notice is further given that any interested person may, not later than June 21, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 21, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12905 Filed 6–4–74;8:45 am]

[812–3428]

VANGUARD FUND, INC.

Notice of Application

MAY 30, 1974.

Notice is hereby given that Vanguard Fund, Inc. ("Applicant"), 116 John Street, New York, New York 10038, a diversified, open-end management investment company registered under the

Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting, retroactively, postponement of full payment for shares that had been tendered for redemption. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On March 5, 1973, the Commission announced that it had ordered the temporary suspension of over-the-counter trading in the securities of Beneficial Laboratories, Inc. ("Beneficial"), for a period of 10 days. This order was renewed for successive 10-day periods until October 30, 1973. Applicant states that, based on a valuation of its asset made shortly before said suspension, securities of Beneficial represented approximately 17.7 percent of it total net asset value. Applicant maintains that because of the suspension of trading in the stock of Beneficial it could not, during the period of the trading suspension, ascribe a fair market value to the shares of Beneficial held by it and that it was, therefore, not reasonably practicable for it fairly to determine the value of all its net assets during that time.

Applicant, therefore, adopted a plan of partial postponement of payment for shares tendered for redemption pursuant to which shareholders who requested redemption subsequent to March 5, 1973, and before trading in Beneficial was resumed, received the net asset value of their shares exclusive of their interests in the assets of Applicant represented by its holdings of securities of Beneficial, and all shareholders of record as of March 5, 1973, were also allocated pro-rata interests in the shares of Beneficial held by Applicant. On March 8, 1973, Applicant filed an application for an order permitting such partial postponement of payment. After the resumption of trading in Beneficial, Applicant's shares of Beneficial were sold, and the proceeds of such sale allocable to shareholders who had redeemed their shares were distributed to them.

Section 22(e)(3) of the Act provides that the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant maintains that its plan of partial postponement of payment was appropriated in all the circumstances since the plan permitted immediate redemption by Applicant's shareholders of their pro-rata interests in their fund's portfolio other than in the fund's position in securities in which trading had been suspended, and enabled shareholders who had redeemed their shares to receive, after trading in such securities had resumed, amounts equal to their pro-rata shares of the market value of Applicant's position in such securities.

Notice is further given that any interested person may, not later than June 24, 1974, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following June 24, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the data of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12906 Filed 6–4–74;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

MAY 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 30, 1974 through June 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12907 Filed 6–4–74;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

MAY 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 28, 1974 through June 6, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–12908 Filed 6–4–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0099]

NORTH STAR VENTURES, INC.

Notice of Issuance of Small Business Investment Company License

On April 17, 1974, a notice was published in the FEDERAL REGISTER (39 FR 13821) stating that an application had been filed by North Star Ventures, Inc., 2300 Northwestern Financial Center, 7900 Xerxes Avenue, S., Minneapolis, Minnesota 55431, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1974)) for a license as a small business investment company.

Interested parties were given until close of business May 2, 1974, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0099 to North Star Ventures, Inc., to operate as a small business investment company.

Dated: May 23, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74–12789 Filed 6–4–74;8:45 am]

[Declaration of Disaster Loan Area 1066]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Bullock, Effingham, Liberty, Seminole and Tattnall Counties, and adjacent affected areas, suffered damage or destruction resulting from tornadoes, high winds and flooding which occurred on or about May 11, 1974.

OFFICE

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 26, 1974.

Dated: May 24, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-12791 Filed 6-4-74;8:45 am]

[Declaration of Disaster Loan Area 1065]

MAINE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Maine;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Aroostook County, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred May 1, 1974:

OFFICE

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 25, 1974.

Dated: May 23, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-12792 Filed 6-4-74;8:45 am]

[Notice of Disaster Loan 1058]

[Amdt. 4]

MISSISSIPPI

Notice of Disaster Relief Loan Availability

On May 14, 1974, President Nixon amended his declaration of the State of Mississippi to include economic injuries and dislocations as a result of reduced salinity in the Mississippi Sound and the Gulf of Mexico caused by flooding and heavy rains during an indeterminate period commencing on or about May 1, 1973, for the following counties: Hancock, Harrison, and Jackson. (See 39 FR 15076, 16417, and 17900)

Applications may be filed at the:

Small Business Administration, District Office, Petroleum Building, 6th Floor, Pascagoula and Amite Streets, Jackson, Miss. 39205.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for economic injury disaster loans under this announcement must be filed not later than February 13, 1975.

Dated: May 16, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-12790 Filed 6-4-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 522]

ASSIGNMENT OF HEARINGS

MAY 31, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-95540 (Sub-No. 886), Watkins Motor Lines, Inc., now assigned June 3, 1974, at Denver, Colo., is cancelled and the application is dismissed.

MC 134903 (Sub-No. 1), Kentucky Motor Freight, Inc., now assigned June 3, 1974, at Frankfort, Ky., is postponed indefinitely.

MC-97629 Sub 9, Hiller Truck Lines, Inc., is continued to July 9, 1974, at the Hyatt House, 921 North 21st Street, Birmingham, Ala.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12921 Filed 6-4-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 31, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 17, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-5470 (Sub-No. E1), filed May 10, 1974. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys*, in bulk, in dump vehicles, (a) from Calvert City, Ky., to points in Connecticut, Delaware, New Jersey, and Maryland; (b) from Riverview, Ohio, to points in Rhode Island, Massachusetts, New Hampshire, and Vermont; (c) from Calvert City, Ky., to points in the states of Massachusetts; Rhode Island, New Hampshire, and Vermont; (d) from East Liverpool, Ohio, to points in Indiana; (e) from Graham, W. Va., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin; (f) from Vancoram, Ohio, to points in North Carolina, South Carolina, and Vermont; (g) from Graham, W. Va., to points in North Carolina and South Carolina; (h) from a railhead at East Liverpool, Ohio, to points in Pennsylvania on and east of U.S. Highway 15; (2) *alloys*, in dump vehicles (a) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to points in New York on and east of Highway 15; (b) from the plant site of Ohio Ferro-Alloys Corporation located at or near Powhatan (Monroe County) Ohio, to points in New York on and west of U.S. Highway 15, (c) from Ashtabula, Ohio, to Roanoke, Virginia; (d) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to points in Connecticut, Delaware, Massachusetts, New Hampshire, and Vermont; (e) from the plant sites of Ohio Ferro-Alloys Corporation located at or near Brilliant, Powhatan, and Philo, Ohio, to New York, N.Y., and points in New Jersey (except points in Cumberland, Salem, Bloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.); (3) *alloys and ores*, in dump vehicles, (a) from Charleston, S.C., to points in Massachusetts, New Hampshire, and Rhode Island; (b) from Alloy, Va., to points in Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) *alloys, ores, dry fertilizer, clay, petroleum coke, coal tar pitch, pitch prell, pig iron, and scrap metal*, in dump vehicles, between any railhead in Ashtabula County, Ohio, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, and points in Pennsylvania on and east of U.S. Highway 15; (5) *alloys*, in bulk, in dump vehicles, from the plant site of Ohio Ferro-Alloys Corporation located at or near Philo, Ohio, to points in New York, on and west of U.S. Highway 15.

(6) *Alloys, pig iron, scrap metal*, and *silicon metals*, in dump vehicles, from Baltimore, Md., to points in Wisconsin; (7) *alloys, ores, silicon metals, scrap metals, and pig iron*, in dump vehicles, between Charleston, S.C., on the one hand, and, on the other, points in Wisconsin; (8) *such bulk commodities as are usually transported in dump trucks and can be unloaded* by dumping, from a railhead at Brilliant, Ohio, to points in New York on and west of U.S. Highway 15; (9) *ferro-alloys* and *silicon metal*, in dump vehicles, from Ashtabula, Ohio, to Baltimore, Md.; (10) *alloys, minerals, ores, and silicon metals*, in dump vehicles, from a railhead at Brilliant, Ohio, to points in North Carolina and South Carolina; (11) *aluminum dross and aluminum scrap*, in dump vehicles, from Cressona, Pa., to Maple Heights, Ohio.

The purpose of this filing is to eliminate the gateways of (A) Marietta or Riverview, Ohio, for 1(a) above; (B) Erie, Pa., for 1 (b) and (c), 3(b), and 4 above; (C) Vancoram, Ohio, for 1 (d) and (h), and 9 above; (D) points in Ohio, for 1(e) and 7 above; (E) Monaca, Pa., for 1(f) and 10 above; (F) Marietta, Ohio, for 1(g) above; (G) Brilliant, Ohio, points in Mahoning County, Ohio, and Erie, Pa., for 2(a) above; (H) Brilliant, Ohio, and points in Mahoning County, Ohio, for 2(b) above; (I) Alloy, W. Va., for 2(c) above; (J) Brilliant, Ohio, and Monaca, Pa., for 2 (d) and (e) above; (K) Birdsboro, Pa., for 3(a) above; (L) Brilliant, Ohio, points in Mahoning County, Ohio, and points in that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 23 to Waldo, Ohio, thence along Ohio Highway 98 to Bucyrus, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio, for 5 above; (M) points in Mahoning County, Ohio, for 8 above; and (N) Akron, Ohio, for 11 above.

No. MC-26001 (Sub-No. E1), filed May 9, 1974. Applicant: AMERICAN FREIGHTWAYS CO., INC., 518 Parter Avenue, Brooklyn, N.Y. 11222. Applicant's representative: Michael R. Werner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Albany, Allegany, Broome, Columbia, Cortland, Delaware, Dutchess, Greene, Oneida, Onandaga, Orange, Putnam, Rensselaer, Rockland, Schenectady, Sullivan, Ulster, and Westchester Counties, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of those points in Hudson and Bergen Counties, N.J., in the New York N.Y., commercial zone.

No. MC-104421 (Sub-No. E1), filed April 15, 1974. Applicant: FREEMAN TRANSFER, INC., P.O. Box 623 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Roger W. Norris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed* and *grain* (except in bulk), between Washington, Kans., and points within 15 miles of Washington, on the one hand, and, on the other, Sioux City, Iowa. (2) *Emigrant movables* (except those requiring special equipment), (a) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; and (b) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Sioux City, Iowa; (3) *Farm machinery and parts, and agricultural commodities* (except commodities in bulk and those requiring special equipment), (a) between St. Joseph and Kansas City, Mo., and Kansas City, Kans., on the one hand, and on the other, Sioux City, Iowa; (b) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; and (c) between Axtell, Kans., and points within 12 miles of Axtell, on the one hand, and, on the other, Sioux City, Iowa. (4) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, trailers, mobile homes, and prefabricated buildings, and those injurious or contaminating to other lading), (a) between Axtell and Summit, Kans., on the one hand, and, on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; (b) between Axtell and Summit, Kans., on the one hand, and, on the other, Sioux City, Iowa; (c) between Summerfield, Kans., on the one hand, and on the other, Nickerson, Nebr., and points in Nebraska within 50 miles of Nickerson; (d) between Summerfield, Kans., on the one hand, and on the other, Sioux City, Iowa. (5) *Binder twine, feed, paint, building materials; petroleum products*, in containers, and *gasoline station supplies* (except commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph and Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, Sioux City, Iowa. (6) *Agricultural commodities, feed, petroleum products*, in containers, *empty petroleum product containers, building materials, and agricultural implements and parts* (except commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph, Kansas City and North Kansas City, Mo., and Kansas City, Kans, on the one hand, and, on the other, Sioux City, Iowa.

The purpose of this filing is to eliminate the gateways of Fairburg, Nebr., and points within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (1) above; points in Nebraska within 12 miles of Axtell, Kans., in (2a) above; points in Nebraska within 12 miles of Axtell, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (2b) above; points in Nebraska within 10 miles of Beattie, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (3a) above; points in Nebraska within 12 miles of Axtell, Kans. in (3b) above; points in Nebraska within 12 miles of Axtell, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr. in (3c) above; points in Nebraska within the Summerfield, Kans., commercial zone in (4a) above; points in Nebraska within the Summerfield, Kans., commercial zone and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (4b) above; Burchard, Nebr., in (4c) above; Burchard, Nebr., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (4d) above; points in Nebraska within 10 miles of Beattie, Kans., and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (5) above; and Axtell, Kans., points in Nebraska within the Summerfield, Kans., commercial zone, and points in Nebraska within 15 miles of Jackson, Nebr., and 50 miles of Nickerson, Nebr., in (6) above.

No. MC-107295 (Sub-No. E9), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling tile*, from Lodi, N.J., (1) to points in Arizona, Arkansas, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Utah, Washington, and Wyoming, and (2) to points in Colorado and South Dakota. The purpose of this filing is to eliminate the respective gateways of (1) Kalamazoo, Mich., and (2) Fort Dodge, Iowa.

No. MC-110525 (Sub-No. E265), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points

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in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Mapleton, Ill.

No. MC–110525 (Sub-No. E266), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E268), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Maryland to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E322), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 211, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Missouri. The purpose of this filing is to eliminate the gateways of Newark, N.J., and South Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E323), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Montana. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E324), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Nebraska. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E325), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liq-* from points in Massachusetts to points in Nevada. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E326), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in New Mexico. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub–No. E327), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E328), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in North Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–110525 (Sub-No. E329), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in North Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E330), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, *uid chemicals*, in bulk, in tank vehicles, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E331), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 667, in bulk, in tank vehicles, from points in Massachusetts to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E332), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Oregon. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E333), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 191 to Homesdale, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E334), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in South Carolina. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. 335), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to

points in South Dakota. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E336), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Tennessee. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E337), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Texas. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–110525 (Sub-No. E338), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Utah. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E340), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Washington. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E342), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E343), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E344), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from that part of Michigan on and east of a line beginning at Mackinaw City, thence along Interstate Highway 75 to Clare, thence along U.S. Highway 27 to Lansing, thence along Interstate Highway 96 to junction Michigan Highway 52, thence along Michigan Highway 52 to Adrian, to points in that part of Arizona on and east of U.S. Highway 89. The purpose of this filing is to eliminate the gateway of Houston, Texas.

No. MC–110525 (Sub-No. E345), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Connecticut. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Fort Lee, N.J.

No. MC–110525 (Sub-No. E346), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Delaware. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E347), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E348), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 206, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in the *Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Michigan to points in Florida. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E350), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E351), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula in Michigan to points in Maryland. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E352), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ft. Lee, N.J.

No. MC–110525 (Sub-No. E353), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E391), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Liquid chemicals (except petrochemicals

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and derivations of coal tar), in bulk, in tank vehicles, from points in New Jersey to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ironton, Ohio.

No. MC–110525 (Sub-No. E392), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E393), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in Michigan. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC–110525 (Sub-No. E394), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New Jersey to points in Minnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E395), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E396), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E397), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Montana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E398), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E399), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Nevada. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E400), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in New Mexico. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E401), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC–110525 (Sub-No. E402), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehile, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in North Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E403), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E404), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E405), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in Oregon. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E406), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in South Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E407), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in South Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E408), filed May 8, 1974. Applicant: CHEMICAL

LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Tennessee, restricted against the transportation of bituminous products and materials to points in that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E409), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in Utah. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston,, Ohio.

No. MC–110525 (Sub-No. E410), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in New Jersey to points in Virginia. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Baltimore, Md., and those points in Virginia within the District of Columbia commercial zone.

No. MC–110525 (Sub-No. E411), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Washington. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E412), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in that part of West Virginia on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–110525 (Sub-No. E413), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New Jersey to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E414), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E415), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell* Co., *Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Alabama. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Charleston, W. Va.

No. MC–113843 (Sub-No. E41), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Cattaraugus, Chautauque, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E42), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Indiana to Manchester, N.H., and Portland, Maine. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E43), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana, to Portland and Bangor, Maine, Rutland, Vt., and Manchester, N.H. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E44), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC 113843 (Sub-No. E45), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E47), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except frozen foods and commodities in bulk, in tank vehicles), from Boston, Mass., to points in Illinois. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC–113843 (Sub-No. E48), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and frozen foods), from Boston, Mass., to points in Indiana. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC–113843 (Sub-No. E49), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions*

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in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and frozen foods), from Boston, Mass., to points in Michigan. The purpose of this filing is to eliminate the gateway of Hamlin, N.Y.

No. MC–113843 (Sub-No. E50), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions In Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities frozen and in bulk, in tank vehicles) from Boston, Mass., to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of Williamson, N.Y.

No. MC–113843 (Sub-No. E51), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–114045 (Sub-No. E87), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen meats* (except hides and commodities in bulk), from points in Texas (except Palestine), to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E110), filed May 10, 1974. Applicant: Trans-Cold Express, Inc., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen pies* and *frozen bakery products,* from Pittsburgh and Saltsburgh, Pa., to points in Colorado, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E111), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared unfrozen food products* (except in bulk, and except meats, meat products, meat by-products and dairy products), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by the Pillsbury Company at Cincinnati, Ohio, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC–114045 (Sub-No. E112), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit concentrates, frozen pies, and frozen potato products,* from Ontario, Oreg., to points in Kentucky, Tennessee (except Memphis), and Pittsburgh, Pa., and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–114045 (Sub-No. E113), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Dayton, Ohio, to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Indiana.

No. MC–114045 (Sub-No. E114), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen meats* (except hides and commodities in bulk), from Cleveland, Ohio to points in Florida. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E115), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen dairy products,* (1) from Waverly, Fredonia, and Dundee, N.Y., to points in Oregon and Utah, and (2) from New York, N.Y., to points in Idaho, Oregon, Washington, and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

No. MC–114045 (Sub-No. E116), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Unfrozen dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Hillsboro, Hutchinson, or Wichita, Kansas.

No. MC–114045 (Sub-No. E117), filed May 9, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products,* from Cleveland, Ohio to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E125), filed May 9, 1974. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above) Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Miami, Okla., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–114045 (Sub-No. E126), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box. 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery topping,* from Chadds Ford, Pa., to New Orleans and Shreveport, La. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114045 (Sub-No. E127), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box. 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products,* from Buffalo, New York City, Waverly, Fredonia, Dundee, Brockport, and Rochester, N.Y., to points in Arizona, California, New Mexico, Nevada, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E128), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Miami,

Okla., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E129), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned meats,* from Lindale, Tex., to points in Colorado, Idaho, Oregon, North Dakota, South Dakota, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E130), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Non-frozen confectionery products* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Boston, Mass., to points in Texas, Oklahoma, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Cook County, Ill.

No. MC–114045 (Sub-No. E131), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients* for sauces, salad dressings, soup mixes, and soft drinks, from Goldsboro, Md., to New Orleans and Shreveport, La. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–11405 (Sub-No. E132), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings, frozen sauces, and frozen ingredients for sauces, salad dressings, soup mixes, and soft drinks,* from Goldsboro, Md., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–114045 (Sub-No. E133), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen dessert and bakery goods toppings,* from Goldsboro, Md., to points in Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E134), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Luling, Paris, Texarkana, and Mount Pleasant, Tex., to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–119388 (Sub-No. E1), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Memphis, Tenn., to those points in Georgia and Florida beginning at the Alabama-Georgia State line, thence north along U.S. Highway 29 to its junction with Georgia Highway 16, thence east along Georgia Highway 16 to its intersection with U.S. Highway 441, thence south along U.S. Highway 441 to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the intersection with Georgia Highway 26, thence along Georgia Highway 26 to its intersection with Georgia Highway 257, thence south and west along Georgia Highway 257 to its intersection with U.S. Highway 19 to the Georgia-Florida State line thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC–123048 (Sub-No. E39), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Farm tractors* (except truck tractors and commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Kansas. The purpose of this filing is to eliminate the gateway of Racine, Wisconsin.

No. MC–123048 (Sub-No. E42), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling), from South Bend, Ind., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–124078 (Sub-No. E4), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wisconsin 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, in tank vehicles, and in bags, from Buffington, Indiana, to points in Wisconsin. The purpose of the filing is to eliminate the gateway of Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12923 Filed 6–4–74;8:45 am]

[Notice 45]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 31, 1974.

The following publications (except as otherwise specifically noted, each applicant on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 109533 (Sub-No. 54) (Republication), filed July 9, 1973, and published in the FEDERAL REGISTER issue of September 20, 1973, and republished this issue. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. An Order of the Commission, Operating Rights Board, dated May 6, 1974, and served May 22, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of usual value, Classes A and B explosives, new furniture, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bluefield, W. Va., and Huntington,

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W. Va., from Bluefield over U.S. Highway 460 to junction West Virginia Turnpike (Interstate Highway 77), thence over West Virginia Turnpike (Interstate Highway 77) to Charleston, W. Va., thence over Interstate Highway 64 to Huntington, and return over the same route, serving no intermediate points, and serving the off-route point of Louisa, Ky., subject to the condition that the regular-route authority granted herein shall not be severable, by sale or otherwise, from the irregular-route authority conatined in No. MC-109533 (Sub-Nos. 45 and 48); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purposes of this republication are (1) to delete uncrated new household, office, and store appliances and equipment, and (2) to delete Ashland and Catlettsburg, Ky., Chesapeake, Ohio, and Ceredo and Kenova, W. Va., as off-route points as previously published. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-113658 (Sub-No. 7) (Republication), filed January 30, 1973, and published in the Federal Register issue of March 8, 1973, as Scott Truck Line, Inc., now reentitled Neylon Freight Lines, Inc., and republished this issue. Applicant: NEYLON FREIGHT LINES, INC., Lincoln, Nebr. Applicant's representative: Marion F. Jones, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. An Order of the Commission, Review Board Number 1, dated May 15, 1974, and served May 23, 1974, finds that Neylon Freight Lines, Inc., has been substituted for Scott Truck Line, Inc., and finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities* (except household goods as defined by the Commission, emigrant moveables, commodities of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk) between points in Nebraska, on the one hand, and, on the other, points in that part of Colorado east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Denver, Colo., thence along U.S. Highway 40 to Strasburg, Colo., and thence along U.S. Highway 36 to the Colorado-Kansas State line, including points on the indicated portions of the highways specified; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that the authority granted is to be that of an irregular route as opposed to a regular route. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59150 (Sub-No. 16) (Notice of filing of petition to eliminate a commodity restriction), filed May 13, 1974. Petitioner: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, P.O. Box 38047, Jacksonville, Fla. 32202. Petitioner's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Petitioner holds a motor *common carrier* certificate in No. MC 59150 (Sub-No. 16) issued September 22, 1966, authorizing transportation, over irregular routes, of *tractors* (except truck tractors) and *parts, implements, attachments, accessories, and supplies therefor,* when moving incidentally thereto as a part of the same shipment (except commodities which because of their size or weight require the use of special equipment or handling) between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to traffic originating at and destined to points in the states described above. By the instant petition, petitioner seeks to eliminate the commodity restriction "except commodities which because of size or weight require the use of special equipment or handling." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 134531 (Sub-No. 1) (Notice of filing of petition to modify an origin point), filed May 17, 1974. Petitioner: AGGREGATE HAULERS, INC., P.O. Box 386, Cayce, S.C. 29033. Petitioner's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Petitioner holds a motor *common carrier* certificate in No. MC 134531 (Sub-No. 1) issued September 17, 1971, authorizing, as pertinent, transportation, over irregular routes, of, *cement and mortar mix,* in bags, from points in Richland County, S.C., to points in Georgia and North Carolina. By the instant petition, petitioner seeks to modify its origin point to read as follows: "from points in Richland County, S.C., and that portion of the Columbia, S.C., Commercial Zone in Lexington County, S.C." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 135867 (Sub-No. 1) (Notice of filing of petition to modify permit), filed May 13, 1974. Petitioner: H.T.L., INC., P.O. Box 122, Fairfield, Ala. 35064. Petitioner's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Petitioner holds a motor *contract carrier,* permit in No. MC 135867 (Sub-No. 1) issued June 8, 1972, authorizing transportation, over irregular routes, of (1) *steel and steel products,* from the plant and warehouse site of Hanna Steel Corporation at Fairfield, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) *equipment materials and supplies* used in the processing of steel and steel products (except commodities in bulk and except iron and steel articles from Nashville, Tenn.), from points in the destination states named in (1) above, to the plant and warehouse site of Hanna Steel Corporation, at Fairfield, Ala., under a continuing contract or contracts with Hanna Steel Corporation. By the instant petition, petitioner seeks to add the plant and warehouse site of Hanna Steel Corporation at Gadsen, Ala., as an additional point of origin in (1) above, and as a destination point in (2) above. Any interested person, or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

Applications Under Sections 5 and 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

Motor Carriers of Property

Applications for Certificates or Permits Which Are To Be Processed Concurrently With Applications Under Section 5 Governed by Special Rule 240 to the Extent Applicable

No. MC-56640 (Sub-No. 33), filed May 1, 1974. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives other than small arms ammunition, household goods, as defined by the Commission, livestock, and commodities in bulk), (1) between San Bernardino, California, and Las Vegas, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From San Bernardino over U.S. Highway 91 to Las Vegas, and return over the same route; (2) between Los Angeles, California, and San Bernardino, California, serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over U.S. Highway 66 to San Bernardino and return over the same route; (3) between Las Vegas, Nevada, and Boulder City, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From Las Vegas over U.S. Highway 93 to Boulder City and return over the same route; (4) between Las Vegas, Nevada, and Mercury, Nevada, serving all intermediate points; and off-route points in Nevada within 50 miles of Las Vegas: From Las Vegas over U.S. Highway 95 to junction unnumbered highway, thence over unnumbered highway to Mercury, and return over the same route.

(B) *General commodities* (except livestock and household goods as defined by the Commission), between Battle Mountain, Nevada, and Tonopah, Nevada, serving no intermediate points, and serving the off-route points of Copper Canyon, Nevada, and points within 10 miles of Copper Canyon: From Battle Mountain over Nevada Highway 8A to junction U.S. Highway 6, and thence over U.S. Highway 6 to Tonopah, and return over the same route. RESTRICTION: The authority granted above, to the extent that it authorizes the transportation of Classes A and B explosives, shall expire in five years. (C) *General commodities* (except explosives, wool, and household goods as defined by the Commission), between Beatty, Nevada, and Mojave, California, serving no intermediate points: From Beatty over U.S. Highway 95 to junction Nevada Highway 29, thence over Nevada Highway 29 to Nevada-California State line, thence over California Highway 127 to Baker, California, and thence over U.S. Highway 466 to Mojave and return over the same route. (D) *General commodities* (except explosives and wool), between junction U.S. Highway 6 and Nevada Highway 47, and Silverpeak, Nevada, serving all intermediate points; and points within 80 miles of Silverpeak, Nevada: From junction U.S. Highway 6 and Nevada Highway 47 over Nevada Highway 47 to Silverpeak, Nevada, and return over the same route. (E) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious of contaminating to other lading), between Tonopah, Nevada, and Las Vegas, Nevada, serving all intermediate points, and the off-route point of the site of the United States Atomic Energy Project, near Indian Springs, Nevada: From Tonopah over U.S. Highway 95 to Las Vegas, and return over the same route.

(F) *General commodities,* except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Los Angeles, California, and Death Valley Junction, California, serving all intermediate points on California Highway 127, north of Baker, California, not including Baker, and the off-route point of Tecopa, California, service to be restricted to shipments originating at or destined to Death Valley Junction, Tonopah, and the described intermediate points on California Highway 127, north of Baker, California: From Los Angeles over U.S. Highway 66 via Victorville, California, to Barstow, California, thence over U.S. Highway 91 via Yermo and Harvard, California, to Baker, Calif., and thence over California Highway 127 via Shoshone, Calif., to Death Valley Junction, and return over the same route. (G) *General commodities* (except livestock and household movings, including office furniture, uncrated), between junction U.S. Highway 95 and Nevada Highway 29, and Death Valley Junction, Calif., serving all intermediate points: From junction U.S. Highway 95 and Nevada Highway 29 over Nevada Highway 29 to the Nevada-California State line, and thence over California Highway 127 to Death Valley Junction, and return over the same route. (H) *General commodities* (except livestock, commodities in bulk, and articles injurious or contaminating to other lading), between Death Valley Junction, Calif., and Beatty, Nev., serving all intermediate points: From Death Valley Junction over California Highway 190 to junction unnumbered highway thence over unnumbered highway via Hells Gate and Daylight Pass, California, to the California-Nevada State line, and thence over Nevada Highway 58 to Beatty, and return over the same route.

(I) *General commodities* (except livestock, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Henderson, Nev., serving the intermediate point of Whitney, Nevada: From Las Vegas over U.S. Highway 95 to Henderson and return over the same route. IRREGULAR ROUTES: *General commodities,* from Tonopah, Nev., to Manhattan, Round Mountain, Gold Point, Cuprite, Lida, Goldfield, Klondyke, Silverpeak, Blair Junction, Gilbert, Millers, and Coaldale, Nev., and points within five miles of each and return to Tonopah, Nevada. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 95 and Nevada Highway 16, about 16 miles east of Lathrop Wells, Nevada, and Shoshone, Calif., connection with carrier's presently authorized regular-route operations, serving no intermediate points: From junction U.S. Highway 95 and Nevada Highway 16 over Nevada Highway 16 to Pahrump, Nevada, thence over Nevada Highway 52 to the Nevada-California State line, and thence over unnumbered highway to Shoshone and return over the same route. This is a matter directly related to the Section 2 proceeding in MC-F-12212 published in the Federal Register issue of May 15, 1974. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC-111231 (Sub-No. 186), filed April 25, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Clarksdale, Miss., and Jackson, Miss.: From Clarksdale over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Yazoo City, Miss. (also over U.S. Highway 49W), and thence over U.S. Highway 49 to Jackson, and return over the same routes, serving all intermediate points on and north of Mississippi Highway 8 and serving all other points in that part of Mississippi on and south of Mississippi Highway 4, on and west of Interstate Highway 55, and on and north of Mississippi Highway 8 (except points on U.S. Highway 51 and points in their commercial zones) as off-route points, restricted to the transportation of shipments moving from, to, or through Jackson, Miss., with service at Jackson and points in its commercial zone restricted against the transportation of shipments originating at, destined to, or interchanged with other carriers at Memphis, Tenn., and points in its commercial zone.

Note.—Common control may be involved. The authority sought herein is intended to convert to regular routes the irregular-routes certificate Jones Truck Lines seeks to acquire from Shippers Express in MC-66746. This is a matter directly related to the Section 5 proceeding in MC-F 12210 published in the FR issue of May 15, 1974. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 125433 (Sub-No. 50), filed April 11, 1974. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Earl H. Scudder, Jr., P.O. 82028, 605 South

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14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size, weight, or bulk require specified handling or the use of special equipment; (2) *self-propelled articles* transported on trailers; (3) *construction, mining and logging machinery, equipment, materials and supplies;* (4) *commodities* which do not require the use of special equipment or special handling, when moving in the same shipments on the same bill of lading as the commodities described in (1), (2), and (3) above, and *materials, parts or supplies* that are appurtenant to or necessary part of the commodities described in (1), (2), and (3) above; (5) *iron and steel articles* as described in Appendix V to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766; and (6) pipe and fittings, between points in California.

NOTE.—Common control may be involved. Applicant seeks to purchase the operating rights held by Dalzell Corporation in Docket MC 121075. This is a matter directly related to the Section 5 purchase proceeding in MC–F–12194 published in the Federal Register issue of April 24, 1974. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC–F–12032. (Supplemental) (DORN'S TRANSPORTATION INC. —Purchase (Portion)—FINAN'S EXPRESS, INC.), published in the November 7, 1973, issue of the Federal Register on page 30804. The prior publication should be amended to show that if the application is approved Dorn's Transportation Inc., seeks authority to eliminate the gateway of Barre, Mass.

The following notice of proposal to eliminate gateway for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protest against the proposed elimination of the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC–F–12089. (Supplemental) (BOND TRANSPORT, INC.—Purchase (Portion)—PARKHILL TRUCK COMPANY), published in the January 16, 1974, issue of the Federal Register on pages 2058 and 2059. By the subject application, Bond Transport, Inc., seeks to acquire authority to operate as a motor common carrier, over irregular routes, of various specified commodities, between points in Indiana, on the one hand, and, on the other, points in Ohio and a described area of Illinois. The prior publication should be amended to show that Bond Transport, Inc., proposes to eliminate gateway in Ohio for the performance of through service under the combined rights. The application is now unopposed.

The following notice of proposal to eliminate gateway for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC–F–12223. Authority sought for purchase by NEWPORT TRUCKING CORP., c/o Franklin Swersky, Suite 1803, 744 Broad St., Newark, N.J. 07102, of the operating rights and property of RELAY TRANSPORT, INC., 300 Marcus Blvd., Lake Success, N.Y. 11040, and for acquisition by ARTHUR M. GOLDBERG, 1415 Coles Ave., Mountainside, N.J. 07092, of control of such rights and property through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, N.J. 07102, and Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Flavoring syrup, liquid and invert sugar,* all commodities moving in bulk, in tank vehicles, as a *contract carrier* over irregular routes, from Long Island City, N.Y., to Alexandria, Va., traversing Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; *flavoring syrup,* in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, New Brunswick, Teterboro, and Asbury Park, N.J., and Philadelphia, Pa.; *liquid sugar,* in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, N.J.; *invert sugar,* in bulk, in tank vehicles, from Long Island City, N.Y., to Newburgh, N.Y., Hamden and Fairfield, Conn., and Elizabeth and Bridgeton, N.J.; *syrup,* in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic County, N.J., Fairfield and Hartford Counties, Conn., and Wilmington, Del.; liquid sugar, invert sugar, corn syrup, and blends thereof, in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J., Philadelphia, Pa., Wilmington, Del., and points in Fairfield, Hartford, New Haven, and New London Counties, Conn., and Springfield, Mass.; *flavoring syrup, liquid sugar, invert sugar,* and blends thereof, in bulk, in tank vehicles, from the plant sites of PepsiCo, Inc., and Pepsicola Metropolitan Bottling Co., Inc., at Long Island City, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia; *carbonated beverages,* in containers, from the plant site of PepsiCo, Inc., and Pepsi-Cola Metropolitan Bottling Co., Inc., at Long Island City, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, and return with *empty containers,* with restrictions. Vendee holds no authority from this Commission. However it is affiliated with (1) FAIRLAWN TRUCKING CO., INC., 21–02 Morlot Ave., Fairlawn, N.J. 07410, and (2) GROSS & HECHT TRUCKING INC., P.O. Box 514, Newark, N.J. 59806, which are authorized to operate as *contract carriers* in (1) New York and New Jersey (2) New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12224. Authority sought for purchase by CENTRAL TRANSFER COMPANY, 10880 Springfield Rd., Union, N.J. 07083, of the operating rights of METROPOLITAN FREIGHT CARRIERS CORP., 57 Charles St., Newark, N.J. 07105, and for acquisition by P. A. ALBANESE, also of Union, N.J. 07083, of control of such rights through the purchase. Applicants' attorneys: A David Millner, 744 Broad St., Newark, N.J. 07102 and George Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. Operating rights sought to be transferred: *General commodities,* excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., and points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. Vendee is authorized to operate as a *common carrier* in Maryland, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12225. Authority sought for control and merger by FAIRALL TRUCKING COMPANY, 18472 Allen Rd., Wyandotte, MI 48192, of the operating rights and property of GREAT LAKES TRUCKING COMPANY, 29 Washington St., Monroe, MI 48161, and for acquisition by MARY I. FAIRALL, 10167 Reeck Rd., Allen Park, MI 48101, THOMAS A. FAIRALL, 20655 Canal, Grosse Ile, MI 48138, and GEORGE M. FAIRALL, 2171 Edsel Dr., Trenton, MI 48183, of control of such rights and property through the transaction. Applicants' attorney: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Operating rights sought to be controlled and merged: *Wax paper, panel boards,* finished or unfinished, and *raw material* used in the manufacture thereof, as a *contract carrier* over regular routes, between Detroit, Mich., and Toledo, Ohio, serving various intermediate and off-route points; *paper and paper products,* over irregular routes, between Monroe,

Mich., on the one hand, and, on the other, points in Ohio, from Monroe, Mich., to Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40, from Monroe, Mich., to points in Ohio, and those in that part of Pennsylvania on and west of U.S. Highway 19, between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, with restriction; *strawboard, fibreboard, corrugated board, and boxes* manufactured therefrom, from Monroe, Mich., to points in Illinois, and certain specified points in Missouri, Wisconsin, and West Virginia; *raw materials* used in the manufacture of the above-specified commodities, from the above-specified destination points to Monroe, Mich.; *raw materials* used in the manufacture of paper and paper products, from Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40 to Monroe, Mich., with restriction, from points in Ohio, and those in that part of Pennsylvania on and west of U.S. Highway 19, to Monroe, Mich.; *scrap and waste paper* (except in bulk), from points in Pennsylvania, Wisconsin, Illinois, Indiana, West Virginia, Ohio, and Kentucky, to Constantine, Palmyra, and Adrian, Mich., with restriction. FAIRALL TRUCKING COMPANY, is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

Notice is hereby given that on May 9, 1973, Caffall Bros. Forest Products, Inc. (Caffall Bros.) a non-carrier, filed with the Interstate Commerce Commission an application under Section 5(2) of the Interstate Commerce Act (Act) to acquire through the purchase of all of its outstanding stock of the Mirene Company, a water carrier subject to Part III of the Act; and that by the same application C. C. Caffall, R. H. Caffall, and Rex Caffall, Jr., who control Caffall Bros. through ownership of all of its outstanding capital stock, seek authority to acquire control of the operating rights and property through the transaction. The application has been assigned Finance Docket No. 27652.

C. C. Caffall, R. H. Caffall, and Rex Caffall, Jr., also, control Ramona Tow Boat, Inc., a water carrier subject to Part III of the Act, through ownership of 97.4% of its outstanding capital stock.

The Mirene Company operates as a common carrier by water on the Columbia and Willamette Rivers and tributaries and along the Pacific Coast from Grays Harbor, Washington, to Coos Bay, Oregon, serving various points in Oregon and Washington. Ramona Tow Boat Co., Inc., operates as a common carrier by water on the Columbia and Willamette Rivers and tributary waterways serving ports in Oregon and Washington.

In the opinion of the applicants, the requested Commission action involves no known effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation — Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effects is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)–(5), 340 I.C.C. 431, 461.

An application for temporary authority pertaining to this proceeding has been filed under Section 311(b). The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the Federal Register.

Caffall Bros. Forest Products, Inc.
5405 N. Lagoon Avenue
Portland, Oregon

C. C. Caffall
5405 N. Lagoon Avenue
Portland, Oregon

R. H. Caffall
5405 N. Lagoon Avenue
Portland, Oregon

Rex Caffall, Jr.
5405 N. Lagoon Avenue
Portland, Oregon

The Mirene Company
2416 N. Marine Drive
Portland, Oregon

White, Sutherland, Parks & Heath and
Russell M. Allen
Attorneys for Applicants
1200 Jackson Tower
Portland, Oregon 97205

NOTICE

Notice of filing of an Application By Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the property of Erie Lackawanna Railway Company, Debtor, under Section 5(2) of the Interstate Commerce Act, as amended, for an order or orders granting such approval and authorization as is requisite to the purchase and operation of a part of the Vallonia Branch and a portion of the Meadville Branch of Bessemer and Lake Erie Railroad Company. Finance Docket No. 27574.

Notice is hereby given that on February 1, 1974, the above Application was filed with the Interstate Commerce Commission.

With respect to this notice, the following information is supplied:

1. Name and address of applicants:

Thomas F. Patton and Ralph S. Tyler, Jr., Trustees of the Property of Erie Lackawanna Railway Company, Debtor, Midland Building, 101 Prospect Avenue NW., Cleveland, Ohio 44115.

Name and address of counsel for applicants:

Richard Jackson, Vice President—Law, Erie Lackawanna Railway Company, Midland Building, 101 Prospect Avenue NW., Cleveland, Ohio 44115.

2. The proposed transaction covers the acquisition by purchase for cash of approximately 7370.4 linear feet of lines of railroad of the Bessemer and Lake Erie Railroad Company (B&LE) a carrier subject to Part I of the Interstate Commerce Act.

3. The property in question consists of a single track line of railroad located in Crawford County, Pennsylvania, and running easterly from State Route 85 in the City of Meadville to its terminus at the bridge crossing French Creek. The operation sought to be performed will be a substitution of branch line switching operations by Erie Lackawanna Railway Company in lieu of the operations presently performed in the same area and over the same trackage by B. & L.E.

4. In the opinion of the applicant, this application is not a major Federal action within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B) (1)–(5), 340 I.C.C. 431, 461.

5. The proceedings will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Interstate Commerce Commission no later than thirty (30) days of the date of filing in the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12918 Filed 6–4–74;8:45 am]

[Notice 78]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 30, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Sub-No. 70 TA), filed May 21, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 W. County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, except those requiring temperature control, and those injurious or contaminating to other lading), serving the New Gentlemen Power Station located approximately 5 miles south of Sutherland, Nebr., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. SUPPORTING SHIPPER: Stearns Roger Inc., P.O. Box 5888, Denver, Colo. 80217. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

NOTE.—Applicant will interline with other carriers at all points in our system where interlining is possible.

No. MC 30844 (Sub-No. 508 TA), filed May 20, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50705. Applicant's representative: Larry L. Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaner filter paper*, from West Groton, Mass., to Dixon, Ill.; Cresco, Iowa; Minneapolis, Minn.; and Kirksville, Mo., for 180 days. SUPPORTING SHIPPER: Donaldson Company, Inc., P.O. Box 1299, Minneapolis, Minn. 55440. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 36509 (Sub-No. 23 TA), filed May 15, 1974. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material*, between Richland, Wash., and Hanford Works U.S. Atomic Energy Commission Reservation at or near Richland, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone, on shipments having an immediate prior or subsequent out-of-state movement, for 180 days. SUPPORTING SHIPPER: Edlow International Company, 1100 17th St. NW., Washington, D.C. 20036. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 107002 (Sub-No. 451 TA), filed May 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides*, in bulk, in tank vehicles, from Millington, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Union Carbide Corporation, 270 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 452 TA), filed May 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the facilities of Phillips Petroleum Company near Chatom, Ala., to Hattiesburg and Pascagoula, Miss., and Baton Rouge, Norco, and Lake Charles, La., for 180 days. SUPPORTING SHIPPER: Phillips Petroleum Company, Room 149 Phillips Building Annex, Bartlesville, Okla. 74004. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 112520 (Sub-No. 284 TA), filed May 21, 1974. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Americus, Ga., to Albuquerque, N. Mex., for 180 days. SUPPORTING SHIPPER: Sobin Chemicals, Inc., Sobin Park, Boston, Mass. 02210. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112822 (Sub-No. 33 TA), filed May 21, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Coffeyville, Kans., to Hudsonville, Mich., for 180 days. SUPPORTING SHIPPER: Coffeyville Packing Company, Inc., B. R. Brown, President, P.O. Box 334, Coffeyville, Kans. 67337. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113410 (Sub-No. 89 TA), filed May 21, 1974. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eshcenbacher, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Pine Bend, Minn., to Brokaw, Rothschild, Appleton, Rhinelander, and Green Bay, Wis., for 180 days. SUPPORTING SHIPPER: Koch Refining Company, Box 3596, St. Paul, Minn. 55165. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118468 (Sub-No. 41 TA), filed May 21, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and cement pipe containing asbestos fiber*, from the plantsites and warehouse facilities of Johns-Manville Corporation, its divisions and subsidiaries at or near Waukegan and Joliet, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota, for 180 days. RESTRICTION: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Restricted to traffic originating at the named plantsites and destined to points in the named destination states and further restricted to a transportation service to be performed under a continuing contract with Johns-Manville Corporation, its divisions and subsidiaries. SUPPORTING SHIPPER: Johns-Manville Products Corp., Greenwood Avenue, Waukegan, Ill. 60085. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119399 (Sub-No. 42 TA), filed May 20, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising matter*, and (2) *used empty containers*, (1) from Peoria, Ill., to Little Rock, Ark., and (2) from Little Rock, Ark., to Peoria, Ill., for 180 days. SUPPORTING SHIPPER: Calco Distributors, 418 East Markham Street, Little Rock, Ark. 72201. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128524 (Sub-No. 3 TA), filed May 21, 1974. Applicant: OLPAG, INC., 2364 Cleveland St., North Bellmore, N.Y. 11710. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by a manufacturer or distributor of toilet preparations and *materials and supplies* used in the manufacture or distribution thereof (except commodities in bulk), between Hauppauge, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at the New Jersey-Pennsylvania state line and extending along New Jersey Highway 70 to junction New Jersey Highway 88 and thence along New Jersey Highway 88 to the Atlantic Ocean with authority to serve Melville, N.Y., as an intermediate point for purpose of completing loading or unloading of the carrier's vehicles under a contract with Estee Lauder, Inc., and its affiliates, including Len-Ron Manufacturing Co., Inc.; Clinique Laboratories, Inc.; and Armis, Inc., for 180 days. SUPPORTING SHIPPER: Estee Lauder, Inc., 350 So. Service Road, Melville, N.Y. 11746. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135713 (Sub-No. 3 TA), filed May 15, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216, Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, for the account of Bethlehem Steel Corporation, from the facilities of Bethlehem Steel Corporation at Newark, N.J., to the erection site of the Federal Office Building Annex, Foley Square (Broadway and Worth Street), New York, N.Y., for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136228 (Sub-No. 10 TA), filed May 21, 1974. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 11, Milton-Freewater, Oreg. 97862. Applicant's representative: Eugene Luisi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from points in Los Angeles, Orange, Riverside, Kern, Fresno, Madera, Merced, Stanislaus, San Joaquin, Santa Clara, San Benito, Sacramento, San Francisco, and Napa Counties, Calif., to points in Spokane County, Wash., for 180 days. SUPPORTING SHIPPER: General Distributing, Inc., N. 25 Fiske, Spokane, Wash. 99202. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139463 (Sub-No. 2 TA), filed May 21, 1974. Applicant: TABB TRUCKING CO., INC., Route 4, Box 79, Colquitt, Ga. 31737. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Center pivot irrigation systems*, from Valley, Nebr., to points in Georgia on and south of U.S. Highway 280 and west of U.S. Highway 41, for 180 days. SUPPORTING SHIPPER: Valmont Industries, Inc., Valley, Nebr. 68064. SEND PROTESTS TO: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 139758 (Sub-No. 1 TA), filed May 15, 1974. Applicant: LIVINGSTON TRANSPORTATION LIMITED, 81 Gaylord Road, St. Thomas, Ontario, Canada N5P 3S3. Applicant's representative: Arthur P. Boynton, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts* for Livingston Industries, Limited, from the site of the Hare Cartage, Inc., terminal at 7400 East McNichols Road, Detroit, Mich., to ports of entry on the International Boundary between the United States and Canada at or near Detroit, Mich. (with London, Ontario, Canada, as the ultimate destination), for 180 days. SUPPORTING SHIPPER: Livingston Industries, Limited, 264 Tillson Avenue, Tillsonburg, Ontario, Canada N4G 3B6. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

NOTE.—Applicant will connect its Canadian authority with this authority at the port of entry at or near Detroit, Mich.

No. MC 139803 (Sub-No. 1TA), filed May 17, 1974. Applicant: MARVIN E. VAN NOY, 2000 N. 14th Street, St. Louis, Mo. 63106. Applicant's representative: Richard D. Kinder, 2027 Broadway, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All products used in the operation and maintenance of a hospital*, from St. Louis, Mo., to points in McCracken County, Ky.; Randolph, Alexander, Williamson, Jefferson, and Saline Counties, Ill.; and Crawford County, Kans., together with return of shipments by consignees, for 180 days. SUPPORTING SHIPPER: Norman & Associates, 37 Doctors Park, Cape Girardeau, Mo. 63701. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 139810 TA, filed May 14, 1974. Applicant: TRI-STATE CONTRACT CARRIER CORPORATION, 240 Westwood Circle, Selmer, Tenn. 38375, and Mail: P.O. Box 153, Bethel Springs, Tenn. 38315. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl plastic* from Corinth, Miss., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of vinyl plastic and returned shipments of vinyl plastic, from points in the United States (except Alaska and Hawaii), to Corinth, Miss., for 180 days. SUPPORTING SHIPPER: Southbridge Plastics Division, W. R. Grace Company, Golding Drive, Corinth, Miss. 38834. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 139811 TA, filed May 15, 1974. Applicant: SCARR MOVING & STORAGE, INC., 1359 Dayton Street, P.O. Box 8, Salinas, Calif. 93901. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, Santa Cruz, San Benito, San Luis Obispo, and Santa Clara Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the authorized, and further restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization of such traffic or vice versa, for 90 days. SUPPORTING SHIPPERS: U.S. International Freight Forwarders, Inc., 5353 Leake Avenue, P.O. Box 15749, New Orleans, La. 70175, and Mitchell Overseas Movers, Inc. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139812 TA, filed May 16, 1974. Applicant: DALE CANNON, doing business as DALCO FREIGHT LINES, 5600 Bickett Street, P.O. Box 58753, Los Angeles, Calif. 90058. Applicant's representative: Dale Cannon (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bicycles, bicycle parts and accessories*, from Azusa and City of Industry, Calif., to Flagstaff, Glendale, Globe, Mesa, Phoenix, Prescott, Tucson, and Yuma, Ariz., and points within 10 miles thereof and (2) *bicycles, bicycle parts and accessories*, damaged or refused, from Flagstaff, Glendale, Globe, Mesa, Phoenix, Prescott, Tucson, and Yuma, Ariz., and points within 10 miles thereof, to Azusa and City of Industry, Calif., for 180 days. SUPPORTING SHIPPER: Huffman Manufacturing Co., 1120 W. Foothill, Azusa, Calif. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139813 TA, filed May 17, 1974. Applicant: JAMES GANN, doing business as JAMES GANN TRUCKING COMPANY, Route 2, Hamilton, Ala. 35570. Applicant's representative: John Self, P.O. Box 597, Hamilton, Ala. 35570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Ackerman and Fulton, Miss., and Hamilton and Haleyville, Ala., to Counce, Tenn., for 180 days. SUPPORTING SHIPPER: Tennessee River Pulp & Paper Company, P.O. Box 33, Counce, Tenn. 38326. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12919 Filed 6-4-74;8:45 am]

[Notice 95]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 25, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will pospone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75137. By order of May 30, 1974, the Motor Carrier Board approved the transfer to James W. Finfrock, doing business as La Cygne Truck Line, La Cygne, Kans., of Certificates Nos. MC-29611, MC-29611 (Sub-No. 2), and MC-29611 (Sub-No. 5), issued March 12, 1962, March 26, 1974, and October 4, 1967, respectively, to Raymond D. Good, doing business as La Cygne Truck Line, La Cygne, Kans., authorizing the transportation of general commodities, with exceptions, and specified commodities from, to, and between La Cygne, Kans., Kansas City, Mo., points in Bates and Cass Counties, Mo., Kansas City, Mo.-Kans., Commercial Zone, and Louisburg, Stilwell, and Stanley, Kans., Clyde N. Christy, Esq., attorney for Applicants, 64 Harrison Street, Topeka, Kans. 66603.

No. MC-FC-75167. By order entered May 28, 1974, the Motor Carrier Board approved the transfer to Earl Koch, Sabetha, Kans., of the operating rights set forth in Certificate No. MC-84574, issued November 12, 1969, to Paul W. Hill, doing business as Hill Truck Line, (Dan E. Turner, Trustee-in-Bankruptcy), Onaga, Kans., authorizing the transportation of general commodities, with the usual exceptions, livestock, feed, seed, farm implements and machinery and parts, oil, hardware, fencing materials, building material, agricultural commodities, and crated furniture, from, to, or between specified points in Kansas and Missouri. Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12920 Filed 6-4-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 31, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 74-138-MF/O, filed May 14, 1974. Applicant: McGRATH & KUSKOKWIM FREIGHT SERVICE, INC., Box 546, Bethel, Alaska 99559. Applicant's representative: John M. Stern, Jr., Box 1672, Anchorage, Alaska 99510. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over irregular routes, Between: (1) all points in Alaska north of 58 degrees latitude; south of 62 degrees latitude; and west of 160 degrees longitude; plus and (2) all points on and within 25 miles of the Kuskokwim River and the South Fork of the Kuskokwim River east of 160 degrees longitude and west Nicolai (including Nicolai). Both, interstate and intrastate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska, 99501, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53996 (Amendment), filed August 15, 1973. Applicant: WEBSTER DELIVERY SERVICE, INC., 886 South Mission, Los Angeles, Calif. 90033. Applicant's representative: Levin & Oberman, Incorporated, 3550 Wilshire Boulevard, Suite 1420, Los Angeles, Calif. 90010. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* (1) Abrasives, as listed under that heading in Items Nos. 5 through 45 Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof: . (2) Advertising matter, as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto: (3) Cloth, dry goods or fabrics, as listed under that heading in Items Nos. 12550 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (4) Drugs, medicines or toilet preparations, viz.: Perfumery; (5) Electrical appliances or equipment, or parts named, as listed under that heading in Items Nos. 15605 through 16250 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto: (6) Floor coverings, as listed under that heading in Items Nos. 17865 through 17965 of Western Classification No. 75, Cal P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46, 48 and 50 thereto:

(7) Furniture, as listed under that heading in Items Nos. 19495 through 20494 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto; (8) Games or toys, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (9) Glassware, as listed under that heading in Items Nos. 21265 through 21585 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (10) Hardware, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (11) Machinery or machines, or parts named, as listed under that heading in Items Nos. 27145 through 31920 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto; (12) Pads or padding, as listed under that heading in Items Nos. 35125 through 35155 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 48 thereto; (13) Sheet steel ware, as listed under that heading in Items Nos. 40245 through 40490 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48, and 50 thereto; (14) Stationery, as listed under that heading in Items Nos. 41203 through 41290 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto; (15) Trunks or traveling bags, as listed under that heading in Items Nos. 43240 through 43280 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto; and

(16) Miscellaneous commodities, viz.: Baskets, boots or shoes, buckles, clothing, clocks, hosiery, ladders, notions, pillows, rubber, foam, silver plated ware, not on silver, synthetic resin articles, towels, or toweling, paper, watches, in the area embraced by the following boundaries: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northeasterly along Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando, continuing northeasterly and southeasterly along State Highway 118 to and including the City of Pasadena; southerly on Rosemead Boulevard to the Whittier Narrows Dam; easterly along the Whittier Narrows Dam to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Carson Street; easterly on Carson Street to the Los Angeles County-Orange County boundary line; southerly along said county line to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northerly along an imaginary line to the point of beginning.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 445 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 88,929 M, Route No. 8432 (Extension), filed May 10, 1974. Applicant: DONALD L. KERBS AND NEAL J. LOVING, doing business as C & R TRUCK LINE, 1012 W. North Street, Salina, Kans. Applicant's representative: Rodney G. Nitz, 116 West Iron, Salina, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points and places in Kansas as herein shown. I. Removal of restriction to provide no service on freight originating within the Commercial Zone of Kansas City, Kansas-Kansas City, Missouri; Topeka, Kansas and/or Manhattan, Kansas, destined to points and places within a 10-mile radius of Wakefield, Kansas (including but not limited to Upland and Industry, Kansas). Removal of restriction to provide no service on freight originating within a 10-mile radius of Wakefield, Kansas, and destined to the Commercial Zone of Kansas City, Kansas-Kansas City, Missouri; Topeka, Kansas, and/or Manhattan, Kansas. II. Between Salina, Kans., and Herington, Kans., as follows: From Salina, Kans., south over old U.S. Highway 81 to its junction with Kansas Highway 4 thence east on Kansas Highway 4 to Herington, Kans., serving the intermediate and off route points of Kipp, Gypsum, Carlton, Elmo, Dillon, Ramona, and Hope, Kans., and return over the same route. From Salina, Kans., east over unnumbered county road to its junction with Kansas Highway 15 thence south over Kansas Highway 15 approximately 3 miles to its junction with unnumbered county road thence east over said unnumbered county road to its junction with U.S. Highway 77 serving the intermediate points of Navarre and Woodbine, Kans., and return over the same route. From Elmo, Kans., north over Kansas Highway 15 to Abilene, Kans., and return over the same route. From Hope, Kans., north over Kansas Highway 43 to Enterprise, Kans., and return over the same route. From Chapman, Kans., south over unnumbered county road to its junction with unnumbered county road between Navarre and Woodbine, Kans., and return over the same route.

From Chapman, Kans., north over Kansas Highway 206 to its junction with Interstate Highway 70 thence east over Interstate Highway 70 to its junction with U.S. Highway 77 serving the site of North Central Foundry and return over the same route. From Herington Kans., east on U.S. Highway 77 to Develan, Kans., serving the off-route point of the former Herington Air Base now more commonly known as the Herington Industrial Park and return over the same route. III. Between Herington, Kans., and Waterville, Kans., as follows: From Herington, Kans., north over U.S. Highway 77 to Waterville, Kans., serving the intermediate and off-route points of Milford, Bala, Broughton, Riley, Leonardville, and Randolph, Kansas, and return over the same route. Also serving the Rock Springs 4-H Camp approximately 4 miles east of U.S. Highway 77 on Kansas Highway 157 as an off-route point. From Clay Center, Kansas, east on U.S. Highway 24 to Leonardville, Kansas, serving Green, Kans., as an off-route point and return over the same route. From Wakefield, Kans., east over Kansas Highway 82 to its junction with U.S. Highway 77 and return over the same route. IV. Between Salina, Kans., and Clifton, Kans., as follows: From Salina, Kans., north over U.S. Highway 81 to Concordia, Kans., thence east over Kansas Highway 9 to Clifton, Kans., serving the intermediate points of Concordia, Rice, Ames, Clyde, and Vining, Kans., and the off-route point of Wells, Kans., and return over the same route. From Clifton, Kans., south over unnumbered county road to its junction with U.S. Highway 24 and return over the same route. From Miltonvale, Kans., west over U.S. Highway 24 to its junction with U.S. Highway 81 and return over the same route. V. Also, service from and to Bremen and Herkimer, Kans., as off-route points on present route between Washington and Marysville, Kansas. All of the above authority to be tacked to the authority presently held by C & R Truck Line.

NOTE.—Five businessmen in Clyde, Kans., have made a specific request to the Interstate Commerce Commission for service to their town by this applicant. This applicant cannot economically serve the transportation needs of this town without the additional authority outlined in paragraph IV. The Wakefield area is currently without daily service which this applicant can provide. The proposed route between Salina and Herington, Kans., has been served by Graves Truck Line, Inc., through the lease of vehicles and drivers from the applicant to Graves Truck Line for approximately two years. The public convenience and necessity can best be served by this applicant holding its own authority to serve this area and thus eliminating the confusion of the public over the service to this area.

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HEARING: July 10 and July 11, 1974, at the Probate Court, 300 West Ash, City County Building, Salina, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Bldg., Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2224, filed May 10, 1974. Applicant: ROBERT J. POLISH, R.F.D. SE, Deer Lodge, Mont. Applicant's representative: William R. Taylor, Masonic Temple Bldg., Deer Lodge, Mont. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Class "B" persons and baggage* by charter, originating in the City of Deer Lodge to all points and places in the State of Montana and return over and all Montana Interstate and secondary highways. Both, interstate and intrastate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC–5204 (Sub-No. 2), filed May 6, 1974. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, Tenn. 38358. Applicant's representative: Mr. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except household goods, commodities in bulk, and articles which because of size or weight require special equipment, between any and all points within 35 miles of Jackson, Tenn., restricted against tacking and restricted against interchange of traffic with Lexington-Paris Motor Freight, Inc. Intrastate, interstate, and foreign commerce authority sought.

HEARING: June 26, 1974, at the Alexandria Room, Ramada Inn, Highway 45 By-Pass, Jackson, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, C1–102 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–12922 Filed 6–4–74;8:45 am]

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WEDNESDAY, JUNE 5, 1974

Volume 39 ■ Number 109

PART II

DEPARTMENT OF JUSTICE

U.S. Board of Parole

■

PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE, U.S. BOARD OF PAROLE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

The following rules reflect the revised organization, operation, procedures, and policies of the United States Board of Parole and are published under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. 4201–4210, 5001–5037.

The Board of Parole expressly disclaims that its rules are subject to the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553(b).

With the exception of § 2.20, these rules will become effective in the Board's Northeast Region (Region I) on June 5, 1974, and will apply to all subsequent parole and parole revocation hearings conducted in that region. Region I is comprised of the following states: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Federal prisoners outside the Northeast Region will be considered for parole and parole revocation under the Board's present rules until such time as the revised procedures are made applicable to other regions as these regions become operational.

Section 2.20, the Board's paroling policy guidelines will become effective nationwide on June 5, 1974. This statement of policy is published in order to inform the public of the Board's customary paroling policy. The guidelines incorporated in the policy statement are merely indications of how the Board generally intends to exercise its discretion in making future parole release decisions.

Part 2 of 28 CFR is revised to read as follows:

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2.3 Same; adult indeterminate sentences.
2.4 Same; juvenile delinquents.
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2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.
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2.23 Delegation to hearing examiners.
2.24 Review of panel decision by the Regional Director and the National Appellate Board.
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2.26 Appeal to National Appellate Board.
2.27 Appeal of original jurisdiction cases.
2.28 Reopening of cases.
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2.30 Release; modification of release date.
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2.42 Community supervision by United States Probation Officers.
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2.55 Local revocation hearing.
2.56 Revocation hearing procedure.
2.57 Confidentiality of parole records.

AUTHORITY: 18 U.S.C. 42101–4210, 5001–5037; 28 CFR Part O, Subpart v.

§ 2.1 Definitions.

(a) For the purpose of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman, and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those terms are used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part O, Subpart V of Title 28 of the Code of Federal Regulations.

§ 2.2 Eligibility for parole, regular adult sentences.

Except as set out in the following sections, a federal prisoner wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one-third of such term or terms or after fifteen years of a life sentence or a sentence of over forty-five years (18 U.S.C. 4202).

§ 2.3 Same; adult indeterminate sentences

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one-third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such times as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board (18 U.S.C. 4208(a)).

§ 2.4 Same; juvenile delinquents.

A juvenile delinquent who has been committed and who, by his conduct, has given satisfactory evidence that he has reformed, may be released on parole at any time under such terms and conditions as the Board deems proper if it shall appear to the satisfaction of the Board that there is a reasonable probability that the juvenile will remain at liberty without violating the law (18 U.S.C. 5037).

§ 2.5 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of title 18 of the United States Code to a maximum six year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010 (c) of title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court (18 U.S.C. 5017).

§ 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.

The Narcotic Addict Rehabilitation Act provides for sentence to a maximum term for treatment as a narcotic addict. Parole may be ordered by the Board after at least six months in treatment, not including any period of time for "study" prior to final judgment of the Court. Before parole is ordered by the Board, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative may also report to the Board whether the prisoner should be released. Recertification by the Surgeon General prior to reparole consideration is not required (18 U.S.C. 4254).

§ 2.7 Same; sentences under the gun control statute.

A Federal prisoner sentenced under 18 U.S.C. 924 for violation of Federal gun control laws is considered eligible for parole at such time as the Board may determine. Prisoners sentenced under this provision are considered for parole in the same manner as if they had been sentenced under 18 U.S.C. 4208(a)(2).

§ 2.8 Same; sentences of six months or less followed by probation.

A Federal prisoner sentenced under 18 U.S.C. 3651 to serve a period of six months or less in a jail type or treatment institution, with a period of probation to follow, is not eligible for parole.

§ 2.9 Study prior to sentencing.

(a) When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing under the provisions of 18 U.S.C. 4208(b), the report to the sentencing court is prepared and submitted directly by the United States Bureau of Prisons.

(b) The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall report its findings to the court (18 U.S.C. 5010(e)).

§ 2.10 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for service of the sentence: *Provided, however,* That any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run and continues to run uninterruptedly from the date of conviction, except when such offender is on bail pending appeal or is in escape status.

§ 2.11 Application for parole.

(a) A prisoner, other than a juvenile delinquent, a committed youth offender, or an offender committed under the Narcotic Addict Rehabilitation Act, desiring to apply for parole shall execute such application forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Such prisoners may waive parole consideration on a form provided for that purpose. If such a prisoner waives parole consideration, he may later apply for parole and may be heard during the next visit of the Board to the institution where he is confined, provided he has applied prior to 45 days from the first scheduled date of this visit. A prisoner who receives an initial hearing may not waive any subsequent review hearing scheduled by the Board except as provided in § 2.16 (c). New parole applications are not necessary for such review hearings.

(b) A prisoner who is required to apply before receiving a parole hearing but who fails to submit either an application or a waiver form shall be referred to the Board's representatives by the chief executive officer of the institution. The prisoner shall then receive an explanation of his right to apply for parole at a later date.

(c) Juvenile delinquents, youthful offenders, and those committed under the Narcotic Addict Rehabilitation Act shall not apply for parole. Instead, such prisoners shall be scheduled for initial hearings at the first visit to the institution by representatives of the Board after they have been classified by the institution. The Board may order parole as a result of any such hearing or may order review of such prisoner's case at a later date.

§ 2.12 Hearing procedure.

(a) Prisoners shall be given written notice of the time and place of the hearing described in §§ 2.13 and 2.14. Prisoners may be represented at hearings by a person of their choice. The function of the prisoner's representative shall be to offer a statement at the conclusion of the interview of the prisoner by the examiner panel, and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(b) No interviews with the Board, or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. Hearings shall not be open to the public, and the records of all such hearings shall be treated as confidential and shall not be open to inspection by the prisoner concerned, his representative or any other unauthorized person.

§ 2.13 Initial hearing.

(a) An initial hearing shall be conducted by a panel of two hearing examiners designated by the Board. The examiner panel shall inform the prisoner of the decision and, if parole is denied, of the reasons therefor. The decision of the examiner panel, subject to provisions of § 2.23 (b) and (c) shall be final unless action is initiated by the Regional Director pursuant to § 2.24.

(b) In accordance with § 2.18 the reasons for parole denial may include, but are not limited to, the following reasons, with further specification where appropriate:

(1) Release at this time would depreciate the seriousness of the offense committed and would thus be incompatible with the welfare of society.

(2) There does not appear to be a reasonable probability at this time that the prisoner would live and remain at liberty without violating the law.

(3) The prisoner has (a serious) (repeated) disciplinary infraction(s) in the institution.

(4) Additional institutional treatment is required to enhance the prisoner's capacity to lead a law-abiding life.

(c) In lieu of or in combination with the reasons in paragraph (b) (1) and (2) of this section the prisoner after initial hearings shall be furnished a guideline evaluation statement which includes the prisoner's salient factor score and offense severity rating as described in § 2.20, as well as the reasons for a decision to continue the prisoner for a period outside the range indicated by the guidelines.

(d) Written notification of the decision or referral under § 2.17 or § 2.24 shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. If parole is denied, the prisoner shall also receive in writing as a part of the decision, the reasons therefor.

§ 2.14 Review hearings.

All hearings subsequent to the initial hearing shall be considered as review hearings. Review hearings by examiners designated by the Board shall be scheduled for each Federal institution, and prisoners shall appear for such hearings in person, except for the following cases:

(a) A case receiving a continuance of six months or less shall be considered by an examiner panel on the record (including a current institutional progress report).

(b) A prisoner with a sentence under 18 U.S.C. 4208(a)(2) or 924 who receives a continuance to a date past one-third of his maximum sentence at an initial hearing shall upon completion of one-third of his sentence receive a review by an examiner panel on the record (including a current institutional progress report).

(c) A prisoner sentenced under the Youth Corrections Act or Federal Juvenile Delinquency Act who receives a continuance of two years or more shall receive a review by an examiner panel on the record (including a current institutional progress report) upon completion of eighteen months of such continuance.

(d) Notification of review decisions shall be given as set forth in § 2.13(c). No prisoner shall be continued for more than three years from the time of the last hearing without further review.

§ 2.15 Petition for consideration of parole prior to date set at hearing.

When a prisoner has met the minimum time of imprisonment required by law,

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the Bureau of Prisons may petition the responsible Regional Director for reopening the case under § 2.28 and consideration of parole prior to the date set by the Board at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or the existence of other extraordinary circumstances that would warrant consideration of early parole.

§ 2.16 Parole of prisoner in state or territorial institution.

(a) Any person who has been convicted of any offense against the United States which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions by the same authority, and subject to recommital for the violation of such parole, as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

(b) Federal prisoners serving concurrent state and Federal sentences in state, local, or territorial institutions shall be furnished upon request parole application forms. Upon receipt of the application and any supplementary classification material submitted by the institution, the parole decision shall be made by an examiner panel of the appropriate region on the record only.

(c) Prisoners who are serving Federal sentences exclusively but who are being boarded in state, local, or territorial institutions may be considered for parole on the record only, provided they sign a waiver of their right to a personal hearing. If such a prisoner does not waive a personal hearing, he shall be transferred by the Bureau of Prisons to a Federal institution where he will be considered for parole at the next visit by an examiner panel of the Board.

§ 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases to be within the original jurisdiction of the Regional Directors. All original jurisdiction cases shall be heard by a panel of hearing examiners who shall follow the procedures provided in § 2.12. A summary of this hearing and any additional comments that the hearing examiners may deem germane shall be submitted to the five Regional Directors. The Regional Directors shall make the original decision by a majority vote.

(b) The following criteria will be used in designating cases for the original jurisdiction of the Regional Directors:

(1) *National security.* Prisoners who have committed serious crimes against the security of the nation, e.g., espionage or aggravated subversive activity.

(2) *Organized crime.* Persons who the Regional Director has reason to believe may have been professional criminals or may have played a significant role in an organized criminal activity.

(3) *National or unusual interest.* Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial or prisoner status, or because of the community status of the offender or his victim.

(4) *Long-term sentences.* Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

§ 2.18 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) in the opinion of the Board such release is not incompatible with the welfare of society; (b) he has observed substantially the rules of the institution in which he is confined; and (c) there is a reasonable probability that he will live and remain at liberty without violating the laws (18 U.S.C. 4203(a)).

§ 2.19 Consideration by the Board.

In the exercise of its discretion, the Board generally considers some or all of the following factors and such others as it may deem appropriate:

(a) Sentence data:

(1) Type of sentence;

(2) Length of sentence;

(3) Recommendations of judge, U.S. Attorney, and other responsible officials.

(b) Present offense:

(1) Facts and circumstances of the offense;

(2) Mitigating and aggravating factors;

(3) Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

(c) Prior criminal record:

(1) Nature and pattern of offenses;

(2) Adjustment to previous probation, parole, and confinement;

(3) Detainers.

(d) Changes in motivation and behavior:

(1) Changes in attitude toward self and others;

(2) Reasons underlying changes;

(3) Personal goals and description of personal strength or resources available to maintain motivation for law abiding behavior.

(e) Personal and social history:

(1) Family and marital history;

(2) Intelligence and education;

(3) Employment and military experience;

(4) Physical and emotional health.

(f) Institutional experience:

(1) Program goals and accomplishments;

(i) Academic;

(ii) Vocational education, training or work assignments;

(iii) Therapy.

(2) General adjustment:

(i) Inter-personal relationships with staff and inmates;

(ii) Behavior, including misconduct.

(g) Community resources, including release plans:

(1) Residence; live alone, with family or others;

(2) Employment, training, or academic education;

(3) Special needs and resources to meet them.

(h) Results of scientific data and tools:

(1) Psychological tests and evaluations;

(2) Statistical parole experience tables (salient factor score).

(i) Paroling policy guidelines as set forth in § 2.20;

(j) Comments by hearing examiners; evaluative comments supporting a decision, including impressions gained from the hearing.

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Board of Parole has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for the cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered. For example, cases with exceptionally good institutional program achievement may be considered for earlier release.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) These guidelines do not apply to parole revocation or reparole considerations. The Board shall review the guidelines periodically and may revise or modify them at any time as deemed appropriate.

Adult guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity of offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11–9)	Good (8–6)	Fair (5–4)	Poor (3–0)
Low	6–10	8–12	10–14	12–16
Immigration law violations				
Minor theft (includes larceny and simple possession of stolen property less than $1,000)				
Walkaway				
Low moderate	8–12	12–16	16–20	20–25
Alcohol law violations				
Counterfeit currency (passing/possession less than $1,000)				
Drugs: Marijuana, possession (less than $500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than $1,000)				
Income tax evasion (less than $3,000)				
Selective Service Act violations				
Theft from mail (less than $1,000)				
Moderate	12–16	16–20	20–24	24–30
Bribery of public officials				
Counterfeit currency (passing/possession $1,000–$19,999)				
Drugs:				
"Hard drugs," possession by drug user (less than $500)				
Marijuana, possession ($500) or more)				
Marijuana, sale (less than $5,000)				
"Soft drugs," possession (less than $5,000)				
"Soft drugs," sale (less than $500)				
Embezzlement (less than $20,000)				
Explosives, possession/transportation				
Firearms Act, possession/purchase/sale altered weapon(s), machinegun(s), or multiple weapons				
Income tax evasion ($3,000–$50,000)				
Interstate transportation of stolen/forged securities (less than $20,000)				
Mailing threatening communications				
Misprison of felony				
Receiving stolen property with intent to resell (less than $20,000)				
Smuggler of aliens				
Theft, forgery/fraud ($1,000–$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
High	16–20	20–26	26–32	32–38
Burglary or larceny (other than embezzlement) from bank or post office				
Counterfeit currency (passing/possession $20,000 or more)				
Counterfeiting (manufacturing)				
Drugs:				
"Hard drugs," possession by drug-dependent user ($500 or more)				
"Hard drugs," sale to support own habit				
Marijuana, sale ($5,000 or more)				
"Soft drugs," possession ($5,000 or more)				
"Soft drugs," sale ($500–$5,000)				
Embezzlement ($20,000–$100,000)				
Interstate transportation of stolen/forged securities ($20,000–$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property ($20,000–$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud ($20,000–$100,000)				
Very high	26–36	36–45	45–55	55–65
Robbery (weapon)				
Drugs:				
"Hard drugs," possession by nondrug-dependent user ($500 or more) or by nonuser (any quantity)				
"Hard drugs," sale for profit [no prior conviction for sale of "hard drugs"]				
"Soft drugs," sale (more than $5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
Greatest	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: "Hard drugs," sale for profit [prior conviction(s) for sale of "hard drugs"]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicted upon good institutional conduct and program performance.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

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Youth guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity of offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11–9)	Good (8–6)	Fair (5–4)	Poor (3–0)
Low	6–10	8–12	10–14	12–16
Immigration law violations				
Minor theft (includes larceny and simple possession of stolen property less than $1,000)				
Walkaway				
Low moderate	8–12	12–16	16–20	20–25
Alcohol law violations				
Counterfeit currency (passing/possession less than $1,000)				
Drugs: Marijuana, possession (less than $500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than $1,000)				
Income tax evasion (less than $3,000)				
Selective Service Act violations				
Theft from mail (less than $1,000)				
Moderate	9–13	13–17	17–21	21–26
Bribery of public officials				
Counterfeit currency (passing/possession $1,000–$19,999)				
Drugs:				
"Hard drugs," possession by drug user (less than $500)				
Marijuana, possession ($500 or more)				
Marijuana, sale (less than $5,000)				
"Soft drugs," possession (less than $5,000)				
"Soft drugs," sale (less than $500)				
Embezzlement (less than $20,000)				
Explosives, possession/transportation				
Firearms act, possession/purchase/sale alteredwea pon(s), machinegun(s), or multiple weapons				
Income tax evasion ($3,000–$50,000)				
Interstate transportation of stolen/forged securities (less than $20,000)				
Mailing threatening communications				
Misprision of felony				
Receiving stolen property with intent to resell (less than $20,000)				
Smuggler of aliens				
Theft, forgery/fraud ($1,000–$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
High	12–16	16–20	20–24	24–28
Burglary or larceny (other than embezzlement) from bank or post office				
Counterfeit currency (passing/possession $20,000 or more)				
Counterfeiting (manufacturing)				
Drugs:				
"Hard drugs," possession by drug dependent user ($500 or more)				
"Hard drugs," sale to support own habit				
Marijuana, sale ($5,000 or more)				
"Soft drugs," possession $(5,000 or more)				
"Soft drugs," sale ($500–$5,000)				
Embezzlement ($20,000–$100,000)				
Interstate transportation of stolen/forged securities ($20,000–$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property ($20,000–$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud ($20,000–$100,000)				
Very high	20–27	27–32	32–36	36–42
Robbery (weapon)				
Drugs:				
"Hard drugs," possession by non-drug-dependent user ($500 or more) or by nonuser (any quantity)				
"Hard drugs," sale for profit [no prior conviction for sale of "hard drugs"]				
"Soft drugs," sale (more than $5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
Greatest	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: "Hard drugs," sale for profit [prior conviction(s) for sale of "hard drugs"]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicated upon good institutional conduct and program performance.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

NARA guidelines for decisionmaking, average total time (in months) served before release (including jail time)

(Revised April 1974)

Offense characteristics—Severity offense behavior (examples)	Offender characteristics—Parole prognosis (salient factor score)			
	Very good (11–9)	Good (8–6)	Fair (5–4)	Poor (3–0)
Low	6–12	6–12	12–18	12–18
Immigration law violations				
Minor theft (includes larceny and simple possession of stolen property less than $1,000)				
Walkaway				
Low moderate	6–12	6–12	12–18	12–18
Alcohol law violations				
Counterfeit currency (passing/possession less than $1,000)				
Drugs: Marijuana, possession (less than $500)				
Firearms Act, possession/purchase/sale single weapon—not altered or machinegun				
Forgery/fraud (less than $1,000)				
Income tax evasion (less than $3,000)				
Selective Service Act violations				
Theft from mail (less than $1,000)				
Moderate	12–18	12–18	18–24	18–24
Bribery of public officials				
Counterfeit currency (passing/possession $1,000–$19,999)				
Drugs:				
"Hard drugs," possession by drug user (less than $500)				
Marijuana, possession ($500 or more)				
Marijuana, sale (less than $5,000)				
"Soft drugs," possession (less than $5,000)				
"Soft drugs," sale (less than $500)				
Embezzlement (less than $20,000)				
Explosive, possession/transportation				
Firearms Act, possession/purchase/sale altered weapon(s), machinegun(s), or multiple weapons				
Income tax evasion ($3,000–$50,000)				
Interstate transportation of stolen/forged securities (less than $20 000)				
Mailing threatening communications				
Misprison of felony				
Receiving stolen property with intent to resell (less than $20,000)				
Smuggler of aliens				
Theft, forgery/fraud ($1,000–$19,999)				
Theft of motor vehicle (not multiple theft or for resale)				
High	12–18	12–18	18–24	18–24
Burglary or larceny (other than embezzlement) from bank or post office				
Counterfeit currency (passing/possession $20,000 or more)				
Counterfeiting (Manufacturing)				
Drugs:				
"Hard drugs," possession by drug-dependent user ($500 or more)				
"Hard drugs," sale to support own habit				
Marijuana, sale ($5,000 or more)				
"Soft drugs," possession ($5,000 or more)				
"Soft drugs," sale ($500–$5,000)				
Embezzlement ($20,000–$100,000)				
Interstate transportation of stolen/forged securities ($20,000–$100,000)				
Mann Act (no force—commercial purposes)				
Organized vehicle theft				
Receiving stolen property ($20,000–$100,000)				
Robbery (no weapon or injury)				
Theft, forgery/fraud ($20,000–$100,000)				
Very high	20–26	20–26	26–32	26–32
Robbery (weapon)				
Drugs:				
"Hard drugs," possession by non-drug-dependent user ($500 or more) or by nonuser (any quantity)				
"Hard drugs," sale for profit (no prior conviction for sale of "hard drugs")				
"Soft drugs," sale (more than $5,000)				
Extortion				
Mann Act (force)				
Sexual act (force)				
Greatest	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			
Aggravated felony (e.g. robbery, sexual act, assault)—weapon fired or serious injury				
Aircraft hijacking				
Drugs: "Hard drugs," sale for profit [prior conviction(s) for sale of "hard drugs"]				
Espionage				
Explosives (detonation)				
Kidnapping				
Willful homicide				

NOTES

1. If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.
2. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
3. If an offense behavior involved multiple separate offenses, the severity level may be increased.
4. If a continuance is to be given, allow 30 days (1 month) for release program provision.
5. These guidelines are predicated upon good institutional conduct and program performance.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

(Revised October 1973)

GUIDELINE EVALUATION WORKSHEET

Case Name .... Register Number ....

SALIENT FACTORS

Item A .... ☐
No prior convictions (adult or juvenile) = 2
One or two prior convictions = 1
Three or more prior convictions = 0
Item B .... ☐
No prior incarcerations (adult or juvenile) = 2
One or two prior incarcerations = 1
Three or more prior incarcerations = 0
Item C .... ☐
Age at first commitment (adult or juvenile) 18 years or older = 1
Otherwise = 0
Item D .... ☐
Commitment offense did not involve auto theft = 1
Otherwise = 0
Item E .... ☐
Never had parole revoked or been committed for a new offense while on parole = 1
Otherwise = 0
Item F .... ☐
No history of heroin, cocaine, or barbiturate dependence = 1
Otherwise = 0
Item G .... ☐
Has completed 12th grade or received GED = 1
Otherwise = 0
Item H .... ☐
Verified employment (or full-time school attendance) for a total of at least 6 months during last 2 years in the community = 1
Otherwise = 0
Item I .... ☐
Release plan to live with spouse and or children = 1
Otherwise = 0
Total Score .... ☐

Offense Severity: Rate the severity of the present offense by placing a check in the appropriate category. If there is a disagreement, each examiner will initial the category he chooses.

Low ....
Low Moderate ....
Moderate ....
High ....
Very High ....
Greatest ....
(e.g. willful homicide, kidnapping)

Jail Time (Months) .... + Prison Time (Months) .... = Total Time Served To Date ...... Months.
Guidelines Used: .... Youth .... Adult .... NARA
Tentative Decision ....

§ 2.21 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecution officers, reports by or for the sentencing court, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. The Board encourages the submission of such information by interested persons.

§ 2.22 Communication with the Board.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Board of Parole must submit a written request to the appropriate regional office setting forth the nature of the information to be discussed. Such personal interview may be conducted by staff personnel in the regional offices. Personal interviews, however, shall not be held by an examiner or member of the Board, except under the Board's appeals procedures.

§ 2.23 Delegation to hearing examiners.

(a) There is hereby delegated to hearing examiners the authority to make decisions relative to the granting or denial of parole, or reparole and revocation or reinstatement of parole or mandatory release and to fix conditions of parole.

(b) Hearing examiners shall function as two-man panels and the concurrence of both examiners shall be required for their decision. In the event of a split decision by the panel, the appropriate regional Administrative Hearing Examiner shall cast the deciding vote.

(c) When a hearing examiner panel proposes to make a decision which falls outside of explicit guidelines for parole decision-making promulgated by the Board, the case shall be reviewed by the appropriate regional Administrative Hearing Examiner. When an Administrative Hearing Examiner does not concur in a decision of an examiner panel to set a parole effective date or continuance outside the Board's guidelines he may with the concurrence of the Regional Director modify the date to the nearest limit of the guidelines.

(d) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraphs (b) and (c) of this section will be referred to another hearing examiner.

§ 2.24 Review of panel decision by the Regional Director and the National Appellate Board.

A regional Director may review the decision of any examiner panel and refer this decision, prior to written notification to the prisoner, with his recommendation and vote to the National Appellate Board for reconsideration and any action it may deem appropriate. Written notice of this reconsideration action shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. The Regional Director and each member of the National Appellate Board shall have one vote and decisions shall be based upon the concurrence of two out of three votes.

§ 2.25 Appeal of hearing panel decision.

(a) A prisoner may file with the responsible Regional Director a written appeal of a decision of a hearing examiner panel or a decision under § 2.24 to grant, deny or revoke parole or to revoke mandatory release. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision. The appeal shall be considered by the Regional Director who may affirm the decision, order a new institutional hearing, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of an examiner panel decision or the modification of such a decision by more than one hundred eighty days, whether based upon the record or following a regional appellate hearing, shall require the concurrence of two out of three Regional Directors. Appellate decisions requiring a second or additional vote shall be referred to other Regional Directors on a rotating basis as established by the Chairman.

(b) Regional appellate hearings shall be held at the regional office before the Regional Director. Attorneys, relatives and other interested parties who wish to appear must submit a written request to the Regional Director stating their relationship to the prisoner and the general nature of the information they wish to present. The Regional Director shall determine if the requested appearances will be permitted. The prisoner shall not appear personally.

(c) If no appeal is filed within thirty days of entry of the original decision, this decision shall stand as the final decision of the Board.

(d) Appeals under this section may be based only upon the following grounds:

(1) The reasons given for a denial or continuance do not support the decision; or

(2) There was significant information in existence but not known at the time of the hearing.

§ 2.26 Appeal to National Appellate Board.

(a) A prisoner may file a written appeal of the Regional Director's decision under § 2.25 to the National Appellate Board on a form provided for that purpose within thirty days after the entry of the Regional Director's written decision. The National Appellate Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institutional or regional level.

(b) The bases for such appeal shall be the same as for a regional appeal as set forth in § 2.25(d). However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appellate Board.

(c) Decisions of the National Appellate Board shall be final.

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision to the National Appellate Board. The National Appellate Board, upon the concurrence of two members, may affirm the decision or schedule the case for a review by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by a majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) If an appellate hearing is scheduled, attorneys, relatives, or other interested parties who wish to speak for or against parole at such hearing must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested appearances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the Regional Director's decision, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25(d).

§ 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then schedule an institutional hearing or take any other action authorized under the provisions of § 2.25. Original jurisdiction cases may be reopened under the procedure of this section on the motion of two out of three Regional Directors and may be scheduled for an institutional hearing or for review by the Regional Directors on the record.

§ 2.29 Withheld and forfeited good time.

(a) Section 4202 of title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of statutory good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution. Nevetheless, parole will not usually be granted unless and until such good time has been restored.

(b) Neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

(c) The above restrictions shall not apply, however, to the forfeiture or withholding of *extra good time* which is granted because of meritorious behavior. Parole may be ordered without regard to a prisoner's status insofar as *extra good time* is concerned, although the reasons for any forfeiture or withholding will be included among the other factors used in making the parole decision.

§ 2.30 Release; modification of release date.

(a) When an effective date has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for his supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. If such previously granted parole date is retarded for more than sixty days because of institutional misconduct, the prisoner will be given a new hearing in accordance with § 2.12. The purpose of the hearing is to determine if the prisoner's parole grant should be rescinded or a new parole date established. Such hearings will be held on the next hearing docket at a Federal institution. If such a prisoner's misconduct occurred in a Federal Community Treatment Center or a state or local Halfway House, he shall be placed on the first hearing docket after return to a Federal institution.

(b) In any case of a prisoner who has been notified of parole and who has subsequently engaged in conduct in violation of the rules of his custody or confinement sufficient to become a matter of record, the Regional Director shall be advised promptly of such violation. The prisoner shall not be released until the institution has been advised that no change has been made in the Board's order to parole.

§ 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Board, acting under the procedures of § 2.17 may act to rescind or revoke the parole.

§ 2.32 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until payment of the fine, or until the fine commitment order is discharged according to law as follows:

(a) An indigent prisoner may make application to a U.S. Magistrate in the District wherein he is incarcerated or to the chief executive officer of the institution setting forth, under institutional regulations, his inability to pay such fine; if the magistrate or chief executive officer shall find that the prisoner, having no assets exceeding $20 in value except such as are by law exempt from being taken on execution for debt, is unable to pay the fine, and if the prisoner takes a prescribed oath of indigency, he shall be discharged from the commitment obligation of the committed fine sentence.

(b) If the prisoner is found to possess assets in excess of the exemption in paragraph (a) of this section nevertheless if the Board shall find that retention of all of such assets if reasonably necessary for his support or that of his family, upon taking of the prescribed oath concerning his assets the prisoner shall be discharged from the commitment obligation of the committed fine sentence. If the Board shall find that retention by the prisoner of any part of his assets is reasonably necessary for his support or that of his family, the prisoner upon taking of the prescribed oath concerning his assets, shall be discharged from the commitment obligation of the committed fine sentence upon payment on account on his fine of that portion of his assets in excess of the amount found to be reasonably necessary for his support or that of his family.

(c) Discharge from the commitment obligation of any committed fine sentence does not discharge the prisoner's obligation to pay the fine as a debt due the United States.

§ 2.33 Parole to detainers; statement of policy.

The policy of the Board with regard to parole to detainers is in general accord with the principles recommended by the Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers:

(a) The status of detainers held against prisoners in Federal institutions will be investigated, so far as is reasonably possible, prior to parole hearings.

(b) In appropriate cases summary information regarding such prisoner will be provided to state or local authorities. The Board urges institution officials to provide such information.

(c) Where the detainer is not lifted, the Board may grant parole to such detainer if a prisoner is considered in other respects to be a good parole risk. Ordinarily, however, the Board will grant parole to such detainer only if the status of that detainer has been investigated.

(d) The Board will cooperate in working out arrangements for concurrent supervision with other jurisdictions where it is feasible and where release on parole appears to be justified.

(e) The presence of a detainer is not of itself a valid reason for the denial

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of parole. It is recognized that where the prisoner appears to be a good parole risk, there may be distinct advantage in granting parole despite a detainer.

§ 2.34 Parole to local or immigration detainers.

(a) When a state or local detainer is outstanding against a prisoner whom the Board wishes to parole, the Board may order either of the following:

(1) "Parole to the actual physical custody of the detaining authorities only." In this event, release is not to be effected except to the detainer. When such a detainer is withdrawn, the prisoner is not to be released unless and until the Board makes a new order of parole.

(2) "Parole to the actual physical custody of the detaining authorities or an approved plan." In this event, release is to be effected even though the detainer might be withdrawn, providing there is an acceptable plan for community supervision.

(b) When the Board wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Board may order one of the following:

(1) "Parole for deportation only." In this event, release is not to be effected unless immigration officials make full arrangements for deportation immediately upon release.

(2) "Parole to the actual physical custody of the immigration authorities only." In this event, release is not to be effected unless immigration officials take the prisoner into custody—regardless of whether or not deportation follows.

(3) "Parole to the actual physical custody of the immigration authorities or an approved plan." In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

(c) As used in this section "parole to a detainer" means release to the "physical custody" of the authorities who have lodged the detainer. Temporary detention in a jail in the county where the institution of confinement is located does not constitute release on parole. If the authorities who lodged the detainer do not take the prisoner into custody for any reason, he shall be returned to the institution to await further order from the Board.

§ 2.35 Mental competency proceedings.

(a) Whenever a prisoner or parolee is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners or other official(s) (including a U.S. Probation Officer) designated by the Board of Parole.

(b) At the competency hearing, the hearing examiners or designated official(s) shall receive oral or written psychiatric testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence, and personal observations of the prisoner. If the examiner panel or designated official(s) determines that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be temporarily postponed.

(c) Whenever the hearing examiners or designated official(s) determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Director for review. If the Regional Director concurs with their findings, he shall order the temporarily postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner or parolee has recovered sufficiently to understand the nature of and participate in the proceedings and, in the case of a parolee, may order such parolee committed to a Bureau of Prison's facility for further examination. In any such case, the Regional Director shall require a progress report at least every six months on the mental health of the prisoner. When the Regional Director determines that the prisoner has recovered sufficiently, he shall reschedule the hearing for the earliest possible date.

(d) If the Regional Director disagrees with the findings of the hearing examiners or designated official(s) as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

§ 2.36 Release plans.

(a) A grant of parole is conditioned upon the approval of release plans by the Regional Director. In general, the following factors should be present before a prisoner is released after parole has been granted:

(1) The probation officer to whom the releasee is assigned may, in his discretion, require that there be available to the releasee an adviser who is a responsible, reputable, and law-abiding citizen living in or near the community in which the releasee will reside. The adviser should act as a source of advice for the releasee relative to community adjustment. The adviser may provide special services such as vocational placement, personal counsel, or referral to community agencies. The adviser is expected to report to the probation officer any law violation or serious misconduct on the part of the releasee. The adviser may be required by the probation officer to countersign the parolee's monthly supervision report to indicate actual contact with the parolee.

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary aftercare will be available to a parolee who is ill or who has some other problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment.

(c) Insofar as it is practicable, the details of each plan for release shall be verified by a field investigation by the United States Probation Officer of the District into which release will be made.

(d) Any of the requirements described in this section may be waived by the Regional Director whenever circumstances warrant.

§ 2.37 Release on parole; statement of policy.

Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred twenty days. An effective date of parole shall not be set for a Saturday, Sunday or a legal holiday. A parole grant may be retarded by the Regional Director for up to one hundred twenty days without a hearing for development and approval of release plans.

§ 2.38 Sponsorship of parolees: statement of policy.

It is the policy of the Youth Corrections Division to cooperate with groups desiring to serve as sponsors of parolees. In all cases, sponsors shall serve under the direction of and in cooperation with the probation officers to whom the parolees are assigned.

§ 2.39 Mandatory release in the absence of parole.

A prisoner shall be mandatorily released by operation of law at the end of the sentence imposed by the court less such good time deductions and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as if on parole, under supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred eighty days. Insofar as possible, release plans shall be completed before the release of any such prisoner.

§ 2.40 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be initially released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.41 Reports to police departments of names of parolees; statement of policy.

Names of parolees under supervision will not routinely be furnished to a police department of a community, except as required by law. All such notifications are to be regarded as confidential.

§ 2.42 Community supervision by United States Probation Officers.

(a) Pursuant to section 3655 of title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The Attorney General has delegated his authority in this regard to the Board (28 CFR 0.126[b]). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releasees under the Board's jurisdiction.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the probation officers of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Board.

§ 2.43 Duration of period of community supervision.

(a) Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is released under the provisions of laws relating to parole, shall continue until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

(b) The Regional Director may discharge from supervision prior to the normal expiration date as provided in § 2.46(b), but the sentence is not thus commuted and such a parolee may be reinstated to supervision or retaken on the basis of a violator warrant.

(c) For certain narcotic offenses a prisoner will have a "special parole term" imposed by the court at the time of sentencing. The period of supervision under the basic sentence is served separately and must be completed prior to the beginning of any "special parole term." The "special parole term" will not be aggregated with the basic sentence for any purpose, including computation of time to serve following parole revocation, if any.

§ 2.44 Conditions of release.

The conditions of release are printed on the release certificate and are binding regardless of whether the releasee signs the certificate. The Board, or a member thereof, may add special conditions or modify the conditions of release at any time.

§ 2.45 Travel by parolees and mandatory releasees.

(a) The probation officer may approve travel outside the district without approval of the Regional Director in the following situations:

(1) Vacation trips not to exceed thirty days,

(2) Trips, not to exceed thirty days, to investigate reasonably certain employment possibilities,

(3) Recurring travel across a district boundary, not to exceed fifty miles outside the district, for purposes of employment, shopping, or recreation.

(b) Specific advance approval by the Regional Director is required for other travel, including travel outside the continental limits of the United States, employment more than fifty miles outside the district, and vacations exceeding thirty days. A special condition imposed by the Regional Director prohibiting certain travel shall supersede any general rules relating to travel as set forth above.

§ 2.46 Supervision reports, modification and discharge from supervision.

(a) All parolees and mandatory releasees shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board or Probation Officers. Probation Officers shall submit summary reviews of the progress of parolees and mandatory releasees according to Board policy. On the basis of summary reviews of the progress of parolees, the Regional Director may modify the reporting requirement of parolees or releasees.

(b) After the parolee or mandatory releasee has been under supervision for at least one year, the Regional Director may, in his discretion, permit the parolee to submit a written report to his probation officer on a less frequent basis than once a month. After a period of such reduced reporting the Regional Director may further order that the parolee be discharged from all supervision by the Probation Officer. In the latter instances, a parolee may be reinstated to supervision or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court. Other modification in the reporting requirements may be made by the Regional Director at any time during the parolee's term.

§ 2.47 Modification and discharge from supervision; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be released from supervision or unconditionally discharged at any time after one year of continuous supervision on parole.

§ 2.48 Setting aside conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Regional Director shall issue to the youth offender a certificate to that effect.

§ 2.49 Revocation of parole or mandatory release.

(a) If a parolee or mandatory releasee violates any of the conditions of his release, and satisfactory evidence thereof is presented to the Board, or a member thereof, a warrant may be issued and the offender returned to an institution. Warrants shall be issued or withdrawn only by the Board, or a member thereof.

(b) A warrant for the apprehension of any parolee shall be issued only within the maximum term or terms for which the prisoner was sentenced.

(c) A warrant for the apprehension of any mandatory releasee shall be issued only within the maximum term or terms for which the prisoner was sentenced, less one hundred eighty days.

§ 2.50 Same, youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the conditions of release, the Youth Corrections Division may, when the Division is of the opinion that such youth offender would benefit by further treatment, direct his return to custody or issue a warrant for his apprehension and return to custody. Upon his return to custody, such youth offender shall be given a revocation hearing under the same provisions as adult offenders as specified in § 2.54–§2.56. Following the revocation hearing parole may be reinstated, revoked or the terms and conditions thereof may be modified.

§ 2.51 Unexpired term of imprisonment.

The time a prisoner was on parole or mandatory release is not credited to the service of his sentence if revocation occurs. When a warrant is issued the sentence ceases to run, but begins to run again when the releasee is taken into Federal custody by the execution of the Board's violation warrant. However, the sentences of prisoners committed under the Narcotic Addict Rehabilitation Act or the Youth Corrections Act run uninterruptedly from the date of conviction without regard to any revocation, except as provided in § 2.10(c). In no case may the commitment of a person under the Federal Juvenile Delinquency Act extend past his twenty-first birthday.

§ 2.52 Execution of warrant; notice of alleged violations.

(a) Any officer of any Federal correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. The warrant shall be considered delivered to a Federal officer when the warrant is signed and placed in the mail at the Board headquarters or regional office before the expiration of the maximum term of sentence.

(b) On arrest of the prisoner the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the alleged violations of parole or mandatory release upon which the warrant was issued.

(c) If execution of the warrant is delayed pending disposition of local charges, for further investigation, or for some other purpose, the parolee or man-

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datory releasee is to be continued under supervision by the probation officer until the normal expiration of the sentence, or until the warrant is executed, whichever comes first. Monthly supervision reports are to be submitted, and the releasee must continue to abide by all the conditions of release.

§ 2.53 Warrant placed as a detainer and dispositional interview.

(a) In those instances where the prisoner is serving a new sentence in an institution, the warrant may be placed there as a detainer. Such prisoner shall be advised that he may communicate with the Board relative to disposition of the warrant, and may request that it be withdrawn or executed so his violator term will run concurrently with the new sentence. Should further information be deemed necessary, the Regional Director may designate a hearing examiner panel to conduct a dispositional interview at the institution where the prisoner is confined. At such dispositional interview the prisoner may be represented by counsel of his own choice and may call witnesses in his own behalf, provided he bears their expenses. He shall be given timely notice of the dispositional interview and its procedure.

(b) Following the dispositional review the Regional Director may:

(1) Let the detainer stand

(2) Withdraw the detainer and close the case if the expiration date has passed;

(3) Withdraw the detainer and reinstate to supervision; thus permitting the federal sentence time to run uninterruptedly from the time of his original release on parole or mandatory release.

(4) Execute warrant, thus permitting the sentence to run from that point in time. If the warrant is executed, a previously conducted dispositional interview may be construed as a revocation hearing.

(c) In all cases, including those where a dispositional interview is not conducted, the Board shall conduct annual reviews relative to the disposition of the warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from institution officials for its consideration.

§ 2.54 Revocation by the Board, preliminary interview.

(a) A prisoner who is retaken on a warrant issued by a Board Member shall be given a preliminary interview by an official designated by the Regional Director to determine if there is probable cause to hold the prisoner for a revocation hearing and, if so, whether such revocation hearing should be conducted in the locality of the charged violation(s) or in a Federal institution. The official designated to conduct the preliminary interview may be a United States Probation Officer in the district where the prisoner is confined, provided he is not the officer who recommended that the warrant be issued.

(b) At the beginning of the preliminary interview, the hearing officer shall explain the Board's revocation procedure to the prisoner and shall advise the prisoner that he may have the preliminary interview postponed so that he may obtain representation by an attorney or may arrange for the attendance of witnesses. The prisoner shall also be advised that if he cannot afford to retain an attorney he may apply to a United States District Court for appointment of counsel to represent him at the preliminary interview and the revocation hearing. The prisoner may also request the presence of persons who have given information upon which revocation may be based. Such adverse witnesses shall be requested to attend the preliminary interview unless the prisoner admits a violation or has been convicted of a new offense committed while on supervision or unless the hearing officer finds good cause for their non-attendance. At the preliminary interview the hearing officer shall review the violation charges with the prisoner, receive the statements of witnesses and documentary evidence on behalf of the prisoner, and allow cross-examination of those adverse witnesses in attendance.

(c) At the conclusion of the preliminary interview, the hearing officer shall prepare and submit to the Regional Director a summary of the interview, which shall include recommended findings of whether there is probable cause to hold the prisoner for a revocation hearing. Upon receipt of the summary of the preliminary interview, the Regional Director shall either order the prisoner reinstated to supervision, order that a revocation hearing be conducted in the locality of the charged violation(s), or direct that the prisoner be transferred to a Federal institution for a revocation hearing.

(d) The prisoner shall be retained in local custody pending completion of the preliminary interview, submission of the summary of the hearing officer, and notification by the Regional Director relative to further action.

(e) A postponed preliminary interview may be conducted as a local revocation hearing, by an examiner panel or other hearing officer designated by the Regional Director provided that the prisoner has been advised that the postponed preliminary interview will constitute his final revocation hearing.

§ 2.55 Local revocation hearing.

(a) If the prisoner requests a local revocation hearing prior to his return to a Federal institution, he shall be given a revocation hearing reasonably near the place of an alleged violation if the following conditions are met:

(1) The local hearing would facilitate the production of witnesses or the retention of counsel;

(2) The prisoner has not been convicted of a crime committed while under supervision; and

(3) The prisoner denies that he has violated any condition of his release. Otherwise, he shall be given a revocation hearing after he is returned to a Federal institution. However, the Regional Director may, on his own motion, designate a case for a local revocation hearing.

(b) If there are two or more alleged violations, the hearing shall be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant, as determined by the Regional Director.

(c) Following the hearing the prisoner shall be retained in custody until final action is taken relative to revocation or reinstatement, or until other instructions are issued by the Regional Director.

§ 2.56 Revocation hearing procedure.

(a) A revocation hearing shall be conducted by a hearing examiner panel or, in a local revocation hearing only, by another official designated by the Regional Director. In the latter case, the decision relative to revocation shall be made by an examiner panel on the basis of the hearing summary pursuant to the provisions of § 2.23. A revocation decision may be appealed under the provisions of § 2.25, § 2.26, or § 2.27 as applicable.

(b) The purpose of the revocation hearing shall be to determine whether the prisoner has violated the conditions of his release and, if so, whether his parole or mandatory release should be revoked or reinstated.

(c) The alleged violator may present voluntary witnesses and documentary evidence in his behalf. However, the presiding hearing officer or examiner panel may limit or exclude any irrelevant or repetitious statement or documentary evidence.

(d) If the alleged violator has not been convicted of a new criminal offense while under supervision and does not admit violation of any of the conditions of his release, the Board shall, on the request of the alleged violator or on its own motion, request the attendance of persons who have given statements upon which revocations may be based. Those adverse witnesses who are present shall be made available for questioning and cross-examination in the presence of the alleged violator unless the presiding hearing officer or examiner panel finds good cause for their non-attendance.

(e) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by reading or summarizing the appropriate document for the alleged violator.

§ 2.57 Confidentiality of parole records.

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidentiality of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, dates of termination of sentence and whether an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board will be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Who, if any one, has supported or opposed an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s) and after a decision relative to parole has been made.

(c) Other matters contained in parole records, including how a member votes relative to parole, will be held strictly confidential and will not be disclosed to unauthorized persons.

Dated: May 28, 1974.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

[FR Doc.74-12673 Filed 6-4-74;8:45 am]

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federal register

WEDNESDAY, JUNE 5, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 109

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

MEDICAL ASSISTANCE PROGRAM

Proposed Contracting Requirements

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Proposed Contracting Requirements

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposal sets forth requirements for contracts between State agencies and prepaid health insuring organizations, health maintenance organizations, fiscal agents, private nonmedical institutions, or health care project grant centers, for the provision of or payment for medical and remedial services authorized under title XIX of the Social Security Act.

Existing requirements in 45 CFR 249.82, relating to contracts with health insuring organizations, fiscal agents, and private nonmedical institutions, have been revised and updated to consolidate in § 249.82(c)(1) the requirements for all types of contracts and to set forth in succeeding paragraphs additional requirements for each specific type. General requirements now include provisions on evaluation of services, medical records of enrollees, and confidentiality. Health insuring organizations now must assume the underwriting risk and demonstrate the basis for premium computation; fiscal agents must include termination procedures in the contract.

A major expansion of the current regulations relates to requirements for contracts with health maintenance organizations (HMOs). There has been increasing use of HMOs under title XIX, and such increase may be accelerated with implementation of the Health Maintenance Organization Act of 1973 (P.L. 93–222, December 29, 1973). These proposed regulations are consistent with the overall provisions of that statute, while recognizing specific elements of the Medicaid program, such as extent of services provided under the title XIX State plan and upper limits on payments; however they do not require HMOs to meet the certification requirements of the Health Maintenance Organization Act.

Included for the first time in regulations on contracts are specific provisions for contracts with health care project grant centers, such as community health, family planning or maternity and infant care centers, which are supported by Federal project grant funds. The proposal applies to such contracts the general requirements for title XIX contracts, under which Federal financial participation is available in payments for services to Medicaid recipients. Such centers are also governed, of course, by the applicable regulations under their specific statutory authorities. State Medicaid agencies are encouraged to develop close relations with these programs in order to increase project center utilization by Medicaid recipients and to enable centers to maximize all available third-party funding.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before July 5, 1974. Such comments are available for review in room 5224 of the Department's offices at 301 C Street SW., Washington, D.C., Monday through Friday of each week, between 8:30 a.m. and 5 p.m. (202–245–0365).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: March 26, 1974.

James S. Dwight, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: May 30, 1974.

Frank Carlucci,
Acting Secretary of Health, Education, and Welfare.

Section 249.82 of Part 249, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 249.82 Contracts for provision of or payment for health service benefits.

(a) *Purpose.* This section sets forth the requirements for certain State contracts for the provision of or payment for medical and remedial services under title XIX of the Social Security Act.

(b) *Definitions.* (1) "Contractor" means a prepaid health insuring organization, a health maintenance organization, a fiscal agent, a private nonmedical institution, or a health care project grant center which contracts with the single State agency, under the terms of this section, to pay for or provide medical services under a State medical assistance plan, in consideration of a payment.

(2) "Prepaid health insuring organization" means a contractor which provides payment for medical services for a premium.

(3) "Fiscal agent" means a contractor which processes and pays vendor claims on behalf of the single State agency.

(4) "Private nonmedical institution" means a facility such as a child-care institution or a maternity home, whose regular business is not that of a prepaid health insuring organization, or community health care center, but which provides medical care through contracts or other arrangements with medical providers, and which receives payments on a prepaid capitation basis through contract with the single State agency. No assumption of underwriting risk is borne by the institution.

(5) "Health care project grant center" means an organization supported in whole or in part by Federal project grant financial assistance which provides or arranges for medical services to an enrolled population and receives payment for services to eligible recipients through contract with the single State agency.

(6) "Premium" means the amount paid by the single State agency to a contractor for each eligible recipient of the covered population for the payment for or provision of medical care and services under the State's medical assistance plan.

(7) "Eligible recipient" means a person entitled to receive benefits under the State's medical assistance plan.

(8) "Underwriting risk" means the risk of loss assumed by the contractor who receives the premium under an insuring arrangement with the single State agency for providing or paying for covered medical services to eligible recipients.

(9) "Health maintenance organization (HMO)" means a public or private organization which:

(i) Provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a prepayment basis;

(ii) Provides, either directly or through arrangements with others and through institutions, entities, and persons meeting the requirements established for providers under title XIX of the Social Security Act, those health services which a defined population might reasonably require in order to be maintained in good health, including, as a minimum, inpatient hospital services, outpatient hospital services, and physicians' services;

(iii) Provides physicians' services (A) directly through physicians who are either employees or partners of such organization, or (B) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

(iv) Demonstrates, to the satisfaction of the single State agency, proof of financial responsibility and proof of capability to provide the services under the contract efficiently, effectively, and economically;

(v) Demonstrates to the satisfaction of the single State agency that adequate feasibility and planning studies have been made for the enrollment of a sufficient number of members to assure the economic viability of the organization;

(vi) Provides assurances, satisfactory to the single State agency, that the health services required by its members will be received promptly and appropriately and that the services which are received will meet quality standards;

(vii) Assures timely and appropriate entry into the health care system and a logical continuity of care among and between the HMO's health services;

(viii) Has an open enrollment period of at least thirty days at least every year under which it accepts individuals in the order in which they apply for enrollment, up to the limits of its capacity and without restrictions, except as may be authorized by the Administrator; and

(ix) Serves a population broadly representative of the various age, social, and income groups within the area it serves, except that within two years after the effective date of the contract no more than 50% of the enrolled members may be individuals receiving benefits under Title XVIII and individuals receiving assistance under Title XIX of the Social Security Act. Any contractor under contract with the single State agency prior to the effective date of this regulation must conform to this requirement within two years after such effective date. The provisions of this subdivision may be waived by the Administrator for good cause shown.

(c) *State plan requirements*—(1) *All contractors.* A State plan under title XIX of the Social Security Act which provides part or all of its medical assistance through arrangements with contractors must provide that the contract will:

(i) Specify the contract period;

(ii) Specify the functions of the contractor;

(iii) Identify the covered population and specify any necessary procedures for their enrollment or reenrollment;

(iv) Specify the amount, duration and scope of medical assistance to be provided or paid for;

(v) Provide that the single State agency and the Department shall have the right to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under such contract, and to audit and inspect any books and records of such contractor which pertain to services performed and determination of amounts payable under such contract;

(vi) Establish provisions and criteria for extension and termination. Termination procedures must include provisions requiring the contractor to supply promptly all information necessary for the reimbursement of any outstanding claims of enrolled participants.

(vii) Provide that the contractor shall maintain an appropriate medical record system for its title XIX enrollees consistent with sound medical practice, and that these medical records shall be preserved for the period of time specified by State law; and

(viii) Provide that the contractor shall conform to the requirements of § 205.50 of this chapter regarding confidentiality of information about eligible recipients.

(2) *Prepaid health insuring organizations or health maintenance organizations.* In addition to the requirements specified in paragraph (c)(1) of this section, a State plan which provides for contracts with prepaid health insuring organizations or health maintenance organizations must also provide that the contract will:

(i) Provide that the premium, which must be reasonable, as set forth in § 250.30 of this chapter, shall constitute full payment by the State to the contractor for the provision of or payment for covered medical care and services by the contractor to eligible recipients during the contract period;

(ii) Provide, in the case of a health insuring organization (other than a health maintenance organization), for the assumption by the contractor of the underwriting risk. The single State agency may allow the contractor to obtain reinsurance;

(iii) Specify, in the case of a health maintenance organization, whether the contract is on a risk basis or a cost basis. A risk contract must specify the apportionment of the underwriting risk, and of savings and losses, between the single State agency and the contractor, the single State agency may allow the contractor to obtain reinsurance or make other arrangements to cover part of the costs, or it may act as a self-insurer of some of the underwriting risks;

(iv) Provide that the contractor shall demonstrate the basis for computation of the premium rate specified in the contract.

(3) *Fiscal agents.* In addition to the requirements specified in paragraph (c)(1) of this section, a State plan which provides for contracts with fiscal agents must also provide that the contracts will:

(i) Include termination procedures requiring the contractor to supply promptly all material necessary for the continued operation of the payment and related systems including:

(A) All computer programs to which the State has ownership rights, or which have been designed, developed or installed with Federal matching funds. In the event that the fiscal agent has sole proprietary rights to programs, the contract must provide an option to the State to purchase such programs.

(B) All necessary data files;

(C) User and operation manuals, and other documentation;

(D) System and program documentation; and

(E) Training programs for State agency staff, their agents or designated representatives, in the operation and maintenance of the system;

(ii) Establish the amount to be paid the contractor for performing the required functions, the basis for the amount and when payment is to be made; and

(iii) Provide that payment to providers shall be made in accordance with § 250.30 of this chapter.

(4) *Private nonmedical institutions.* In addition to the requirements specified in paragraph (c)(1) of this section, a State plan which provides for contracts for prepayment of services from private nonmedical institutions must also provide that such contracts will:

(i) Specify the capitation amount which shall be based on the cost of services provided (in accordance with § 250.30 of this chapter);

(ii) Specify when the capitation amount shall be paid.

(5) *Health maintenance organizations.* In addition to the requirements specified in paragraphs (c)(1) and (2) of this section, a State plan for medical assistance which provides for contracts with health maintenance organizations must also provide that such contracts will provide:

(i) That enrollment is voluntary;

(ii) That the period of enrollment, which shall be for a reasonable period of time, be specified, so as to assure continuity of care and avoid excessive costs due to rapid turnover of enrollment;

(iii) That enrollment may not be terminated by the contractor, except for good cause which shall be defined in the contract, and may not include an adverse change in health status. Each termination by the contractor shall have the concurrence of the director of the medical assistance unit of the single State agency;

(iv) That when a recipient is no longer eligible to have payments made on his behalf to the HMO by the State, enrollment may be continued for the balance of the month for which payments have already been made;

(v) That to the extent feasible each enrollee is afforded the choice of a physician providing services to the HMO who will supervise and coordinate his care;

(vi) That all medical services covered under the contract which are required on an emergency basis be available on a 24-hour, seven-day-a-week basis, either in the contractor's own facilities, or through arrangements, to be approved by the single State agency, with another provider;

(vii) For prompt payment of all in-area or out-of-area services which are required by the contract and rendered by providers with which the contractor does not have arrangements, and which are medically urgent, that is, (A) which are needed immediately to prevent impairment of health, to prolong life, or alleviate pain and discomfort and (B) for receipt of which transfer to facilities provided for by the contractor would risk the patient's health or would be unreasonable because of distance;

(viii) For an internal enrollee grievance procedure;

(ix) That, where the contract does not include all services available under the State plan, those services not included shall be accessible and available either by referral arrangements with the contractor or by some other effective means;

(x) For an internal quality assurance system consistent with requirements for Professional Standards Review Organizations promulgated by the Secretary pursuant to Section 249F of P.L. 92–603;

(xi) That the contractor shall submit to the single State agency for prior approval its marketing plans, procedures and materials.

(xii) That enrollees will be advised concerning the appropriate use of health care and the contributions they can make to the maintenance of their own health.

(6) *Additional State plan requirements relating to health maintenance organizations.* In addition to the requirements specified in paragraph (c)(1), (2), and (5) of this section, a State plan which provides for contracts with health

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maintenance organizations must also provide:

(i) For the establishment and implementation of a system for approval of marketing plans, procedures and materials for enrolling eligible recipients in a health maintenance organization;

(ii) For dissemination to eligible recipients in the service area of the HMO of factually accurate information, supplied by the contractor and at his expense, presented in clear, readable and concise form, regarding coverage, locations and hours of service;

(iii) That during the enrollment period payment will not be made, except under the contract, on behalf of the enrolled participant by the single State agency to any provider for services provided under the contract; and

(iv) That upon termination of a contract with an HMO, arrangements will be made to enable recipients formerly enrolled in the HMO to obtain without delay the services to which they are entitled.

(d) *Federal financial participation.* (1) Federal financial participation shall be available for payments made to a contractor under this section only if a contract between the single State agency and the contractor, fulfilling all the requirements of this section, is in effect for all periods for which Federal financial participation is claimed. The Secretary may deem such a contract not to be in effect, for the purposes of this paragraph, for any period, if the Secretary, as a result of on-site visit, or survey, or examination of State or contractor records, or by such other means as he may prescribe, determines that for such period there was a substantial failure of either party to the contract to carry it out in accordance with its terms or the requirements of this section. States, upon request, will receive, in accordance with section 1116(d) of the Act, a reconsideration of the Secretary's determination under the provisions of this paragraph.

(2) For purposes of Federal financial participation,

(i) Under contracts with prepaid health insuring organizations or health maintenance organizations, the total amount of capitation payment or premium will be regarded as a medical assistance cost;

(ii) Under contracts with fiscal agents, the amount paid to the provider of medical services will be considered as a medical assistance cost, and the amount paid to the contractor for performing the agreed-upon functions will be regarded as an administrative cost; and

(iii) Under contracts with private nonmedical institutions, and health care project grant centers, the total amount paid for carrying out the provisions of the contract will be regarded as a medical assistance cost.

[FR Doc.74-12866 Filed 6-4-74;8:45 am]

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federal register

Area Code 202 Phone 523–5240

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Title 3—The President

PROCLAMATION 4296

World Environment Day, 1974

By the President of the United States of America

A Proclamation

On May 4, 1974, I had the pleasure of helping to inaugurate EXPO '74, a six-month long exhibition in Spokane, Washington, dedicated to the improvement of the human environment. This exposition is one of many examples of a deepening concern for the quality of life in America.

While much remains to be done, all Americans can be gratified by the substantial success which has already occurred with respect to a number of environmental concerns. Air quality is improving in most of our urban areas as harmful emissions have been reduced. Water quality is similarly improving. In the Great Lakes game fish are returning to areas from which they had long been absent, due in large measure to the cooperative work which we have undertaken with our Canadian neighbors under the terms of an agreement which I signed with Prime Minister Trudeau of Canada on April 15, 1972, in Ottawa. We are working with other nations to deal effectively with a variety of environmental problems, and there will be continued progress.

June 5 will mark the second anniversary of World Environment Day. This date was established by the United Nations as a day on which the peoples of the world can undertake activities reaffirming their concern for the preservation and enhancement of the human environment.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do, in support of the action of the United Nations General Assembly, call on the people of the United States and United States Government agencies to observe once again June 5 as World Environment Day with appropriate ceremonies and activities emphasizing the concern of Americans for a better environment in which to live.

IN WITNESS WHEREOF, I hereunto set my hand this fourth day of June in the year of our Lord nineteen hundred seventy-four, and of the independence of the United States of America the one hundred ninety-eighth.

[FR Doc.74-13099 Filed 6-5-74; 11:07 am]

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EXECUTIVE ORDER 11785

Amending Executive Order No. 10450, as Amended, Relating to Security Requirements for Government Employment, and for Other Purposes

By virtue of the authority vested in me by the Constitution and statutes of the United States, including 5 U.S.C. 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532, and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered as follows:

SECTION 1. Section 12 of Executive Order No. 10450 [1] of April 27, 1953, as amended, is revised to read in its entirety as follows:

"SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked."

SEC. 2. Neither the Attorney General, nor the Subversive Activities Control Board, nor any other agency shall designate organizations pursuant to section 12 of Executive Order No. 10450, as amended, nor circulate nor publish a list of organizations previously so designated. The list of organizations previously designated is hereby abolished and shall not be used for any purpose.

SEC. 3. Subparagraph (5) of paragraph (a) of section 8 of Executive Order No. 10450, as amended, is revised to read as follows:

"Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

SEC. 4. Executive Order No. 11605 of July 2, 1971, is revoked.

Richard Nixon

THE WHITE HOUSE,
June 4, 1974.

[FR Doc.74-13101 Filed 6-4-74;3:05 pm]

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[1] 18 FR 2489; 3 CFR, 1949-1953 Comp. p. 936.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that one position of Director of Folk Arts Programs in the National Endowment for the Arts is excepted until June 30, 1976 under Schedule A.

Effective June 6, 1974, § 213.3182(a) (5) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* * * *

(5) Until June 30, 1976, one Director of Folk Arts Programs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13008 Filed 6–5–74;8:45 am]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

Subpart F—Transfers to Federal Employees Health Benefits Programs

The purpose of these amendments to Part 890 and 891 of the Civil Service Commission Regulations is:

(1) To provide a one-time opportunity for retired employees and survivor annuitants enrolled, or eligible to enroll, under the Retired Federal Employees Health Benefits Program to register to be enrolled under the Federal Employees Health Benefits Program,

(2) To provide for cancellation of such enrollment and reinstatement under the Retired Federal Employees Health Benefits Program, and

(3) To fix the effective date of section 2, Public Law 93–246.

On April 19, 1974, the following was published in the FEDERAL REGISTER as proposed rulemaking. Insurance carriers and other interested persons were invited to submit written comments, objections, or suggestions. After careful consideration of the several viewpoints received, the proposed amendments have been adopted without change.

Accordingly, 5 CFR Parts 890 and 891 are amended by the addition of a new Subpart F to both parts as set out below.

1. Subpart F of Part 890 will read as follows:

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

Sec.
890.601 Coverage.
890.602 Opportunity to change enrollment.
890.603 Effective dates.
890.604 Termination of enrollment.

AUTHORITY: (5 U.S.C. 8913)

Subpart F—Transfers From Retired Federal Employees Health Benefits Program

§ 890.601 Coverage.

An annuitant (a retired employee or survivor under Part 891 of this chapter) who is enrolled, or is eligible to enroll, under the Retired Federal Employees Health Benefits Program (Part 891 of this chapter) is eligible to enroll under the Federal Employees Health Benefits Program under this part.

§ 890.602 Opportunity to change enrollment.

An annuitant eligible to enroll under § 890.601 may register during the period from June 1, 1974 through September 30, 1974.

§ 890.603 Effective dates.

The effective date of an enrollment under § 890.602 is the first day of the first pay period following receipt of the enrollment but not earlier than July 1, 1974.

§ 890.604 Termination of enrollment.

An annuitant who enrolls under § 890.602 may at any time register to cancel his enrollment by filing with his employing office a properly completed health benefits registration form, and may register to be reenrolled under the Retired Federal Employees Health Benefits Program as provided under Subpart F of Part 891 of this chapter. Except as provided in this section the cancellation is effective on the last day of the pay period in which the request is received by the employing office when the request is received at least 15 days before the end of the pay period; when the request is received less than 15 days before the end of the pay period, the cancellation shall be effective on the last day of the next pay period. When the request is received before January 1, 1975, and the annuitant has not received benefits under this program or upon repayment of any benefits received under this program, at the request of the annuitant, the effective date of the cancellation shall be made retroactive to the commencing date of enrollment under this part.

2. Subpart F of Part 891 will read as follows:

Subpart F—Transfers to Federal Employees Health Benefits Program

Sec.
891.601 Eligibility.
891.602 Reenrollment.

AUTHORITY: 80 Stat. 607 (5 U.S.C. 8913).

Subpart F—Transfers to Federal Employees Health Benefits Program

§ 891.601 Eligibility.

Notwithstanding § 891.103 a retired employee or survivor enrolled under § 890.602 of this chapter may cancel his enrollment and reenroll under § 891.602.

§ 891.602 Reenrollment.

(a) A retired employee or survivor enrolled, or eligible to be enrolled, under this section will, beginning June 1, 1974, have a 4-month period during which he may elect to register to be enrolled under the Federal Employees Health Benefits Program, as provided under Part 890 of this chapter.

(b) A retired employee or survivor who elected to be enrolled under Part 890 of this chapter may cancel that enrollment before January 1, 1975, and, when no benefits have been paid under Part 890 of this chapter, or upon repayment of any benefits paid under Part 890 may elect to reenroll retroactively under this part. When the retired employee or survivor was previously enrolled in the uniform plan, he shall be restored to his initial coverage with retroactive deductions. When the retired employee or survivor formerly had been receiving a Government contribution toward a private health benefits plan, the contribution may be restored retroactively to the extent that coverage under the private health benefits plan is restored retroactively.

(c) A retired employee and survivor who does not elect retroactive reenrollment under this part, or who cancels his enrollment under Part 890 of this chapter after December 31, 1974, or who has not repaid benefits paid under Part 890 of this chapter, may elect to reenroll prospectively under this part for self or self and family, basic coverage, in the uniform plan or in a private health benefits plan. Elections are effective for a retired employee receiving annuity and a survivor receiving compensation on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the retirement office receives the election. For any other retired em-

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ployee receiving compensation, the election is effective on the first day of the third 4-week period following the 4-week period in which the Office of Federal Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second 4-week period following receipt of the election.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.74-13007 Filed 6-5-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

Appendix—Rulings

[FEO Ruling 1974-14]

BASE RENT REGULATIONS

Facts. Firm A, a refiner, owns Station X which it leases to Firm B, a retailer of gasoline supplied by Firm A. Upon the expiration of Firm B's lease, Firm A leases the station to Firm C at a rent in excess of the base rent that was paid by Firm B.

Issue. Is the increase in rent to Firm C for the use of Station X to an amount in excess of the base rent that was charged to Firm B for the use of Station X a violation of § 212.103?

Ruling. Yes. Section 212.103 prohibits an increase in base rent for property used in the retailing of gasoline, where both the lessor and lessee are refiners, resellers, reseller-retailers, or retailers. "Base rent" is defined in § 212.102, as the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973. Thus, as long as Station X is a property used in the retailing of gasoline, and as long as the parties to the lease agreement (Firm A and Firm C) are refiner and a retailer, the "Lessor" regulations of Subpart G are applicable.

Thus, a change in the identity of the retailer, or the fact that a new lease agreement has been entered into, does not affect the requirement of § 212.103 that the rent for Station X not be increased to an amount in excess of the base rent.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MAY 31, 1974.

[FR Doc.74-12939 Filed 6-5-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Eurodollar Borrowings

The present amendment is made pursuant to the Board's authority under section 25 of the Federal Reserve Act. The purpose of this amendment is to avoid duplication of Eurodollar reserve requirements under Regulations D and M where the foreign branch of a member bank ("Bank 'A' ") extends credit to the domestic office of another member bank ("Bank 'B' "). In this situation, § 213.7 (b) of Regulation M would require Bank "A" to maintain reserves against its foreign branch loan to Bank "B", which would be a U.S. resident within the meaning of Regulation M, and § 204.5 (c) of Regulation D would also require Bank "B" to maintain reserves against its borrowing from the foreign branch of Bank "A". This amendment will avoid this duplication of reserves on the same transaction by removing from the computation of reserve requirements under § 213.7(b) of Regulation M credit extended by a foreign branch of a member bank to another member bank that will be maintaining reserves on such credit under § 204.5(c) of Regulation D. Accordingly, in the above situation, Bank "A" would not be required to maintain reserves under Regulation M on its foreign branch loan to Bank "B".

The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferral of effective date were not followed in connection with this amendment because the Board found that such procedures were unnecessary and would serve no useful purpose since the rule relieves a restriction without affecting any private interests; furthermore, such procedures would result in delay that would be contrary to the public interest.

Effective May 24, 1974, the Board amended the proviso in § 213.7(b) of Regulation M to read as follows:

§ 213.7 Reserves against foreign branch deposits.

* * * * *

(b) * * * *Provided,* That this paragraph does not apply to credit extended (1) in the aggregate amount of $100,000 or less to any U.S. resident, (2) by a foreign branch which at no time during the computation period had credit outstanding to U.S. residents exceeding $1 million, (3) to enable the borrower to comply with the requirements of the Office of Foreign Direct Investments, Department of Commerce,[*] (4) under binding commitments entered into before May 17, 1973, or (5) to another member bank that will be maintaining reserves on such credit under § 204.5(c) of Regulation D.

By order of the Board of Governors, May 24, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12993 Filed 6-5-74;8:45 am]

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[*] The branch may in good faith rely on the borrower's certification that the funds will be so used.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13820; Amdt. No. 61-63]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Graduates of Certificated Flying Schools

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to provide for testing and certification of graduates of pilot schools operated under certificates issued under Part 141 in effect prior to November 1, 1974.

Amendment 141-13 (effective November 1, 1974, and published in the Part II of this issue at 39 FR 20145), which substantially revises Part 141, provides in § 141.29 that a pilot school certificate issued before November 1, 1974 remains in effect until the expiration date on the certificate unless sooner surrendered, suspended, or revoked. In addition, a pilot school certificate issued before November 1, 1974 may be renewed under Part 141 to allow those students enrolled in an approved course of training prior to November 1, 1974 to complete that training.

As pointed out in Notice No. 73-5 preceding Amendment 141-13, much of the impetus for that amendment resulted from the recommendation of the Assistant Secretary for Safety and Consumer Affairs of the Department of Transportation that the requirements of Parts 61 and 141 be reviewed and upgraded. The upgrading of Part 61 was accomplished by Amendment 61-60 (effective November 1, 1973, and published in the FEDERAL REGISTER on February 1, 1973, 38 FR 3156). Amendment 141-13 accomplishes the upgrading of Part 141. However, because the Parts are closely related, compatibility of those Parts must be provided for.

Consequently, the FAA has determined that this amendment to Part 61 is necessary to effectively implement revised § 141.29. As adopted, a new flush paragraph following paragraph (b) of § 61.71 recognizes the fact that students trained by pilot schools permitted to operate under the requirements of Part 141 in effect prior to November 1, 1974 may be at a disadvantage in attempting to meet the revised testing requirements of revised Part 61. Accordingly, § 61.71 will now permit a student who graduates from such a pilot school to be eligible for certification and to be tested for his pilot certificate under the requirements of Part 61 that were in effect prior to November 1, 1973.

Finally, in order to accommodate this change to § 61.71, it has been necessary to amend the applicability provisions of § 61.1 to reflect the exception created herein to the time-limited certification option provided for in § 61.1 for meeting the requirements of Part 61.

Since this amendment merely extends the date for compliance with revised Part 61 for certain applicants, and does not impose an additional burden on persons affected thereby, I find that public notice and procedure thereon are unnecessary.

This amendment is made under the authority of sections 313(a), 314, 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1422), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended effective November 1, 1974, as follows:

1. By amending paragraph (b) of § 61.1 to read as follows:

§ 6.11 Applicability.

* * * * *

(b) Except as provided in § 61.71 of this part, an applicant for a certificate or rating may, until November 1, 1974, meet either the requirements of this part, or the requirements in effect immediately before November 1, 1973. However, the applicant for a private pilot certificate with a free balloon class rating must meet the requirements of this part.

2. By adding a new flush paragraph immediately following paragraph (b) of § 61.71 to read as follows:

§ 61.71 Graduates of certificated flying schools: special rules.

* * * * *

(b) * * *

However, until January 1, 1977, a graduate of a flying school certificated and operated under the provisions of § 141.29 of this chapter, is considered to meet the aeronautical experience requirements of this part, and may be tested under the requirements of Part 61 that were in effect prior to November 1, 1973.

Issued in Washington, D.C., on May 29, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-12774 Filed 6-5-74;8:45 am]

[Airspace Docket No. 74-GL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7805 of the FEDERAL REGISTER dated February 28, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Waseca, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

WASECA, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within three and a half miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the five mile radius to eight miles north of the airport; within one and a half miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the five mile radius to six miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[FR Doc.74-12930 Filed 6-5-74;8:45 am]

[Airspace Docket No. 74-GL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 12768 of the FEDERAL REGISTER dated April 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Watertown, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (47 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

WATERTOWN, WISCONSIN

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Watertown Municipal Airport (latitude 43°10'15" N., longtitude 88°43'20" W.).

[FR Doc.74-12929 Filed 6-5-74;8:45 am]

[Docket No. 13762; Amdt. No. 919]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Proceduers (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective June 27, 1974:

Palau Islands U.S. Trust Territory—Angaur Arpt., NDB-A, Orig., canceled.

2. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective July 18, 1974:

Cold Bay, Alaska—Cold Bay Arpt., LFR-A, Amdt. 3, canceled.
Homer, Alaska—Homer Municipal Arpt., LFR-A, Amdt. 17, canceled.
Kenai, Alaska—Kenai Municipal Arpt., LFR-A, Amdt. 15, canceled.
King Salmon, Alaska—King Salmon Arpt. LFR Rwy 11, Amdt. 15, canceled.
Kodiak, Alaska—Kodiak Arpt., LFR Rwy 25, Amdt. 2, canceled.

3. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 18, 1974:

Annette Island, Alaska—Annette Island Arpt., VORTAC-A, Amdt. 4.
Annette Island, Alaska—Annette Island Arpt. VORTAC Rwy 30, Admt. 4.
Ashtabula, Ohio—Ashtabula County Arpt., VOR Rwy 8, Amdt. 2.
Ashtabula, Ohio—Ashtabula County Arpt., VOR/DME Rwy 26, Amdt. 1.
Astoria, Oreg.—Clatsop County Arpt., VOR Rwy 7, Amdt. 8.

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Astoria, Oreg.—Clatsop County Arpt., VOR Rwy 13, Amdt. 12.
Big Spring, Tex. Howard County Arpt., VOR Rwy 16, Amdt. 9.
Cold Bay, Alaska—Cold Bay Arpt., VOR Rwy 14, Amdt. 7.
Cold Bay, Alaska—Cold Bay Arpt., VORTAC-A, Amdt. 2.
Kenai, Alaska—Kenai Municipal Arpt., VOR/DME Rwy 1, Amdt. 1.
Kenai, Alaska—Kenai Municipal Arpt., VOR Rwy 19, Amdt. 8.
King Salmon, Alaska—King Salmon Arpt., VOR Rwy 11, Amdt. 8.
King Salmon, Alaska—King Salmon Arpt., VORTAC Rwy 29, Amdt. 5.
Laurel/Hattiesburg, Miss.—Pine Belt Regional Arpt., VOR Rwy 36, Orig.
Lihue, Hawaii—Lihue Arpt., VOR-A (TAC), Amdt. 1.
Lihue, Hawaii—Lihue Arpt., VORTAC Rwy 21, Amdt. 1.
Lorain (Elyria), Ohio—Lorain County Regional Arpt., VOR Rwy 7, Amdt. 3.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 4, Amdt. 5.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 15, Amdt. 2.
Marion, Ind.—Marion Municipal Arpt., VOR Rwy 22, Amdt. 8.
Mount Holly, N.J.—Burlington County Airpark, VOR-A, Orig.
Nome, Alaska—Nome Arpt., VOR/DME Rwy 9, Amdt. 3.
Nome, Alaska—Nome Arpt., VOR Rwy 27, Amdt. 10.
Norwich, N.Y.—Warren Eaton Arpt., VOR/DME-A, Orig.
Peoria, Ill.—Greater Peoria Arpt., VOR Rwy 12 (TAC), Amdt. 13.
Peoria, Ill.—Greater Peoria Arpt., VORTAC Rwy 12, Orig., canceled.
Peoria, Ill.—Greater Peoria Arpt., VORTAC Rwy 30, Amdt. 1.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 10, Amdt. 4.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 28, Amdt. 3.
Roseau, Minn.—Roseau Municipal Arpt., VOR-A, Amdt. 2.
Roseau, Minn.—Roseau Municipal Arpt., VOR Rwy 16, Amdt. 1.

4. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 18, 1974:

Barrow, Alaska—Wiley Post-Will Rogers Memorial Arpt., LOC Rwy 6, Amdt. 2.
Cold Bay, Alaska—Cold Bay Arpt., LOC/DME (BC) Rwy 32, Amdt. 2.
Fairbanks, Alaska—Fairbanks Int'l. Arpt., LOC (BC) Rwy 1L, Amdt. 11.
Nome, Alaska—Nome Arpt., LOC Rwy 27, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., LOC (BC) Rwy 12, Amdt. 12.
Sioux Falls, S.D.—Joe Foss Field, LOC (BC) Rwy 21, Amdt. 14.

* * * effective June 27, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 4R, Amdt. 1.

5. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 18, 1974:

Annette Island, Alaska—Annette Island Arpt., NDB-B, Amdt. 5.
Barrow, Alaska—Wiley Post-Will Rogers Memorial Arpt., NDB Rwy 06, Amdt. 2.
Cold Bay, Alaska—Cold Bay Arpt., NDB-A, Orig.
Cold Bay, Alaska—Cold Bay Arpt., NDB Rwy 14, Amdt. 6.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 3L, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 3R, Amdt. 2.
Everett, Wash.—Snohomish County (Paine Field), NDB Rwy 16, Amdt. 9.
Homer, Alaska—Homer Municipal Arpt., NDB-A, Orig.
Kenai, Alaska—Kenai Municipal Arpt., NDB-A, Orig.
King Salmon, Alaska—King Salmon Arpt., NDB-A, Orig.
Kodiak, Alaska—Kodiak Arpt., NDB Rwy 25, Orig.
Nome, Alaska—Nome Arpt., NDB Rwy 27, Amdt. 2.
Peoria, Ill.—Greater Peoria Arpt., NDB Rwy 30, Amdt. 7.
Petersburg, Alaska—Petersburg Arpt., NDB-A, Amdt. 1.
Platteville, Wis.—Platteville Municipal Arpt., NDB Rwy 25, Amdt. 1.

6. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 18, 1974:

Anchorage, Alaska—Anchorage Int'l. Arpt., ILS Rwy 6R, Amdt. 4.
Cold Bay Alaska—Cold Bay Arpt., ILS Rwy 14, Amdt. 9.
King Salmon, Alaska—King Salmon Arpt., ILS Rwy 11, Amdt. 11.
New Orleans, La.—New Orleans Int'l. (Moisant Field), ILS Rwy 10, Amdt. 26.
Peoria, Ill.—Greater Peoria Arpts., ILS Rwy 30, Amdt. 9.
Sioux Falls, S.D.—Joe Foss Field, ILS Rwy 3, Amdt. 18.

* * * effective June 27, 1974:

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 27L, Orig.
Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., ILS Rwy 23, Orig.

7. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 18, 1974:

King Salmon, Alaska—King Salmon Arpt., RADAR-1, Amdt. 3.
Memphis, Tenn.—Memphis Int'l. Arpt., RADAR-1, Amdt. 27.
Peoria, Ill.—Greater Peoria Arpt., RADAR-1, Amdt. 2.

8. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 18, 1974:

Ashtabula, Ohio—Ashtabula County Arpt., RNAV Rwy 26, Amdt. 1.
Georgetown, Del.—Sussex County Arpt., RNAV Rwy 22, Orig.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 4, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 12, Amdt. 1.
Peoria, Ill.—Greater Peoria Arpt., RNAV Rwy 22, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on May 30, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.74-12928 Filed 6-5-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR-82]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTER

Delegation to the General Counsel

The delegation of authority to the General Counsel, which is set forth in § 385.19(c) continues to include a reference to proceedings or matters "under § 300.15 of this chapter." Since said § 300.15 was deleted and reserved by PR-115, effective November 24, 1970, the reference thereto in § 385.19(c) has been rendered obsolete. The purpose of this amendment is to delete such reference.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19 and shall become effective on June 26, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR § 385.50 through 385.54).

Accordingly, the Board hereby amends § 385.19(c), effective June 26, 1974, to read as follows:

§ 385.19 Delegation to the General Counsel.

* * * * *

(c) Issue, upon request therefor, interpretations of facts bearing upon disqualifications of former Board members and employees under § 300.13 or § 300.14 of this chapter (Procedural Regulations).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

Effective: June 26, 1974.

Adopted: June 3, 1974.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74-12999 Filed 6-5-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-280]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Kentucky	Christian	Hopkinsville, city of	June 3, 1974. Emergency.	Feb. 1, 1974		
Massachusetts	Plymouth	Hingham, town of	do			
Minnesota	Anoka	Lexington, city of	do	Mar. 29, 1974		
Do	St. Louis	Floodwood, city of	do	do		
Do	Stearns	Paynesville, city of	do	Apr. 12, 1974		
Missouri	Osage	Chamois, city of	do	Mar. 29, 1974		
New York	Monroe	Sweden, town of	do	Mar. 1, 1974		
Oregon	Morrow	Unincorporated areas	do			
Pennsylvania	Allegheny	Harmar, township of	do			
Do	Clinton	Beech Creek, borough of	do	May 10, 1974		
Do	Mifflin	Wayne, township of	do			
Do	Northampton	Portland, borough of	do	Apr. 12, 1974		
Texas	Hardin	Sour Lake, city of	do			
Do	Williamson	Georgetown, city of	do	Mar. 8, 1974		
Virginia	Caroline	Unincorporated areas	do			
Do	Essex	Tappahannock, town of	do			
Do	Northampton	Cape Charles, town of	do			
W. Virginia	Marshall	Benwood, city of	do			
Wisconsin	Monroe	Kendall, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 28, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-12878 Filed 6-5-74;8:45 am]

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[Docket No. FI-281]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Florida	St. Lucie	Unincorporated areas	May 31, 1974. Emergency.			
Minnesota	Waseca	do	do			
New Jersey	Middlesex	North Brunswick, township of.	do			
New York	Nassau	Rockville Centre, village of	do			
Do	Suffolk	Brightwaters, village of	do			
Oklahoma	Kay	Blackwell, city of	do	Feb. 1, 1974		
Pennsylvania	Mercer	Greenville, borough of	do			
Do	Westmoreland	Arnold, city of	do			
Wisconsin	Adams	Unincorporated areas	do			
Texas	Gillespie	do	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 24, 1974.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.74-12877 Filed 6-5-74;8:45 am]

[Docket No. FI-282]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Georgia	Camden	St. Mary's, city of	May 30, 1974. Emergency.	May 17, 1974		
Idaho	Shoshone	Osburn, city of	do	Jan. 23, 1974		
Kansas	Cowley	Winfield, city of	do	Feb. 1, 1974		
Do	Pottawatomie	St. Mary's, city of	do	Dec. 7, 1973		
Louisiana	Lafourche Parish	Thibodaux, city of	do	Feb. 12, 1974		
Minnesota	Dakota	South St. Paul, city of	do	May 10, 1974		
Do	Rice	Unincorporated areas	do			
Do	Yellow Medicine	Canby, city of	do	Apr. 5, 1974		
Nebraska	Wayne	Wayne, city of	do	Mar. 22, 1974		
New York	Suffolk	Bellport, village of	do			
Do	Westchester	New Castle, town of	do			
Pennsylvania	Adams	York Springs, borough of	do			
Do	Berks	Sinking Spring, borough of	do	Mar. 29, 1974		
Do	Carbon	Weissport, borough of	do	Jan. 16, 1974		
Virginia	Indp. City	Chesapeake, city of	July 17, 1970. Emergency. Jan. 31, 1972. Suspension. May 24, 1974. Reinstated.	July 18, 1970		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 23, 1974.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.74-12879 Filed 6-5-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART I—GENERAL PROVISIONS

Membership of the Contract Appeals Board

Section 1.772(a) is amended to specify the position designations for the Chairman and members of the Veterans Administration Contract Appeals Board.

Compliance with the provisions of § 1.12 of this chapter as to notice of proposed regulatory development and delayed effect date is unnecessary in this instance and would serve no useful purpose. This amendment places in regulatory form a non-substantive change in title designation which is already approved and in practice.

In § 1.772, paragraph (a) is amended to read as follows:

§ 1.772 Composition of the Board.

(a) *Membership*. The Board is composed of a Chairman and members designated by the Administrator, all of whom shall be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia. The Chairman and members of the Board are designated Administrative Judges.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective April 22, 1974.

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. Roudebush,
Deputy Administrator.

[FR Doc.74-12990 Filed 6-5-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Final Reclassification of Air Quality Control Regions; Corrections

In FR Doc. 74-10440 appearing at 39 FR 16344 in the issue for Wednesday, May 8, 1974, on page 16346 in Subpart V—Maryland, the reference to the Metropolitan Baltimore Intrastate Region in §§ 52.1071 and 52.1078 is deleted and the reference to § 52.1075, which was incorrectly revoked, is deleted.

In FR Doc. 73-18629 appearing at 38 FR 24333 of the issue for Friday, September 7, 1973, on page 24341 the reference to "paragraph (b)(9) in § 52.84" should be "paragraph (d)(9) in § 52.84."

In FR Doc. 73-25118 appearing at 38 FR 33368 of the issue for Monday, December 9, 1973, on page 33368 the reference to § 52.131 is corrected to read as follows:

In § 52.131, the attainment date table is amended by replacing the date "May 31, 1975," for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region with the dates "May 31, 1977" and "May 31, 1975" respectively and by revoking and reserving footnote "d".

Dated: June 3, 1974.

Roger Strelow,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-13026 Filed 6-5-74;8:45 am]

PART 51—REQUIREMENTS FOR THE PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Nitrogen Dioxide Control Strategy; Correction

In Federal Register document 74-10439 appearing at page 16122 of the issue for Tuesday, May 7, 1974, the date "June 5, 1971" in the second paragraph was incorrectly referred to. This reference is changed to read "June 5, 1973."

Dated: June 3, 1974.

Roger Strelow,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-13027 Filed 6-5-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-84]

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Use of Excess Property on Contracts and Grants

This amendment of Part 101-43 provides added requirements for the acquisition, use, and eventual disposition of excess personal property obtained by executive agencies and furnished to project grantees. It sets forth the responsibility of Federal agencies to improve the operation and administration of their grantee program in five key areas: (1) Making usable excess property available quickly and efficiently to authorized grantees; (2) allocating and distributing property evenly among grantees; (3) ensuring proper use of property by grantees; (4) ensuring that the Federal Government obtains the maximum use of the property; and (5) strengthening the administration of the grantee program through improved information and accounting systems.

The table of contents for Part 101-43 is amended as follows:

101-43.4908 GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property

Subpart 101-43.3—Utilization of Excess

Section 101-43.320 is revised to read as follows:

§ 101-43.320 Use of excess property on contracts and grants.

(a) Executive agencies are responsible under § 101-43.302 for fulfilling requirements for property, including requirements of cost-reimbursement type contractors by transferring to and obtaining from other Federal agencies excess personal property. The use of excess personal property shall be considered by Federal agencies in their cost-reimbursement type contracts and project grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress. As used in this § 101-43.320, the term "project grants" refers to grants made for a specific purpose with established termination dates; e.g., grants made to specific institutions to perform specific tasks within set time frames and costs.

(b) It is the responsibility of all agencies to achieve their program objectives at the least possible cost. Excess personal property can be used to reduce costs and shall be considered for such use wherever possible. Excess personal property can also be used to expand the ability of a contractor or project grantee to fulfill his mission, and shall be considered for this use wherever possible. Excess personal property may be furnished to a contractor or project grantee with the approval of an authorized Federal official provided a determination is made by the contracting or sponsoring Federal agency that the acquisition will result in a reduction in the cost to the Government of the contract or grant or an enhancement in the product or the benefit from the contract or grant. Transfer orders for excess personal property must be executed by a duly authorized accountable official of the contracting or grantor agency. The project officer, at the discretion of the acquiring Federal agency, may also be required to sign such orders.

(c) Excess personal property is transferred between Federal agencies as provided in § 101-43.315-5. The receiving Federal agency may furnish the property to its contractor or project grantee as Government-furnished property, but title generally remains vested in the Government. A few Federal agencies have specific statutory authority to vest title in contractors or grantees under certain circumstances. When competing Federal claims are made for particular items of excess personal property, GSA will give preference to the Federal agency whose contractor or grantee is operating under agreements which do not permit ultimate vesting of title.

(d) Federal agencies, when drawing up contract or grant documents, shall ensure that appropriate provisions are included therein to accommodate the furnishing of excess personal property to contractors or project grantees. The system of accountability for such property will be in accordance with contractual and agency procedures, and records will be subject to audit by an internal audit group of the contracting or granting Federal agency. Federal grantor agencies shall include the following information in their grants record-keeping sys-

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tems: number of grantees using excess personal property; total dollar value of property loaned to all grantees; dollar value of property on loan to each grantee; date of grant termination; acquisition cost of loaned items; dollar value of the grant; and percentage of acquisition cost of loaned property to the dollar value of the grant. Where an agency has statutory authority to vest title in grantees, comparable records shall be maintained, including records which will indicate the dollar value of property vested in any grantee.

(e) Records of Federal contracting and grantor agencies shall be made available upon request to the General Accounting Office. The contract or grant shall include adequate safeguards and assurances relative to use, maintenance, consumption, unauthorized use, and redelivery to Government custody of Government-furnished property.

(f) Federal grantor agencies shall make excess personal property available only to project grantees, with authorization for such grantees to use the property made a part of the grant document. To ensure that all such property transferred is for the specific purpose authorized by the grantor agency, all transfer orders submitted to GSA for excess personal property to be made available to project grantees shall be signed by the agency accountable officer and shall state the name of the project grantee, the grant number, and scheduled date of grant termination. The transfer order shall also specify the purpose of the transfer, and affirm that the transfer of the property is requested for use by a project grantee in accordance with the provisions of 41 CFR Part 101–43.

(g) With the exception of consumable items, Federal grantor agencies are encouraged to make all eligible types of excess personal property available to their project grantees. Consumable items, for the purpose of this section, are those items which are intended for one-time use and actually consumed in that one time (e.g., drugs, medicines, surgical dressings, cleaning and preserving materials, fuel, etc.). In those instances where there is a question concerning the consumability of an item of excess personal property for use by a project grantee, the final decision on whether the item is approved for transfer will rest with the appropriate GSA regional office. When circumstances warrant, agencies may set economic quantities for orders processed or set minimum life expectancies for excess personal property made available to grantees. To help ensure a more equitable distribution of property among grantees, Federal grantor agencies shall limit the amount of excess personal property (in terms of Government acquisition cost) loaned to a grantee to the dollar value of the grant. Any higher percentage of excess personal property loaned to a grantee shall be subject to approval by an administrative level in the Federal agency higher than the project officer administering the grant. It is expected that agencies will give full consideration to all factors in determining whether to approve or disapprove transfers to grantees of excess property above the dollar value of the grant. Pro forma approvals or disapprovals are inconsistent with the purpose of this regulation. GSA will monitor agency actions in this regard to ensure compliance with the provisions of this regulation. Limits on the value of excess personal property and/or material grants consisting of excess personal property used in lieu of financial support, below the dollar value of the grant, may be authorized by Federal grantor agencies but should be justified in the basic grant instrument.

(h) For the purpose of reducing delays in screening excess personal property at holding activities, and to make property available quickly and efficiently to authorized grantees, non-Federal grantee screeners shall be subject to certification by Federal authority as follows:

(1) Federal grantor agencies shall recommend and submit to GSA the names of non-Federal grantee screeners. The sponsoring Federal agency recommending the designation of a non-Federal grantee screener shall prepare a request covering each such designation and forward it for evaluation and approval to the appropriate GSA regional office serving the region in which the intended screener is located. (See § 101–43.4903 for regional offices, addresses, and assigned areas.) The request shall state the applicants qualifications to screen excess personal property for use on grants, indicate the name, number, and termination date of the specific grant to which the screener is to be assigned, and list the Federal installations which the grantor agency wishes the applicant to visit. Since GSA certification of screeners will be made on a regional basis, the list of installations shall be limited to those located within the boundaries of the GSA regional office in which the screener is located. Requests by Federal grantor agencies for screeners to visit holding activities located in a GSA region other than the region in which the screener is located shall be a matter of separate handling by GSA and any such requests will require special approval by the involved GSA regional offices. Requests for approval of such interregional visits shall include the name of the installation(s) and the specific reason for the visit. Information shall also be included as to whether similar requests for interregional visits have been sent to other GSA regional offices. The request shall be forwarded to the GSA regional office representative serving the region in which the screener is located who will coordinate the request with the regional office in which the installation is located and advise the requestor of the action taken on the request.

(2) Federal grantor agencies shall accompany each non-Federal grantee screener request with GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property. (See § 101–43.4908 for illustration). GSA Forms 2946 must contain the typed name of the sponsoring Federal grantor agency, the signature of the grantor agency representative, and the typed name and signature of the proposed non-Federal grantee screener.

(3) GSA regional offices shall be responsible for processing the Federal grantor agency request for certification of the non-Federal agency screener. Upon review and evaluation, the GSA regional office, if the request is approved, will enter the issue and expiration dates on the GSA Form 2946. The form will then be signed by the GSA regional representative and returned to the sponsoring Federal grantor agency for distribution to and use by the non-Federal grantee screener when visiting holding activities.

(4) Each Federal grantor agency shall be responsible for maintaining a record of the number of certified screeners working through their authority and for immediately notifying the GSA regional office of any changes in screening assignments. Upon termination of a grant or whenever the services of an approved non-Federal grantee screener are discontinued, the Federal grantor agency shall recover the GSA Form 2946 and forward it to the appropriate GSA regional office for cancellation.

(i) Federal grantor agencies shall develop and maintain an effective system for the prevention or detection of situations involving the nonuse, improper use, or the unauthorized disposal or destruction of excess personal property furnished to grantees. This responsibility shall include compliance reviews, field inspections, and other enforcement procedures to monitor the excess personal property being used by their grantees. Grantor agencies shall publish procedures which clearly outline the scope of their respective surveillance program, the policies and methods for the enforcement of their compliance responsibilities, and the correction of abuses in the use of property.

(j) Except when specifically authorized by statute to vest title, Federal agencies, upon termination of the contract or grant in whole or in part, shall reassign Government-furnished property as far as practicable, to other contractors or grantees, or to other activities of the contracting Federal agency. If no reassignment is made, and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contract or inventory, it shall be reported to GSA by the contracting or grantee Federal agency for possible further Government use, as provided in § 101–43.311, unless other reporting requirements have been agreed upon by GSA and the reporting agency. Property not required to be reported shall be handled as provided in §§ 101–43.306 and 101–43.318–2. Property normally shall be held by the contractor or grantee until transfer, donation, or disposal instructions are received. Contracting or grantor agencies shall publish procedures which clearly delineate the obligations of contractors and grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

Subpart 101–43.49—Illustrations

Section 101–43.4908 is revised as follows:

§ 101–43.4908 GSA Form 2946, Authorization Certificate to Select/Freeze Excess Personal Property.

NOTE: The form illustrated at § 101–43.4908 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 6, 1974, except that the use of GSA Form 2946 as provided in § 101–43.320(h)(2) is effective August 1, 1974.

Dated: May 30, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–12997 Filed 6–5–74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–33; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to allow variable-load turn signal flashes on trucks that are capable of accommodating slide-in campers.

The proposal on which the amendment is based was published on January 3, 1974 (39 FR 822), pursuant to a petition by Ford Motor Company. Standard No. 108 presently requires turn signal failure indication in accordance with SAE Standard J588d, except on vehicles whose overall width is 80 inches or more, and on vehicles equipped to tow trailers. This has the effect of mandating use of fixed-load flashers, since special circuitry would be necessary to sense and indicate a failure in a variable-load system.

The NHTSA proposed to include trucks capable of accommodating slide-in campers in the group of vehicles not required to have a failure indicator (and hence allowed to have variable-load flashers). The problem presented by Ford may be summarized as follows: when camper turn signal lamps are added to the turn signal circuit of the vehicle carrying the camper, the flash rate will increase, to a level generally exceeding the maximum specified by Standard No. 108. Allowing a variable-load flasher will insure a uniform flash rate when the camper is installed.

In response to the opportunity afforded for comments, seven submittals were received. Six supported the proposal. The seventh commenter, a foreign equipment manufacturer, opposed the proposal on the grounds that suitable flashers for similar applications are available in Europe.

The NHTSA has determined that the availability of variable-load flashers ensuring flash rate control within the limits of the standard is desirable, and should be permitted on trucks capable of accommodating slide-in campers, despite the lack of lamp failure indication. In order to make clear the intent of the regulation, language is being added to specify that the exception applies only to vehicles with variable-load flashers.

In consideration of the foregoing, paragraph S4.5.6 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is revised to read:

§ 571.108 Standard No. 108, Lamps, reflective devices and associated equipment.

* * * * *

S4.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588d, "Turn Signal Lamps", June 1966, except where a variable-load turn signal flasher is used on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, on a truck that is capable of accommodating a slide-in camper, or on any vehicle equipped to tow trailers.

* * * * *

Effective date. Because the amendment allows an additional option and creates no additional burden, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 407); delegation of authority at 49 CFR 1.51)

Issued on May 31, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–12936 Filed 6–5–74;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

On April 16, 1974, a notice of proposed rulemaking regarding amendments to the beekeeper indemnity payment program regulations was published in the FEDERAL REGISTER (39 FR 13660).

Interested persons were given until May 15, 1974, to submit written comments, suggestions, or objections regarding the proposed amendments. Comments received from the notice of proposed rulemaking were generally favorable regarding the proposal to increase the rates of payment to the levels proposed. A number of respondents stated that the rates per colony should be increased more than the amounts proposed, citing the significant increases in operating costs sustained by beekeepers. Most concern was expressed with the rate proposed for a moderately damaged colony. Also comments on the payment rate for a queen nucleus destroyed favored a larger increase than proposed. After consideration of all comments received regarding rates of payment, the regulations have been changed to provide for an increased rate of $7.50 for each colony moderately damaged and for each queen nucleus destroyed. Some objections were received on the proposal to eliminate payment for multiple losses. However, the majority of the respondents favored eliminating such payments. Comments on the proposals to accept the inspectors' certification of pesticide damage and to eliminate the option of filing a claim on the basis of net loss of income were generally favorable.

After consideration of all such relevant matter as was presented by interested persons, the proposed regulations are hereby adopted with the exception that the rates of payment for losses which occurred since January 1, 1974, in paragraph (a) (3) of § 760.109 for each colony moderately damaged and in paragraph (a) (4) of § 760.109 for each queen nucleus destroyed are amended to read "$7.50."

Effective date: June 6, 1974.

Signed at Washington, D.C. on May 31, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

Sec.
760.100 Administration.
760.101 Definitions.
760.102 Indemnity payment.
760.103 Requirements for eligibility.
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760.105 Proving loss of bees.
760.106 Proving utilization of pesticides.
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760.109 Computation of payment.
760.110 Appeals.
760.111 Assignments.
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760.114 Estates and trusts; minors.
760.115 Setoffs.
760.116 Overdisbursement.
760.117 Death, incompetency, or disappearance.
760.118 Records, and inspection thereof.

AUTHORITY: Pub. L. 91–524 (84 Stat. 1382), as amended by Pub. L. 93–86 (87 Stat. 237).

Subpart—Beekeeper Indemnity Payment Program (1974–1977)

§ 760.100 Administration.

The beekeeper indemnity payment program is administered by the Agricultural Stabilization and Conservation Service under the supervision and direction of the Deputy Administrator, Programs. In this field, the program is carried out by the ASCS State and county committees.

§ 760.101 Definitions.

For the purpose of this subpart, the following terms shall have the meaning specified:

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(a) "Apiary" means the place where bees are kept, commonly known as a "bee yard".

(b) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1974, and ending not later than December 31, 1977.

(c) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Bee" means the honeybee, Apis mellifera L.

(e) "Beekeeper" means a person who maintains colonies of bees.

(f) "Colony" means a community of bees living together in a hive with a queen.

(g) "Colony destroyed" means a colony in which the kill of bees by pesticides was so severe that the colony will not survive.

(h) "Colony moderately damaged" means a colony so damaged by pesticides as to destroy only the field bees.

(i) "Colony severely damaged" means a colony in which the field bees were killed by pesticides, the colony suffered damage to the brood, but the colony did survive.

(j) "County committee" means the Agricultural Stabilization and Conservation County Committee.

(k) "DAP" means the Deputy Administrator, Programs, ASCS.

(l) "Person" means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(m) "Pesticide" means an economic poison which was registered pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135–135k), and approved for use by the Federal Government.

(n) "Queen nucleus" means a small colony of bees maintained solely for the purpose of producing queen bees.

(o) "Queen nucleus destroyed" means a queen nucleus in which the kill of bees by pesticides was so severe that the queen nucleus did not survive.

(p) "State committee" means the Agricultural Stabilization and Conservation State Committee.

§ 760.102 Indemnity payment.

An indemnity payment computed in accordance with § 760.109 will be made under this subpart to a beekeeper who has suffered a loss of his bees as a result of the application of pesticides and who establishes to the satisfaction of the county committee that he meets all of the requirements of this subpart.

§ 760.103 Requirements for eligibility.

(a) A beekeeper, to be eligible for an indemnity payment, shall file an application for payment with the county committee and establish to the satisfaction of the county committee all of the following:

(1) That during the application period, he suffered a loss of bees;

(2) That the loss of bees was caused solely by the use of pesticides near or adjacent to his apiary, and occurred without his fault;

(3) That if he used pesticides, such use of pesticides in no way contributed to the loss of his bees;

(4) That if he had advance knowledge that pesticides were going to be used near or adjacent to his apiary, he took reasonable precautions to protect his bees from exposure to pesticides, or, if he took no such precautions, that his failure to do so was reasonable under the circumstances;

(5) That after exposure of his bees to pesticides, he took reasonable action to minimize the bee loss to the extent that such action was feasible.

(b) A beekeeper, to be eligible for an indemnity payment shall, no later than July 15 of each such year, submit to the ASCS county office where his headquarters are located a signed statement specifying the number of colonies of bees and queen nuclei maintained at each apiary and the location of each apiary: *Provided, however,* That such statement may be submitted after such date if the county committee determines that the beekeeper's failure to submit the statement by such date was because of illness or other reason beyond his control; *And provided, further,* That an amendment to such statement shall be submitted after such date to reflect any purchase or sale of colonies or queen nuclei after July 15, together with proof of such purchase or sale. The number of colonies and queen nuclei specified in this statement, as amended, shall be the maximum number of colonies and queen nuclei for which the beekeeper will be eligible to receive an indemnity payment.

§ 760.104 Application for payment.

(a) The beekeeper or his legal representative shall complete, sign, and file an application for payment, Form ASCS–448 with the ASCS county office serving the area where the beekeeper's headquarters is located.

(b) Application for payment shall be filed not later than April 1 following the year in which the losses occurred. The application shall be postmarked not later than midnight April 1 of each such year. An application may be filed after the closing date if the county committee determines that the beekeeper was prevented from filing by such date because of illness or other reason beyond his control. The beekeeper should file only one application per year covering all losses occurring during each such calendar year.

(c) The application for payment shall be accompanied by the information required by §§ 760.105–760.109, and such other information as may be reasonably required to enable the county committee to determine the eligibility of the beekeeper to receive an indemnity payment.

§ 760.105 Proving lose of bees.

(a) A beekeeper shall submit to the county committee an executed Form ASCS–448, specifying the number of colonies destroyed, severely damaged and moderately damaged; the number of queen nuclei destroyed; and evidence of the loss of bees specified in paragraph (b) of this section.

(b) Such evidence shall be a written report by a State or county apiary inspector or ASCS personnel who has observed this loss. Any report under this paragraph shall:

(1) Describe the losses of bees which he has observed.

(2) Give full information regarding the loss, including but not limited to the following:

(i) Extent of loss (number of colonies destroyed, severely damaged or moderately damaged and number of queen nuclei destroyed);

(ii) Date of loss;

(iii) Location of apiary.

(3) Be completed, signed, and dated within a reasonable time following the loss as determined by the county committee.

(c) If the report required by paragraph (b) of this section is based on inspections of only a sample of the colonies in an apiary, the following guidelines shall be substantially compiled with in selecting the samples of colonies to be examined:

(1) Count the colonies in the apiary.

(2) Select the colonies to be included in the sample from all areas of the apiary so as to assure that the sample is representative of conditions in the apiary as a whole. Colonies to be inspected should be selected at random to assure an accurate determination of the extent of loss in the apiary.

(3) Open and thoroughly inspect at least the specified number of colonies for the applicable size of apiary.

Apiary of 1–15 colonies, all colonies.
Apiary of 16–75 colonies, 15 colonies.
Apiary of more than 75 colonies, 20 percent of the colonies.

(d) No change in the degree of loss of bees which occurs after November 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between October 1 and December 31 each year.

§ 760.106 Proving utilization of pesticides.

A beekeeper shall submit to the county committee evidence that the loss of his bees occurred as a result of the utilization of pesticides near or adjacent to his apiary. Such evidence may, include, but is not limited to:

(a) Reports of chemical tests performed on the bees which were killed.

(b) Records, signed statements, or official reports of pesticide applicators or farmers who either applied pesticides or contracted for their application within the normal forage range of the beekeeper's bees.

(c) Records, signed statements, or official reports of representatives of local canneries or pesticide vendors who supplied pesticides which were used within the normal forage range of the beekeeper's bees.

(d) Records, signed statements, or official reports of local, State or Federal governmental agencies or colleges and universities having verified information with respect to the application of pesticides in the locality where the beekeeper's apiaries were located.

(e) Certification by the person that inspected the bees for pesticide damage that the loss resulted solely from pesticides and not caused by disease, starvation, or neglect.

§ 760.107 Proving nonfault.

A beekeeper shall submit to the county committee (a) a statement signed by the beekeeper stating whether or not he used pesticides, and (b) if he did use pesticides, evidence that his use thereof in no way contributed to the loss of his bees.

§ 760.108 Proving reasonable care.

A beekeeper shall submit to the county committee evidence that he exercised reasonable care in connection with the use of pesticides by others. Such evidence shall consist of, but is not limited to, written statements signed by the beekeeper:

(a) Stating whether or not he received advance notice that pesticides were going to be applied near or adjacent to his apiary.

(b) Describing what actions he took (if he received such notice) to protect his bees from pesticides, or why there was no suitable action he could take.

(c) Describing what steps he took, after exposure of his bees to pesticides, to improve the condition of his colonies and to reduce the extent of bee loss, or why there were no suitable steps he could take.

§ 760.109 Computation of payment.

(a) The county committee will determine the amount of the indemnity payment due a beekeeper whom it has determined to be in compliance with the terms and conditions of this subpart. Such payment shall be in the amount of the beekeeper's net loss from losses of his bees resulting from application of pesticides, less any indemnification for the loss of his bees or payment of any nature which the beekeeper has received through insurance, legal action, or otherwise. The beekeeper's indemnity payment will be computed on the basis of the following rates for losses which occurred since January 1, 1974:

(1) $22.50 for each colony destroyed.

(2) $15.00 for each colony severely damaged,

(3) $7.50 for each colony moderately damaged, and

(4) $7.50 for each queen nucleus destroyed.

(b) Only one payment will be made on a colony for losses occurring during a given calendar year. If more than one loss is suffered by a colony, the beekeeper may claim payment on the most severe loss suffered.

§ 760.110 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by beekeepers from determinations made pursuant to the regulations in this subpart.

§ 760.111 Assignments.

A beekeeper shall not assign any indemnity payment due or to come due under the regulations in this subpart.

§ 760.112 Instructions.

DAP shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Beekeepers may obtain such forms, including the following, from the ASCS county office.

ASCS–448–Beekeeper Indemnity Payment Program Report of Loss on a Colony Basis and Application for Payment.

§ 760.113 Limitation of authority.

(a) County executive directors and State and county committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee when such action has not been taken by the county committee. The State committee may also (1) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or county committee shall preclude DAP or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee.

§ 760.114 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent beekeeper and the beneficiaries of a trust, respectively, and the honeybee losses of the receiver or trustee shall be considered to be the honeybee losses of the persons he represents. Program documents executed by any such person will be accepted only if such person has authority to sign the applicable documents, and such documents are otherwise legally valid.

(b) A minor who is a beekeeper shall be eligible for indemnity payments only if he meets one of the following requirements; (1) The rights of majority have been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.115 Setoffs.

(a) If any indebtedness of the beekeeper to any agency of the United States is listed on the county claims control record, indemnity payments due the beekeeper under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the beekeeper of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 760.116 Overdisbursement.

A beekeeper shall be personally liable for repayment of the amount by which any indemnity payment disbursed to him exceeds the amount of such payment authorized under the regulations in this subpart.

§ 760.117 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any beekeeper who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The persons requesting such payment shall file Forms ASCS–325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 760.118 Records, and inspection thereof.

The beekeeper, and any other person who furnishes information to such beekeeper or to the county committee to enable the beekeeper to receive an indemnity payment under this subpart, shall maintain any books, records, and accounts supporting any information furnished to the county committee, for 3 years following the end of the year during which the application for payment was filed. The beekeeper or any other person who furnishes such information to the beekeeper or to the county committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

NOTE: The reporting and/or recordkeeping requirement contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.74–12950 Filed 6–5–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 468]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period

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June 7–13, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia oranges prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.768 Valencia Orange Regulation 468.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valenica oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices f.o.b. averaged $3.63 per carton on a reported sales volume of 895 carlots last week, compared with an average f.o.b. price of $3.64 per carton and sales of 917 carlots a week earlier. Track and rolling supplies at 674 cars were down 28 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 4, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 7, 1974, through June 13, 1974, are hereby fixed as follows:

(i) District 1: 513,000 cartons;

(ii) District 2: 387,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 5, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13173 Filed 6–5–74;11:27 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

On April 18, 1974, there was published in the FEDERAL REGISTER (39 FR 13891) a notice of proposed rule making concerning proposed amendments to the tobacco loan program to provide (1) in the case of flue-cured tobacco, removal of compliance with acreage allotments as a condition of producer eligibility for advances and (2) increasing the fee which may be withheld from producers' advances for overhead costs of their associations from 25¢ per hundred pounds to $1 per hundred pounds. Interested persons were afforded an opportunity to file data views and recommendations thereon. Only one response was received. That response opposed the increase of the feed withheld for associations overhead expenses on the basis that farmers' production costs are increased and the tobacco program costs are modest as compared with price support program costs of other commodities. This is not considered an adequate basis for foregoing the increase and the proposed amendments are hereby adopted without change.

In addition to amending the appropriate sections to effect the proposed amendments, various other sections are hereby amended to remove obsolete provisions and to make certain editorial changes to clarify the language therein. Accordingly, Subpart A—Tobacco Loan Program of this part is hereby revised and reissued.

Subpart A—Tobacco Loan Program

Sec.
1464.1 Administration.
1464.2 Availability of price support.
1464.3 Level of price support.
1464.4 Deductions from advances.
1464.5 Interest rate and general provisions.
1464.6 Maturity date.
1464.7 Eligibile producer.
1464.8 Eligible tobacco.
1464.9 Auction warehouse certification of flue-cured tobacco.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423).

Subpart A—Tobacco Loan Program

§ 1464.1 Administration.

(a) This program will be administered by the Tobacco and Peanut Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price support prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (Part 1425 of this chapter), as amended. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco and Peanut Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each year CCC will make loans to associations and the associations in turn

will make price support advances available to eligible producers either directly or through auction warehouses. The tobacco on which producers receive price support advances will be pledged as security for the loans. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 1464.4. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 1464.2 Availability of price support.

(a) Subject to the provisions of paragraphs (c), (d), and (e) of this section, price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee Fire-cured tobacco types 22 and 23.
Virginia Fire-cured tobacco, type 21.
Virginia Sun-cured tobacco, type 37.
Dark Air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available for any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) No price support will be available for tobacco on which pesticides containing DDT and TDE, as defined in Parts 724 and 725 of Chapter VII of this title, have been used in the field or after harvest.

(d) No price support will be available on Flue-cured or Burley tobacco which exceeds 110 percent of the effective farm marketing quota for the year in which marketed.

(e) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) Through auction warehouses. (i) Price support will be available for tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available on each basket of tobacco in the auction when the final bid is less than one bid above the advances available to eligible tobacco. For Flue-cured and Burley tobacco the associations' contracts with auction warehouses will also require the auction warehouse to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his effective farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and Subpart A of Part 29 of this title which provides for formal public hearing prior to extension of additional services.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) For flue-cured tobacco offered for sale at auction warehouses, price support will be available only on tobacco which has been designated for sale at specific warehouses by the producer under the following conditions:

(i) *Definition.* "Producer" as used in this subparagraph means the person who was issued the tobacco marketing card pursuant to Part 725 of this title.

(ii) *Producer designation of warehouses.* Producers will be required, as a condition of price support, to designate the warehouses at which they will market their tobacco. Such designations may be at any warehouse or warehouses in any market within a radius of 100 miles from the county seat of the county in which the farm is located, or if such farm is physically within two counties, then from the county seat of the county in which the county ASCS office administering that farm is located. To the extent that there are less than eight markets within such radius, any warehouse or warehouses in any of the eight markets nearest to the county seat may be designated. A producer may obtain price support only in a warehouse he has designated, and at each such warehouse only with respect to the quantity of tobacco he designated for sale at such warehouse.

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year, except for the 1974 crop, such period shall be prior to June 15. Producers who lease quota after such period may designate the warehouse at which the leased pounds will be marketed at the time the lease is filed at the county ASCS office. During the five workdays ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco, producers in any part of the flue-cured production area may change their designations with respect to that portion of their tobacco then remaining to be marketed. Producers who have designated warehouses which cease to operate or cease to have tobacco inspection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

(iv) *Form and content of designations.* A designation shall be made by each producer for each warehouse at which he desires to market his tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate on such form the name of the warehouse or warehouses designated by him and the pounds of flue-cured tobacco he desires to sell at each such warehouse as well as any other information requested on such form.

(v) *Issuing warehouse designation card.* The county ASCS office shall execute and furnish the producer a warehouse designation card for each warehouse which the producer designates. Changes in designation by the producer shall be accomplished by the producer returning his warehouse designation card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any warehouse designation card to a warehouse designation card for another eligible warehouse or warehouses.

(vi) *Use of warehouse designation cards by warehouses.* (*a*) The warehouse shall enter on the warehouse designation card the date of sale and the pounds of that producer's tobacco sold as well as any other information requested from the warehouse on such card; (*b*) A separate sale bill marked "No Price Support" shall be prepared for that quantity of tobacco weighed in that is in excess of the pounds designated as shown on the warehouse designation card; (*c*) The warehouse shall mark "No Price Support" on the sale bill for any tobacco for which the producer failed to present the warehouse a warehouse designation card.

(vii) *Availability of designation information.* Each county ASCS office shall send all designations received to the Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, North Carolina, following each designation period and each period for changing designations. That corporation shall inform the Flue-Cured Tobacco Advisory Committee of the pounds designated to each warehouse and the pounds of any undesignated tobacco which, for the purpose of recommending opening dates and selling schedules in accordance with Part 29 of this title, is available for apportioning for sale at each warehouse. That corporation also shall furnish each warehouse the name and address of the producers who designated the warehouse,

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the pounds each designated and the pounds which represent 110 percent of the marketing quota of each such producer.

(viii) *Failure to comply with opening date and selling schedule by warehouses.* If on any sales day a warehouse sells tobacco in excess of that allowed by the opening date and selling schedule issued in accordance with Part 29 of this title, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either of the following two sales days. If such reduction in quantity of tobacco sold is not made by the warehouse within such two days, no tobacco inspection or price support shall be made available at such warehouse on the next succeeding sales day.

(3) Upon direct delivery to the Association:

(i) Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Eligible producers in auction market areas who have eligible tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter may, after the close of all auction markets for such kind of tobacco, including cleanup sales, deliver the tobacco to central receiving points designated by the appropriate association., After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans.

(ii) Eligible producers of flue-cured and burley tobacco may, subject to the provisions of this subdivision, obtain price support on eligible tobacco which has been packed for their account by the association and carried over from one marketing year to another to avoid marketing in excess of farm marketing quota. Price support advances obtained on such packed tobacco shall be at the rates in effect at the time of tender for loan, and on the basis of grades and quantities of the tobacco as determined at the time of delivery to the association for packing and carryover. If all the tobacco packed from the tobacco delivered to the association for packing and carryover is not tendered for price support, or if the packed tobacco tendered for price support is commingled tobacco of different producers, the price support advances will be computed as follows: For each packed grade of tobacco, the loan value will be computed on the basis of (*a*) the total pounds of each green grade used in processing the packed quantity and (*b*) the grade loan rates applicable to such green grades. Loan advances may be obtained on the quantity of each packed grade tendered for price support in an amount equal to the loan value so determined, multiplied by the percentage which the pounds of the packed grade tendered is of the total packed weight of such grade. An individual producer's share of the loan advance obtained on the tender of any quantity of a packed grade shall be a percentage of such advance equal to the percentage which the loan value of all the tobacco delivered by the producer for packing and carryover is of the loan value of all the tobacco delivered by all producers for packing and carryover. Packed tobacco tendered for price support shall be in sound and merchantable condition and shall have been processed and packed under the standards and specifications which were applied to the tobacco received for price support during the immediately preceding crop year.

Prior to tendering packed tobacco for price support, the association shall determine what percentage of the tobacco which was received for packing and carryover is eligible. The packed tobacco tendered for price support shall not be a greater percentage of the total quantity packed than the percentage so determined.

(4) Period of price support. Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. For the purpose of this subpart, the normal marketing season for tobacco which is security for a farm storage loan and which is delivered directly to the association will include the date on which the producer is directed, pursuant to Part 1421 of this chapter, to so deliver the tobacco. Such date will be soon after the close of all markets, including cleanup sales, for the kind of tobacco delivered.

§ 1464.3 Level of price support.

The level of price support of eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187 Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 50 cents, for comparable grades of acceptable varieties.

§ 1464.4 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of $1 per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit to the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the Claim Control Record, Form ASCS-604, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (Parts 724 and 725 of this title) will bear a notation showing the indebtedness, the name of the debtor and the amount of the indebtedness. The acceptance and use of a marketing card bearing a notation of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(c) If any producer is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

§ 1464.5 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm storage loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and the net proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full. If the proceeds from the sale of the loan collateral of any crop exceed (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the association, such excess shall constitute "net gains" and shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 1464.6 Maturity date.

Loans made under the program will mature on demand.

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kind of tobacco for which marketing quotas have been terminated are eligible producers during the periods for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas and acreage allotments for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, "No Price Support," or which, if for other than Flue-Cured or Burley tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words "No Price Support" and which, if for other than Flue-Cured or Burley tobacco, are designated "Within Quota" marketing cards, where (1) pesticides containing DDT and TDE have not been used on the tobacco in the field or after being harvested, (2) tobacco is not produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, and (3) the farm is in compliance with the provisions of Part 718 of this title with respect to acreage allotments, disposition of any excess acreage and certifications, except that (i) in the case of flue-cured tobacco, which is under acreage-poundage quotas, the acreage may exceed the allotment, and (ii) for other kinds of tobacco, the acreage may exceed the allotment by not more than any applicable tolerance prescribed in Part 718.

(b) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938 as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with the applicable tobacco marketing quota regulations by (1) a marketing card which does not bear the words "No Price Support", and (2) if other than Flue-cured or Burley tobacco, a marketing card which is designated a "Within Quota" marketing card; (c) if Puerto Rican tobacco, or tobacco of a kind for which marketing quotas have been terminated, is tobacco for which the association has received a certification by the producer that pesticides containing DDT and TDE, as defined in Parts 724 and 725 of this title, were not used on the tobacco in the field or after harvest; (d) if Flue-cured tobacco or Burley tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support," and is for a number of pounds which, when added to the pounds of Flue-cured or Burley tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year; (e) if flue-cured tobacco which was delivered to the association through an auction warehouse, is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse; (f) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (g) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (h) is in sound and merchantable condition; (i) was not produced on land owned by the Federal Government, but this prohibition shall not apply (1) to a former owner who has enjoyed uninterrupted possession of the land or (2) during the current (non-renewed) term of any lease executed prior to March 22, 1973, to the extent that the lease permits the production of tobacco.

§ 1464.9 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of Flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the tobacco sale bill, and shall use certified basket tickets on the tobacco only if the marketing card presented does not bear the words "Discount Variety." In the case of resale tobacco (tobacco which has previously been sold by the producer), the tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, he may require tobacco which is eligible for full price support to be covered by a Form MQ 79-1, Dealer's Certification—Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director or his representative. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless he has obtained Form MQ 79-1, properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ 79-1 Dealer's Certification-Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a marketing card not bearing the words "Discount Variety" or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification-Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification

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of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

Effective date: June 6, 1974.

Signed at Washington, D.C. on May 31, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 74-12926 Filed 6-5-74; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Subchapter E—Account Servicing

[FmHA Instruction 451.5]

PART 1861—ROUTINE

Subpart F—Servicing of Community Program Loans and Grants

SALE AND TRANSFER OF SECURITY PROPERTY

Sections 1861.84 and 1861.85 of Subpart F of 7 CFR Part 1861 (37 FR 15502), are amended to clarify the Farmers Home Administration policies regarding the sale and transfer of security property for less than the total indebtedness owed. Pursuant to a notice published in the FEDERAL REGISTER on April 24, 1974 (39 FR 14499), the abbreviation for the Farmers Home Administration is now FmHA instead of FHA. This document has been amended to reflect that change. Since the changes are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In § 1861.84 a new paragraph (a) is added and former paragraphs (b) through (d) are hereby redesignated (b) through (e). As amended, § 1861.84(a) reads as follows:

§ 1861.84 Sales of exchange of security property.

(a) *General.* In those cases where a substantial loss to the Government will result from the sale, or the prospective buyer is a member or members of the borrower's organization, the state director will forward all pertinent information regarding the sale such as, name of borrower, total balance owed FmHA, proposed sale price including terms and conditions, anticipated sale date, name of purchaser and present market value of the property to the National Office prior to making any commitment. It is not FmHA's policy to sell security property to a member or members of the borrower's organization at a price which will result in a loss to the Government.

* * * * *

As amended, § 1861.85(a) reads as follows:

§ 1861.85 Transfer of security and assumption of loans.

(a) *General.* In those cases where a substantial loss to the Government will result from a transfer and assumption or the prospective transferee is a member or members of the present borrower's organization, the state director will forward all pertinent information regarding the transfer such as, name of the borrower, total balance owed FmHA, proposed transfer price including terms and condition, anticipated transfer date, name of prospective transferee and the present market value of the property, to the National Office prior to making any commitment. It is not FmHA's policy to transfer security property to a member or members of the borrower's organization at a price which will result in a loss to the Government. Transfer and assumption may be approved subject to the following conditions:

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 2942); delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Effective date. This revision shall become effective June 6, 1974.

Dated: May 13, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-12949 Filed 6-5-74;8:45 am]

CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

Nomenclature Change

Chapter XXVI of 7 CFR is hereby amended (39 FR 7575, 2-27-74), replacing all references to "Assistant Director, Evaluation, OI" with "Assistant Director, Information, Research, and Development, OI."

Effective June 6, 1974.

Signed at Washington, D.C., this 31st day of May, 1974.

JOHN V. GRAZIANO,
Director.

[FR Doc.74-12940 Filed 6-5-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO

Grade Loan Rates for Price Support on 1974-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974-crop flue-cured tobacco.

Consideration will be given to data, views and recommendations pertaining to the grade loan rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than June 21. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1974-crop flue-cured tobacco, types 11-14, as set forth herein. These proposed rates, calculated to provide the level of support of 83.3 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

§ 1464.16 1974 Crop—Flue-cured tobacco, types 11–14, loan schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	*Loan rate*
A1F	106
A2F	104
B1L	100
B2L	95
B3L	92
B4L	90
B5L	88
B6L	84
B1F	100
B2F	95
B3F	92
B4F	90
B5F	88
B6F	84
B1FR	99
B2FR	94
B3FR	91
B4FR	88
B5FR	86
B6FR	82
B3R	82
B4R	77
B5R	72
B6R	68
B3K	88
B4K	85
B5K	82
B6K	78
B3LV	90
B4LV	86
B5LV	83
B3FV	90
B4FV	86
B5FV	83
B3LS	86
B4LS	83
B5LS	80
B6LS	74
B3FS	85
B4FS	82
B5FS	79
B6FS	73
B3KL	81
B4KL	79
B5KL	76
B6KL	71
B3KF	80
B4KF	78
B5KF	75
B6KF	70
B3KM	84
B4KM	82
B5KM	79
B6KM	74
B3KR	87
B4KR	84
B5KR	81
B4KV	81
B5KV	76
B6KV	72
B5RR	69
B4GL	83
B5GL	80
B6GL	75
B4GF	82
B5GF	78
B6GF	74
B4GR	76
B5GR	70
B6GR	65
B4GK	78
B5GK	73
B6GK	69
B5RG	66
B4GG	69
B5GG	65
H1L	98
H2L	95
H3L	93
H4L	91
H5L	89
H6L	85
H1F	98
H2F	95
H3F	93
H4F	91
H5F	89
H6F	85
H3FR	92
H4FR	89
H5FR	86
H6FR	83
H4K	88
H5K	85
H6K	81
C1L	98
C2L	96
C3L	94
C4L	92
C5L	91
C1F	98
C2F	96
C3F	94
C4F	92
C5F	91
C4LV	91
C4FV	91
C4LS	89
C5LS	86
C4KL	89
C4KF	89
C4KM	89
C4KR	91
X1L	94
X2L	92
X3L	91
X4L	89
X5L	85
X1F	94
X2F	92
X3F	91
X4F	89
X5F	85
X3LV	88
X4LV	85
X3FV	88
X4FV	85
X3LS	88
X4LS	84
X3FS	86
X4FS	83
X4KL	84
X4KF	84
X4KV	82
X3KM	88
X4KM	84
X4KR	88
X4G	81
X5G	76
X4GK	80
P2L	89
P3L	87
P4L	85
P5L	81
P2F	89
P3F	87
P4F	85
P5F	81
P4G	77
P5G	71
N1L	73
N1XL	77
N1K	74
N1R	65
N1GL	67
N1GF	67
N1GR	62
N1GG	57

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct $1 per hundred pounds to apply against overhead costs.

Effective date: June 6, 1974.

Signed at Washington, D.C., on May 31, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-12927 Filed 6-5-74;8:45 am]

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[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

[45 CFR Part 1303]

HEAD START DELEGATE AGENCIES

Appeal Procedures, Opportunity To Show Cause and Hearings; Proposed Rulemaking

In the matter of procedures for appeals for Head Start delegate agencies in cases of denial of or failure to act on applications for funding and refunding by grantees, for opportunities to show cause to grantees in cases of suspension of financial assistance or denial of application for refunding by OCD, and for hearings for grantees in cases of termination of financial assistance by OCD.

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue regulations prescribing procedures for special notice and opportunity to appeal by agencies or organizations which would like to serve as delegate agencies of Head Start grantees, for reasonable notice and opportunity to show cause to Head Start grantees in cases of suspension of financial assistance or denial of application for refunding by OCD, and for full and fair hearings for Head Start grantees in cases of termination of financial assistance by OCD. The rights of these agencies or organizations to notice and opportunity to appeal (for delegate agencies) and to show cause, and to have a full and fair hearing (for grantees), are created by section 604 of the Economic Opportunity Act of 1964, 42 U.S.C. 2944. Section 604 requires that procedures be prescribed which assure these rights. For this purpose it is proposed to add Part 1303 to Chapter XIII, Subtitle B, Title 45, Code of Federal Regulations.

Proposed subpart B covers appeals by agencies or organizations which would like to serve as delegate agencies. It applies both to agencies or organizations which would like to continue to serve and to those which would like to begin to serve as delegate agencies. The appeal is from adverse action or inaction by a

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Head Start grantee to, in most cases, the Regional Office official responsible for making the grant. Decision is based on written material submitted by the parties. In the case of current delegate agencies, as distinguished from prospective delegate agencies, there is a right to an informal meeting with the responsible OCD official, and to review of his decision by the Director, OCD. The decision will sustain the grantee unless it is determined that the grantee acted unfairly and did not have a rational basis for what it did.

Proposed Subpart C, Denial of Grantee's Application for Refunding, and proposed Subpart D, Suspension and Termination of Financial Assistance to Grantees, are adaptations of regulations promulgated by the Office of Economic Opportunity for programs it administers under titles I–D, II, and III–B of the Economic Opportunity Act. Part 1067 of 45 CFR Chapter X, Subtitle B.

Proposed Subpart C applies if OCD refuses to refund a grantee for circumstances related to the particular grant such as ineffective or improper use of Federal funds, failure to comply with applicable law, regulations, terms and conditions, or selection of another applicant or loss by the grantee of legal status or financial viability. Subpart C does not apply if the refusal to refund is based upon general policy. The proposed procedures provide opportunity for the submittal of written material, informal meeting with the responsible OCD official, and for the right to have an adverse decision by the responsible OCD official reviewed by the Director, OCD.

Proposed Subpart D applies if OCD suspends or terminates a grant for failure of a grantee to comply with applicable law, regulations guidelines, standards, instructions, assurances, terms and conditions, or for loss of legal status or financial viability. In cases of notice of intended suspension or summary suspension, which are for limited periods unless termination proceedings are begun, the proposed procedure gives the grantee opportunity to submit written material to, and meet informally with, the responsible OCD official. The grantee also is given the opportunity to correct deficiencies. In cases of termination the proposed procedure gives the grantee the opportunity for a full and fair hearing before an administrative law judge designated under 5 U.S.C. 3105. The administrative law judge would issue an initial decision which is subject to review by the responsible OCD official whose decision, in turn, is subject to review by the Director, OCD.

The proposed procedures give parties the right to be represented by counsel. Current delegate agencies and Head Start grantees are authorized to pay reasonable and customary legal fees and other expenses out of current operating funds.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1303 to the Acting Director, Office of Child Development, Department of Health, Education, and Welfare, 400 6th Street, SW., Washington, D.C. 20201, on or before July 8, 1974. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. (area code 202–755–7782).

(Catalog of Federal Domestic Assistance Programs No. 13.600, Child Development—Head Start)

Dated: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary.

Subtitle B of 45 CFR Chapter XIII is amended by adding Part 1303 as follows:

PART 1303—PROCEDURES FOR APPEALS FOR HEAD START DELEGATE AGENCIES, AND FOR OPPORTUNITIES TO SHOW CAUSE AND HEARINGS FOR HEAD START GRANTEES

Subpart A—General
Sec.
1303.1–1 Purpose and application.
1303.1–2 Definitions.
1303.1–3 Right to counsel, counsel fees, travel.
1303.1–4 Other remedies.
Subpart B—Appeals by Delegate Agencies
1303.2–1 Appeal on notice of rejection or failure to act.
1303.2–2 Procedures for appeal by current delegate agency.
1303.2–3 Decision on appeal and review.
1303.2–4 Remedies.
1303.2–5 Procedures for appeal by rejected prospective delegate agency.
1303.2–6 Decision on appeal.
1303.2–7 Remedies.
1303.2–8 Procedures when grantee fails to act on application of prospective delegate agency.
1303.2–9 Decision on appeal.
1303.2–10 Remedies.
Subpart C—Denial of Grantee's Application for Refunding
1303.3–1 Denial of refunding.
1303.3–2 Notice of intended denial and opportunity to show cause.
1303.3–3 Decision on appeal and review.
Subpart D—Suspension and Termination of Financial Assistance to Grantees
1303.4–1 Purpose.
1303.4–2 Suspension on notice and opportunity to show cause.
1303.4–3 Summary suspension and opportunity to show cause.
1303.4–4 Termination and hearing.
1303.4–5 Time and place of hearing.
1303.4–6 Conduct of hearing.
1303.4–7 Initial decision, exceptions, final decision, and review.
1303.4–8 Modification of procedures by consent.

AUTHORITY: Sec. 604, 78 Stat. 531, (42 U.S.C. 2944); sec. 602(n), 78 Stat. 530, (42 U.S.C. 2942(n)); Delegation of Authorities to Secretary of Health, Education, and Welfare, 34 FR 11398.

Subpart A—General

§ 1303.1–1 Purpose and application.

This part effectuates section 604 of the Economic Opportunity Act of 1964, as amended, as it applies to grantees and delegate agencies engaged in or wanting to engage in the carrying out of Head Start programs under section 222(a)(1) of that Act. It prescribes the procedures for appeals by current and prospective delegate agencies from specified adverse action by grantees; and the procedures for reasonable notice and opportunity to show cause in cases of intended or actual suspension of financial assistance and denial of refunding by OCD, and for a full and fair hearing for grantees in cases of termination of financial assistance by OCD.

§ 1303.1–2 Definitions.

As used in this part—

(a) The term "OCD" means the Office of Child Development in the U.S, Department of Health, Education, and Welfare, and includes regional staff.

(b) The term "responsible OCD official" means the official who is authorized to make the grant of assistance in question, or his designee.

(c) The term "Director" means the director of the Office of Child Development.

(d) The term "grantee" means the community action agency or other public or private non-profit agency which has been granted assistance by OCD to carry on a Head Start program.

(e) The term "delegate agency" means a public or private non-profit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program.

(f) The term "current delegate agency" means a public or private nonprofit agency which would like to continue to carry on all or part of the Head Start program of the grantee under an arrangement with and as delegate of the grantee.

(g) The term "prospective delegate agency" means a public or private nonprofit agency or organization which would like to serve as a delegate agency.

(h) The term "program account" means the identification of a grouping of related program activities recognized by OCD which, as an individual grouping or in combination with another grouping or other groupings, constitutes the Head Start program for which a Head Start grantee is furnished Federal financial assistance, and which serves as a unit for planning, budgeting, administering, and reporting the grantee's Head Start program. Examples of program accounts are: Full Year Head Start—Part Day; Full Year Head Start—Full Day; Summer Head Start; Parent and Child Centers; and, Head Start Training and Technical Assistance.

(i) The term "substantial rejection" means that a grantee requires that the funding of a current or prospective delegate agency be reduced to 80 percent or less of the current level of operations or of the amount requested in the application; or that a grantee requires that a program account which has cost or which would cost at least 25 percent of the total cost of the Head Start program in question be eliminated or reduced to 80 percent or less of the current level of operations or of the amount requested in the application.

(j) The term "suspension" means any action by OCD temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended. It does not include the refusal to provide new or additional assistance.

(k) The term "termination" means any action by OCD permanently terminating assistance to all or any part of a program prior to the time such assistance is extended, but does not include the refusal to provide new or additional assistance.

§ 1303.1–3 Right to counsel, counsel fees, travel.

Parties to proceedings under this part, including OCD and delegate agencies which have the right to participate in informal meetings or termination hearings, have the right to be represented by counsel. If a party which is a delegate agency or a grantee does not have an attorney acting in that capacity as a regular member of its staff or on a retainer arrangement, such a party may designate an attorney to represent it in the proceedings and it may transfer sufficient funds from its current operating funds to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the express written approval of the responsible OCD official. Travel and per diem expenses may be paid to such attorney from program funds in conformity with the Standard Government Travel Regulations. A delegate agency or a grantee also may designate two persons to attend and participate in proceedings under this part to which it is a party. Travel and per diem expenses may be paid to such persons from program funds in conformity with the Standard Government Travel Regulations.

§ 1303.1–4 Other remedies.

The procedures established by this part shall not be construed as precluding OCD from pursuing any other remedies authorized by law.

Subpart B—Appeals by Delegate Agencies

§ 1303.2–1 Appeal on notice of rejection or failure to act.

(a) A grantee shall give prompt, fair and adequate consideration to applications submitted by current or prospective delegate agencies to operate Head Start programs. It shall notify an applicant in writing within 30 days after receiving an application of its decision to reject it either wholly or substantially. The notice shall contain a statement of the reasons for the decision, and a statement that the applicant has a right to appeal the decision to the responsible OCD official in writing within 15 days after receipt of the notice.

(b) If a grantee fails to act upon the application of a current or prospective delegate agency to operate a Head Start program within 30 days after receiving the application, such agency has a right to appeal the grantee's failure to act in writing to the responsible OCD official within 15 days after the end of the 30 day period. In the case of a current delegate agency the failure of the grantee to act within 30 days after receiving the application shall be deemed to be a rejection.

§ 1303.2–2 Procedures for appeal by current delegate agency.

(a) Within 10 days after receiving the written appeal of a current delegate agency, the responsible OCD official will notify both parties, the appellant and the grantee, in writing that the appellant shall have the opportunity to submit written material to the responsible OCD official and to meet informally with him and the grantee to show cause why the application should not be denied; that the grantee shall have the opportunity to submit written material to the responsible OCD official and to be present at the informal meeting with him to support its decision on the appellant's application; that the time within which the parties shall submit the written material to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed; and that the appellant may request, no later than 14 days after the notice by the responsible OCD official was mailed, the informal meeting with the responsible OCD official and the grantee. A copy of this subpart and Subpart A of this part will be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written materials to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The current delegate agency shall submit to the responsible OCD official a copy of the material it submitted to the grantee in, and in connection with, its application. It shall also submit to the responsible OCD official a written statement setting forth:

(1) Whether, prior to the grantee's decision or failure to act, the grantee advised the appellant of defects and deficiencies in its application or in the operation of its project, as appropriate.

(i) If so, when and how such advice was given.

(ii) If so, the defects and deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant reasonable opportunity to correct the defects and deficiencies referred to in paragraph (b)(1)(ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to the correction of the defects and deficiencies.

(A) If the answer to paragraph (b)(2)(ii) is affirmative, describe the assistance provided; and

(B) Describe what the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of its decision.

(4) Whether the grantee told the appellant the reasons for its decision. If so, how such reasons were communicated to the appellant and what they were.

(5) If it is the appellant's position that the grantee acted arbitrarily or unfairly, the reason why the appellant takes this position.

(6) Any other facts and circumstances which the appellant believes will support its appeal.

(c) In connection with the appeal the grantee shall submit a written statement to the responsible OCD official setting forth:

(1) Whether, prior to rejection of the application, or the failure to act within 30 days after its receipt, the grantee advised the appellant of defects and deficiencies in the application or in the operation of the appellant's project, as appropriate.

(i) If so, when and how was such advice given.

(ii) If so, the defects or deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant an opportunity to correct the defects and deficiencies referred to in paragraph (c).

(1) (ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to correction of the defects and deficiencies.

(A) If the answer to paragraph (c)(2)(ii) is affirmative, describe the assistance provided; and

(B) What the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of the decision.

(4) Whether the grantee told the appellant the reasons for the decision. If so, how such reasons were communicated to the appellant and, what they were.

(5) Why the grantee takes the position that it acted reasonably and fairly in arriving at its decision or in its failure to act.

(6) Any other facts and circumstances which the grantee believes will support its decision or its failure to act.

(d) At the time of submitting the written statement, each party shall furnish a copy of its statement to the other party.

(e) If the appellant does not request an informal meeting, each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible OCD official within 10 days after the copy of the other party's written statement was mailed.

(f) If the appellant requests an informal meeting, the meeting will be scheduled by the responsible OCD official as soon as possible, but not sooner than 14 days after the written notice to

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the parties was mailed by the responsible OCD official, unless the appellant and the grantee consent to an earlier meeting time. The responsible OCD official shall designate either the appropriate regional office or the place where the appellant or grantee is located as the place for holding the meeting.

§ 1303.2–3 Decision on appeal and review.

(a) The decision of the responsible OCD official will take into account the material submitted in writing and the information presented at the informal meeting. Unless it is found by the responsible OCD official that the grantee acted unfairly and did not have a rational basis for its decision or its failure to act, the grantee will be sustained. The decision of the responsible OCD official will be made within 5 days after the informal meeting. This decision, including a statement of the reasons therefor, will be in writing, and will be mailed immediately to the appellant and the grantee. If the decision is made on the basis of written materials only, the decision will be made within 14 days of the receipt of the materials.

(b) If the decision of the responsible OCD official sustains the decision or failure to act of the grantee, the appellant may, within 14 days of the date of mailing, make a written request for review of the decision by the Director, OCD. If the decision of the responsible OCD official does not sustain the decision or failure to act of the grantee, the grantee may, within 14 days of the date of mailing, make a written request for review of the decision by the Director, OCD. Upon such request by either party the Director, or his designee, will review the decision of the responsible OCD official, the written material submitted by the appellant and grantee, and a report of the information presented at the informal meeting, and, on the basis of this review, make the final decision. The decision of the grantee will be sustained unless it is found that it acted unfairly and without a rational basis for its decision or its failure to act. The final decision will be made no later than 30 days after receipt of the request for review. The Director will inform the appellant, the grantee, and the responsible OCD official in writing of the final decision and the reasons therefor.

§ 1303.2–4 Remedies.

(a) If the decision of the responsible OCD official does not sustain the grantee and there is no timely written request for review by the Director, OCD, or if the final decision does not sustain the grantee, the responsible OCD official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal will be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

(b) If without fault on the part of the appellant its operating funds are exhausted before its appeal has been decided, OCD will furnish sufficient funds for the maintenance of its current level of operations until a final decision has been reached.

§ 1303.2–5 Procedures for appeal by rejected prospective delegate agency.

(a) Within 10 day after receiving the written appeal of a rejected prospective delegate agency the responsible OCD official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed. A copy of this subpart and Subpart A of this Part shall be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit to the responsible OCD official copies of the material it submitted to the grantee in, and in connection with, its application. It shall also submit a written statement setting forth the same material by § 1303.2–2(b).

(c) In connection with the appeal the grantee shall submit a written statement to the responsible OCD official setting forth the same material required by § 1303.2–2(c).

(d) At the time of submitting the written statements, each party shall furnish a copy of its statement to the other party.

(e) Each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible OCD official within 10 days after the copy of the other party's written statement was mailed.

§ 1303.2–6 Decision on appeal.

(a) The responsible OCD official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible OCD official no later than 14 days after the receipt of the written material.

(b) A person designated to review the written material and make a recommended decision or the responsible OCD official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended, if any, and final decisions will be based upon the written record resulting from the materials submitted by the parties. The decision of the grantee will be sustained unless it is found by the responsible OCD official that it acted unfairly and without a rational basis for its decision. The final decision of the responsible OCD official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–7 Remedies.

If the final decision does not sustain the grantee, the responsible OCD official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision had a rational basis, the appeal shall be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision did not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

§ 1303.2–8 Procedures when grantee fails to act on application of prospective delegate agency.

(a) Within 10 days after receiving the written appeal based upon the failure of the grantee to act upon the application of a prospective delegate agency within 30 days, the responsible OCD official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible OCD official shall be no later than 14 days after the notice by the responsible OCD official was mailed. A copy of this subpart and subpart A shall be included with the notice mailed by the responsible OCD official to the parties so that they may inform themselves of the nature of the written material t obe submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit the following materials in writing to the responsible OCD official:

(1) Copies of the material it submitted to the grantee in, and in connection with, its application.

(2) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the 30 day period.

(3) Any other facts and circumstances which the appellant believes to be relevant to its appeal.

(c) The grantee shall submit the following materials in writing to the responsible OCD official:

(1) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the thirty day period.

(2) Any other facts and circumstances which the grantee believes to be relevant.

§ 1303.2–9 Decision on appeal.

(a) The responsible OCD official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible OCD official no later than 14 days after receipt of written material.

(b) The person, if any, designated to review the written material and make a recommended decision or the responsible OCD official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended and final decisions will be based upon the written record resulting from the material submitted by the parties. The final decision of the responsible OCD official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.2–10 Remedies.

The responsible OCD official will remand the application to the grantee for prompt consideration and decision in accordance with the criteria set forth in § 1303.2–3 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible OCD official within 10 days after the date of the remand. The responsible OCD official may request additional information from either party if he deems it necessary to a decision. If the responsible OCD official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal shall be dismissed. If the responsible OCD official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible OCD official may entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible OCD official deems appropriate in the circumstances. If such an application is not approved, the responsible OCD official will take whatever action he deems appropriate in the circumstances.

Subpart C—Denial of Grantee's Application for Refunding

§ 1303.3–1 Denial of Refunding.

A grantee's application for refunding may be denied by the responsible OCD official for circumstances related to the particular grant such as ineffective or improper use of Federal funds or for failure to comply with applicable law, regulations, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon selection by the responsible OCD official of another applicant or loss by the grantee of legal status or financial viability. The procedures in this subpart do not apply to a denial of refunding based upon general policy.

§ 1303.3–2 Notice of intended denial and opportunity to show cause.

(a) When an intention to deny a grantee's application for refunding is arrived at on bases to which this subpart applies, the responsible OCD official will provide the grantee as much advance notice thereof as is reasonably possible, in no event later than 30 days after the receipt by OCD of the application. The notice will be in writing and sent to the grantee by registered or certified mail or by telegram. The notice will state the reasons for the intended denial of the application. It will inform the grantee that the grantee has the opportunity to submit written material in opposition to the intended denial to, and to meet informally with, the responsible OCD official regarding the intended denial in order to show cause why the application for refunding should not be denied. In addition, the notice will inform the grantee of the time, not fewer than seven days nor more than 14 days after the date of sending the notice to the grantee, within which the grantee shall notify the responsible OCD official in writing as to whether and to what extent it will utilize the opportunity to show cause provided by this section.

(b) If the grantee has notified the responsible OCD official in writing as provided by paragraph (a) of this section that it will submit written material, such material shall be mailed by the grantee to the responsible OCD official within 14 days after the date the notice was mailed by the grantee.

(c) If the grantee has notified the responsible OCD official in writing as provided by paragraph (a) of this section that it wants an informal meeting, the responsible OCD official will schedule the meeting as soon as possible but not sooner than 14 days from the date the notice was mailed by the grantee, unless the grantee consents to an earlier meeting time. The responsible OCD official will designate either the appropriate regional office or the place where the grantee is located as the place for holding the meeting. If the meeting is to be in a location other than the city or county in which the grantee operates, the responsible OCD official will authorize the grantee to pay the travel and per diem expenses of two representatives of the grantee to attend the meeting.

(d) If without fault on the part of the grantee its operating funds are exhausted before a final decision has been reached on whether its application for refunding will be denied, OCD will furnish sufficient funds to the grantee to maintain its current level of operations until such final decision is made.

§ 1303.3–3 Decision on appeal and review.

(a) The decision of the responsible OCD official will be made within 5 days after the informal meeting and will take into account the material submitted in writing and the information presented at the informal meeting. The decision, including a statement of the reasons therefor, will be in writing, and will be sent by certified or registered mail immediately to the grantee. If the decision is made on the basis of written material only, the decision will be made within 14 days of the receipt of the written material.

(b) If the decision of the responsible OCD official is to deny the application for refunding, the grantee may, within 15 days of the date of mailing, make a request in writing for review of the decision by the Director, OCD. Upon such request the Director, or his designee, will review the decision, the written material submitted by the grantee, a report of the information presented at the informal meeting, and the basis for the original intention to deny the application for refunding; and, on the basis of this review, make the final decision on whether the grantee's application for refunding will be denied. The final decision will be made no later than 30 days after receipt by the Director of the request for review. The Director will inform the grantee and the responsible OCD official in writing of the final decision and the reasons therefor.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

§ 1303.4–1 Purpose.

(a) This subpart establishes rules and procedures for the suspension and termination of financial assistance provided by OCD under section 222(a)(1) of the Economic Opportunity Act of 1964, as amended, for the failure of a grantee to comply with applicable laws, regulations, guidelines, standards, instructions, assurances, terms and conditions, or, in accordance with Part 1302 of this Chapter, upon loss by the grantee of legal status or financial viability.

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(b) This subpart does not apply to any administrative action based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964.

§ 1303.4–2 Suspension on notice and opportunity to show cause.

(a) The responsible OCD official may suspend financial assistance to a grantee in whole or in part for breach or threatened breach of any requirement stated in § 1303.4–1 pursuant to notice and opportunity to show cause why assistance should not be suspended. However, in emergency cases where the responsible OCD official determines summary action is appropriate, the alternative summary procedures of § 1303.4–3 will be followed.

(b) The responsible OCD official will notify the grantee by registered or certified mail or by telegram that OCD intends to suspend financial assistance, in whole or in part, unless good cause is shown why such action should not be taken. The notice will include:

(1) The grounds for the proposed suspension;

(2) The effective date of the proposed suspension;

(3) Information that the grantee has the opportunity to submit written material in opposition to the intended suspension and to meet informally with the responsible OCD official regarding the intended suspension;

(4) Information that the written material must be submitted to the responsible OCD official at least 7 days prior to the effective date of the proposed suspension and that a request for an informal meeting must be made in writing to the responsible OCD official no later than 7 days after the day the notice of intention to suspend was mailed to the grantee;

(5) Invitation to correct the deficiency by voluntary action; and

(6) A copy of this subpart.

(c) If the grantee request an informal meeting, the responsible OCD official will fix a time and place for the meeting which will not be less than 7 days after the grantee's request is received by OCD.

(d) The responsible OCD official may on his own intiative establish a time and place for a meeting. In no event will such meeting be scheduled less than 7 days after the notice of intention to suspend was sent to the grantee.

(e) The responsible OCD official may in his discretion extend the period of time or date for making requests or submitting material by the grantee and will notify the grantee of any such extension.

(f) At the time the responsible OCD official sends the notice of intention to suspend financial assistance to the grantee, he will send a copy of it to any delegate agency whose activities or failures to act are a substantial cause of the proposed suspension, and will inform such delegate agency that it is entitled to submit written material in opposition to the intended suspension and to participate in the informal meeting with the responsible OCD official if one is held. In addition, the responsible OCD official may give such notice to any other Head Start delegate agency of the grantee.

(g) Within 3 days of receipt of the notice of intention to suspend financial assistance, the grantee shall send a copy of such notice and a copy of this subpart to all delegate agencies which would be financially affected by the proposed suspension action. Any delegate agency that wishes to submit written material may do so within the time stated in the notice. Any delegate agency that wishes to participate in the informal meeting regarding the intended suspension, if not otherwise afforded a right to participate, may request permission to do so from the responsible OCD official, who may grant or deny such permission. In acting upon any such request from a delegate agency, the responsible OCD official will take into account the effect of the proposed suspension on the particular delegate agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the delegate agency requesting such permission appear to be adequately represented by other participants.

(h) The responsible OCD official will consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting as well as any showing that the grantee has adequately corrected the deficiency which led to the suspension proceedings. The decision of the responsible OCD official will be made within 5 days after the conclusion of the informal meeting. If the responsible OCD official concludes that the grantee has failed to show cause why financial assistance should not be suspended, he may suspend financial assistance in whole or in part and under such terms and conditions as he specifies.

(i) Notice of such suspension will be promptly transmitted to the grantee by registered or certified mail and shall become effective upon delivery. Suspension shall not exceed 21 days unless during such period of time termination proceedings are initiated in accordance with § 1303.4–4, or unless the responsible OCD official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of financial assistance shall remain in full force and effect until such proceedings have been fully concluded.

(j) During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the respnosible OCD official. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the grantee has obligated them by contract or otherwise to a delegate agency.

NOTE: Willful misapplication of funds may violate section 301 of the Economic Opportunity Amendments of 1967 (42 U.S.C. 2703), or other criminal statutes.

(k) The responsible OCD official may modify the terms, condition and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the grantee has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspension partly or fully rescinded may, in the discretion of the responsible OCD official, be reimposed with or without further proceedings, except that the total time of suspension may not exceed 21 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the responsible OCD official and the grantee agree to continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

§ 1303.4–3 Summary suspension and opportunity to show cause.

(a) The responsible OCD official may suspend financial assistance without prior notice and opportunity to show cause if he determines that immediate suspension is necessary because of a serious risk of:

(1) Substantial injury to or loss of project funds or property, or

(2) Violation of a Federal, State, or local criminal statute, or

(3) Violation of section 603(b) or section 613 of the Economic Opportunity Act or of OCD directive implementing these sections of the Act, and that such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(b) The notice of summary suspension will be given to the grantee by registered or certified mail or by telegram and shall become effective upon delivery. The notice will include the following items:

(1) The effective date of the suspension.

(2) The grounds for the suspension.

(3) The extent of terms and conditions of any partial suspension.

(4) A statement forbidding the grantee to make any new expenditures or incur any new obligations in connection with the suspended portion of the program.

(5) A statement advising the grantee that it has an opportunity to show cause why the suspension should be rescinded.

(c) If the grantee requests in writing the opportunity to show cause why the suspension should be rescinded, the responsible OCD official will fix a time and place for an informal meeting for this purpose. This meeting will be held within 7 days after the grantee's request is received by OCD. Notwithstanding the provisions of this paragraph, the responsible OCD official may proceed to initiate termination proceedings at any time even though financial assistance to the grantee has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible OCD official will nevertheless afford the grantee, if it so requests, an opportunity to show cause in an informal meeting why suspension should be rescinded pending the outcome of the termination proceedings.

(d) Notices of summary suspension shall also be furnished by the responsible OCD official and by the grantee to delegate agencies in the same manner as notices of intent to suspend as set forth in § 1303.4–3 (f) and (g). Delegate agencies shall have the right to participate in the informal meeting as set forth in said paragraphs.

(e) The effective period of a summary suspension of financial assistance may not exceed 10 days unless termination proceedings are initiated in accordance with § 1303.4–4 or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the grantee, in accordance with paragraph (c) of this section, requests an opportunity to show cause why the summary suspension should be rescinded.

(f) If the grantee requests an opportunity to show cause why a summary suspension should be rescinded, the suspension of financial assistance shall continue in effect until the grantee has been afforded such opportunity and a decision has been made by the responsible OCD official. Such a decision will be made within 5 days after the conclusion of the informal meeting with the responsible OCD official. If the responsible OCD official concludes, after considering the information elicited at the informal meeting, that the grantee has failed to show cause why the suspension should be rescinded, the responsible OCD official may continue the suspension in effect for an additional 7 days, except that, if termination proceedings are initiated, the summary suspension of financial assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

(g) The provisions of § 1303.4–2(j) with respect to expenditures during a period of suspension are applicable to summary suspensions.

§ 1303.4–4 Termination and hearing.

(a) The responsible OCD official may terminate financial assistance to a grantee in whole or in part for failure to comply with any requirement or for loss of legal status or financial viability as stated in § 1303.4–1 whether or not such financial assistance has been suspended. Such termination will be pursuant to reasonable notice and the opportunity for a full and fair hearing.

(b) If the responsible OCD official believes that alleged noncompliance with any requirement stated in § 1303.4–1 is serious enough to warrant termination of financial assistance, whether or not financial assistance has been suspended, he will so notify the grantee by registered or certified mail or telegram. The notice will include:

(1) A statement that there are grounds which justify the proposed termination and that sets forth the specific reasons therefor:

(2) If the activities of a delegate agency are the bases, in whole or in part, for the reasons for the proposed termination, the identity of the delegate agency;

(3) Information that the matter has been set down for hearing at a stated time and place or that the grantee has a right to request a hearing in writing within a specified period of time, not less than 10 days from the date of sending notice.

(c) The termination hearing will be scheduled by the responsible OCD official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible OCD official to a request by a grantee to advance or postpone the date of a hearing scheduled by OCD. The hearing shall afford the grantee a full and fair opportunity to demonstrate that it is in compliance with all applicable laws, regulations, and other requirements specified in § 1303.4–1. OCD will have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a grantee to take action required by law, regulation, or other requirement specified in § 1303.4–1, the grantee shall have the burden of providing that such action was timely taken.

(d) If a grantee requests a hearing, it shall send a copy of its request to all delegate agencies which would be financially affected by the termination of assistance and to each delegate agency identified in the notice. The copies of the request shall be sent to these delegate agencies at the same time the grantee's request is made to OCD. The grantee shall promptly send OCD a list of the delegate agencies to which it has sent the copies and the date on which they were sent.

(e) If the responsible OCD official informs a grantee that a proposed termination action has been set down for hearing, the grantee shall within 5 days of its receipt of this notice send a copy of it to all delegate agencies which would be financially affected by the termination and to each delegate agency identified in the notice. The grantee shall send the responsible OCD official a list of all delegate agencies notified and the date of notification.

(f) If the responsible OCD official has initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may, in accordance with § 1303.4–6, request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of OCD and the grantee, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(g) The results of the proceeding and any measure taken thereafter by OCD pursuant to this part shall be fully binding upon the grantee and all its delegate agencies whether or not they actually participated in the hearing.

(h) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible OCD official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date had been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of OCD including the allegations contained in the notice of termination.

(i) The responsible OCD official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.4–5 Time and place of hearing.

The termination hearing shall be held in Washington, D.C., or in the appropriate regional office, at a time and place fixed by the responsible OCD official unless he determines that the convenience of OCD, or of the parties or their representatives, requires that another place be selected.

§ 1303.4–6 Conduct of hearing.

(a) The presiding officer at the hearing shall be an administrative law judge designated as promptly as possible in accordance with 5 U.S.C. 3105. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown otherwise determines.

(b) After the notice described in paragraph (i) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney, designated by the General Counsel of the U.S. Department of Health, Education, and Welfare, who has not represented OCD or any other party or otherwise participated in a proceeding, recommendation, or decision in the particular matter.

(c) Both OCD and the grantee are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be

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required for a full and true disclosure of all facts bearing on the issues. The issues shall be those stated in the notice required to be filed by paragraph (i) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(d) In addition to OCD, the grantee, and any delegate agencies which have a right to appear, the presiding officer in his discretion may permit the participation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(e) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of termination has been received by the grantee, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(f) The presiding officer shall permit or deny such participation and shall give notice of this decision to the applicant, the grantee, and OCD, and, in the case of denial, a brief statement of the reasons therefore. Even if previously denied, the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(g) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(h) All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.

(i) The responsible OCD official will send the grantee and any other party a notice which states the time, place, nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held. The notice will also identify with reasonable specificity the facts relied on as justifying termination and the OCD requirements which it is alleged the grantee has violated. The notice will be served and filed not later than 10 days prior to the hearing.

(j) The grantee and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to OCD and the presiding officer of its intention to appear at the hearing 3 days before it is scheduled to occur. Failure to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(k) All papers and documents filed or sent to a party shall be signed by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or are delivered in person, except that the effective date of the notice that there appear to be grounds which warrant terminating financial assistance shall be the date of its delivery or attempted delivery at the grantee's last known address as reflected in the records of OCD.

(l) Prior to the commencement of a hearing the presiding officer may, subject to the provisions of paragraph (b) of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(m) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

(n) If the presiding officer determines that the interests of justice would be served, he may authorize the taking of depositions but only if all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange at his expense for a transcript to be made of the proceedings and shall upon request of any other party, furnish such party with a copy of the transcript.

(o) Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State or local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of OCD. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.

(p) After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions.

§ 1303.4–7 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall so specify the requirements with which it is found that the grantee has failed to comply, if any. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for continued suspension or termination of financial assistance to the grantee in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible OCD official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible OCD official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his own decision in the matter, including the reasons therefor. The decision of the responsible OCD official may increase, modify, approve, vacate, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible OCD official and a written copy will be given to the grantee.

(e) The grantee may request the Director to review a final decision by the responsible OCD official which provides for the termination of financial assistance. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Director or his designee will consider the reasons stated by the grantee for seeking the review and will approve, modify, vacate or mitigate any sanction imposed by the responsible OCD official or remand the matter to the responsible OCD official for further hearing or consideration. The decision of the responsible OCD official will be given great weight by the Director or his designee during the review. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. Pending the decision of the Director or his designee, if financial assistance has been suspended it shall remain suspended under the terms and conditions specified by the responsible OCD official, unless the responsible OCD official or the Director or his designee otherwise determines. The final decision by the Director will be made no later than 30 days after receipt of the request for review.

§ 1303.4–8 Modification of procedures by consent.

In any proceeding under this subpart the responsible OCD official may alter, eliminate or modify any of the procedural provisions of this subpart, with the consent of the grantee and, in the case of a termination hearing, with the additional consent of all delegate agencies that have a right to participate in the hearing. Such consent must be in writing and be included in the hearing record.

[FR Doc.74–12998 Filed 6–5–74;8:45 am]

Public Health Service

[42 CFR Part 55a]

PROGRAM GRANTS FOR COAL MINERS' RESPIRATORY CLINICS

Notice of Proposed Rulemaking

Section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, as added by the Black Lung Benefits Act of 1972 (30 U.S.C. 937(a)), authorizes the Secretary of Health, Education, and Welfare to make grants and contracts for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in both active and inactive coal miners. The section directs that the awarding of such grants and contracts shall be coordinated with the Appalachian Regional Commission.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 42, Code of Federal Regulations by adding a new Part 55a which sets forth the conditions and procedures for awarding grants for the operation of coal miners' respiratory clinics. The purpose of the grant is to furnish funds for initiating such clinical services to miners with the hope that the clinics will be self-supporting when Federal assistance ceases. Accordingly, there will be full funding of approvable programs; i.e., Federal funds may be obligated for up to three years of support.

To maximize the effectiveness of the limited amount of funds available for implementing the authority of section 427(a), the regulations propose to award grants only for the operation of clinical facilities notwithstanding express authority for awarding grant funds for the construction or purchase of such clinics. Moreover, it is proposed to limit grants to any public and private nonprofit agency or institution which (1) is located in any State that contains at least three percent of the Nation's active and inactive coal miner population and which has been designated by the Governor of the State as an agency to receive funds to carry out a miners' respiratory clinic program or (2) is the recipient of grant support under the Appalachian Regional Commission Black Lung Clinic Program. The operation of miners' respiratory clinics in those States which would not qualify for grants under this part may be supported by contract under section 427(a) of the Act.

The proposed regulations provide that awards would be made to eligible applicants on the basis of an application which sets forth a plan for the operation of respiratory clinics on an area or Statewide basis. Under such a plan, grantees would contract with clinics which meet the requirements of this Part 55a for the provision of services to miners.

In accord with the legislative history of section 427(a), it is proposed to limit support for treatment to respiratory and pulmonary impairments attributable to working in coal mines and to further limit support for treatment to occupational respiratory and pulmonary diseases which would not include treatment of respiratory impairments caused by traumatic injuries and accidents in the mines. Finally, in view of the ordinary meaning of "clinic" and the reference to mobile clinics which are not suited for inpatient care, treatment would be limited to outpatient care.

The funds available for these grants must be obligated by the Department by June 30, 1974, or be returned to the Treasury. In view of the time constraints for awarding grants under this part, grant applications will be accepted and processed during the comment period and applicants will be notified of any changes in the final rulemaking which may be deemed necessary as a result of comments received.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Regulations Officer, National Institute for Occupational Safety and Health, Rm 3–32 (Park Bldg.), 5600 Fishers Lane, Rockville, Maryland 20852. All material received on or before June 21, 1974, will be considered and revisions made where appropriate. Any comments received will be available for public inspection at the foregoing address during regular business hours.

It is therefore proposed to issue a new Part 55a as set forth below to be effective on the date of its republication in the FEDERAL REGISTER.

Dated: May 28, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: June 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 55a—PROGRAM GRANTS FOR COAL MINERS' RESPIRATORY CLINICS

Sec.
55a.1 Applicability.
55a.2 Definitions.
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55a.4 Application.
55a.5 Policy Advisory Committee.
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55a.7 Program requirements.
55a.8 Requirements for respiratory clinics.
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55a.12 Nondiscrimination.
55a.13 Confidentiality.
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55a.15 Publications and copyright.
55a.16 Grantee accountability.
55a.17 Program reporting requirements.
55a.18 Applicability of 45 CFR Part 74.

AUTHORITY: The provisions of this Part 55a issued under sec. 508, 83 Stat. 803; 30 U.S.C. 957.

§ 55a.1 Applicability.

The provisions of this part are applicable to the award of grants pursuant to section 427(a) of the Federal Coal Mine Health and Safety Act, as amended (30 U.S.C. 937(a)) to carry out programs for the operation of fixed-site and mobile clinical facilities for examination, diagnosis, and treatment of respiratory and pulmonary impairments in coal miners.

§ 55a.2 Definitions.

Any term not defined herein shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 801 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "Applicant" means any public or nonprofit private agency or institution which files an application for a grant under section 55a.4 of this part.

(d) "Nonprofit", as applied to an agency or institution, means that no part of the net earnings of such agency or institution inures or may lawfully inure to the benefit of any shareholder or individual.

(e) "Miner" means an individual who has been employed to work in or at any coal mine for at least a period of three years but does not include any worker who did not have direct contact with coal mining or coal processing operations.

(f) "Commission" means the Appalachian Regional Commission established by Title 40 App. U.S.C.

§ 55a.3 Eligibility.

(a) Any public or other nonprofit agency or institution which (1) is located in any State that contains at least 3 percent of the Nation's active and inactive coal miner population and which has been designated by the Governor of the State as the agency to receive funds to carry out a miners' respiratory clinic program, or (2) is the recipient of a grant by the Commission to carry out a miners' respiratory clinic program, is eligible to apply for a grant under this part.

(b) *Eligible projects*—Grants pursuant to section 427(a) of the Act and this

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part may be made to eligible applicants for the purpose of carrying out area or statewide plans for the establishment and operation of fixed-site and mobile clinics for the analysis, examination, and treatment of miners' occupational respiratory and pulmonary diseases.

§ 55a.4 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and manner as the Secretary may prescribe.[1]

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct its program and carry out the requirements of this part, and a budget and justification of the amount of grant funds requested and such other pertinent information as the Secretary may require.

(c) The applicant must indicate (1) that a copy of the application was forwarded to the appropriate State health planning agency established pursuant to section 314(a) of the Public Health Service Act, and where such an agency has been established, to an area-wide planning agency established pursuant to section 314(b) of the Public Health Service Act for their review and comment, and (2) the dates such copies were forwarded. The applicant shall request that the comments of such agencies be forwarded to the Secretary.

(d) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this part, and any additional conditions of the grant.

(e) Such application shall set forth the membership of the Policy Advisory Committee (hereinafter referred to as the committee) described in § 55a.5.

§ 55a.5 Policy Advisory Committee.

(a) A Policy Advisory Committe shall be established by the grantee as follows:

(1) *Selection and composition.* The members of the committee shall be selected by the grantee and shall include a fair distribution of representatives from the miner population to be served, State agencies involved in health and welfare programs for coal miners, the health professions, and appropriate State or area-wide health planning agencies. Each member of the committee shall be selected to serve for a period of one year. The members of the committee shall elect one of the members to act as chairperson.

(2) *Meetings.* The committee shall meet as often as necessary but not less than quarterly during the time services are being offered.

(3) *Functions.* The committee shall from time to time review and make recommendations concerning general policies in the following areas:

(i) Selection and dismissal of personnel including qualifications, salary and benefits and grievance procedures;

(ii) Eligibility for services;

(iii) Hours and locations of services;

(iv) Priorities for allocation of project funds among services;

(v) Methods of evaluating the program; and

(vi) Other matters concerning the administration of the program.

(b) The Secretary may, for good cause shown, permit a grantee up to three months for compliance with the requirements of this section with respect to the selection of the Policy Advisory Committee and the Medical Advisory Committee pursuant to § 55a.6.

§ 55a.6. Medical Advisory Committee.

The grantee shall appoint a Medical Advisory Committee to assist it in establishing medical care policies and in reviewing requests for medical equipment and personnel from facilities attempting to meet the requirements of § 55a.8. The Medical Advisory Committee shall be composed of at least three persons with expertise in occupational respiratory and pulmonary diseases. Each member shall be selected to serve for a period of one year.

§ 55a.7 Program requirements.

An approvable application must contain each of the following:

(a) A plan for the provision of the services required by this part specifying the area for which the services are to be provided. The plan shall include resources currently available for respiratory clinic services and a list of the clinics meeting the requirements of § 55a.8, which have agreed to participate in the program and shall be accompanied by letters of intent from the clinics listed to participate in the grantee's program. Participation may be made contingent upon the award of grant funds.

(b) An assurance that, should an award be made, the grantee will enter into binding agreements with the listed clinics which shall include provisions that:

(1) Services will be made available without the imposition of any durational residence or referral requirement;

(2) Services will be made available in a manner calculated to preserve human dignity and to maximize acceptability and utilization of services;

(3) Charges shall be made for services rendered: *Provided, however,* That no person shall be denied health services by reason of inability to pay therefor: *And further provided,* That (i) where third-party payors (including Government agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment and (ii) where the cost of care and services furnished under the program is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency will be obtained by the clinic unless the title XIX agency refuses to enter into such an agreement and the clinic provides evidence of the refusal to the grantee.

(4) Subject to the provisions of paragraph (b)(3) of this section, a schedule of charges to be made for services rendered pursuant to the program will be followed in accordance with a schedule submitted and approved as part of the program. Such charges must be consistent with prevailing rates in the community for such services.

(5) Grant funds will be used to supplement and not supplant services that the clinic established prior to the grant award except to the extent such services are, or have been, supported by an award of the Commission.

(6) Medical services will be performed under the direction of a physician with special training or experience in the diagnosis and treatment of respiratory diseases.

(c) A statement that a Policy Advisory Committee will be established in accordance with § 55a.5 and a Medical Advisory Committee will be established in accordance with § 55a.6.

§ 55a.8. Requirements for respiratory clinics.

The only clinics which may be included in an applicant's plan are those which meet, or with grantee assistance will be able to meet, the following requirements:

(a) Capability for performing the following screening examinations at the clinic:

(1) History and physical examinations by or under the supervision of a physician;

(2) Spirometry (FVC, FEV, MMV);

(3) Chest roentgenography; and

(4) Electrocardiography.

(b) Ability by on-site performance of, or under formal arrangements with other medical facilities for performing, in-depth analysis of pulmonary function including measurements of total lung volumes, alveolar gas distribution, diffusion and other gas exchange studies, blood gases, pH, and the effect of exercise on pulmonary function.

(c) Ability to provide for the following treatment services:

(1) Oxygen therapy;

(2) Intermittent positive pressure breathing;

(3) Antibiotic therapy;

(4) Physical therapy;

(5) Anti-smoking advice; and

(6) Other symptomatic treatments including use of nebulizers, bronchodilators steroids, expectorants, etc.

(d) Be approved and designated by the Social Security Administration and Department of Labor to perform disability examinations and provide treatment under the Act.

(e) Be approved by the National Institute for Occupational Safety and Health to perform roentgenographic examinations of coal miners under 42 CFR Part 37 or so equipped, staffed, and technically and professionally proficient, in the judgment of the Secretary, to meet such requirements for approval.

§ 55a.9 Evaluation and award.

(a) Within the limits of funds available for such purposes, the Secretary

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[1] Application kits, further information, technical assistance and consultation may be obtained from the appropriate Departmental Regional Office.

may award grants to assist in the carrying out of those programs which will in his judgment best promote the purposes of section 427(a) of the Act, taking into account:

(1) The number of miners to be served;

(2) The capacity of the applicant to make rapid and effective use of such assistance;

(3) The adequacy of the applicant's facilities and staff, and the adequacy of the respective facilities and staffs of the clinics included in the applicant's plan, including their experience in providing the services called for under the program;

(4) The degree to which other resources are committed to the program;

(5) The degree to which the applicant possesses the capability to analyze contracts for the purchase of medical equipment, and its experience with the delivery of medical services by clinical facilities;

(b) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct program costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the program; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the program when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any program nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved program or portion thereof.

§ 55a.10 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either by advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved program.

§ 55a.11 Use of project funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved program, shall be expended solely for carrying out the approved program in accordance with section 427(a) of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Program funds awarded under this part may be used for renovation of existing space; purchase of medical equipment; salaries of additional personnel; transportation of patients; training of personnel, but may not be used for the construction of new facilities nor for salaries of persons in positions previously supported from other sources other than under a grant from the Appalachian Regional Commission.

(c) Program funds awarded under this part may be used to reimburse members of the Policy Advisory Committee and Medical Advisory Committee for actual expenses incurred by reason of their participation in such committee activities.

(d) Prior approval by the Secretary of revision of the budgetor's program plan is required whenever there is to be a significant change in the scope or nature of program activities including any relocation of the health services set forth in the plan filed as part of the grant application.

§ 55a.12 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition no person shall, on the grounds of sex, or creed (unless otherwise medically indicated) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Nor shall any person be denied employment in or by such program or activity so receiving Federal financial assistance on the grounds of age, sex, creed, or marital status.

§ 55a.13 Confidentiality.

All information as to personal facts and circumstances obtained by the grantee's staff shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 55a.14 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 55a.15 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 55a.16 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout*—(1) *Date of final accounting*. A grantee shall render, with respect to each approved program, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement*. There shall be payable to the Federal Government as final settlement with respect to each approved program the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section; and

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 55a.17 Program reporting requirements.

Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall within 15 days after the end of each quarterly period submit to the Secretary a statistical summary of the patients examined and treated at the clinics operating under the grantee's program. In addition, the grantee shall submit such other reports as the Secretary may require.

§ 55a.18 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part.

Subpart	*Subject*
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout: Suspension, and termination.
O	Property.
Q	Cost principles.

[FR Doc.74-13082 Filed 6-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Litchfield, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 8, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Litchfield Municipal Airport, Litchfield, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Litchfield, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

LITCHFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Litchfield Municipal Airport (latitude 39°09'54" N., longitude 89°40'22" W.): and within 3 miles each side of the 079° bearing from the airport, extending from the 5-mile radius area to 8 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on May 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-12932 Filed 6-5-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-56]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would realign V-241W in part to extend from the Dothan, Ala., VORTAC to the Tyrone, Ga., INT, via the Midway, Ala., INT and the LaGrange, Ga., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 8, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the portion of V-241W between Dothan, Ala., and Columbus, Ga., to extend from Dothan via the INT of Dothan 002°T (360°M) and LaGrange, Ga., 191°T (190°M) radials; and the LaGrange VORTAC to the INT of LaGrange 053°T (052°M) and Rome, Ga., 157°T (156°M) radials. This realignment would improve the traffic flow and terminal procedures in the Atlanta, Ga., and Columbus, Ga., areas.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on May 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-12931 Filed 6-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 201, 211, 221, 261, 302, 312, 399]

[Docket No. 26718; PDR-36, EDR-269, PSDR-40]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Policies and Procedures

Correction

In FR Doc. 74-11647 appearing at page 18288 in the issue for Friday, May 24, 1974, make the following changes:

1. The headings should read as set forth above.

2. In table III on page 18296, under the entry for "Pratt Whitney JT-4A (Long range jet): Takeoff", the entry under carbon monoxide, pounds per hour, which presently reads "18.9" should read "18.8".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20002]

FM BROADCAST STATIONS; FLORIDA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Marco, Florida; St. Augustine, Florida; and Milton, Florida), RM-2143, RM-2184, RM-2251.

1. The Commission, by the Chief, Broadcast Bureau, pursuant to § 0.281 of the Commission's rules, has before it a petition filed by Collier Broadcasting Company ("Collier") seeking reconsideration of the notice of proposed rulemaking (published in the FEDERAL REGISTER on April 15, 1974, 39 FR 13559) inviting comments on the possible assignment of FM Channel 266 to Marco, Florida. Collier also filed a "Request for Staying of Time for Filing Comments". In addition, The Deltona Corporation ("Deltona") has opposed the petition for reconsideration and Collier has filed a reply to Deltona's opposition.

2. In the subject Notice of Proposed Rule Making, the Commission stated that the proposed assignment could bring a first local service to Marco, and in part we relied on the lack of a local station in discussing the merits of the proposal. Collier, as permittee of an AM station at Marco, charges that our error in not recognizing the existence of Collier's station-to-be calls for a withdrawal of the Notice. Collier contends that the error warrants such a withdrawal so that the Commission can properly decide if a Notice is warranted. Collier suggests that if the conclusion were to be favorable to the proposal the Commission then could decide that a Notice should again issue.

3. Although there is no question now about the mistake of fact, we do not agree that Collier's proposed solution would be an appropriate response to this situation. Obviously, the presence of an AM station at Marco, even if it is daytime-only, is a significant matter to consider in resolving the issue about any ultimate assignment. Nevertheless, we do not see any utility in reversing the issuance of the Notice and then quite possibly releasing it again with the corrected information. All such a course of action would produce is delay and unnecessary duplication. In our view, the preferable course is to correct our previous statement in regard to the situation at Marco, as we are doing here, and at the same time to alter the filing dates so that interested parties will have as much time as originally provided. Responsive filings would then be based on a correct description of the current situation. To establish the need to reverse the issuance of the Notice, on the other hand, the pleadings would have to establish that the Notice should not have been adopted at all, rather than just show that it was in need of more accurate presentation of facts. Using the corrected information, we continue to believe that there is justification for a Notice. Based on the responses we receive we shall be in a position to freely determine how best to proceed. Accordingly, as to the portion of this proceeding which deals with the proposed Marco assignment (RM-2143), we shall extend the deadlines. It should be mentioned in this connection that existence of a Notice of Proposed Rule Making in no way mandates or even presumes the ultimate adoption of the requested assignment.

4. Collier also mentions the matter of a Roanoke Rapids showing directed to establishing whether a first or second FM service could be provided by a Marco FM station. Apparently there is a misunderstanding about the thrust of the Notice on this score. The question was not of a first or second service being rendered to Marco but of a Marco station's ability to provide a first or second FM signal elsewhere within its coverage area. In any event, the burden of making the showing was placed on the Marco proponent if it wished to rely on this point in demonstrating the need for the assignment. Collier is free to submit its own data in comments or rebuttal data in reply comments.[1] We did not rely on first FM coverage in deciding to issue the Notice but only pointed out the allegation and the possible importance of the point if documented. As a result, no further action is required now on this aspect of the case.

5. Therefore, *it is ordered*, That the subject petition for reconsideration is granted to the extent indicated and in all other respects is denied.

6. *It is further ordered*, That the subject request for stay is granted and the time for filing comments and reply comments is extended to July 15, 1974, and July 31, 1974, respectively.

Adopted: May 29, 1974.

Released: May 30, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12984 Filed 6-5-74;8:45 am]

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[1] Collier has already submitted some data on this point in its late-filed opposition to the original petition for rule making.

[47 CFR Part 73]

[Docket No. 19974; FCC 74-562]

TABLE OF TELEVISION ASSIGNMENTS; PUERTO RICO

Memorandum Opinion and Order

In the matter of amendment of § 73.606(b) of the Commission's Rules, the Table of Television Assignments, to change Channel 7 at Ponce, Puerto Rico to a Ponce-San Juan assignment. General Policy Questions Involved in the Proposal to Move Transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico.

1. The Commission here considers two requests of an interlocutory nature filed in this proceeding, both by WAPA-TV Broadcasting Corporation (WAPA-TV), the licensee of Station WAPA-TV, San Juan, P.R.: a "Petition for Partial Reconsideration" filed March 28, 1974, directed at the language in the Notice beginning the proceeding concerning publicity of financial reports; and a "Request for Production of Information" filed April 25, 1974, in which WAPA-TV requests that the licensee of Station WRIK-TV, Ponce, P.R., the moving party in this proceeding, furnish a vast amount of information in connection with it. Responsive material mentioned below is also considered.[1]

2. This proceeding essentially concerns a proposal by Ponce Television Corporation (PTC), the licensee of WRIK-TV, to move its transmitter location to a point closer to San Juan than to Ponce. PTC filed an application to the same effect in 1971, but withdrew it in May 1972 (it was dismissed in June 1972), after it was vigorously opposed by WAPA-TV and others and was designated for hearing on a number of issues. In September 1973 PTC filed a petition requesting in effect a "declaratory ruling" that the cause of equal access to the important San Juan market for it and other "network flagship stations" outweighed any of the problems involved in the application proposal. The present proceeding was begun by notice of inquiry and notice of proposed rulemaking or proposed statement of policy adopted March 13, 1974 and issued March 20, 1974 (FCC 74-253), 39 FR 11112, which proposed to explore the possibility of issuing such an "advance ruling" as requested by PTC, and if so to determine what would be contained in it, and also proposed formal rulemaking to redesignate the WRIK-TV channel (Channel 7) as a Ponce-San Juan assignment.

PETITION FOR PARTIAL RECONSIDERATION

3. In its "Petition for Partial Reconsideration", WAPA-TV asks deletion of the last sentence of paragraph 21 of the Notice. In this paragraph, the Commission referred to the likelihood that the economic situation and prospects of

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[1] A third interlocutory matter involves cross-requests by WAPA-TV to examine the annual financial reports of WRIK-TV, and by PTC to examine those of the three San Juan and Caguas-San Juan stations. These requests, which are handled initially by the Executive Director under § 0.461 of the rules, are pending; decision is expected very shortly.

WRIK-TV may well be an important part of this matter, and that data contained in stations' annual financial reports (FCC Forms 324) would be considered.

> * * * and we assume that WRIK agrees that such data for WRIK-TV may be made public to the extent necessary to support the decision reached. The same assumption will be made as to other Puerto Rican licensees who participate in the proceeding.

WAPA-TV objects to the last sentence quoted, as amounting to a holding that "the financial information of other Puerto Rican licensees may be made public as a condition of their participating in their proceedings." This, it is claimed, is unfair; the Commission may not condition the right of parties in interest, such as WAPA-TV, to participate in a proceeding on their "giving up some of their right to have the annual financial reports kept confidential." This right is granted under § 0.457(d)(1)(i) of the rules. It is claimed that the Commission has held that such information will not be made available when the party involved has not attempted to use it or rely on it, which WAPA-TV has not done here (though of course WRIK-TV clearly has with respect to its own information).

4. Responses to WAPA-TV's petition were filed by PTC and by the licensee of the other San Juan station (WKAQ-TV). PTC opposed the WAPA-TV petition, asserting that: (1) WAPA-TV has conceded the relevance of financial data in this proceeding by requesting to see the financial reports of WRIK-TV (see footnote 1, above); (2) access to other financial reports is clearly necessary to WRIK-TV to make its case as to the effect of its lack of competitive equality in the San Juan market, so that the public interest would be served by other stations' data being available; (3) since the Commission will rely on data it should also have the benefit of full exploration and analysis by the parties, so that all of the financial reports should be disclosed; (4) WAPA-TV does not have any right to confidentiality in the face of persuasive reasons for disclosure; and (5) WAPA-TV is continuing its "unending efforts to delay the relief sought by WRIK"—to its advantage but undermining the public interest. WKAQ filed "Comments'' on both the WAPA-TV petition and WRIK-TV's opposition, expressing no opposition to the paragraph 21 language if it is construed as limited to what is expressed—that the Commission only means that in its decision it will make public such financial data as may be necessary to support the decision, not all details of financial reports. It is urged that we reject any suggestion such as that urged by WRIK-TV's opposition, to the effect that financial reports should generally be made available. WAPA-TV filed a reply to the WRIK-TV opposition, urging again that WAPA-TV has not relied on its own economic position and that there is completely absent the "persuasive showing" required to justify disclosure; and asserting that the party resisting disclosure need not show "prejudice" and there is involved no weighing of "harm" v. "benefit" to the respective parties. It is claimed that the cases cited by WRIK-TV do not by any means support disclosure here.

5. *Conclusions as to the request for partial reconsideration.* In our view, the WAPA-TV petition must be denied, although it is appropriate to set forth here certain qualifications on the language used in paragraph 21 and quoted above. It must be borne in mind that what is involved here is not—and was not intended to be—any consideration of making the financial reports of the stations themselves available to the public or to other parties to the proceeding. Such requests are generally handled, as they have been in this case, by the Executive Director subject to the right of appeal to the Commission. Rather, our intent was that correctly mentioned by WKAQ in its comments—to indicate, and put all parties on notice, as to what might be said in the decision as to matters involving the financial situations of the parties, i.e., that these matters would be discussed to the extent necessary to support the decision. We did not, and do not, contemplate that that will involve detailed disclosure of the individual figures of the San Juan and Caguas-San Juan stations. Rather, it is expected that, at most, it will include figures for the three stations as a group (for 1973, and for prior years adjusted to exclude from the market totals the UHF station which ceased operation in November 1972),[2] plus, possibly, a very general indication as to individual stations, for example a statement that all three stations are profitable (if that is the case), and, within rather wide limits, what percentage of total market profits, revenues, program expenses, etc., are attributable to the various stations (individual stations will not be identified). If statements of the latter kind are necessary, substantial efforts will be made to avoid disclosing respective shares in such a way as to give any station an exact idea of how any one competitor is doing. Exact dollar or percentage figures for individual stations will not be disclosed.

6. With the above qualifications, we adhere to the statement in paragraph 21 of the Notice, quoted above, and we are denying the WAPA-TV petition. In this proceeding, as in matters before the Commission generally, it is obviously necessary for any decision to be an informed one, based on all relevant facts which are available, and it is also necessary for the decision to set forth, at least generally, the considerations which prompted it, for the benefit of interested parties (and an appellate court if review is sought), as well as the public generally. We are not disposed to limit ourselves except as indicated above.

THE WAPA-TV PETITION FOR THE PRODUCTION OF INFORMATION

7. In this petition, WAPA-TV asks that it be furnished, by WRIK-TV, with a vast amount of information, the attached listing including some 92 areas in which information is requested, plus 5 other areas in which the production of documents is requested, plus a request for an order permitting WAPA-TV representatives to inspect the Ponce and San Juan studios and offices of WRIK-TV, and totaling some 17 pages. In summary, the material requested is as follows:

(a) *Personnel.* Name, job title and duties of each employee at each of the Ponce offices and studios, the San Juan offices and studios, and the WRIK-TV transmitter, as of March 1 of the years 1970 through 1974, plus the number of such employees, and the number on each date at each location principally engaged in time sales.

(b) *Equipment.* For every item costing over $100 and useable in TV program production or broadcast, the cost, order and delivery date, make and description, separately for San Juan and Ponce studios, from December 1, 1967 to March 1, 1974, including (with details) items shifted from San Juan to Ponce or vice versa (or moved elsewhere).

(c) *Programming.* Details of the WRIK-TV "local" programming during the composite weeks of 1967 through 1974, how much after deducting entertainment (including sports), and how much of the latter (and of total programming) originated from Ponce rather than San Juan, and at the Ponce studios or other locations; For a date every six months since December 1967, what were the news facilities at San Juan and at Ponce (2-way radio, TWX, Weather Bureau line, News Department tape recorders and cameras), and the same for studio lighting and control equipment; and, for a specified week in each of the last 5 years, what were the hours of studio operation at San Juan and Ponce.

(d) *Advertising.* The names of all Ponce advertisers, January 1973 through April 1, 1974, and also a description of Ponce sales efforts, including all businesses contacted with date and contacting person; information as to any separate Ponce rate cards used, and all instances of "off-card" selling (if any), January 1—April 1, 1974.

(e) *English-language programming.* The percentage of English-language programming in specified weeks of the years 1971 and after, the name and length of all such programs over 5 minutes, and, for English commercials, the year, name of sponsor, and number of announcements; and what programs (feature film or series) WRIK-TV has presented which were formerly on WTSJ-TV, the UHF station which programmed in English.

(f) *Tower location.* Details of all conversations and discussions (and identity and present location of any written memoranda) concerning the move of transmitter location away from the authorized site at Cerro Maravilla, before April 23, 1970, and any material showing that the signal from the present location into San Juan is unsatisfactory; and a statement as to what "market" United Artists analyzed before it bought control of WRIK-TV.

(g) *Financial.* A listing of all feature film and syndicated material bought by WRIK-TV from January 1970 through March 1974, by name, source and cost; a similar listing for live entertainment programming (name, who produced and cost to station); and whether any feature film or syndicated material was also shown on WUAB, Lorain, Ohio (also owned by United Artists) and, if so, how the cost was allocated.

(h) *Rating survey material.* WAPA asks some 33 questions concerning the rating survey material presented by WRIK-TV in its 1973 petition, many of them based on the 1967 report issued by the Broadcast Ratings Council, the NAB and the Advertising Research Foundation, and also on an appendix to the Harris Committee Report of 1961 (87th Cong., 1st Sess., Rept. 193), prepared by a committee of the American Statistical Association. These questions include inquiries as to whether this was a regular or special survey by the organization conducting it; the sample size and how it was selected, including the distribution of both the sample and of total TV homes by municipio for each of the 63 time periods included in the survey; what was measured and how refusals to answer, "not at home", etc. were handled; what training procedures and procedures for checking interviewers' work were used; what was the rating of each other station in each of the 63 time periods for each of the geographical divisions shown in the survey; and what was the basis for grouping the island's TV homes into the broad divisions on which the data was presented.

(i) *Request for the production* of all correspondence and memoranda, among officials of United Artists, Ponce Television Corporation and related corporations, and consulting engineers, from January 1969 through June 1973, concerning the possible transmitter move, and, from the same date until April 1, 1974, concerning the Ponce portion of the WRIK-TV operation—relating to program origination there, staffing, equipment, and solicitation of accounts which would get a "Ponce rate".

(j) Request for an order permitting examination of the WRIK-TV Ponce and San Juan studio-office premises by WAPA-TV representatives.

8. In support of its request, WAPA-TV states that the present proceeding is one sought by WRIK-TV, as a substitute for the hearing from which it withdrew in 1972, and with essentially the same questions involved and, of course, still unresolved, plus some new ones such as "viability", "competitive equality," etc. It is claimed that these matters cannot be resolved without an evidentiary hearing (to which WAPA-TV does not waive its rights and in which it would be entitled to this material), but, since the Commission intends to use the Docket 19974 proceeding to resolve the issues insofar as possible, at least it and the opposing parties must have the benefit of specific pertinent information, rather than relying on untested allegations and assertions by WRIK-TV. It is claimed that specific, basic information is needed concerning matters such as "viability", the economic and "competitive" position of WRIK-TV its claims to local service to Ponce and concerning program expenditures, and the methodology of its survey. WRIK-TV and its operation are said to be inextricably the central issue, and without the basic facts the Commission and opponents will be hamstrung, and no valid decision can be reached.

9. In opposition, WRIK-TV asserts that such discovery is entirely in appropriate for a proceeding such as this, which is rulemaking rather than adjudication; neither the Commission's rules nor the Administrative Procedure Act contemplate such procedures, and WAPA-TV has cited no authority. It is also urged that such discovery is not necessary; WAPA-TV petitioned for an extension of time in this proceeding, but did not mention any such need. The relevance or need of much of the material is disputed, as far as this proceeding is concerned (although some of it might be relevant to an application); for example, the equipment questions relate to the earlier question of WRIK-TV's alleged move of main studio to San Juan, the program cost questions can be answered from examination of WRIK-TV's forms 324, the questions on advertising efforts and English-language programming are irrelevant and anyhow can be answered by newspaper or television program guide analysis, and the questions concerning the rating survey are premature, since WRIK-TV has not filed comments and WAPA-TV can submit the same material, as it said it would. It is also urged that WAPA-TV is simply engaged in another delaying effort.

10. In reply, WAPA-TV repeats the argument that the same disclosure is required in this case as would be true in an evidentiary proceeding, and that the Commission should not be in the position of accepting untested allegations as if they were established, and permitting WRIK-TV to become a Ponce station without full investigation. It is claimed that, if this is to be more than a pro forma proceeding, there must be opportunity to inspect and test fundamental matters such as WRIK-TV's claimed economic situation, alleged inferiority of signal over San Juan, the extent to which it has provided and could be expected to continue a local Ponce-oriented service, and similar matters. As to specific points, it is claimed that the economic hardship claims cannot be evaluated without detailed information as to numbers of employees and equipment, and whether WRIK-TV can or cannot succeed as a Ponce station depends on an evaluation of how much effort it has put into programming for that community and attempting to sell time there. It is claimed that, with respect to matters such as studios and local service, the past record is the best indication of what is to be expected in the future. The questions concerning English-language programming are claimed to be relevant in connection with the "UHF impact" question (since that is what the previous San Juan UHF station specialized in, and what the new applicant proposes); and the questions as to tower location are relevant to the matter of present viability as well as UHF impact. Detailed program cost information is regarded as needed to test the claim of high programming expenditures, the questions concerning the audience survey (which are standard in that industry) are obviously needed to test that survey's reliability, and the production of documents is needed because they relate to the provision of service to Ponce, past, present and to be expected in the future. WAPA-TV asserts that while perhaps the Commission cannot order the production of this material, it can certainly indicate that it will terminate the proceeding unless it is supplied. It is also claimed that WRIK-TV's "delay" argument is baseless; there is, indeed, no real urgency here, since the ultimate parent of WRIK-TV (Transamerica Corp.) had a profit of over $89 million in 1973, and United Artists, the immediate parent, had a 1973 net income of over $14 million.

11. *Conclusions.* Upon consideration of the foregoing, we are of the view that the WAPA-TV request for information must be denied. Essentially, we reach this conclusion because of the nature of this proceeding, which is not adjudication but rather: (1) an inquiry; (2) a rulemaking concerning possible reassignment of Channel 7 so as to make it available for use by a San Juan station or a Ponce station; and (3) an exploration of the possibility of issuing a statement applying general Commission policies in this situation, and, if it is feasible to issue some kind of meaningful statement, to do so in light of material in the comments herein. As WRIK-TV points out, the Commission's discovery rules relate entirely to adjudicatory proceedings, in this case a hearing on a WRIK-TV application to move transmitter location.

12. It is apparent that a requirement for the production of all of the vast amount of information requested would substantially delay this proceeding, and, also, that it would by no means necessarily end the matter. If WAPA-TV were furnished this material, it might well simply find in it the basis for further questions and requests, which would lead to another round of discovery. Moreover, WAPA-TV asserts that in any event these various matters cannot be settled short of evidentiary hearing, which it claims for it and the other San Juan-area stations as a matter of right. Thus the production of the information here, or even of another round, would not necessarily eliminate the claims to hearing rights. Therefore, as a matter of orderly administrative procedure, we do not find it appropriate to grant the request in the context of this proceeding.

13. However, this is not to say that a good deal of the material may not ultimately be relevant to disposition of any WRIK-TV request to move, nor that none of it is relevant at this point. For example, the questions concerning WRIK-TV's audience survey material go to the

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[2] Under general Commission practice, total figures of this kind are given, on request, for any group of three or more stations.

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probative value of that material, insofar as it is advanced to show that (for technical reasons) WRIK–TV does not attract a sizeable audience in and around San Juan. Similarly, the "UHF impact" question decision here may involve consideration of the nature of WRIK–TV's programming as compared to that which is proposed by the new UHF applicant and was presented by the earlier UHF station (English-language programming). To the extent that WRIK's assertedly poor economic situation is advanced as justification for the move, as showing that a "Ponce" station cannot succeed, it may well be relevant to know how vigorously WRIK–TV has worked at presenting programs of particular value to that community and in attempting to sell time there. We did not attempt in the Notice to spell out what kinds of showings will be probative in this proceeding, nor do we do so now. It is up to WRIK–TV, as the petitioner here and the party who has in the past proposed to move, to make the case. In this case, as generally, the more specific the material furnished by the parties, the more likely we will be to reach a sound and meaningful decision.

EXTENSION OF TIME FOR COMMENTS

14. In a pleading filed May 21, 1974, WAPA–TV has requested that, because of the continued pendency of the three matters of an interlocutory nature, the time for comments and reply comments herein be extended for two weeks, from the present dates of June 3 and June 24, respectively. This extension appears appropriate in light of the need for parties to have substantial time to prepare their comments in light of our action herein, and, indeed, we would have granted it on our own motion for that reason, even if it had not been requested. Accordingly, we are setting comment and reply comment dates of June 17 and July 8, 1974.

15. In view of the foregoing, *it is ordered;* That:

(1) The "Petition for Partial Reconsideration" filed on March 28, 1974, by WAPA–TV Broadcasting Corporation, is denied, subject to the qualifications on the meaning of the last sentence of paragraph 21 of the notice beginning this proceeding, set forth in paragraph 5 hereinabove.

(2) The "Request for Production of Information" filed by WAPA–TV Broadcasting Corporation on April 25, 1974, is denied.

(3) The time for filing comments and reply comments in this proceeding is extended, to and including June 17 and July 8, 1974, respectively.

Adopted: May 29, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12983 Filed 6–5–74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Awards of Pension

The Administrator of Veterans' Affairs proposes regulatory changes implementing provisions of Public Law 93–177 (87 Stat. 694) relating to awards of pension to veterans. This Act amended sections 3010(b) and 3203(a) of Title 38, United States Code, to provide (1) that disability pension may be awarded effective the date the veteran became permanently and totally disabled if an application is filed within 1 year from such date and (2) an increase from $30 to $50 in the amount of pension payable to a hospitalized veteran whose award is reduced under 38 U.S.C. 3203(a)(1). To implement these provisions of the Act it is proposed to amend §§ 3.321, 3.400 and 3.551 of Title 38, Code of Federal Regulations, as set forth below. Minor editorial changes, unrelated to the substantive changes, are being made in §§ 3.321(b) (2) and 3.551 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents or beneficiaries. Obsolete provisions in § 3.400 relating to commissioned officers of the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration are deleted.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before July 8, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4.00 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments to §§ 3.321(b)(3), 3.400(b)(1) and 3.551 (a) and the introductory portion of (c) will be effective January 1, 1974.

1. In § 3.321, paragraph (b) (2) and (3) are revised to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) * * *

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his or her disability(ies), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: the Adjudication Officer; or where regular schedular standards are met as of the date of the rating decision, the rating board.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b) (1) and (2) as to original claims and in accordance with the facts found but not earlier than the date of claim in claims for increased benefits.

* * * * *

2. In § 3.400, the introductory portion preceding paragraph (a) and paragraph (b)(1) are amended and paragraphs (b)(2)(iii) and (c)(3)(iv) are revoked. The amended material reads as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later. (38 U.S.C. 3010(a))

* * * * *

(b) *Disability benefits*—(1) *Disability pension (§ 3.3(c)).* Date of receipt of claim or date on which the veteran became permanently and totally disabled, if claim is filed within 1 year from such date, whichever is to the advantage of the veteran: *Provided,* That, an award of pension may not be effective prior to the date entitlement arose. (Pub. L. 93–177; 87 Stat. 694)

(2) * * *

(iii) [Revoked]

(c) * * *

(3) * * *

(iv) [Revoked]

* * * * *

3. In § 3.551, paragraphs (a), (b), (c), (d), (e)(2) and (f) are revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(a) *General.* Pension in excess of $50 monthly is subject to reduction when a veteran who has neither wife, husband, child nor dependent parent is hospitalized, unless the veteran is hospitalized for Hansen's disease. The provisions of this section apply to initial periods of hospitalization and to readmissions following discharge from a prior period of hospitalization. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission. Special rules governing discontinuance of aid and attendance allowance are contained in § 3.552 and for discontinuance of awards for incompetent veterans in § 3.557. Except as otherwise indicated the terms "hospitalized" and "hospitalization" in §§ 3.551 through 3.559 mean:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional, domiciliary or nursing home care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section) in excess of $30 monthly for a veteran who has neither wife, husband, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. The reduced rate will be effective the first day of the seventh calendar month following admission. Payment of the amount withheld may be made on termination of hospitalization, as provided in § 3.556. (Pub. L. 92–328; 86 Stat. 393)

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian war veteran who was not receiving pension for June 30, 1960, or who is receiving pension under 38 U.S.C. 521, the pension for a veteran who has neither wife, husband, nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his or her spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable effective the first of the third calendar month will be an amount not in excess of $50 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. (Pub. L. 93–177; 87 Stat. 694)

(1) Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (c) and (e) may be apportioned for an estranged wife or husband as provided in § 3.454(b) (38 U.S.C. 3203(a)).

(2) Where pension is payable to an Indian war or Spanish-American War veteran who is in need of aid and attendance, pension under 38 U.S.C. 511 or 512 may be continued under the provisions of paragraph (b) of this section if the veteran was receiving or entitled to receive pension for June 30, 1960. See § 3.711.

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of time spent on leave, regularly authorized furlough or trial visit, regardless of length after the month of admission. Absence on pass is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he (or she) has received a total of 60 days of treatment or care, exclusive of specified absences.

(e) * * *

(2) *Unapproved discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and the award will not be reduced prior to the first day of the seventh calendar month following the month of original admission, exclusive of furloughs. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after discharge or release against medical advice or as a result of disciplinary action, the award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Pub. L. 89–362; 80 Stat. 30)

(f) *Proof of dependents.* The veteran will be considered to have neither wife, husband, child nor dependent parent in the absence of satisfactory proof. Statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received (1) within 60 days after the date of request where the award is subject to reduction under paragraph (b) of this section, or (2) prior to the effective date of reduction under paragraph (c) of this section, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

* * * * *

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–12992 Filed 6–5–74;8:45 am]

[38 CFR Part 21]

VETERANS' EDUCATION

Liberalization of Certification Requirements

The following regulatory changes provide for enrollment for a complete course, for the advance payment of educational assistance allowances in all cases on the initial enrollment in school on at least a one-half time basis if information to authorize educational benefits is timely received, and for verification by a Veterans Administration employee of continued pursuit if the student is enrolled in a college level program and in the last month of enrollment. For students in courses not leading to a standard college degree certificates of attendance are required quarterly rather than monthly. Failure to submit the required certification will result in a termination of educational benefits effective from the date of last payment unless an earlier or later date is established on the basis of facts found.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before July 8, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above number.

Notice is also given that it is proposed to make any regulations that are adopted effective the date of final approval.

1. In § 21.4135, paragraph (h) is revised to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(h) *Required certifications not received after certification of enrollment (§§ 21.4203 and 21.4204).* (1) If required certification is not timely received, payments will be suspended. If not received within 2 months (two quarters for correspondence) after month due, discontinue date of last payment. If certification is later received, adjustment will be made based on facts found.

(2) If verification of enrollment and certificate of delivery of the check is not received within 60 days, in the case of an advance payment, the actual facts will be determined and adjustment made, if required, on the basis of facts found. If student failed to enroll, termination will be effective the beginning date of the enrollment period.

* * * * *

2. In § 21.4137(g), subparagraphs (2) and (3) are revised to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. Ch. 35.

* * * * *

(g) * * *

(2) *Payment.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Upon receipt of an application, together with an enrollment certification or other information as required by paragraph (g)(3) and if there is no evidence in the eligible person's file showing that he is not eligible for such an advance, the check, made payable to the eligible person, shall

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be mailed to the institution for delivery to the eligible person upon registration. No delivery shall be made more than 30 days in advance of commencement of the program. Subsequent payments shall be made each month in advance subject to certification requirements set out in §§ 21.4138, 214203, 21.4204, and 21.4205. Final payment will be withheld if absence reporting is required until the required certification is received and any necessary adjustments made.

(3) *Certification*. Advance payment will be authorized initially and at the beginning of each subsequent term within an enrollment period preceded by an interval of nonpayment for one full calendar month or more provided the application, enrollment certification or other document signed either by an authorized official of the institution or the eligible person contains the following information:

(i) The eligible person is eligible for educational benefits;

(ii) The eligible person has been accepted by the institution or is eligible to continue training there;

(iii) The eligible person has notified the institution of his intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the eligible person; and

(v) The beginning and ending dates of the enrollment period.

3. In § 21.4203, the introductory portion of paragraph (b) and paragraphs (b)(1) and (f) are revised to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(b) *Entrance or reentrance*. The certification must clearly specify the course. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. Except as provided in paragraph (d) of this section the authorization will be for the period of enrollment to completion of the course or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis will generally report enrollment for the complete course to the expected date of graduation. If a certification for the complete course covers two or more terms the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Enrollment will be for the complete course, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

* * * * *

(f) *Certification.—(1) Courses not leading to a standard college degree*. A certification must be submitted quarterly, except for those courses pursued by servicemen while on active duty or on less than one-half time basis, and except as provided in paragraph (e) and (g) of this section, for each veteran and eligible person enrolled in a course which does not lead to a standard college degree. (See § 21.4204.) A report also will be required before release of the final allowance check. The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement to two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

(2) *Courses leading to a standard college degree*. Schools which have veterans or eligible persons enrolled in courses which lead to a standard college degree are not required to submit periodic certifications for students enrolled in such courses. Certifications are, however, required under paragraphs (b), (c) and (d) of this section.

(3) *Apprentice or other on-the-job training*. A certification of attendance must be submitted monthly during the period of enrollment in the same manner as certifications required in paragraph (f)(1) of this section.

* * * * *

4. In § 21.4204, paragraphs (a) and (e) are revised to read as follows:

§ 21.4204 Periodic certifications.

* * * * *

(a) *Reports by schools, veterans and eligible persons*. For a veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veterans or eligible persons pursuing the course on a less than half-time basis there must be verification of continued enrollment in and pursuit of the course for the entire enrollment period. Verification of continued enrollment will be made by a Veterans Administration representative in direct contact with the school at least once a year and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a veteran or eligible person who completed, interrupted or terminated his course, any communication from the student or other authorized person notifying the Veterans Administration of the veteran's or eligible person's completion of course as scheduled or earlier termination date, will be accepted to terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203(e), (f) or (g).

* * * * *

(e) *Farm cooperative courses*. The quarterly certification will cover only those periods of classroom instruction which are included in the prescheduled institutional portion of the course.

5. In § 21.4205, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 21.4205 Absences.

Absences must be reported on the quarterly certification of pursuit of a course which does not lead to a standard college degree.

* * * * *

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-12991 Filed 6-5-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other then rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-146]

FINE ARTS COMMITTEE

Notice of Meeting

The Fine Arts Committee will hold its semi-annual meeting on Thursday, June 20, 1974 at 2:30 p.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during the calendar year 1973 as well as January through May 1974, and the Committee's plans for the architectural improvements in the reception rooms.

The meeting is open to the public. Because of State Department security requirements anyone wishing to attend should telephone the Fine Arts Committee prior to the meeting, Area Code (202) 632-0298 to make arrangements to enter the building.

Dated: June 3, 1974.

CLEMENT E. CONGER,
Chairman, Fine Arts Committee.

[FR Doc.74-12980 Filed 6-5-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

AMOBARBITAL, SECOBARBITAL, PENTOBARBITAL

Bulk Manufacture and Import; Certain Companies

By order dated November 13, 1973 (38 FR 31310), amobarbital, secobarbital, pentobarbital and their salts were transferred from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801).

In order to provide for an orderly transition and maintain an adequate and uninterrupted supply of amobarbital, secobarbital and pentobarbital, bulk manufacturers and importers of these substances who maintained the requisite effective controls against diversion, were granted an expanded registration to permit them to conduct their respective activities with Schedule II controlled substances.

Notice is hereby given that the following parties have been granted a registration to conduct the specified activities with the specified basic class controlled substance(s):

Eli Lilly & Company, 1249 S. White River Parkway, Indianapolis, Indiana 46206. *Bulk Manufacturer:* Amobarbital, Secobarbital. *Importer:* Secobarbital, Amobarbital, Pentobarbital.

Abbott Laboratories, 14th S. Sheridan Road, North Chicago, Illinois 60064. *Bulk Manufacturer:* Pentobarbital. *Importer:* Pentobarbital.

Ganes Chemical Company, Siegfried Chemical Division, Pennsville, New Jersey. *Bulk Manufacturer:* Secobarbital, Pentobarbital, Amobarbital.

Cord Laboratories, 19191 Filer, Detroit, Michigan. *Importer:* Amobarbital, Secobarbital, Pentobarbital.

U.S. Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland. *Importer:* Amobarbital, Secobarbital, Pentobarbital.

In the event that a registered importer applies to the Drug Enforcement Administration for authorization to import a controlled substance, all bulk manufacturers of the particular controlled substance will be afforded an opportunity to comment, object or request a hearing on the proposed application pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) and § 1311.42 of Title 21 of the Code of Federal Regulations.

Dated: May 30, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-12965 Filed 6-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 486]

CALIFORNIA

Notice of Filing of Plats of Survey

MAY 31, 1974.

1. Plats of survey of the lands described below, accepted on February 11, 1974, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on July 15, 1974:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 12 E.
  A dependent resurvey of Mineral Survey No. 5503, the resurvey and survey to complete the south and east boundaries, and the survey of section 86.
T. 2 S., R. 12 E.
  A dependent resurvey of Mineral Survey Nos. 5503 and 6538, the resurvey and survey of a portion of the east boundary, and the survey of sections 4, 9 and 16.

The area described aggregates 1,538.81 acres.

2. These surveys were executed to delineate the unsurveyed school sections within the townships.

3. For the most part the lands are of rough, rocky and mountainous terrain. The area gets only 3 to 4 inches of rainfall per year and the vegetation is the Joshua tree woodland type. It serves as a Big Horn Sheep wildlife habitat.

4. All of the public lands are classified for multiple use management and will be opened only to such forms of disposition under the public land laws as are allowed under the provisions of the multiple use classification on the effective date of the filing of these plats. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74-12942 Filed 6-5-74;8:45 am]

[Group 486]

CALIFORNIA

Notice of Filing of Plats of Survey

MAY 31, 1974.

1. Plats of survey of the lands described below, accepted on February 11, 1974, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on July 15, 1974:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 S., R. 10 E.
  Secs. 4, 9, and 16.
T. 2 S., R. 11 E.
  Secs. 4, 9, and 16.

The area described aggregates 3,840 acres.

2. These surveys were executed to delineate the unsurveyed school sections. Title to Section 16 in each of these townships vested in the State of California as school grant lands.

3. The lands are located just north of Joshua Tree National Monument. The terrain is rough, rocky and mountainous, covered by the Joshua tree woodland type vegetation. It serves as wildlife habitat for Big Horn Sheep.

4. All of the public lands are classified for multiple use management and will be opened only to such forms of disposition under the public land laws as are allowed under the provisions of the multiple use classification on the effective date of the filing of these plats. The public lands have been and still are subject to the operation of the mining and mineral leasing laws.

V 39 110 JUN 6 74 XUM

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

[SEAL] ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.74–12943 Filed 6–5–74;8:45 am]

[OR 11327]

OREGON

Notice of Proposed Classification of Public Lands for Disposal By Exchange

MAY 29, 1974.

Pursuant to section 7 of the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g), and to regulations in 43 CFR 2400.0–3 and Subpart 2462, it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2200).

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 20 E.,
  Sec. 24, NE¼.
T. 2 N., R. 21 E.,
  Sec. 30, NE¼SE¼.
T. 3 N., R. 21 E.,
  Sec. 12, SE¼.
T. 1 N., R. 22 E.,
  Sec. 20, S½NE¼, W½NW¼, and SE¼;
  Sec. 24, NW¼SE¼;
  Sec. 28, N½NE¼;
  Sec. 34, SW¼NW¼.
T. 2 N., R. 22 E.,
  Secs. 2 and 3;
  Sec. 4, SE¼SE¼;
  Sec. 6, lots 1, 2, and 3, NE¼, and NE¼NW¼;
  Sec. 8, SE¼;
  Secs. 10, 11, and 12;
  Sec. 14, N½;
  Sec. 15, N½N½;
  Sec. 34, NE¼, E½NW¼, N½SW¼, SE¼SW¼, and SE¼.
T. 3 N., R. 22 E.,
  Sec. 4, S½;
  Secs. 8 and 10;
  Sec. 14, W½;
  Sec. 18, SW¼SE¼;
  Sec. 20, NE¼ and E½NW¼;
  Sec. 22, N½NE¼, SW¼NE¼, W½, and W½SE¼;
  Sec. 26, SW¼SW¼;
  Sec. 27, S½SW¼;
  Sec. 28, NE¼;
  Sec. 30, lot 1 and E½W½;
  Secs. 32 and 34.

The area described aggregates 10,079.44 acres in Gilliam County.

Publication of this notice will segregate the lands from all appropriations, including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the lands have been classified and the application is accompanied by a statement from the Oregon State Director, Bureau of Land Management, that the proposal is feasible.

Information concerning these lands is available at the Oregon State Office, Bureau of Land Management (729 NE Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the State Director, Oregon State Office, Bureau of Land Management (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208 no later than August 7, 1974.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.74–12944 Filed 6–5–74;8:45 am]

[INT DES 74–66]

KING RANGE NATIONAL CONSERVATION AREA, CALIF.; PROPOSED MANAGEMENT PROGRAM

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed establishment of the King Range National Conservation Area in Humboldt and Mendocino Counties, California and invites public comment on or before July 22, 1974.

The environmental statement considers the impacts of designation of the Area's boundaries, development of a multiple-use plan and implementation program and draft regulations governing land exchange and mining in the Area.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240, telephone (202) 343–5717.

State Director, Bureau of Land Management, 2800 Cottage Way, Rm. E–2841, Sacramento, California 95825, telephone (916) 484–4541.

District Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462–3873.

A limited number of single copies are available and may be obtained by writing to the State Director. Please refer to the statement number above.

Dated: June 3, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–12977 Filed 6–5–74;8:45 am]

[NM 21022, 21028, 21113, 21118, 21136]

EL PASO NATURAL GAS CO.

Notice of Applications

MAY 28, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E.,
  Sec. 18, SE¼NE¼.
T. 21 S., R. 32 E.,
  Sec. 21, NW¼NW¼.
T. 22 S., R. 22 E.,
  Sec. 7, SW¼NE¼.
T. 22 S., R. 30 E.,
  Sec. 1, S½SW¼;
  Sec. 11, NE¼NE¼;
  Sec. 12, NW¼NW¼.

These pipelines will convey natural gas across 0.716 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12946 Filed 6–5–74;8:45 am]

[New Mexico 21124]

TRANSWESTERN PIPELINE

Notice of Application

MAY 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 24 E.,
  Sec. 9, SE¼SW¼.

This pipeline will convey natural gas across 0.04 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12947 Filed 6–5–74;8:45 am]

[New Mexico 21020]

EL PASO NATURAL GAS

Notice of Application

MAY 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for an 8⅝-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 22 E.,
  Sec. 7, S½NE¼ and NE¼SE¼;
  Sec. 8, N½SW¼.

This pipeline will convey natural gas across 0.737 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform ceeding with consideration of whether the public that the Bureau will be pro- the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–12948 Filed 6–5–74;8:45 am]

National Park Service

BUFFALO NATIONAL RIVER, ARKANSAS; PROPOSED MASTER PLAN

Notice of Extension of Time To Comment on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to a proposed master plan for the Buffalo National River, Arkansas.

Written comments on the environmental statement are invited and will be accepted on or before August 5, 1974. Written comments should be addressed to the Superintendent, Buffalo National River, National Park Service, Post Office Box 1173, Harrison, Arkansas 72610.

For additional information regarding this matter see FEDERAL REGISTER of April 30, 1974, Vol. 39, No. 84, pages 15055–15056.

Dated: June 3, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–12976 Filed 6–5–74;8:45 am]

[INT DES 74–60]

COWPENS NATIONAL BATTLEFIELD, SOUTH CAROLINA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for proposed Master Plan and Development Concept Plan, Cowpens National Battlefield, South Carolina, and invites written comment on or before July 22, 1974. Written comment should be addressed to the Regional Director, Southeast Region, or to the Superintendent, Kings Mountain National Military Park at the addresses listed below.

The draft environmental statement considers the proposed development of the battlefield for visitor use in Cherokee County, South Carolina and the relocation of State Highways 11 and 110.

Copies are available from or for inspection at the following locations:

Office of the Regional Director
Southeast Region
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Office of the Superintendent
Kings Mountain National Military Park
P.O. Box 31
Kings Mountain, N.C. 28086

Office of the Superintendent
Great Smoky Mountains National Park
Gatlinburg, Tennessee 37738

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74–12975 Filed 6–5–74;8:45 am]

[INT DES 74–61]

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICH.; WILDERNESS PROPOSAL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Sleeping Bear Dunes National Lakeshore, Michigan.

The statement considers designation of 26,050 acres of land as potential wilderness addition within Sleeping Bear Dunes National Lakeshore.

Written comments on the environmental statement are invited and will be accepted on or before July 22, 1974. Comments should be addressed to the Superintendent, Sleeping Bear Dunes National Lakeshore.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Superintendent
Sleeping Bear Dunes National Lakeshore
400½ Main Street
Frankfort, Michigan 49685

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Dated: May 28, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–12978 Filed 6–5–74;8:45 am]

[INT FES 74–38]

HAWAII VOLCANOES NATIONAL PARK, HAWAII

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Proposed Natural Resources Management Plan for Hawaii Volcanoes National Park, Hawaii.

The final environmental statement considers a plan of biologic research, propagating rare and endangered species, reintroducing rare plants into former range, protecting rare endemic biota from depredation by feral goats and pigs, and re-establishing and nurturing remnants of endemic Hawaiian ecosystems.

Copies are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue
San Francisco, California 94102

Hawaii State Director
Pacific International Building
677 Ala Moana Boulevard
Suite 512
Honolulu, Hawaii 96813

Superintendent
Hawaii Volcanoes National Park
Hawaii 96718

Dated: May 24, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–12979 Filed 6–5–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74–135]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1103 to its No. 12–E Mine located at Coal Mountain, West Virginia.

30 CFR 75.1103 provides:

> On or before May 29, 1970, devices shall be installed on all such belts (underground belt conveyors) which will give a warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

By its petition, Petitioner requests a waiver of the foregoing mandatory safety standard, and proposes as an alternative to said standard the fire-prevention system presently in use in Petitioner's mine.

In support of its petition, Petitioner states:

(1) The conveyor belt system at the subject mine passes through two tunnels before entering the subject mine to service the active production unit.

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(2) The foregoing tunnels are not connected to the subject mine, and each has an opening on both sides of the mountain in which the subject mine is located.

(3) These "tunnel" belts are equipped with water lines, a fire hose, rock dust and portable fire extinguishers.

(4) The area of the mine to which the petition pertains is projected to be removed from service in July, 1974.

(5) Petitioner asserts that the proposed alternate method will at all times guarantee no less than the same measure of protection as afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 8, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

James R. Richards,
Director,
Office of Hearings and Appeals.

May 28, 1974.

[FR Doc.74-12952 Filed 6-5-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WHITE RIVER NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The White River National Forest Multiple Use Advisory Committee will meet at 2 p.m. June 27, 1974 in the Friendship Room of the Valley Federal Savings and Loan Building, 1429 Grand Avenue, Glenwood Springs, Colorado 81601.

The purpose of the meeting is to disband the advisory committee and to brief the group on the current planning efforts on the White River National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Mrs. Betty Ford, telephone area code 303-945-6582. Written statements may be filed with the committee before or after the meeting.

Thomas C. Evans,
Forest Supervisor.

May 29, 1974.

[FR Doc.74-12941 Filed 6-5-74;8:45 am]

Packers and Stockyards Administration

OLIVE HILL STOCKYARDS ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location, of stockyard, and date of posting

KY-142, Olive Hill Stockyards, Olive Hill, Kentucky, May 12, 1960.
NC-130, Benthall's Stockyard, Rich Square, North Carolina, April 1, 1959.
OR-119, Salem Auction Yard, Salem, Oregon, May 14, 1960.
PA-129, Silver Spring Livestock Market, Inc., Mechanicsburg, Pennsylvania, November 27, 1959.
TN-125, Henderson Sales Company, Henderson, Tennessee, May 9, 1959.
TN-135, Wilson Livestock Market, Lewisburg, Tennessee, May 5, 1959.
WA-127, Puget Sound Horse and Mule Auction, Olympia, Washington, May 30, 1978.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective June 6, 1974.

(42 Stat. 159, as amended and supplemented; (7 U.S.C. 181 *et seq.*))

Done at Washington, D.C., this 31st day of May 1974.

Edward L. Thompson,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74-12951 Filed 6-5-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 26, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00448-10-74700. Applicant: National Aeronautics and Space Administration, Langley Research Center, Hampton, Va. 23665. Article: Visual Landing Display System (Components thereto). Manufacturer: Redifon Flight Simulation Ltd., United Kingdom. Intended use of article: The article is intended to be used with an aircraft simulator cockpit and a real-time digital computer to provide a general research facility which will enable research studies of a variety of phenomena associated with piloted aircraft. The phenomena to be studied will be the human factors involved in the man/machine interface for a wide variety of missions in different classes of aircraft. Application received by Commissioner of Customs: May 3, 1974.

Docket Number: 74-00449-90-46040. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron Microscope, Model JEM 100B and accessories (including scanning attachment). Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of M.S. or Ph. D. thesis projects and research projects of post-doctoral research associates in the areas of polymer science, physics, chemistry, metallurgy and biology. Among the specific projects are:

1. Effects of Aging on the Composite Structure and Mechanical Properties of Collagen Tissues.
2. Effects of Cyclical Straining on Mammalian Tendon.
3. Effects of Pressure on Adhesion.
4. Crazing in Atactic Polystyrene.
5. Structure-Yield Relationship in Tendon.
6. Physical and Mechanical Characterization of Chemically Modified Polyethylene.
7. The Structure of Cellulose.
8. Deformation of Cellulose and Chitin Fibrils.
9. The Molecular Structure of the Mucopolysaccharides.
10. The Morphology of Crystalline Mucopolysaccharides.
11. Mucopolysaccharide-Polypeptide Interactions in Solution.
12. Biological Membrane Structure.
13. Deformation of Fibrous Proteins-Tropomyosin.
14. Friction and Wear of Polymer Materials.
15. The Mechanism of Low Strain Deformation in Crystalline Polymers.
16. A Study of the Deformation of Polyurethane.
17. Shish-Kabob Deformation.
18. Morphology-Property Relationships in an Amorphous Polymer.
19. Deformation of Polyoxymethylene.
20. Rigid PVC Morphology.

Application received by Commissioner of Customs: May 3, 1974.

Docket Number: 74-00450-33-46070. Applicant: Virginia Commonwealth University, Medical Health Sciences Center, Medical College of Virginia, 1200 East Broad Street, Richmond, Virginia 23219.

Article: Scanning Electron Microscope, Model JSM-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of ocular tissue, normal and pathological, derived from human and animal eyes and their adnexa. Experiments to be conducted include:

(a) investigations of normal and abnormal development of the eye primarily based on teratogenic agents interfering with normal ocular development.

(b) comparison of the morphological configuration of normal and glaucomatous outflow channels and structures from embryonic and post-natal stages of the eye.

(c) studies to detect differences of normal and glaucomatous corneal epithelium and their causes.

(d) study of effects of intense bright light on the receptor organs of the retina and the retinal pigment epithelium and to compare those changes with macular degeneration in man, a not infrequent cause of reduced vision primarily with age.

The article will also be used for training of post-graduate fellows in Research Ophthalmology with main emphasis on ocular fine structure and pathology and for four year NIH traineeship in ophthalmology leading to a career in academic medicine. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00451-33-90000. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: EMI Scanner-Computerized Axial Tomographic System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for experiments to be conducted on stroke patients studying the effect of strokes on brain tissue, the alterations occurring during healing, and resolution or progression of the stroke lesion. Research in the diagnosis and treatment of brain neoplasm will be performed in an effort to identify tumor type by density variations and to study the effects of various modalities of therapy such as surgery, irradiation and drug therapy. Also to be determined is the efficacy of radiotherapy utilizing variable intensity beams from 17 MEV to 4 MEV and comparison of these with Cobalt and possibly beams as low as 250 KVP. Studies will be performed to evaluate the use of the scanner in hydrocephalus, communicating or non-communicating, and the response to drug therapy, and surgical procedures such as ventriculo-atrial shunt, ventriculo-subarachnoid shunt and choroid plexus ablation. The article will also function as an educational tool by physicians as well as residents in studies of mutual interest. A continuing education course on the use and capabilities of this technique has been scheduled. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74-00452-33-46040. Applicant: College of Resources Development, Woodward Hall, University of Rhode Island, Kingston, Rhode Island. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for research in Biological Science, principally in the area of ultrastructure using thin-sectioning and freeze etch replication and associated techniques such as shadowing and autoradiography. In addition, the article will be used for studies of bacteria and viruses by using such methods as negative staining and nucleic acid spreading. The article will also be used to a limited degree for the training of graduate students. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74-00457-33-26200. Applicant: Veterans Administration Hospital, 10701 East Blvd., Cleveland, Ohio 44106. Article: Selspot Optoelectron Instrument. Manufacturer: Selcom Electronic Co., Sweden. Intended use of article: The article is intended to be used to acquire kinematic data for the study of gait and other movements of limbs. Various experiments involving the evaluation of total knee and hip replacements and certain types of bracing, and experiments to determine the effectiveness of functional electrical stimulation of the upper extremity will be performed. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74-00458-33-84600. Applicant: SUNY, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, New York 11203. Article: Paravac Model 2420, 12 inch Drape Vacuum Forming Machine. Manufacturer: Parall and Sons, Limited, United Kingdom. Intended use of article: The article is intended to be used to fabricate plastic shells for the assurance of proper beam direction in the treatment of cancer by radiation teletherapy. In addition, the article will be used in the instruction of residents in the Department of Radiation Therapy to make plastic molds for each patient thus enabling the resident to learn and practice increased accuracy in the treatment of cancer patients. Application received by Commissioner of Customs: May 6, 1974.

Docket Number: 74-00459-33-90000. Applicant: New York University Medical Center, 550 First Avenue, New York, New York 10016. Article: EMI Brain Scanner. Manufacturer: Electro Medical Industries, United Kingdom. Intended use of article: The article is intended to be used for diagnosis and cure of diseases of the brain by computerized tomographic axial examination, as well as the development of heretofore unavailable techniques for such diagnosis. The article will also be used for the training of neuroradiologists through the study of patients with brain diseases and development of new materials and techniques to prevent diagnosis by non-invasive methodology. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74-00460-01-41700. Applicant: University of Illinois at Chicago Circle, P.O. Box 4348, Chicago, Illinois 60680. Article: TEA Laser System, Model TEA-202. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The article is intended to be used for producing CO_2, HF and DF laser pulses. The article is intended to be used to study the effects of laser radiation on various gas phase chemical reactions. It will be used to excite one of the gases, which then reacts with a second gas. Application received by Commissioner of Customs: May 9, 1974.

Docket Number 74-00462-01-41700. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Mode Locked Dye Laser, Model, SUA-10. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of molecular processes in the gas phase and liquid phase. The phenomena include studies of photodissociation, electron transfer in solution, hemoglobin kinetics and aspects of photosynthetic conversion of light. Application received by Commissioner of Customs: May 8, 1974.

Docket Number: 74-00464-33-46040. Applicant: University of Massachusetts Medical School, 55 Lake Avenue, North Worcester, Mass. 01605. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for further research on the process of wound healing specifically, the identification of the intracellular mechanisms responsible for the "pull" in the closing of wounds. The article will also be used for research on atherosclerosis and cornary disease which concerns the study of the mechanism of degenerative changes in the coronary arteries.

The article will also be used in part in advanced training in research at the postdoctoral Fellow and Research Associate level. Application received by Commissioner of Customs: May 10, 1974.

Docket Number: 74-00468-99-57300. Applicant: Miami University, Pulp and Paper Technology Department, Oxford, Ohio 45056. Article: 2½ Cu.ft. Digester and B-K Microdigester Assembly. Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article is intended to be used for teaching pulp and paper students the methods used in pulping wood and the effect of variables on the quality of the pulp. It will also be used as a research tool to study new pulping processes and to develop new sources of papermaking fibers. Application received by Commissioner of Customs: May 9, 1974.

Docket Number: 74-00478-33-46500. Applicant: Southern Methodist University, Fondren Science Building, Dallas, Texas 75275. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian or parasitic, tissues derived from experimental animals, and exhibit both normal and pathological structure. To be conducted are experiments on the morphology of cells and tissues affected by host-parasite interactions. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74-00479-00-46500. Applicant: State University of New York at Buffalo, Department of Pathology, Bell Facility, 180 Race Street, Buffalo, N.Y. 14207. Article: Cryokit, Model LKB 14800-1. Manufacturer: LKB Produkter

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AB, Sweden. Intended use of article: The article is intended to be used to obtain ultrathin frozen sections of the adrenal gland for the study of the processes by which steroids are secreted from the cell in the adrenal gland of normal animal models and animals in which hypertension has been experimentally induced. In addition to research the article will be demonstrated as part of the laboratory for a course in electron microscopy. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74-00480-33-46500. Applicant: University of Tennessee, Department of Ornamental Horticulture, Ellington Plant Science Bldg., Knoxville, Tenn. 37901. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is to be used for studies of tissue samples of plant parts, exhibiting either normal or experimentally affected anatomy and chemistry. Specifically, the article is to be used to cut thin and ultrathin sections of plastic-embedded tissues for observation of histochemical localization reactions in the light microscope, and for observation of cellular ultrastructure in the electron microscope. The article will also be used to train undergraduate and graduate students interested in ultramicrotomy of plant tissues in the use of the instrument on an individual basis. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74-00481-20-61000. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: One Direct-Simple Shear Device. Manufacturer: Geonor A.S., Norway. Intended use of article: The article is intended to be used to measure the strength and stress-strain properties of soft clays for the particular case where a horizontal shear stress is applied to the sample. This type of test is used in conjunction with other methods of measuring stress-strain-strength properties to study the general topic of anisotropy of soft clays. Application received by Commissioner of Customs: May 15, 1974.

Docket Number: 74-00482-33-40700. Applicant: Duke University Medical Center, Division of Immunology, Department of Microbiology, Box 3010, Durham, North Carolina 27710. Article: Gammacell 40 Irradiation Chamber. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used for studies of the immune responses of irradiated rats, mice etc. Tissue culture of irradiated tumor and other cell lines will be investigated. In the experiments, animals will be irradiated, reconstituted with lymphoid cells and immunization or tolerance induced. In other experiments, lymphocytes will be cultured with irradiated tumor cells. The article will also be used in the course MIC 291-Fundamentals of Immunology. Application received by Commissioner of Customs: May 9, 1974.

Docket Number: 74-00454-33-43400. Applicant: National Institute of Neurological Diseases and Stroke, National Institutes of Health, Building 36, Room 5D-32, Bethesda, Maryland 20014. Article: Automatic Stepping Micromanipulator and Electric Control Unit. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used for holding microelectrodes to obtain satisfactory recordings from auditory sensory cells. Application received by Commissioner of Customs: May 7, 1974.

Docket Number: 74-00463-15-42900. Applicant: University of Minnesota, School of Physics and Astronomy, Minneapolis, Minnesota 55455. Article: Superconducting Magnet. Manufacturer: Thor Cryogenics Ltd., United Kingdom. Intended use of article: The article is intended to be used in a solid state physics research program to control magnets used for adiabatic demagnetization studies of cooling using rare earth alloys and "brute force" nuclear cooling to achieve temperatures of about 1 mK. In addition, low and high field magnets controlled by this supply will be used to polarize very dilute magnetic impurities in Cu, Ag, and Au for nuclear orientation studies of their local magnetic moments.

The individuals working on this project are typically graduate students using the research for their Ph. D. theses, a post-doctoral fellow and an associate professor of physics. Application received by Commissioner of Customs: May 7, 1974.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-12974 Filed 6-5-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-649; NDA 8-451, etc.; DESI 8451]

COMBINATION DRUGS CONTAINING PAMABROM AND PYRILAMINE MALEATE FOR ORAL USE

Withdrawal of Approval of New Drug Applications

On November 13, 1973, there was published in the FEDERAL REGISTER (38 FR 31355), a notice of opportunity for hearing (DESI 8451) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications listed below.

NDA 8-451; Neo Bromth Tablets containing pamabrom and pyrilamine maleate; formerly marketed by Brayten Pharmaceutical Co., Division of Chattem Drug and Chemical Co., 1715 West 38th Street, Chattanooga, Tennessee 37409.

NDA 8-613; Neoparbrom Tablets containing pamabrom and pyrilamine maleate; formerly marketed by The Central Pharmacal Co., 116-128 East Third Street, Seymour, Indiana 47274.

The basis of the proposed action was the lack of substantial evidence that the drug products are effective for their labeled indications.

Chattem Drug and Chemical Co. elected not to request a hearing concerning Neo Bromth Tablets. No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing. The holders of the applications have both informed the Administration that the products are no longer marketed.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in its labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn effective on June 17, 1974.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: May 29, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-12945 Filed 6-5-74;8:45 am]

National Institutes of Health

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, scheduled for June 24 and 25, 1974, National Institutes of Health, Building 31-C, Conference Room 8, and published 39 FR 17248 (May 14, 1974), has been changed to a one-day meeting on June 24, 1974 only, at the National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on June 24, to discuss research programs and plans for the first half of FY 1975. Attendance by the public will be limited to space available. Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (telephone 301-496-7239), will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827 National Institutes of Health.)

Dated: May 31, 1974.

SUZANNE L. FREMEAU,
Committee Management Officers, National Institutes of Health.

[FR Doc.74-12970 Filed 6-5-74;8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, July 1, 1974, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 5 p.m., to discuss recommendations for the transitional usage of the NIH General Research Support Program authority, as it pertains to the General Research Support Grant/Biomedical Sciences Support Grant. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of the meeting and roster of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. Ciriaco Q. Gonzales, Building 31, Room 4B04, Bethesda, Maryland 20014, 496-6743.

(Catalog of Federal Domestic Assistance Program Nos. 13.337 and 13.375 National Institutes of Health.)

Dated: May 31, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-12971 Filed 6-5-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on June 27, 1974, from 9 a.m. to 5 p.m., local time and on June 28, 1974 from 9 a.m. to 4 p.m., local time, at the Embassy Row Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

June 27 and 28: Welcoming of new Council Members
Report on the Development of new Legislation
Report of the Office of Education
Committee Reports

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 29, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74-12972 Filed 6-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On June 12-13, 1974, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

On June 12 at 9 a.m. in room 4234 the Crashworthiness Committee will meet with the following agenda:

Safety Standards Proposals for Seats (FMVSS 207) and Head Restraints (FMVSS 202)
Child Restraint Safety Standards
History of Air Bag Restraint Development
Members' ESV Conference Reports
Old Business
New Business

The Consumer and Public Information Committee will meet on June 12 at 1 p.m. in room 4234 with the following agenda:

Publication of Costs-Benefits of Motor Vehicle Safety Standards
Defect Notification Procedures
Consumer "Hot Line"
New Business
Old Business

On June 13 at 9 a.m. in room 4234 the full Council will meet with the following agenda:

Report of Crashworthiness Committee
Report of Consumer and Public Information Committee
Report of Congress Committee
Report of Awards Committee and Excalibur Award Balloting
Trip Reports
Effect of Federal Advisory Committee Act on Duration of Council
Old Business
New Business

This notice is given less than 15 days prior to the meeting dates as required by OMB Circular A-63 because the Council has called these meetings on short notice in order to provide the Secretary of Transportation with timely advice on pending rulemaking proposals.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW, Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on: May 30, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-12935 Filed 6-5-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO.

Notice for Special Prehearing Conference

In the matter of Florida Power & Light Co. (St. Lucie Plant, Unit 2).

Take Notice, and it is hereby ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission, that a special Prehearing Conference in the above-captioned proceeding will be held commencing at 9:30 a.m. local time on Monday, June 17, 1974, South Courtroom, U.S. District Court, 300 NE First Avenue, Miami, Florida 33101.

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The purpose of this special Prehearing Conference is to discuss the status of discovery, questions arising therefrom, proposed schedule for all the procedural dates in the proceeding, and any other matters that would aid in the orderly disposition of the matters heretofore raised.

Issued at Bethesda, Maryland, this 31st day of May 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-12961 Filed 6-5-74;8:45 am]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Reconstitution of Board

In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2), Construction Permit Nos. CPPR-77, CPPR-78.

On May 28, 1974, the Atomic Energy Commission ruled that the Atomic Safety and Licensing Board which previously presided over the show cause proceeding involving the North Anna geological fault issue should assume jurisdiction over this proceeding. Mr. R. B. Briggs was a member of the previous Board but is not available for service in this proceeding.

Accordingly, John F. Wolf, Esq., whose address is 3409 Shepherd Street, Chevy Chase, Maryland 20015, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at: Bethesda, Md. this 3rd day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-12982 Filed 6-5-74;8:45 am]

[Dockets Nos. 50-434; 50-435]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNITS 3 AND 4)

Schedule for Prehearing Conference

A prehearing conference in the above matter will be held on Wednesday, June 12, 1974, at 10:00 a.m., local time, in the hearing room of the Atomic Safety and Licensing Appeal Panel, Room 550, East-West Towers, 4350 East West Highway, Bethesda, Md. 20014.

Dated at Bethesda, Maryland, this 31st day of May 1974.

For The Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.74-12959 Filed 6-5-74;8:45 am]

[Docket 40-6622]

UTAH INTERNATIONAL, INC.

Availability of Draft Environmental Statement for the Shirley Basin Uranium Mill

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to Utah International's Shirley Basin Uranium Mill currently operating under an interim license in Carbon County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the local Public Document Room established at the Carbon County Public Library, Courthouse, Rawlins, Wyoming. The Draft Statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Utah International, Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 24, 1970 (35 FR 14865).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 29, 1974.

Comments by Federal, State, and local officials, or other interested persons, received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the local Public Document Room in the Carbon County Public Library, Rawlins, Wyoming. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 30th day of May 1974.

For the Atomic Energy Commission.

RICHARD B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.74-12960 Filed 6-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25351; Order 74-6-3, etc.]

AIR FRANCE ET AL.

Foreign Air Carrier Permit Applications; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of June 1974.

Applications of Compagnie Nationale Air France (Air France), Docket No. 25351; Deutsche Lufthansa Aktiengesellschaft (Lufthansa), Docket No. 25400; Japan Air Lines Company, Ltd., Docket No. 25352; KLM Dutch Royal Airlines, Docket No. 25333; Societe Anonyme Belge d'Exploitation De La Navigation Aerienne (SABENA), Docket No. 25369; Scandinavian Airlines System (SAS), Docket No. 25466 for renewal and amendment of foreign air carrier permits.

Applications have been filed by each of the six above-named foreign air carriers for renewal of their foreign air carrier permits [1] granting, inter alia, conditional stopover authority at Anchorage, Alaska to through passengers on scheduled flights operated over their polar routes between points in Europe and points in Japan.[2] Four of the six carriers [3] additionally request amendment of their permits to allow deviation from restrictive stopover conditions in certain emergency situations as the Board may by order or regulation authorize.

At present, the subject permits allow passengers originally ticketed to be carried between a point in Japan and a point in Europe on a scheduled flight operated by the carrier between Japan and Europe to disembark at Anchorage; however, such stopover traffic must subsequently reembark on a scheduled flight of the carrier and be transported in accordance with the original routing as specified in the ticket. The requested amendments would allow departure from these stopover conditions in certain emergency situations, as specified by Board order or regulation. The permit amendments themselves would not be self-executing, but would rather be dependent upon a separate Board order or regulation implementing the permit amendment by specifying the types of emergency situations involved and the authority granted in such emergency situations. The particular emergency situations envisioned by the carriers include mechanical failures which will require a substantial period of time to repair, medical emergencies, personal emergencies, and other emergencies beyond the control of the carrier. In such emergency situations, the carriers request authority to (1) reembark at Anchorage and return to point of origin traffic which was originally ticketed to be carried between Japan and Europe, and (2) allow traffic to connect with other carriers proceeding either to the point of origin or to the originally ticketed point of destination of such traffic.

Upon consideration of the applications of the six carriers and all the relevant facts, we have decided to issue an order to show cause why the requested renewal and amendment of the foreign air carrier permits in question should not be granted.[4] In this regard, we tentatively find and conclude that the public interest requires the requested renewal and amendment of these permits.

With respect to the requests of the carriers for renewal of their permits, we make the following tentative findings and conclusions. The six carriers presently operate the following schedules on their polar routes between Europe and Japan via Anchorage: [5]

Carrier	Weekly round trips	European points
Air France	2 (B707); 4 (B747).	Paris.
JAL	7 (B747)	Amsterdam, Copenhagen, London, Hamburg, Frankfurt, Paris.
KLM	3 (DC-10)	Amsterdam.
Lufthansa	2 (B707); 1 (B747); 1 (DC-10).	Copenhagen, Hamburg, Frankfurt.
SABENA	1 (DC-10)	Brussels.
SAS	2 (B747)	Copenhagen.

All of the carriers except Air France and SAS presently utilize their conditional stopover authority at Anchorage on the above flights. Additionally, each of the six carriers has provided 19 or more years of foreign air transportation services pursuant to permits issued by the Board. In issuing the present permits, the Board found each of the carriers to be fit, willing, and able to properly perform the requested foreign air transportation,[6] and we tentatively find that there have been no intervening circumstances affecting the carriers' ability to perform which would warrant a different finding at this time. Accordingly, we tentatively conclude that renewal of each of the six subject foreign air carrier permits for a period of five years would be in the public interest.

With respect to the requests of the carriers for amendment of their permits, we make the following tentative findings and conclusions. The requested authority would be exercisable only in extraordinary emergency situations, and thus would not significantly derogate from the original restricted stopover authority. The public interest in the well-being, safety, and convenience of passengers would be served by substituted emergency transportation authority, and such transportation authority will not infringe upon the interests of other air carriers or the United States. In view of this, we tentatively conclude that the requested amendments be approved. As amended, the conditional stopover restrictions in the carriers' permits would read, in part, as follows:

> The authority granted herein shall be limited (except as may otherwise be authorized in emergency situations by Board order or regulation) to the disembarking at Anchorage * * * [7]

Upon issuance of an order making final the tentative findings, conclusions, and amendments contained herein, the Board will issue an order implementing that language and specifying the types of emergency situations covered by the permit amendments, the authority granted in such emergency situations, and such other limitations or conditions upon the grant of authority which the Board deems proper and necessary. Tentatively, the Board intends to implement the language in question by permitting the named carrier, in emergency situations, to reembark at Anchorage and return to the point of origin traffic which originally was scheduled to be transported by the carrier between a point in Europe and a point in Japan, or to allow such traffic to connect at Anchorage with other carriers proceeding either to the point of origin or to the originally ticketed point of destination of such traffic. The emergency situations comprehended within this grant of authority shall be limited to situations involving substantial mechanical failure or damage to the aircraft which will require a substantial period of time to repair, or medical emergencies due to illness or injury to a passenger. Within 30 days after any such emergency transportation is provided, the original carrier will be required to file a report with the Director, Bureau of Operating Rights, setting forth the circumstances of such carriage. This report would include:

(1) Names of all carriers, and dates, flight numbers, and routing of all flights involved;

(2) In cases of medical emergency transportation, the name of the passenger so transported;

(3) In cases of emergency transportation due to mechanical failure, the number of passengers and tons of cargo so transported; and

(4) Description of the circumstances which made substitute emergency transportation necessary, including evidence which the original carrier obtained to substantiate the need for emergency transportation (e.g., physician's report, accident or mechanics report).

Interested persons will be given 20 days following this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing which cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered That:

1. All interested persons are directed to show cause why the Board should not issue orders making final the tentative findings and conclusions stated herein and (1) renewing and amending the foreign air carrier permits held by Compagnie Nationale Air France, Deutsche Lufthansa Aktiengesellschaft, Japan Air Lines Company, Ltd., KLM Royal Dutch Airlines, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA), and Scandinavian Airlines System in the manner set forth herein,[8] and (2) implementing the conditional stopover authority amendments in the manner set forth herein;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or permit amendments set forth herein shall, within 20 days of the date of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, or other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised

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[1] The permits held by Air France, Lufthansa, Japan Air Lines (JAL), KLM, and SAS were approved by the President of the United States on April 30, 1968, and issued pursuant to Order E-26740, served May 3, 1968. SABENA's permit was approved by the President on February 1, 1969, and issued pursuant to Order 69-2-8, served February 4, 1969.

[2] In addition to stopover authority, the permits held by KLM, Lufthansa, and SABENA authorize the carriers to engage in foreign air transportation between points in Europe and the terminal point Anchorage, Alaska (or Fairbanks, Alaska in the case of Lufthansa). Air France and SAS were granted similar European-Alaska foreign air transportation authority by separate permits not at issue here. Japan Air Lines has no such European-Alaska authority, other than its conditional stopover authority.

[3] Air France, JAL, Lufthansa, and SAS.

[4] Although KLM and SABENA did not request amendment of their permits, we propose to amend the permits of all six carriers in order to maintain uniformity of stopover authority.

[5] International OAG, May 1974.

[6] These findings are set forth in the Board's orders issuing the present permits. See fn. 1. Additionally, the Board has had the opportunity to review the fitness of several of these carriers on subsequent occasions. See Order 69-12-58, served December 15, 1969 (Air France); Order 73-7-12, served July 9, 1973 (Lufthansa); Order 70-8-66, served August 19, 1970 (JAL); and Order 70-3-143, served March 30, 1970 (KLM).

[7] In the cases of KLM, Lufthansa, and SABENA, the amended permits would read as follows:

"The holder in providing service over segment 2 of this permit shall: Be limited (except as may otherwise be authorized in emergency situations by Board order or regulation) to disembarking at Anchorage. * * *"

[8] The renewod permits would inherently authorize the commingling of certain "blind sector" traffic (Europe-Asia transit passengers not stopping over in Alaska) with traffic moving in foreign air transportation (the stopover traffic), and, accordingly, no additional Part 216 authorizations are required. Moreover, Part 216 authorizations previously issued to SAS, Air France, and Lufthansa for certain other commingling operations remain in effect (see Orders E-26741, E-26742 and E-26743).

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by the objections before further action is taken by the Board; [*]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Compagnie Nationale Air France, Deutsche Lufthansa Aktiengesellschaft, Japan Air Lines Company, Ltd., KLM Dutch Royal Airlines, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (SABENA), and Scandinavian Airlines System.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13003 Filed 6-5-74;8:45 am]

[Docket No. 25513; C.A.B. 24397; Order 74-5-146]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of May 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement which has been assigned the above-referenced C.A.B. agreement number was adopted as a result of discussions held at the Montreux Passenger and Cargo Conference in March 1974 and relates to increasing passenger fares in the North and Central Pacific due to increasing prices of fuel.

The agreement would increase by four percent passenger fares intended for application on or after July 1, 1974 over the North and Central Pacific. The amount of increase applicable for Honolulu applies to all points in Hawaii; the amount of increase for Anchorage applies to all points in Alaska, and the amount of increase for Los Angeles applies to all other points in IATA Traffic Conference (Western Hemisphere).

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger services in the North and Central Pacific are required to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include, but not be limited to, actual or contractual prices per gallon for fuel since September 1973 and financial forecasts, including traffic and capacity projections and estimated fuel consumption, for the year ending June 30, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement as well as the revenue gain from previous fuel-related agreements.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association operating passenger services over the North and Central Pacific shall file within ten calendar days after the date of this order, full documentation and economic justification (as described above) in support of the subject agreement,

2. Comments and/or objections from interested persons shall be submitted within twenty calendar days after the date of this order; and

3. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13000 Filed 6-5-74;8:45 am]

[Docket No. 11278 etc.; Order 74-6-5]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Order Terminating Report Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of June 1974.

By Order 72-3-78, dated March 23, 1972, the Board terminated the New York-San Juan Cargo Rates Investigation, Docket 11278 et al. and revoked the minimum rates prescribed therein. However, the order continued the requirement that certain carriers[1] submit to the Bureau of Accounts and Statistics monthly reports on CAB Form T-94 setting forth data on traffic and revenue between New York and San Juan, Puerto Rico.

The Board no longer has need for the reported data, and finds that requiring their continued submission would serve no useful purpose.

Accordingly, it is ordered That:

The reporting requirements of Order 72-3-78, as they relate to Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc. are hereby terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13002 Filed 6-5-74;8:45 am]

[Dockets Nos. 26754, 26755; Order 74-5-145]

TRANS WORLD AIRLINES, INC., ET AL.

Youth and Student Standby Fares; Investigation and Suspension, Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of May 1974.

In the matter of student fares proposed by Trans World Airlines, Inc., Docket No. 26754; and Youth and student standby fares of Continental Air Lines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., Docket No. 26755.

By tariff revision[1] marked to become effective June 1, 1974, Trans World Airlines, Inc. (TWA) proposes to establish student fares between Guam, on the one hand, and Hawaii and points in the mainland United States, on the other hand, which match existing student fares applicable via Pan American World Airways, Inc. (Pan American).

In support of its proposal TWA alleges that the fares meet present student fares of Pan American.

No complaints were filed.

On the basis of the facts and information available, the Board concludes that the proposed student fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the clear question of discrimination inherent in the proposal, we further conclude that it should be suspended pending investigation. At the same time the Board tentatively concludes that Pan Amercian's existing student fares in the Guam-Hawaii/mainland markets may be unjustly discriminatory. The Board, therefore, will direct all interested parties to show cause why Pan American should not cancel its existing student fares.[2]

The Board has previously found discount fares limited to students to be unjustly discriminatory.[3] Further, the Board's recent decision in the Discount Fare Phase of the Domestic Passenger-Fare Investigation (Docket 21866-5) found that youth and family fares are unjustly discriminatory and ordered

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[*] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.

[1] Revisions to Trans World Airlines, Inc., Tariff C.A.B. No. 208.

[2] We will also include in the show cause proceeding the following youth and student fares which apply in the same general geographic area and raise the same questions of lawfulness: (1) Continental Air Lines, Inc's student fares between points in the Trust Territory of the Pacific and Hawaii; (2) Pan American's youth standby and student fares between Pago Pago, American Samoa, on the one hand, and Hawaii and the continental United States, on the other hand; (3) Pan American's youth standby and student fares between Guam and Alaska; and (4) Pan American's and TWA's youth standby fares between Guam, on the one hand, and Hawaii and west coast points in the Continental United States, on the other hand.

[3] Capital Group Student Fares, 25 C.A.B. 280 (1957). See also Order 70-7-129, dated July 29, 1970, wherein the Board suspended student group fares proposed by the intra-Hawaiian carriers, which were subsequently canceled by the carriers.

their phased cancellation by June 1, 1974.[4] The fares here in question, limited as they are to students or youths, would appear to be inconsistent with those decisions. Although Pan American's student fares to Guam have been in effect without change well over two years, Trans World is just now seeking to match them. Thus, it appears that Trans World's inability to match them during the pendency of the show cause proceeding we are initiating should have little adverse effect on it.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered That:

1. An investigation be instituted in Docket 26754 to determine whether the fares and provisions described in Appendix A hereto,[5] and rules, regulations, and practices affecting such fares and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including August 29, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. All interested parties, and particularly Continental Air Lines, Inc., Trans World Airlines, Inc., and Pan American World Airways, Inc., are hereby directed to show cause, Docket 26755, why the Board should not make final its tentative findings and conclusions herein with respect to existing youth and student fares and, upon the basis of such findings and conclusions, order the respective carriers to cancel the youth and student fares described in Appendix B.[6] All responses and comments submitted pursuant to this paragraph shall be filed within 20 days after the service of this order; and

5. Copies of this order will be filed with the aforesaid tariff[7] and be served upon Trans World Airlines, Inc., which is hereby made a party to the investigation ordered in paragraph 1 (Docket 26754), and upon Continental Air Lines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.[8]

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13001 Filed 6-5-74;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COUNCIL ON INTERGOVERNMENTAL PERSONNEL POLICY

Notice of Public Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Advisory Council on Intergovernmental Personnel Policy will be held from 8:30 a.m., Tuesday, June 25, through 4:30 p.m., Thursday, June 27, 1974.

The meeting will be held in Room 5A06A (Enter 5H09) of the Civil Service Commission Building, 1900 E Street, NW, Washington, D.C.

The Advisory Council's responsibility is to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) Improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) Strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) Aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) Aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) Facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

At this meeting the Council will consider policy alternatives in the areas of equal employment opportunity and labor management relations in the public service. Time will also be devoted to an examination of a discussion paper on "Manpower Development for State and Local Governments."

The meeting will be open to the public. Seating will be available to accommodate up to twenty observers. No time will be devoted during the meeting to participation or presentations by members of the public. However, individuals and groups are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Council's attention. Such material should be addressed to: Chairman, Advisory Council on Intergovernmental Personnel Policy, Room 2315, 1900 E Street, NW, Washington, D.C. 20415, Attention: Executive Secretary.

Persons wishing additional information concerning this meeting should contact the Executive Secretary at the above address or by telephone (202) 632-6248.

E. C. WAKHAM,
Executive Secretary, Advisory Council on Intergovernmental Personnel Policy.

[FR Doc.74-13004 Filed 6-5-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, June 19, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

Richard H. Hall,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-13005 Filed 6-5-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, June 26, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-13006 Filed 6-5-74;8:45 am]

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[4] See Order 73-5-2, dated May 1, 1973.

[5] Appendix A filed as part of the original document.

[6] Appendix B filed as part of the original document.

[7] Tariff C.A.B. No. 208, issued by Trans World Airlines, Inc.

[8] Appendices A and B filed as part of the original document.

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COMMITTEE FOR THE IMPLEMENTATION OF COTTON TEXTILES

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

JUNE 3, 1974.

On March 5, 1974, there was published in the FEDERAL REGISTER (39 FR 8374), a letter dated February 27, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Poland and exported to the United States during the twelve-month period beginning March 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of June 3, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 43, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on March 1, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JUNE 3, 1974.

DEAR MR. COMMISSIONER: On February 27, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning March 1, 1974 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Poland in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of February 27, 1974 for cotton textile products in Category 43 to 141,709 dozen.[2]

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from the Polish People's Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-12973 Filed 6-5-74;8:45 am]

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[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended, between the Governments of the United States and the Polish People's Republic, which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on and after March 1, 1974.

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Notice of Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory Committee on Alternative Automotive Power Systems will hold its next meeting in Pasadena, California on June 13 and 14, 1974. The session, which is open to the public, will commence at 9:00 a.m., Thursday, June 13, at the Jet Propulsion Laboratories, 4800 Oak Grove Drive, Pasadena, California, in Building 180, Room 101.

The agenda for this meeting will include a review of the status of the Environmental Protection Agency's Alternative Automotive Power Systems program, Jet Propulsion Laboratories' hydrogen fuel and alternative engines program, and the Atomic Energy Commission's work on high efficiency storage batteries and flywheel applications.

A list of advisory committee members is available from, and requests for additional information should be made to: Barrett J. Riordan, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-13088 Filed 6-5-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20064; File No. BR-549; FCC 74-529]

CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

License Renewal Applications; Memorandum Opinion and Order; Hearing

In re applications of Chicago Federation of Labor and Industrial Union Council for renewal of license of station WCFL, Chicago, Illinois.

1. The Commission has before it the above-captioned license renewal application on remand from the United States Court of Appeals for the District of Columbia Circuit.

2. On September 1, 1970, the Chicago Federation of Labor and Industrial Union Council tendered an application for renewal of its license for standard broadcast Station WCFL, Chicago Illinois. However, Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting timely filed a petition to deny that renewal application on November 2, 1970. Briefly, the petitioners alleged that substantial and material questions of fact existed with regard to the licensee's ascertainment of community problems, its proposed programming, and the station's commercial and program classification practices. The character qualifications of the licensee were also challenged by the petitioners.

3. After consideration of the matters set forth in the various pleadings, the Commission denied the aforenoted petition to deny and granted the WCFL license renewal application. Chicago Federation of Labor and Industrial Union Council, 38 FCC 2d 417, 25 RR 2d 1147, (1972). Petitioners appealed our action (Case No. 72-2235), filing their brief with the United States Court of Appeals for the District of Columbia Circuit on July 16, 1973. Upon a review of the brief and a subsequent re-examination of the record, it was determined that the Commission, due to an oversight, had failed to consider facts which have a bearing on some of the matters raised by petitioners. On March 29, 1974, the Commission requested the Court to remand this case for the Commission's further consideration. On April 17, 1974, the Court granted the Commission's unopposed motion.

4. As noted by petitioners in their brief before the Court, the Commission by letter of October 30, 1970 requested the licensee to supply a brief description of three of the programs listed on the 1970 composite week logs (i.e., Jerry G. Bishop Show, Ron Riley Show, and Dick Williamson Show) so as to enable the Commission to ascertain whether those programs were properly classified as public affairs programs. It was also pointed out in the letter that the licensee's listing of illustrative programs broadcast during the twelve months preceding the filing of the WCFL applications contained programming whose classification as public affairs programs did not appear to be in accord with the Commission's program definitions.[1] The following programs were specifically noted by the Commission: Ghost Show, Red Mottlow Baseball Show, Duke Ellington, Sports Special, Pop Goes the Music, Dick Biondi Labels the Blues, This is Elvis, Dick Biondi and Friend, Memphis Sunshines Again, In the Beginning, and Biondi Vietnam Show.

5. In its response, dated November 9, 1970, the licensee claimed that the Jerry G. Bishop Show, the Ron Riley Show and the Dick Williamson Show utilized the same basic format, namely, telephone call-ins from listeners to express their opinions on matters of local, national and international interest or to otherwise comment upon a subject under discussion with a particular guest. In the licensee's opinion, these programs were properly classified as public affairs. It was further stated that Dick Biondi and Friend was a talk show in which the guest, a prominent music personality, discussed various matters of public concern and that the Red Mottlow Baseball Show was an award-winning, special documentary commemorating the 100th anniversary of baseball in the United States and featuring a discussion of the history, current status and future of baseball and interviews with baseball personalities. These programs were also claimed to fall within the Commission's definition of public affairs programming. However, the licensee acknowledged that eight of the remaining programs questioned in our October 30, 1970 letter probably should not have been classified as public affairs, and indicated a similar willingness to accept the Commission's determination that another program, Ghost Show, was also misclassified. No further description was furnished with respect to the Duke Ellington and Sports Special programs.

6. Originally, petitioners alleged that the licensee misrepresented Station WCFL's past programming by improperly classifying two musical programs, the Dick Williamson Show and the Dick Biondi Show,[2] as public affairs presentations. Based upon a review of the petitioners' pleadings and the licensee's description of the challenged programs which was set forth in its opposition pleading, the Commission held that while the Dick Williamson Show was properly classified, the other program (the Dick Biondi Show) should not have been classified as entirely public affairs. We further concluded that: "absent other evidence, the mere fact that a licensee misclassified one or two programs does not compel the conclusion that the licensee is guilty of intentional wrongdoing" and that "There is no evidence which would support a conclusion of deliberate misrepresentation; nor is there any evidence which would establish a pattern of such misclassification." 38 FCC 2d at 424, 25 RR 2d at 1155. In reaching this latter conclusion, however, the Commission inadvertently omitted from its consideration the October 30, 1970 letter and the licensee's response thereto. The extent of the program misclassifications as reflected in the previously overlooked material, and the apparent absence of public affairs characteristics for several of those programs, compels the Commission to reverse its earlier determination. On the basis of the information before us, we find that a serious question is raised as to whether the licensee sought to misrepresent the extent of its public affairs programming.[3] The Commission is, therefore, unable to make the statutory finding that a grant of the license renewal application for Station WCFL is consistent with the public interest, convenience, and necessity, and is of the opinion that the foregoing matter should be explored in an evidentiary hearing.[4]

7. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal applications, are designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether, through the use of improper program classifications, the Chicago Federation of Labor and Industrial Union Council deliberately misrepresented Station WCFL's public affairs programming and, if so, whether such conduct adversely reflects upon the qualifications of the Chicago Federation of Labor and Industrial Council to be a Commission licensee.

(2) To determine whether, in light of the evidence adduced pursuant to the foregoing issue, a grant of the application for renewal of license of Station WCFL would serve the public interest, convenience and necessity.

8. *It is further ordered*, That the petition to deny, filed by Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting, is granted to the extent indicated above.

9. *It is further ordered*, That, Better Broadcasting Council, Inc., The Task Force for Community Broadcasting, and the Illinois Citizens Committee for Broadcasting are made parties to the hearing ordered herein.

10. *It is further ordered*, That, in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence with respect to issue (1) shall be on the parties respondent. The burden of proceeding as to issue (2) and the burden of proof with respect to both issues herein shall be upon the Chicago Federation of Labor and Industrial Union Council.

11. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Chicago Federation of Labor and Industrial Union Council and the parties respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

12. *It is further ordered*, That, the Chicago Federation of Labor and Industrial Union Council shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 22, 1974.

Released: May 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12987 Filed 6-5-74;8:45 am]

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[1] Note 1(d) of Rule 73.112 defines public affairs programs as including "talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, roundtables, and similar programs primarily concerning local, national, and international public affairs."

[2] It appears that this program is the Biondi Vietnam Show referred to in our letter of October 30, 1970.

[3] The Commission has limited its re-evaluation to the record as certified to the Court on January 30, 1973. Except to the extent indicated above, we reaffirm our earlier Memorandum Opinion and Order for the reasons stated therein.

[4] On August 31, 1973, the licensee timely submitted the WCFL renewal application covering the forthcoming triennial license term (December 1, 1973 through December 1, 1976). Proof of the licensee's compliance with the local publication requirements of Rule 1.580 was also tendered at that time. No petition to deny that application has been filed. While we could delay consideration of the 1973 renewal application until resolution of the issues specified herein, the Commission believes that the more appropriate procedure is to designate for hearing both renewal applications.

[5] Commissioner Robert E. Lee dissenting and statement filed as a part of the original document; Commissioner Quello not participating.

[Docket No. 20060, File No. BP 19559 etc.]

COMMUNITY BROADCASTING COMPANY, INC. ET AL.

Construction Permit Applications; Hearing

In re applications of Community Broadcasting Company, Inc. (WKUN), Monroe, Georgia, Docket No. 20060, File No. BP-19559 (Has: 1580 kHz, 1 kW, Day; Requests: 1490 kHz, 250 W, 1 kW-LS, U), Charles Haasl, James N. Williamson, and Raymond Dehler, a joint venture, Monroe, Georgia, Docket No. 20061, File No. BP-19620 (Requests: 1490 kHz, 250 W, 1 kW-LS, U), Monroe Broadcasting, Inc. Monroe, Georgia, Docket No. 20062, File No. BP-19621 (Requests: 1490 kHz, 250 W, 1 kW-LS, U), for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in the same community.

2. Community Broadcasting Company, Inc., has failed to interview any labor leaders in its survey of community needs and interests. As a result, a question exists as to whether the applicant has complied fully with Commission requirements as expressed in the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650

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(1971). See *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974). Accordingly, a Suburban issue[1] has been included.

3. Charles Haasl, James N. Williamson, and Raymond Dehler, a Joint Venture, has failed to contact and interview labor leaders in its survey of the needs and interests of the community. Further, the applicant has failed to state who conducted the survey of the general public. Accordingly, a Suburban issue has also been included as to this applicant.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceedng, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Community Broadcasting Company, Inc., and Charles Haasl, James N. Williamson, and Raymond Dehler, a Joint Venture to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.
2. To determine which of the proposals would, on a comparative basis, best serve the public interest.
3. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 29, 1974.

Released: May 31, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-12986 Filed 6-5-74;8:45 am]

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[1] Suburban Broadcasters, 20 RR 951 (1961).

[FCC 74-573]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Extension of Time for New Procedures on Petitions to Deny Applications

MAY 31, 1974.

The Commission on May 2, 1974 extended the time afforded to licensees in the Domestic Public Land Mobile Radio Service (DPLMRS) to comply with the new procedures relating to petitions to deny applications based on allegations of economic injury, see Commission Public Notices 10980 (April 17, 1974) and 11360 (May 2, 1974).

We now find that more time will be needed to reach a decision on the merits of those pleadings filed in response to the announcement of the new procedures.

Accordingly, the effective date for the necessary withdrawal of petitions based upon allegations of economic injury is hereby extended to July 1, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-12985 Filed 6-5-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-35]

PORT OF PHILADELPHIA

Intermodal Service of Containers and Barges

By Order dated June 18, 1973, the Commission instituted the subject investigation into possible violations of the Shipping Act, 1916, the Intercoastal Shipping Act, 1933, the Merchant Marine Act of 1920, and the Merchant Marine Act of 1936, resulting, inter alia, from alleged diversion of cargo from the Port of Philadelphia to other ports of exit or entry and absorption of the costs of inland transportation of such cargo.[1] This Order itself is broadly worded and states that:

> There is reason to believe that * * * service [other than by direct ocean vessel calls] may include rail, motor and/or water carriage of cargo to and from the Port of Philadephia from and to other East Coast ports in the domestic and foreign trades.

Thereafter, the ordering paragraphs themselves state in pertinent part:

> (1) That * * * an investigation shall be instituted to determine whether the practices, past or present, by container or barge type of operators serving Philadelphia other than by direct ocean vessel call, whether it be by rail, highway or water * * *

violate certain provisions of the various acts; and

> (2) That the steamship companies and conferences as listed in the appendix hereto, are hereby named respondents in the proceeding * * *.

Along with a number of other carriers, American President Lines, Ltd. (APL) was named a respondent in this proceeding as a member of the Marseilles North Atlantic U.S.A. Freight Conference (Agreement 5660), as a member of the Far East Conference and as a member of the Japan-Atlantic and Gulf Freight Conference. Not specifically named as respondent is any conference or agreement servicing the Southeast Asia Trade.

On January 15, 1974, APL filed a Motion for Leave to Serve Interrogatories upon six respondents and one other party regarding the Southeast Asia Trade. APL stated in its motion that it:

> * * * hopes to show that there is not adequate direct or all-water container service between Philadelphia and the countries of Southeast Asia served by APL. To that end it wishes to inquire of the six respondents currently advertising service between Philadelphia and Southeast Asia as to volume and frequency of these movements of containers in these trades.

On February 14, 1974, Judge Kline denied APL leave to serve its interrogatories on the ground that:

> * * * the information which APL is seeking relates to activities in trade areas which were not included in the Commission's order of investigation.

Following issuance of Judge Kline's ruling, APL filed a "Motion to Reconsider Ruling on Motion for Leave to serve Interrogatories", arguing that in its view, the Southeast Asia trade is encompassed within the "text of the order" even if not specified in the "service list" of respondents provided in the appendix. It urged that the broad language of the order should not be limited by the Order's appendix listing the relevant trades and conferences.

Hearing Counsel filed a Reply supporting the motion only because it was of the opinion that granting of this motion would not lead to unnecessary delay in the proceeding. On March 26, 1974, Judge Kline denied APL's motion once more. This denial was based on the ground that the order of investigation did not encompass the trade area about which APL sought information.

Following issuance of this ruling, APL filed an appeal. Pursuant to what APL characterizes as two possible interpretations of Commission Rule 10(m), APL sought:

> 1. Leave of the Administrative Law Judge to appeal his rulings to the Commission; and
> 2. Review as of right by the Commission.

Alternatively, should they not obtain reversal of Judge Kline's rulings, APL requests amendment of the Order of Investigation in this proceeding in order to encompass specifically the "Trade between Philadelphia and the ports in the

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[1] Subsequently, on April 5, 1974, the Commission designated this case as a vehicle for announcing "the general principles" relating to equalization, absorption and minibridge, which will apply in all other cases.

Singapore-Karachi range." In so doing, APL explains:

> * * * APL needs and is entitled to a decision as to the lawfulness of an occasional overland carriage of containers moving between Philadelphia and Southeast Asia. It cannot obtain that decision because of the confluence of three erroneous decisions: (1) We cannot raise the issue in Dkt. 73-35 because the presiding officer has ruled it outside the investigation; (2) we cannot raise it in Dkt. 71-70 because APL has been dismissed from that proceeding; (3) we cannot engage in the practice, leaving it to any who wished to complain or investigate, because it is under an injunction pending completion of Commission proceedings; [sic] (4) it cannot dissolve that injunction because the District Court erroneously believes the proceedings in Dkt. 71-70 not to have been terminated as against APL; (5) the District Court error derives from the error of the Commission in subjecting the satisfactions of complaint in Dkt. 71-70 to § 15 notice and comment and then ignoring the matter for half a year.

APL then proceeded to argue that the original order of investigation includes the Southeast Asia trade area. It reiterated its contention that the text of the order controls the appendix, and urged that sufficient notice of the investigation had been provided the trade by virtue of publication of that order. It concluded by specifically requesting:

(1) That the presiding officer allow this appeal;

(2) If he should refuse, that the appeal be considered by the Commission as of right; and

(3) That the rulings of the presiding officer of February 14, and March 26, 1974, be revised; or

(4) That the appendix to the order of investigation in this proceeding be amended as proposed above.

Reply to this Motion was filed by the Philadelphia Port Interests.[2] The port interests opposed granting of the appeal because they feared undue further complication and delay of "a proceeding * * * which is already difficult enough to manage * * *" and because allowance would provide a procedure which would allow other parties to "utilize this investigation for their own narrow purpose" adding further delay and confusion.

Judge Kline, on April 19, 1974, granted permission to appeal his rulings and certified the matter to the Commission stating:

> * * * since at least two of APL's requests must be decided by the Commission rather than the Judge, i.e., the petition to act on the settlements [not here involved] and the motion to amend the Order in No. 73-35, it would make little sense to hold back from the Commission consideration of the * * * appeal from the adverse rulings, which are part of the total picture and also bear upon interpretation of the Commission's order.
>
> Accordingly, the appeal is allowed and the matter is being certified to the Commission for its action.

The appeal and motion are before us for determination. After having reviewed these proceedings in light of our Order of Investigation, we conclude that Judge Kline's rulings on the various requests of APL were correct. However, since we have heretofore designated this a leading case, we believe that an examination of the problems involving diversion and absorption at the Port of Philadelphia include such problems in the Southeast Asia trade. To that end, we are amending our original Order of Investigation as requested by APL.

Therefore, *it is ordered*, That the Order of Investigation be amended by the addition of the phrase: "(including the trade between Philadelphia and the ports in the Singapore-Karachi range)" following the recitation of American President Lines, Ltd. under headings "Far East Conference" and "Japan-Atlantic & Gulf Freight Conference" in the Appendix to the Order of Investigation.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13029 Filed 6-5-74;8:45 am]

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[2] Delaware River Port Authority, Commonwealth of Pennsylvania, City of Philadelphia, Philadelphia Port Corporation, International Longshoreman's Association (Philadelphia District Council), and Port of Philadelphia Marine Trade Association.

FEDERAL RESERVE SYSTEM

FIDELITY AMERICAN BANKSHARES, INC.

Proposed Acquisition of Security Finance Corporation of Spartanburg

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Security Finance Corporation of Spartanburg, Spartanburg, South Carolina. Notice of the application was published in the local areas where the proposed subsidiary presently conducts business.

Applicant states that the proposed subsidiary would engage in the activities of (a) making installment loans to individuals for personal, family, or household purposes; (b) purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; (c) rediscounting notes receivable of independent small loan companies; (d) acting as agent in selling credit life insurance, credit disability insurance, and property insurance offered in connection with certain personal installment loans made and sales finance contracts purchased; and (e) underwriting reinsurance with respect to the credit life insurance written by the finance companies, and reinsurance on debtors of the sales finance subsidiary. Applicant states that such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12962 Filed 6-5-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Farmers Bank of Bowling Green, Bowling Green, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 17, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12963 Filed 6-5-74;8:45 am]

GALBANK, INC., AND UNITED STATES NATIONAL BANCSHARES, INC.

Proposed Acquisition of Bankers Data Services, Inc.

Galbank, Inc., and United States National Bancshares, Inc., both of Galveston, Texas (hereinafter jointly referred to as "Applicant") have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Bankers Data Services, Inc., Houston, Texas. Notice of the application was published on May 14,

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1974, in The Houston Chronicle, a newspaper circulated in Houston, Texas.

Applicant states that the proposed subsidiary would engage in the activities of providing data processing services to banks and other financial service organizations including pick-up and delivery of data information and computer programming incident to the use of such data processing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12994 Filed 6-5-74;8:45 am]

PEOPLES BANKING CORP.

Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by consolidation to Oscoda State Savings Bank, Oscoda, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 28, 1974.

Board of Governors of the Federal Reserve System, May 31, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12996 Filed 6-5-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Edgewood Bank, Jacksonville, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida, controls 32 banks with aggregate deposits of about $1.84 billion,[1] representing 8.9 percent of total deposits in commercial banks in the State. Acquisition of Bank, with deposits of $2 million, would not significantly increase Applicant's share of commercial bank deposits in Florida.

Bank, which was organized during 1973, is the smallest of the 36 banks in the Jacksonville banking market[2] and holds approximately 0.1 percent of total commercial deposits therein. In that market, Applicant is the seventh largest banking organization with three existing subsidiary banks having aggregate deposits of approximately $83 million, representing 4.7 percent of total market deposits. Upon consummation of the proposal, Applicant's rank in the market would remain the same. The three largest banking organizations in the market (each a bank holding company) control, respectively, 27.7, 20.3, and 19.7 percent of market deposits. There is no substantial overlap between the respective service areas of Applicant's banking subsidiaries and Bank, and it appears that consummation of the proposal would not eliminate any significant existing competition between them. While the proposed acquisition would eliminate the possibility of competition developing in the future between Applicant's banking subsidiaries and Bank, the overall effect on potential competition does not appear to be significant in view of the small size of Bank, the number of intervening banks between Applicant's subsidiaries and Bank, the large number of banks in the relevant market, and the number of independent banks remaining available for acquisition. Accordingly, on the basis of the record, the Board concludes that competitive considerations are consistent with approval of the application.

In view of Applicant's commitments to inject additional equity capital into certain of its subsidiary banks, the Board regards the financial resources of Applicant and its subsidiary banks as generally satisfactory. The management of Applicant and its subsidiaries appear capable, and the prospects for the group appear favorable. The same conclusions apply with respect to the financial and managerial resources and prospects of Bank. Although there is no evidence in the record to indicate that the banking needs of the community to be served are not currently being met, Applicant proposes to expand the services presently offered by Bank, including increased consumer and business lending, thereby enabling Bank to become a more effective competitor in the relevant market. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 30, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12995 Filed 6-5-74;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)3

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[1] All banking data are as of June 30, 1973 and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1974; however, data does not reflect Board approval on May 13, 1974 of Applicant's acquisition of Southeast National Bank of North Dade, Dade County, Florida, a proposed new bank.

[2] The Jacksonville banking market is approximated by Duval County and the city of Orange Park in Clay County.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Holland and Wallich. Absent and not voting: Governors Mitchell, Brimmer and Bucher.

of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Southern National Bank of Palm Beach County, Lake Worth, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida, controls 56 banks with aggregate deposits of $1.8 billion, representing 8.6 percent of total deposits of commercial banks in the State.[1] Since Bank is a proposed new bank, consummation of the proposal would not immediately increase Applicant's share of Statewide deposits.

Bank is to be located in the city of Lake Worth in the West Palm Beach banking market. Applicant presently controls four banking subsidiaries in the West Palm Beach banking market, and ranks as the sixth largest banking organization, controling 7.5 percent of the market deposits. The largest banking organization in the market (a multibank holding company) controls approximately 20 percent of the area's commercial bank deposits. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition between Applicant and Bank nor would it result in an increase in the concentration of banking resources in the market. Furthermore, it does not appear that any significant potential competition would be foreclosed as a result of the consummation of the proposal. Applicant does not occupy a dominant position in the market, and it does not appear that the present proposal would raise significant barriers to entry for other organizations not presently in the market. Nor does it appear from the record that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. Accordingly, on the basis of the record before it, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitments to inject capital into certain of its subsidiaries. Thus, considerations relating to banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since Bank would serve as an alternative source of full banking services to residents of the area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before June 28, 1974 or (b) later than three months after that date, and (c) Southern National Bank of Palm Beach County, Lake Worth, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12953 Filed 6-5-74;8:45 am]

DUNMIRE AGENCY, INC.

Acquisition of Additional Shares of Bank

The Dunmire Agency, Inc., Spring Hill, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 10 shares or 1 percent of the voting shares of The State Bank of Spring Hill, Spring Hill, Kansas ("Bank"), thereby increasing Applicant's ownership to 50.4 percent of the voting shares of Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 26, 1974.

Board of Governors of the Federal Reserve System, May 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12958 Filed 6-5-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Peoples National Bank of Rocky Mount, Rocky Mount, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing all comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of approximately $761 million, representing 6.7 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $30.6 million) would increase Applicant's share of deposits in Virginia by approximately 0.3 of one percentage point and would not significantly increase the concentration of banking resources within the State.

Bank, with 47 percent of the total market deposits, operates two offices in the town of Rocky Mount and is the largest of four commercial banks in Franklin County, which approximates the relevant market. Although the largest bank in the market, Bank's growth during the past 10 years has been at a slower rate than any of its competitors, and it appears likely that Bank will face increased competition in the future from two new banks in the county. Applicant has no subsidiary in the relevant market and its nearest subsidiary bank is approximately 25 miles north of Bank. There is no significant existing competition between Applicant and Bank, nor is there any reasonable probability of substantial competition developing in the future between them. On the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

Considerations relating to the financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory and consistent with approval of the application. The same conclusions apply with respect to Bank, particularly in view of Applicant's ability to provide Bank with additional management depth. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not presently being met, affiliation with Applicant would enable Bank to expand its services to include trust and credit card services and larger loans through participations. These considerations relating to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval

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[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through April 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

[1] Banking data are as of June 30, 1973, and reflect holding company acquisitions and formations approved through April 30, 1974.

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of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before June 28, 1974 or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12954 Filed 6-5-74;8:45 am]

MANUFACTURERS HANOVER CORP.

Proposed Acquisition of Ritter Financial Corp.; Correction

In FR Doc. 74-11788 appearing on page 15919 of the issue for Thursday, May 23, 1974, subsection (b) of the second paragraph should read:

(b) acting as agent or broker for the sale of credit related life and credit accident and health insurance and consumer related property insurance (including non-filing insurance designed to protect personal property in which Applicant has a security interest against security interests which might be perfected by third parties) and casualty insurance which is related to extensions of credit made or acquired by Applicant and/or its direct or indirect subsidiaries.

As specified in the earlier FR Doc. 74-11788, views or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 13, 1974.

Board of Governors of the Federal Reserve System, May 29, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12956 Filed 6-5-74;8:45 am]

PATAGONIA CORP.

Proposed Acquisition of General Finance, Ltd.

Patagonia Corporation, Tucson, Arizona, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire through its wholly-owned subsidiary, Model Finance Company, Tucson, Arizona, all of the voting shares of General Finance, Ltd., Council Bluffs, Iowa (formerly known as Iowa Loans, Inc.). Notice of the application was published on April 12, 1974, in the Council Bluffs Nonpareil, a newspaper circulated in Council Bluffs, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a consumer finance company by making personal loans primarily to wage earners, purchasing consumer installment sales finance contracts, and acting as agent in the sale to its debtors of credit life, accident and health insurance which is directly related to extensions of credit to those debtors. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1974.

Board of Governors of the Federal Reserve System, May 29, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12957 Filed 6-5-74;8:45 am]

REPUBLIC NEW YORK CORP. ET AL.

Order Approving Formation of Bank Holding Companies and Merger of Bank Holding Companies

Republic New York Corporation, New York, New York ("RNYC"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(I)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Republic Bank, National Association, New York, New York ("Bank"), the resulting bank from the proposed merger of Republic National Bank of New York ("RNB") and Kings Lafayette Bank ("KLB"), New York, New York. To facilitate the merger of RNB and KLB, RNYC has also applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Kings Lafayette Corporation, New York, New York ("KLC"), KLB's present parent holding company.

At the same time, Safrabank S.A., Panama City, Panama ("SB") and its subsidiaries Trade Development Bank Holding S.A., Luxembourg, Luxembourg ("TDRH") and Trade Development Bank, Geneva, Switzerland ("TDB"), which are presently foreign bank holding companies by virtue of their direct and indirect ownership of shares of Republic National Bank of New York, have applied for the Board's approval under section 3(a)(1) of the Act to become bank holding companies through the acquisition, directly and indirectly, of approximately 40 percent of the voting shares of RNYC. In addition, TDBH and SB have also applied to acquire, directly and indirectly, an additional 19 percent of the shares of RNYC. SB has applied for the Board's approval to acquire an additional 3 percent of the shares of TDBH.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

RNYC is a recently-organized corporation formed for the purpose of becoming a bank holding company with respect to Bank. The acquisition of Bank by RNYC, the merger of KLC with RNYC, and the formation of SB, TDBH and TDB as bank holding companies, are part of a plan of reorganization whereby the ownership of KLC and RNB is being restructured by the principal owner of such corporations. Although the Board has separately considered each of the aforementioned applications, due to the similarity of the issues, all such applications will be considered in a single Board order.

RNB, with domestic deposits of approximately $360 million is the 23rd largest of 112 banking organizations[1] located in the Metropolitan New York banking market[2] and controls 0.3 percentage points of the total deposits in commercial banks in the market. RNB is a wholesale bank, has no domestic branches, and is engaged primarily in international banking. Approximately 50 percent of RNB's deposits and over 60 percent of its loans are derived from its foreign accounts. KLB, KLC's subsidiary bank, has deposits of $195 million, and, with approximately 0.3 percentage points of total deposits in commercial banks in the Metropolitan New York banking market, ranks as the 28th largest banking organization therein. KLB, with 18 domestic branch offices, is primarily a retail-oriented bank.

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[2] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

[1] Data with respect to market rank are as of June 30, 1972; deposit data are as of December 31, 1973.

[2] The Metropolitan New York market is defined as the five boroughs of New York City, Nassau, Westchester, Putnam, and Rockland Counties, a portion of Suffolk County in New York, portions of Bergen and Hudson Counties in New Jersey, and a portion of Fairfield County in Connecticut.

Upon consummation of the proposed merger of KLC with RNYC, RNYC would control domestic deposits of about $555 million and would rank as the 15th largest banking organization in the relevant market, controlling approximately 0.6 percentage points of total deposits therein. Due to the differing characteristics of the banking business of RNB and KLC, it does not appear that any significant existing competition would be eliminated upon the merger of RNYC with KLC. Although RNYC has the resources to expand its retail operations and establish additional banking offices in the market, the amount of competition that would develop in the future between RNYC and KLC would not be significant in the context of the Metropolitan New York market. Furthermore, the principal owner of RNB is also the principal owner of KLC and it is unlikely that significant competition would develop between the two institutions. Accordingly, the Board finds that consummation of the proposed merger between RNYC and KLC would not have any significant adverse effect on existing or potential competition. On the same basis, the Board concludes that the acquisition of Bank by RNYC would not have any significant adverse effect on existing or potential competition.

The formation of SB, TDBH and TDB as bank holding companies through acquisition of shares of RNYC results from the present ownership by such foreign bank holding companies of RNB shares. As a result of the organization of RNYC and incident to the merger of RNYC and KLC, SB, TDBH and TDB would own, directly and indirectly, approximately 40 percent of the outstanding voting shares of of RNYC and thereby become foreign bank holding companies with respect to Bank. TDBH and SB also propose to acquire, directly and indirectly, an additional 19 percent of the shares of RNYC. Further, SB plans to acquire an additional 3 percent of TDBH. On the basis of the Board's analysis of the formation of RNYC and the merger of RNYC with KLC, and in light of the fact that the indirect acquisition by SB, TDBH, and TDB of shares of Bank is incident to a restructuring of the ownership of such institutions by their principal owner, it is the Board's judgment that the direct and indirect acquisition of approximately 59 percent of the shares of RNYC by SB and TDBH, and the acquisition of approximately 40 percent of the shares of RNYC by TDB would not have any significant adverse effects on either existing or potential competition.

The financial and managerial resources and future prospects of RNYC, which are largely dependent on those of Bank, appear favorable. The financial and managerial resources and future prospects of SB, TDBH and TDB also appear satisfactory. Consequently, banking factors are consistent with approval of the applications. Although it appears that the banking needs of the community to be served are being adequately met at present, upon consummation of the proposal RNYC would be able to offer international banking services through offices of KLB which do not currently offer such services. Accordingly, considerations relating to the convenience and needs lend some weight toward approval of the applications. It is the Board's judgment that consummation of the proposals would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before June 28, 1974 or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 29, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12955 Filed 6-5-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LOIS COAL CO. AND MAGGARD COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP DOCKET NO. 4176-000, LOIS COAL COMPANY, Mine No. 1, Mine ID No. 44 03482 0, Grundy, Virginia. ICP Permit No. 4176-001 (Stacy's Spinner Loading Machine, Serial No. 206), ICP Permit No. 4176-004 (Royal Cutting Machine, Serial No. 63), ICP Permit No. 4176-005 (Bailey's Battery Powered Tractor, Serial No. 78).

(2) ICP DOCKET NO. 4208-000, MAGGARD COAL COMPANY, Mine No. 18, Mine ID No. 44 01815 0, Richlands, Virginia. ICP Permit No. 4208-003 (S & S 100 Battery Tractor, Serial No. A 1964), ICP Permit No. 4208-008 (S & S 90 Battery Tractor, Serial No. A 1965).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 3, 1974.

[FR Doc.74-12937 Filed 6-5-74;8:45 am]

UNITED STATES STEEL CORP.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m^3) has been received as follows:

ICP Docket No. 20463, UNITED STATES STEEL CORPORATION, Somerset Coal Mine, Mine ID No. 05 00294 0, Somerset, Colorado.

Section ID No. 012 ("C" Seam Section),
Section ID No. 009 (4 East—3 Dip "B"),
Section ID No. 006 (4 West—3 Dip "B"),
Section ID No. 010 (5 West—3 Dip "B"),
Section ID No. 016 (5 Left—3 South "B"),
Section ID No. 017 (3 South Raise "B").

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before June 21, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 3, 1974.

[FR Doc.74-12938 Filed 6-5-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Notice of Meeting

MAY 31, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on June 13, and 14, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwar-

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[3] Voting for this action: Chairman Burns and Governors Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

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ranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Office, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–12981 Filed 6–5–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 31, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

ACTION

Application for Volunteer Sponsorship, Form, Single time, Caywood, Nonprofit organizations.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Descriptive Survey of Nutrition Education, Form, Single time, Planchon, State education agencies local school districts.

FEDERAL RESERVE BOARD

Survey of Commercial Bank Attitudes and Experience Regarding Financial Acceptances, Form, Single time, Weiner, Banks active in creating and marketing bankers acceptances.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration:
- Application for Permit to Maintain Central Records, Form DEA 274, Single time, Sheftel, Registrants under Controlled Substances Act.
- Semi-Annual Report of Controlled Substances Imported, Manufactured or Used for Scientific Purposes, Form DEA 248, Semi-annual, Sheftel, Drug firms manufacturing or importing controlled substances.
- Controlled Substances Import/Export Declaration, Form DEA 236, Occasional, Sheftel, Drug firms that import export controlled substances.
- Application for Procurement Quota for Controlled Substances, Form DEA 250, Occasional, Sheftel, Drug firms procuring controlled substances.
- Application for Registration Renewal Type B, Form DEA 227, Annual, Sheftel, Registrants under.
- Application for Registration Renewal Type A, Form DEA 226, Annual, Sheftel, Registrants under CSA.
- Applicaton for Registration (Type B), Form DEA 225, Single time, Sheftel, Registrants under Controlled Subst. Act.
- Application for Registration (Type A), Form DEA 224, Single time, Sheftel, Registrants under Contr. Subst. Act.
- Application for Individual Manufacturing Quota for a Basic Class of Controlled Substances, Form DEA 189, Occasional, Sheftel, Registrants under Contr. Subst. Act.
- Registrant Inventory of Drugs Surrendered, Form DEA 41, Occasional, Sheftel, Sheftel, egistrants under Contr. Subst.
- Outline of Synthesis, Form DEA 130, Occasional, Sheftel, Registrants under Control. Subst. Act.
- Official Order form for Schedule I and II Substances, Order Form Requisition, Forms DEA 222A, 222B, 222C, 222D, Occasional Sheftel, Registrants under Control. Subst. Act.

NATIONAL SCIENCE FOUNDATION

International Planning Management, Form Single time, ESD/Weiner, Business firms.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Administrative Review Reports—Special Food Service Program for Children, Forms FNS 19, 19–1, 19–2, Occasional, Sheftel, Private nonprofit and public institutions.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Review of General Funds, Form REA 740a, Occasional, Sheftel, REA electric borrowers.

DEPARTMENT OF COMMERCE

Bureau of the Census: Incorporated Place Survey Sheet, Form, Annual, Ellett, Govt. agencies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Associated Mortality Feasibility Study, Form MH 343A, Single time, Reese, Bereaved individuals and physicians.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Annual Report on Methods of Dealing with Questions of Recipient Fraud in State Public Assistance Programs, Form SRS NCSS 110, Annual, Sunderhauf, State public assistance agencies.

VETERANS ADMINISTRATION

Notice of Change in Student Status—Institutional Courses Only, Form VA 22–1999b, Occasional, Caywood, Certifying officials of schools.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Wool and Mohair Inquiry, Form, Annual, Evinger, Wool and mohair warehousemen-Texas.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: State Agency Program Expenditure Projection, Form SRS OA–25, Quarterly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–13016 Filed 6–5–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN NATURAL GAS COMPANY, ET AL.

[70–5508]

Notice of Proposed Issue and Sale of Notes to Division of Bank by Holding Company and Relending of Proceeds to Subsidiary Companies

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Company ("Michigan Consolidated") and Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to the Commission's orders dated May 18, 1970, and December 22, 1972 (HCAR Nos. 16727 and 17822), American Natural was authorized to issue and sell its notes, from time to time until July 1, 1974, up to a maximum of $40,000,000 to the Institutional Investment Division of First National City Bank, New York, N.Y. ("Investment Division"). American Natural is herein seeking continuation of that authorization, which is described below, until January 1, 1976.

Investment Division administers, as Trustee, pension and other funds of many corporations. It is stated that Investment Division has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations through its nominee, Kink & Co. The interest rate on the proposed notes will be equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of 30 to 180 days. American Natural will be notified by Investment Division of any change in the interest rate. The notes issued from July 1 to December 31 will mature January 1 of the following year, and those issued

from January 1 to June 30 will mature July 1 of the same year. Investment Division will have the right, however, to demand payment at any time of all or any part of the principal of the loan or loans outstanding. American Natural will have the right to prepay the notes at any time without penalty.

American Natural proposes to relend the funds obtained from Investment Division to Michigan Wisconsin and Michigan Consolidated on the same terms, conditions, and maturities as those pertaining to the funds borrowed by it. Such funds will be made available first to Michigan Wisconsin, and any available balance (within the $40,000,000 aggregate maximum) will be loaned to Michigan Consolidated. While American Natural anticipates that borrowings from the Investment Division will be available on a continuing basis, when repayment is required of all or a portion of the funds borrowed by it, the two subsidiary companies, in turn, will make repayments to American Natural, approximately pro rata, to the extent repayment is requested by Investment Division. When Investment Division again has funds available, American Natural will borrow the amounts tendered and relend them to its subsidiary companies.

It is stated that under the type of arrangement described above, the subsidiaries have been able to obtain funds at a lower cost than on borrowings from banks under lines of credit. As an example, during 1973, the interest rate from Investment Division ranged from a low of 5.66 percent to a high of 9.65 percent, compared with a range in the prime rate at First National City Bank from a low of 6 percent to a high of 10 percent.

In order to assure the availability of funds to make any required repayments to American Natural under the above arrangement, Michigan Wisconsin has obtained a $20,000,000 line of credit from the Commercial Division of First National City Bank until December 31, 1975. Any borrowings thereunder evidenced by notes will bear interest at the prevailing prime rate of First National City Bank and will mature no later than December 31, 1975. Interest is payable every 90 days, and the notes may be prepaid at any time without penalty. In connection with this line of credit, Michigan Wisconsin is required to maintain compensating balances with First National City Bank. Translated into terms of American Natural's cost of borrowing from Investment Division, these compensating balances would have the effect of increasing such cost of borrowing by approximately three-fourths of 1 percent.

American Natural requests authority to file certificates of notification required under rule 24 with respect to the proposed transactions on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500, including counsel fees of $500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaraton, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13014 Filed 6–5–74;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–13012 Filed 6–5–74;8:45 am]

[File No. 500–1]

GULF SOUTH MORTGAGE INVESTORS

Notice of Suspension of Trading

MAY 31, 1974.

The shares of beneficial interest and warrants of Gulf South Mortgage Investors being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Gulf South Mortgage Investors being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (EDT) on May 31, 1974 through June 9, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–13015 Filed 6–5–74;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–13011 Filed 6–5–74;8:45 am]

[70–5505]

METROPOLITAN EDISON CO.

Notice of Proposed Sale of Utility Assets

Notice is hereby given that Metropolitan Edison Company ("Met Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a declaration with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and rule 44 promulgated there-

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under as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met Ed presently provides electricity to the Steelton, Pennsylvania plant of Bethlehem Steel Corporation ("Bethlehem"). Bethlehem has notified Met Ed that it wishes to be served in the future by Pennsylvania Power & Light Company ("PP&L"), a non-associated electric utility company.

In order that PP&L may take over said service to Bethlehem, it is proposed that Met Ed sell PP&L one 230 KV transmission line and appurtenances thereto and lease to PP&L portions of two 69 KV transmission lines and appurtenances thereto. These lines are necessary for PP&L to provide electric service to Bethlehem's Steelton plant. It is further proposed that Met Ed sell to Bethlehem the 230 KV Steelton substation (including supervisory equipment situated therein) and a section of 69 KV tie line running from Steelton substation to Bethlehem's substation. The consideration to be paid for all such lines and other property shall be the properties' original cost, less depreciation, computed at the settlement date of the sale.

Upon termination of the lease of the portions of the two 69 KV transmission lines, Met-Ed will transfer to Bethlehem those portions of such lines as are located on Bethlehem's property and will transfer to PP&L certain other portions of such lines. Met-Ed will dismantle and remove the portions of such 69 KV lines not so transferred and will construct a tie-line connecting the remnants of the two transmission lines retained by Met-Ed. Bethlehem will reimburse Met-Ed for the original cost, less depreciation, computed at the termination date of the lease, of the portions of the two lines which had been so leased, the removal cost, less salvage, of the portions of the two lines which are to be dismantled, and the cost of construction of the new tie-line.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including legal fees of $10,500. The declaration states that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed sale of property to Bethlehem. It is stated that the Federal Power Commission has jurisdiction over the acquisition by PP&L of the property to be purchased from Met-Ed, and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 24, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-13013 Filed 6-5-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

MAY 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 1, 1974 through June 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Acting Secretary.

[FR Doc.74-13010 Filed 6-5-74;8:45 am]

TARIFF COMMISSION

[337-35]

CERTAIN HYDRAULIC TAPPETS

Notice of Postponement of Hearing

On May 24, 1974, the U.S. Tariff Commission postponed until June 18, 1974, the public hearing scheduled for June 10, 1974, in connection with investigation No. 337-35, Certain Hydraulic Tappets. Notice of the institution of the investigation and the ordering of the hearing was published in the FEDERAL REGISTER on May 1, 1974 (39 FR 15184-15185).

By order of the Commission:

Issued: May 31, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12968 Filed 6-5-74;8:45 am]

[TEA-W-235]

AUERBACH SHOE CO.

Investigation of Workers Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Brunswick, Maine, and Rollinsford, New Hampshire, plants of the Auerbach Shoe Co., Boston, Massachusetts, the United States Tariff Commission, on May 31, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45-.55 (except 700.52) of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before June 17, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: June 3, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12969 Filed 6-5-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-32]

McQUAY-PERFEX, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that McQuay-Perfex, Inc., Perfex Division, Berlin Plants, 242 South Pearl Street, Berlin, Wisconsin 54923 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.212(a)(3)(ii) Machine guarding—Point of operation guarding.

The address of the place of employment that will be affected by the application is as follows:

McQuay-Perfex, Inc.
Perfex Division
Berlin Plants
242 South Pearl Street
Berlin, Wisconsin 54923

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the specifications of 29 CFR 1910.212(a)(3)(ii) which, in part, requires that the point of operation of machines whose operation exposes an employee to injury shall be guarded. It states that there is no specific standard for such guards and that it is providing a place of employment as safe as that required by 29 CFR 1910.212(a)(3)(ii).

The applicant's operation in question concerns roll forming cylindrical steel shells on pyramid forming rolls. The applicant states that all powered movements of Pyramid Roll #157 are controlled by one shielded "deadman" switch, that the operator must have his hand on this switch in order for machine movement to occur and that movement stops abruptly once the switch is released. The combination of the switch, abrupt cessation of motion and a newly expanded metal barrier prevent the operator from placing any portion of his body in the danger zone during machine movement.

The applicant further contends that on Roll #159 the location of the two shielded "deadman" foot pedals for end clamp operation and the shielded "deadman" foot pedal which controls all other machine movement, in conjunction with a solenoid operated brake, prevent the operator from entering the danger zone during machine movement. The solenoid operated brake abruptly stops the roll upon release of the "deadman" switch.

The applicant contends that the operator of either roll has good visibility of the entire area of the machine either directly or via a mirror and has no need to move about. Also, defeating any of the switches would render them inoperative or prevent the operator from performing his job. The operations performed by these machines require only one individual. However, stock which necessitates the aid of a helper for proper positioning can be inserted with the power off. As a further precaution, pedestrian traffic within three feet of the base of Pyramid Rolls #157 and 159 is prohibited and markings to indicate this restriction have been provided.

The applicant states that it will employ feasible point of operation guards if they are developed and become available.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 Wests Wisconsin
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than July 8, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 8, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that McQuay-Perfex, Inc., Perfex Division, Berlin Plants, be, and it is hereby, authorized to operate Pyramid Rolls #157 and 159 provided the switches, guards and other safety devices and procedures herein stated are utilized in lieu of the point of operation guarding required by 29 CFR 1910.212(a)(3)(ii).

McQuay-Perfex, Inc., Perfex Division, Berlin Plants shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of June 6, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-12988 Filed 6-5-74;8:45 am]

[V-73-26]

GTE SYLVANIA, INC.

Grant of Variance

I. *Background.* GTE Sylvania, Inc., Hawes Street, Towanda, Pennsylvania 18848 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.157(a)(5) concerning the mounting of fire extinguishers. Facilities affected by this application are:

GTE Sylvania, Inc.
Chemical & Metallurgical Div.
Hawes Street
Towanda, Pennsylvania 18848

Hydramet Company
Caro, Michigan 48723

Walmet Company
404 East Ten Mile Road
Pleasant Ridge, Michigan 48069

Western Gold & Platinum Company
555 Harbor Boulevard
Belmont, California 94022

Notice of the application was published in the FEDERAL REGISTER on October 12, 1973 (38 FR 28333). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No comments and no request for a hearing have been received.

II. *Facts.* Approximately 15 percent of the applicant's portable fire extinguishers are located in administrative areas. These fire extinguishers stand in holders on the floor rather than being hung on the wall. The holder for a 15 pound CO_2 extinguisher has a steel base plate 14'' x 14'' x ¼'' upon which is welded a cylinder approximately 7⅜'' diameter x 8'' x 1/16''. The holder weighs approximately 18 pounds and is not attached to the floor. A continuous force of 16 pounds applied near the top of the extinguisher is required to topple a 15-pound CO_2 extinguisher having a gross weight of 40 pounds. The critical angle for falling is approximately 53°.

The remaining 85 percent of the applicant's extinguishers are in the production areas, and are stored or mounted in accordance with 29 CFR 1910.157(a)(5).

III. *Decision.* 29 CFR 1910.157(a)(5) requires that fire extinguishers be installed on the hangers or brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type. This is intended to protect the extinguishers from being accidentally knocked over and discharging.

The holders which the applicant is using weigh 18 pounds and have a 14'' square base plate, thereby providing a low center of gravity. The 8'' height of the cylinders prevents the extinguisher from being knocked out of the holder. The force necessary to tip the extinguisher to the critical angle for falling (approximately 53°) is 16 pounds applied

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near the top of the extinguisher. These holders will be used only for fire extinguishers in the administrative areas where they are not subject to bumping by trucks and other equipment.

For these reasons it is very unlikely that the extinguishers would be tipped over. In addition, the use of portable holders makes it possible to locate the extinguishers in areas with easy access but little likelihood of bumping the extinguishers. Therefore, the mountings which the applicant is using provide a place of employment as safe as that which would be obtained by using the mountings described in 29 CFR 1910.157(a)(5).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that GTE Sylvania, Inc., at its locations listed above, be, and it is hereby, authorized to set portable fire extinguishers used in administrative areas in 18 pound holders set on the floor with a 14'' x 14'' x $\frac{1}{4}$'' base plate upon which is welded a 7$\frac{3}{8}$'' x 8'' x $\frac{1}{16}$'' cylinder, in lieu of using the mountings required by 29 CFR 1910.157(a)(5). In production areas, fire extinguishers shall be mounted in accordance with 29 CFR 1910.157(a)(5).

As soon as possible GTE Sylvania, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on June 6, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–12989 Filed 6–5–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 44]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 31, 1974.

The following applications (except as otherwise specifically noted, each applicant, on applications filed after March 27, 1972, states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 265), filed April 22, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides, and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Maryland, District of Columbia, Illinois, Delaware, New Jersey, New York, Indiana, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Ohio, restricted to traffic originating at, and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 2900 (Sub-No. 259), filed May 3, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment): (1) Serving the plantsite and warehouse facilities of Fisher-Price Toys, at or near Murray, Ky., as an off-route point in connection with carrier's authorized regular route operations. (2) Serving the Russell Schmidt Industrial Park, at or near Mt. Clemens, Mich., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 260), filed May 2, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment): Serving the Valley Tow-Rite plantsite at or near Shelbyville, Ky., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 8958 (Sub-No. 27) (Correction), filed April 15, 1974, published in FEDERAL REGISTER issue of May 23, 1974, as No. MC–8959 (Sub-No. 27), and republished as corrected this issue. Applicant: THE YOUNGSTOWN CARTAGE, a Corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Iron and steel and iron and steel articles,* from the plantsite of Carpenter Technology Corporation at Reading, Pa., to points in Michigan, Indiana, and Illinois, and (B) *damaged and returned shipments of the above described commodities,* from Michigan, Indiana, and Illinois, to the plantsite and facilities of Carpenter Technology Corporation at Reading, Pa., restricted to traffic originating at and destined to the named origins and destination points.

NOTE.—The purpose of this republication is to indicate the correct Docket number assigned to this proceeding as MC–8958 (Sub-No. 27). If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 9269 (Sub-No. 18), filed April 16, 1974. Applicant: BEST WAY MOTOR FREIGHT, INC., 1765 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: William J. Dahl (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), serving points within 15 miles of Spokane, Wash., as intermediate and off-route points in connection with carrier's authorized regular route operation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane or Seattle, Wash.

No. MC 10761 (Sub-No. 265), filed April 30, 1974. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore Count), Tex., to points in North Carolina, South Carolina, Michigan, Ohio, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine, Pennsylvania, New Jersey, and New York, restricted to traffic originating at, and destined to, the named points. If a hearing is deemed necessary, applicant requests it be held in Omaha, Nebr.

No. MC 20992 (Sub-No. 30) (Correction), filed April 5, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished as corrected this issue. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Vegetable harvesting and handling equipment* (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Clear Lake, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, New Hampshire, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacturing, production, and distribution of vegetable harvesting and handling equipment (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from points in the above-named destination states to Clear Lake, Wis.; (1) and (2) above, restricted to traffic originating at or destined to Clear Lake, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn., or Chicago, Ill. The purpose of this republication is to correct the destination points named in (1) above, which were previously published in error.

No. MC 29120 (Sub-No. 180), filed April 26, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware (P.O. Box 769), Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Toledo, Ohio, and Des Moines, Iowa: From Toledo, Ohio, over Interstate Highway 80 to Des Moines, Iowa, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Toledo, Ohio.

No. MC 30844 (Sub-No. 505), filed April 22, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such articles,* as are dealt in by retail department stores, from Bayonne, N.J., to Detroit, Southfield, South Gate, Roseville, and Madison Heights, Mich., and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 31389 (Sub-No. 181), filed April 29, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission; commodities in bulk and those requiring special equipment), serving the plantsite of Kennametal, Inc., at Slippery Rock, Pa., as an off-route point in connection with carrier's authorized regular route operations to and from Pittsburgh and West Middlesex, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 41406 (Sub-No. 40), filed April 18, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* between Ashland, Ky., Butler, Pa., and Middletown, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Missouri, Wisconsin, Nebraska, on and east of U.S. Highway 81, Kansas, on and east of U.S. Highway 81, and that portion of Minnesota bounded on the south by the Minnesota-Iowa State Boundary Line, on the west by Minnesota Highway 15, on the north by Minnesota Highway 95, and on the east by the Minnesota-Wisconsin State Boundary Line including points on the designated highways (except from Middletown, Ohio, to Indiana, Illinois, and St. Louis, Mo.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Indianapolis, Ind., or Chicago, Ill.

No. MC 51146 (Sub-No. 375), filed April 22, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper, and *metal* of extraordinary, between the facilities of the American Smelting and Refining Co., located on Texas Highway 136 near Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

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[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 52657 (Sub-No. 716), filed April 22, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except automobiles, trucks, and trailers), in initial movements, in truckaway service, from La Verne, Calif., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), (2) *motor vehicles* (except automobiles, trucks, and trailers), in secondary movements in truckaway service, from points in the United States (except from Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington), to La Verne, Calif.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 95), filed April 29, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Denver, Colo., and Pueblo, Colo.: From Denver over Interstate Highway 25 to Pueblo, and return over the same route, serving all intermediate points; and (2) between Denver, Colo., and Eads, Colo.: From Denver over U.S. Highway 40 to Kit Carson, thence over U.S. Hgihway 287 to Eads, and return over the same route, serving no intermediate points.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 55896 (Sub-No. 45), filed May 2, 1974. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: W. E. Richter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Indiana (except those in the Chicago, Illinois, Commercial Zone), Michigan, and Ohio, on the one hand, and, on the other, the plant facilities and warehouses of American Motors Corporation, located at or near Kenosha and Racine, Wis.; and (2) *refused, rejected, and returned shipments*, from the plant facilities and warehouses of American Motors Corporation, at or near Kenosha and Racine, Wis., to the origins described in (1) above.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 56679 (Sub-No. 79), filed April 19, 1974. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facilities of Monsanto Company located at or near Muscatine, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 59367 (Sub-No. 93), filed April 26, 1974. Applicant; DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Carol Stream, Ill., to points in Iowa and Nebraska.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61440 (Sub-No. 141), filed April 25, 1974. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodilites requiring special equipment), serving the plant site of Colt Industries, Inc., at or near Sallisaw, Okla., as an off-route point in connection with carrier's authorized regular route operations.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 71478 (Sub-No. 33), filed April 25, 1974. Applicant: THE CHIEF FREIGHT LINES COMPANY, a Corporation, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, Tex., and Lawton, Okla., serving no intermediate points: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Oklahoma Highway 7, thence over Highway 7 to Lawton, Okla., and return over the same route.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 71478 (Sub-No. 35), filed April 25, 1974. Applicant: CHIEF FREIGHT LINES COMPANY, a Corporation, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Durant, Okla., and Pittsburg, Kans.: From Durant, Okla., over U.S. Highway 69 northbound to Pittsburg, Kans., serving the intermediate points of McAlester and Muskogee, Okla.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., Tulsa, Okla., or Kansas City, Mo.

No. MC 82492 (Sub-No. 106), filed April 29, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Bailey, Mich., to points in North Dakota (except Fargo) and South Dakota.

Note.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 95540 (Sub-No. 901), filed May 1, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Lovejoy, Ga., to points in Alabama, Florida, Louisiana, Kentucky, North Carolina, and South Carolina.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 98952 (Sub-No. 29), filed April 22, 1974. Applicant: GENERAL TRANSFER COMPANY, A Corporation, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Kirkwood Yockey, Suite 300 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries, and advertising matter, premiums, and display material* when shipped in the same vehicle with confectioneries, from the plant site and warehouse of E. J. Brach & Sons, Division of American Home Products, Incorporated, at Carol Stream, Ill., to points in Indiana and Paducah, Henderson, Owensboro, and Louisville, Ky.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 100449 (Sub-No. 49), filed April 26, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4 Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from York, Nebr., to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, Texas, Michigan, Oklahoma, and Kansas.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or either Kansas City, Mo.

No. MC 102567 (Sub-No. 172), filed April 29, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Neadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between the plantsite of Gulf Oil Company, located at or near West Port Arthur, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 103993 (Sub-No. 804), filed May 1, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Woodbury County, Iowa, to points in the United States (except Alaska and Hawaii).

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 805), filed May 1, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Rhea County, Tenn., to points in the United States (except Alaska and Hawaii).

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 102567 (Sub-No. 173), filed April 30, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizing*, in bulk, in tank vehicles, from Springhill, La., to Vicksburg, Miss.

Note.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 106674 (Sub-No. 134), filed April 18, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems*, knocked down, from Mitchell, Ind., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary to Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

Note.—If a hearing is deemed necessary, the applicant requests it be held in Indianapolis, Ind., or Chicago, Ill.

No. MC 107107 (Sub-No. 434), filed April 26, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Avenue (LeJuene Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, foods, and food materials*, from Mobile, Ala., and points in Mobile County, Ala., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

Note.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 108340 (Sub-No. 27), filed May 1, 1974. Applicant: HANEY TRUCK LINE, a Corporation, Number 1 Haney Lane, P.O. Box 485, Cornelius, Oreg. 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Oregon and Washington.

Note.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108382 (Sub-No. 22), filed April 26, 1974. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, cabinets, and paper products*, between the plantsite or facilities of Century Products, Inc., located at or near Cheboygan, Mich., on the one hand, and, on the other, Smithfield, N.C.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 108393 (Sub-No. 75), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electrical appliances, parts of electrical* *and gas appliances, and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (1) between Lombard, Ill., on the one hand, and, on the other, points in Elkhart, Fulton, Kosciusko, Lake, La Porte, Marshall, Porter, Pulaski, St. Joseph, and Starke Counties, Ind., and Berrien, Cass, St. Joseph, and Van Buren Counties, Mich., (2) from St. Joseph, Mich.; Clyde, Marion, and Findlay, Ohio; Danville, Ky.; La Porte, Ind.; St. Paul, Minn.; and Ft. Smith, Ark., to Lombard, Ill., and (3) from Columbus, Ohio, and Evansville, Ind., to points in Boone, Cook, Du Page, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill.; Elkhart, Fulton, Kosciusko, Lake, La Porte, Marshall, Porter, Pulaski, St. Joseph, and Starke Counties, Ind., and Berrien, Cass, St. Joseph, and Van Buren Counties, Mich., under continuing contract or contracts with Whirlpool Corporation.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 76), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, (1) between New Buffalo, Mich., and Mt. Gilead, Ohio, on the one hand, and, on the other, Evansville, Ind.; and (2) between Kendallville, Ind., and Danville, Ky., under continuing contract or contracts with Whirlpool Corporation.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 77), filed April 25, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Street, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and mail order houses*, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business between Pittsburgh, Pa., on the one hand, and, on the other, Cumberland, Md.; Hornell, Lakewood, and Olean, N.Y.; Niles, Salem, Steubenville, and Youngstown, Ohio; Charleston, Fairmont, Huntington, Parkersburg, Williamson, and Wheeling, W. Va., under continuing contract or contracts with Sears, Roebuck & Co.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109448 (Sub-No. 19), filed April 22, 1974. Applicant: PARKER TRANSFER COMPANY, a Corporation, Telegraph Road, P.O. Box 256, Elyria, Ohio 44035. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheets and coils*, from the plants and warehouses of Jones & Laughlin Steel Corporation located at or near Cleveland, Ohio, to points in Indiana.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 138), filed May 2, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Kenosha Packing Co., Inc., and Birchwood Meat and Provision, Inc. (wholly owned subsidiary of Kenosha Packing, Inc.), located at or near Kenosha, Wis., and Hebron, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Ohio, and the District of Columbia, restricted to traffic originating at the above named plantsites and warehouse facilities.

Note.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 111812 (Sub-No. 505), filed April 12, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Billings, Mont., to points in South Dakota, Iowa, Minnesota, Nebraska, Wisconsin, Illinois, Kansas, and Missouri, restricted to the transportation of traffic originating at the named origin, and destined to the destination points named above.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 112713 (Sub-No. 168), filed April 25, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant and warehouse facilities of Valley Tow-Rite, Inc., at or near Shelbyville, Ky., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Louisville, Ky.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC-112750 (Sub-No. 312), filed April 30, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Lake Success, N.Y., and Toms River, N.J., under contract with First State Bank of Toms River.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC-112822 (Sub-No. 330), filed April 29, 1974. Applicant: BRAY LINES, INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Shurtenda Foods, Inc., located at Cedartown, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wisconsin.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC-113434 (Sub-No. 61), filed May 3, 1974. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products used in and produced by the food processing industry* (except commodities in bulk), from the plantsite and warehouse facilities of Welch Foods, Inc., at Lawton, Decatur, and Mattawan, Mich., to points in Iowa.

Note.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC-114211 (Sub-No. 226) (Correction), filed March 15, 1974, published in the Federal Register issue of April 25, 1974, and republished as amended this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of PPG Industries, Inc., at or near Wichita Falls, Tex., to points in Oklahoma, Kansas, Nebraska, Colorado, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, Illinois, Indiana, and Missouri.

Note.—The purpose of this republication is to include the State of Missouri, as a destination point, which was omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114486 (Sub-No. 29), filed April 29, 1974. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jointing compounds* (except in bulk, in tank trailers), from the plantsite of W. S. Dickey Clay Manufacturing Co., located at Pittsburg, Kans., and Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, under contract with W. S. Dickey Clay Manufacturing Co.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 115162 (Sub-No. 292), filed May 6, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, panels, and composition board*, from Philadelphia, Pa., and points in its commercial zone, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 116142 (Sub-No. 21), filed April 25, 1974. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box 423, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages and related advertising materials*, from Baltimore, Md., to points in Ohio.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC-116763 (Sub-No. 274) (Correction), filed April 4, 1974, published in the Federal Register issue of May 9, 1974, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from Dunkirk, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, Delaware, Maryland, Virginia, those points in Pennsylvania on and east of U.S. Highway 220, the District of Columbia, and Bronx, Kings, Nassau, Queens, Richmond, Suffolk, Westchester, and New York Counties, N.Y., restricted to traffic originating at Dunkirk, N.Y., and destined to the territory named.

Note.—The purpose of this republication is to add the destination points of Delaware and New York County, N.Y., which were omitted as territory destinations, and to correctly define the territorial description in Pennsylvania as "those points in Pennsylvania on and east of U.S. Highway 220," instead of U.S. Highway 200. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117119 (Sub-No. 501), filed April 29, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsites of Welch Foods, Inc., at North East, Pa., and Westfield, N.Y., and the storage facilities of Welch Foods, Inc., at North East, Pa., and Erie, Pa., to the plantsite of Welch Foods, Inc., at Kennewick, Wash., restricted to traffic originating at the named origin points and destined to the named destination points.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or New York, N.Y.

No. MC 117940 (Sub-No. 126), filed May 3, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Jeno's, Inc., located at or near Superior, Wis., to points in Arkansas, Connecticut, Delaware, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

Note.—Applicant holds contract carrier authority in MC 114789 Sub-No. 1, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or Duluth, Minn.

No. MC 118034 (Sub-No. 20), filed May 1, 1974. Applicant: MILLER TRUCK LINE, INC., 901 NE. 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plant site of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Texas, Oklahoma, Arkansas, Louisiana, New Mexico, Tennessee, Mississippi, Alabama, Georgia, and Florida, restricted to traffic originating at, and destined to, the named points.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 118159 (Sub-No. 144), filed April 29, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Page Milk Co., located at or near Tulsa, Okla., to points in Colorado, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, restricted to traffic originating at the above-named origin and destined to the above-named states.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 119493 (Sub-No. 110), filed May 6, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles*, from Wilton, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of above specified commodities (except commodities in bulk),

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from points in the United States (except Alaska and Hawaii), to Wilton, Iowa.

Note.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119522 (Sub-No. 30), filed May 6, 1974. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: John B. Leatherman, Jr., P.O. Box 2159, Anderson, Indiana 46011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned goods, other than frozen, from Mount Summit, Ind., to Collinsville, Ill.

Note.—Applicant holds contract carrier authority in MC–34865 Sub 39, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Ft. Wayne, Ind.

No. MC 119669 (Sub-No. 48), filed April 29, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald W. McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus (Moore County), Tex., to points in Virginia, West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Kentucky, Michigan, and Ohio.

Note.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119726 (Sub-No. 39), filed April 29, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuff, promotional and display materials*, from Archbold, Ohio, to points in Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia and Florida.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 119726 (Sub-No. 40), filed April 29, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, including caps, covers, and tops, from Terre Haute, Ind., to points in Illinois, Missouri, Wisconsin, Michigan, and Ohio.

Note.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119726 (Sub-No. 41), filed April 30, 1974. Applicant: N. A. B. TRUCKING CO., INC., 2502 West Howard Street, Indianapolis, Ind. 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardboard cartons*, knocked down, from Jacksonville, Fla., to the plantsite of Midland Glass Company, Inc., located at Warner Robins, Ga.

Note.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119777 (Sub-No. 296), filed April 29, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, wood paneling, hardboard, wallboard, and particleboard, and materials, supplies and accessories* used in connection therewith, from the plantsites and warehouse of Pluswood, Inc., located at or near Oshkosh, Wis., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, and Wyoming.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 120279 (Sub-No. 5), filed April 26, 1974. Applicant: F & S COMPANY, INC., 915 North Main Street, Tooele, Utah 84074. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper concentrates* in dump trucks, from the Anaconda Copper Company mill site at or near Victoria, Nev., to Wendover, Utah.

Note.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123255 (Sub-No. 43), filed April 29, 1974. Applicant: B AND L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from the plantsites and warehouse facilities of Anchor Hocking Corp., located in Fairfield County, Ohio, and Canal Winchester, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123294 (Sub-No. 31), filed April 29, 1974. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona Avenue, Warsaw, Ind. 45680. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics, animal and poultry medicines, animal and poultry insecticides, livestock and poultry feeders and equipment, and advertising matter and premiums* related to such commodities, from Quincy and Alpha, Ill., to points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tenneessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacturing, sales, and distribution of the above named commodities, from points in Virginia, West Virginia, Georgia, Florida, Kentucky, Tennessee, Alabama, New York, New Jersey, Delaware, Maryland, and the District of Columbia, to Quincy and Alpha, Ill.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124078 (Sub-No. 594), filed May 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, from Festus, Mo., to points in Kansas, Oklahoma, and Texas; (2) *dry fertilizer*, in bulk, and *dry fertilizer materials*, in bulk, from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin; and (3) *fertilizer and fertilizer materials*, in bulk, from Hannibal, Louisiana, and Crystal City, Mo., to points in Illinois.

Note.—Common Control may be involved. Applicant holds contract carrier authority in MC–113832 Sub-No. 68, therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 124796 (Sub-No. 113) (Amendment), filed April 5, 1974, published in the Federal Register issue of May 23, 1974, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln,

Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing and bleaching compounds, animal litter, and cooking oil* (except commodities in bulk), (a) from the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md., to points in Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia; and (b) from the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J., to the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md., Boston, Mass., and Charlotte, N.C.; (2) *cleaning compounds* (except commodities in bulk), from Lakewood, N.J., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., and Frederick, Md.;

(3) *Aerosol products*, (a) from Piscataway, N.J., and Milford, Conn., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., Frederick, Md., and Charlotte, N.C.; (b) from Milford, Conn., to the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J.; and (c) from Baltimore, Md., to the plantsite and facilities untilized by the Clorox Company at or near Boston, Mass., Charlotte, N.C., and Jersey City, N.J.; (4) *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of buffing, polishing, cleaning, scouring, washing, and bleaching compounds (except commodities in bulk and those which by reason of size or weight require the use of special equipment), (a) from points in New Jersey and Delaware, to the plantsite and facilities utilized by the Clorox Company at or near Frederick, Md.; (b) from points in Delaware, and Baltimore, Md., to the plantsite and facilities utilized by the Clorox Company at or near Jersey City, N.J.; and (c) from Baltimore, Md., to the plantsite and facilities utilized by the Clorox Company at or near Boston, Mass., and Charlotte, N.C.; (5) *charcoal, wood chips, vermiculite, lighter, and fireplace logs* (sawdust and wax impregnated) (except commodities in bulk), from the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia;

(6) *Materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs (sawdust and wax impregnated), from Norfolk, Va., to the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; (7) *lighter fluid* (except in bulk) from Paulsboro, N.J., to the plantsite and facilities utilized by the Clorox Company and its affiliates at or near Parsons and Ridgeley, W. Va.; and (8) *foodstuffs*, not frozen, other than bulk, from West Chester and Kennett Square, Pa., to East Hartford, Conn., and New York, N.Y., under a continuing contract or contracts with the Clorox Company.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. The purpose of this republication is to add the territory description designated in (3)(c) above.

No. MC 124796 (Sub-No. 114), filed April 25, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories, automotive jacks, cranes* (not self-propelled), *hand, electric, and pneumatic tools, and component parts, materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities described above, between the facilities of Walker Manufacturing Company, Division of Tenneco, Inc., at or near Greenville, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with Tenneco, Inc.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124964 (Sub-No. 17), filed April 29, 1974. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs*, in mechanically refrigerated equipment, from West Orange, N.J., to points in Georgia, under continuing contract or contracts with Organon, Inc., West Orange, N.J.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126305 (Sub-No. 58), filed April 30, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm equipment, materials, and supplies*, between Dothan, Ala., on the one hand, and on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, Minnesota, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 126402 (Sub-No. 15), filed April 29, 1974. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and related advertising materials;* from Columbus, Ohio, to Lexington, Ky., *and empty malt beverage containers* on return.

Note.—If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Louisville, Ky.

No. MC 127042 (Sub-No. 146), filed April 25, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese* from Hebron and Newman Grove, Nebr., to points in Wisconsin; and (2) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hospers, Iowa, to points in Kansas and Missouri.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 127774 (Sub-No. 7), filed May 6, 1974. Applicant: HAINES TRANSPORT, INC., Box 207, Greenfield, Iowa 50849. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mid America Pipe Line Terminal located at or near Clay Center, Kans., to points in Iowa, Missouri, and Nebraska.

Note.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 128981 (Sub-No. 9), filed April 30, 1974. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in substituted motor for air service, between Kansas City International Airport, Kansas City Municipal Airport, located at Kansas City, Mo., and Fairfax Airport, located at Kansas City, Kans., points in Arkansas, Iowa, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Minnesota, Nebraska, New Mexico, on and east of In-

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terstate Highway 25 and Interstate Highway 10, Oklahoma, Texas, and Wisconsin in nonradial movement.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 129222 (Sub-No. 3), filed May 2, 1974. Applicant: MARVIN FORD, doing business as FORK TRUCK LINE, Tipton, Iowa 52772. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, and liquid fertilizer ingredients*, in bulk, from the plantsites and storage facilities utilized by Twin-State Engineering & Chemical Company, located in Scott County, Iowa, to points in Illinois, Minnesota, and Missouri.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–133655 (Sub-No. 74) (Amendment), filed April 4, 1974, published in the Federal Register issue of May 9, 1974, and republished as amended this issue. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, Suite 1000, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper; and (2) *metal of extraordinary value*, between the facilities of the American Smelting and Refining Co., located on Texas State Highway 136, near Amarillo, Tex., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Arizona, California, Colorado, New Mexico, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and the District of Columbia.

Note.—The purpose of this amendment is to indicate the specific location of the American Smelting and Refining Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 133920 (Sub-No. 6), filed May 3, 1974. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, in dump and hopper-type vehicles, (1) from points in Georgia, to points in Florida, Alabama, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) from points in Alabama, to points in Georgia.

Note.—If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 134783 (Sub-No. 21), filed April 29, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Colorado, Kansas, Missouri, Iowa, Illinois, Mississippi, Texas, Oklahoma, and Louisiana.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134922 (Sub-No. 77), filed April 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and wooden windows and doors, aluminum wire, aluminum products, wood products and glass* (except commodities which because of size or weight, require the use of special equipment), between Owensboro, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, and Wisconsin.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Little Rock, Ark.

No. MC 134922 (Sub-No. 78), filed April 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, and waxing compounds, starch, air fresheners and disinfectants, mops, dusters, plastic articles, waxers and brooms, diet and nutritional foods* (except frozen), from Franklin, Ky., and Urbana, Ohio, to points in Florida and Georgia.

Note.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Little Rock, Ark.

No. MC 135797 (Sub-No. 25), filed April 29, 1974. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn mowers*, power, *and tillers*, rotary *and parts thereof*, from the plant site of Dynamark Sales, Inc., at Des Moines, Iowa, to points in Arkansas, Louisiana, Missouri, Oklahoma, Kansas, and Brownsville, Covington, Millington, and Ripley, Tenn.

Note.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 136777 (Sub-No. 9) (Correction), filed April 5, 1974, published in the Federal Register issue of May 16, 1974, and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59407. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal* for recycling, (1) from points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Kansas, to Spokane, Seattle, Renton and Kent, Wash.; Portland, Oreg.; San Francisco, Los Angeles, and San Diego, Calif.; Phoenix, Ariz.; Salt Lake City and Provo, Utah; Denver and Pueblo, Colo.; Norfolk and Omaha, Nebr.; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa; St. Paul and Minneapolis, Minn.; Beloit and Milwaukee, Wis.; Chicago, Rockford, Sterling, and Alton, Ill., and the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, North Dakota, and Minnesota, and (2) from points in Iowa, Minnesota, Missouri, Kansas, and Wisconsin to St. Paul and Minneapolis, Minn; Beloit and Milwaukee, Wis.; Council Bluffs, Des Moines, Waterloo, Davenport, and Centerville, Iowa; Norfolk and Omaha, Nebr.; Chicago, Rockford, Sterling, and Altan, Ill.; and Kansas City, Kans.; and Kansas City and St. Louis, Mo.; (1) and (2) above, under contract with Krushette Kleen.

Note.—The purpose of this republication is correct the destination points named in (1) above, which were previously published in error. Applicant holds common carrier authority in MC 26396 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 138530 (Sub-No. 8), filed March 20, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck, III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over iregular routes, transporting: *Machinery, strip mining, walking drag lines, mining and construction excavator shovels, stripping shovels, blast hole drills, steel forgings, castings, machinery parts, strip mining parts, walking drag line parts, mining and excavator shovel parts, drill parts and accessories* thereof; *iron and steel* used in the manufacture of above parts, *and vendor products* used in the manufacture and processing of products in the above described commodities, between the plantsite of Marion Power Shovel Co., Inc., at Marion, Ohio, points in New York, Ohio, and Pennsylvania, and Virginia, in non-radial movements, under contract with Marion Power Shovel Co., Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa. or Washington, D.C.

No. MC 138530 (Sub-No. 10), filed April 3, 1974. Applicant: C. O. P. TRANSPORT, INC., 307 South High Street, Cortland, Ohio 44410. Applicant's representative: Warren R. Keck, III, 28 South Second Street, Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over iregular routes, transporting: *Machinery, strip mining, walking drag lines, mining and construction excavator shovels, stripping shovels, blast hole drills, steel forgings, castings, machinery parts, strip mining parts, walking drag line parts, mining and exvacator shovel parts, drill parts and accessories* thereof, *iron and steel* used in the manufacture of above parts, and *vendor products* used in the manufacture and processing of products produced and shipped by customer, between the plantsite of Marion Power Shovel Co., Inc., located at or near Marion, Ohio, points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin, in non-radial movements, under contract with Marion Power Shovel Co., Inc.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 138456 (Sub-No. 1), filed April 30, 1974. Applicant: S. W. BURNS AND TERRENCE W. BURNS, doing business as BURNS AND SON TRUCKING, P.O. Box 344, Springfield, Ga. 31329. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, in dump trucks, from Savannah, Ga., to points in South Carolina.

Note.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 138469 (Sub-No. 4), filed April 29, 1974. Applicant: DONCO CARRIERS, INC., 1001 S. Rockwell, Oklahoma City, Okla. 73128. Applicant's representative: Wm. L. Peterson, Jr., 401 North Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude synthetic rubber*, in bags, between Lake Charles, La., and Miami, Okla.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 139233 (Sub-No. 1), filed April 1, 1974. Applicant: MELVIN T. DICKERSON, INC., Rt. 2, Box 337, Dallas, Oreg. 97007. Applicant's representative: B. Gayle Bergstrom, 11150 SW. Allen, Beaverton, Oreg. 97005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salads and prepared foods;* and (2) *meats, cooked, cured, and preserved*, from Beaverton, Oreg., to points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, under contract with Reser's Fine Foods, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Portland or Salem, Oreg.

No. MC–139648 (Correction), filed March 15, 1974, published in the Federal Register issue of April 25, 1974, and republished as corrected this issue. Applicant: STATION WAGON SERVICE, INC., P.O. Box 153, 429 Minniskink Rd., Totwa, N.J. 07511. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages*, not exceeding 250 pounds, picked up and delivered from one consignor to one consignee within 6 hours, between points in Passiac, and Bergen Counties, N.J.; Fairfield, Caldwell, West Caldwell, North Caldwel, Cedar Grove (Essex County), N.J.; and Montville, Lincoln Park, Caldwell, Cedàr Grove (Essex County), Pequannock, Butler, and Riverdale (Morris County), N.J., on the one hand, and, on the other, Newark Airport, N.J., points in the New York, N.Y., Commercial Zone as defined by the Commission; and points in Westchester, Nassau, and Suffolk Counties, N.Y.; and Fairfield County, Conn.

Note.—The purpose of this republication is to clearly define the scope of authority sought by the applicant. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 139764, filed April 29, 1974. Applicant: RALPH E. WITH, doing business as C AND L TRUCKING CO., 1827 Clement Avenue, Alameda, Calif. 94501. Applicant's representative: R. Frederick Fisher, 311 California Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tinplate, black plate, and cold rolled sheet steel*, from the plantsite of Pennville Corporation, Benicia Industrial Tract, located at or near Benicia, Calif., to Oakland, Alameda, and San Francisco, Calif., under contract with Pennville Corp., restricted to shipments having a subsequent movement by water carrier in foreign commerce.

Note.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Oakland, Calif.

No. MC 139767, filed April 26, 1974. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, Wis. 53072. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt mix*, in bulk, in dump vehicles, from points in Wisconsin, to points in Illinois; and (2) *liquid oxygen, liquid nitrogen, and liquid argon*, in tank vehicles, from Waukesha, Wis., to points in Michigan, Indiana, Ohio, Illinois, Minnesota, and Iowa.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

Passenger Applications

No. MC 119961 (Sub-No. 5), filed April 29, 1974. Applicant: MARSHALL MOTOR COACH, INC., 10 South 8th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers or groups of passengers and their baggage*, in special and charter operations, beginning and ending at points in Grundy, Jasper, Marion, Marshall, Poweshiek, and Tama Counties, Iowa, and extending to points in the United States including Alaska, but excluding Hawaii.

Note.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124138 (Sub-No. 2), filed April 15, 1974. Applicant: OLD LYME-SAYBROOK TAXI SERVICE, INC., Old Lyme, Conn. 06371. Applicant's representative: F. Kent Sistare, Jr., 302 State Street, New London, Conn. 06320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, restricted to the transportation of not more than nine passengers in any one vehicle at one time, but not including the driver, or children under 12 years of age who occupy a seat or seats, between Stonington, North Stonington, Voluntown, Groton, Ledyard, Preston, Griswold, Lisbon, New London, Waterford, Montville, Norwich, Sprague, Bozrah, Franklin, East Lyme, Salem, Colchester, Lebanon, Old Lyme, Lyme, East Haddam, Old Saybrook, Westbrook, Essex, Deep River, Chester, Haddam, Clinton, and Killingworth, Conn., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and Newark Airport, N.J.

Note.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 139769, filed April 24, 1974. Applicant: FALCON CHARTER SERVICE, INC., 120 Perry Street, San Francisco, Calif. 94107. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, in sightseeing, pleasure, study, or educational tours, from San Francisco, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

BROKERAGE APPLICATIONS

No. MC 130240, filed April 24, 1974. Applicant: DESTOFREX DISTRIBUTING CORP., 364 Mineola Boulevard, Mineola, N.Y. 11501. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Mineola, N.Y., to sell or offer to sell the transportation of: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between points in the United States, including Alaska and Hawaii.

NOTE.—Applicant has currently filed a motion to dismiss by declaratory order for the reasons the services performed were not those of a freight forwarder as defined by Part IV of the Interstate Commerce Act, as amended. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130244, filed April 24, 1974. Applicant: JAMES G. KNEPPER AND NANCY L. KNEPPER, doing business as PAR CORNERS TRAVEL SERVICE, 221 West Patriot Street, Somerset, Pa. 15501. Applicant's representative: William L. Kimmel, 166 East Union Street, Somerset, Pa. 15501. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Somerset, Pa., to sell or offer to sell to common motor, rail, water, and air carriers, the transportation of *passengers and their baggage* in special and charter operations, in roundtrip sightseeing or pleasure tours, beginning and ending at points in Somerset and Bedford Counties, Pa., and extending to points in the United States (including Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Somerset, Pittsburgh, or Johnstown, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12917 Filed 6-5-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 75]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Chicago, Rock Island and Pacific Railroad Company, Fort Worth and Denver Railway Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company.

It appearing, That there is a massive harvest of wheat in progress in the states of Oklahoma and Texas; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Oklahoma or Texas when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars owned by railroads named above nor to cars subject to an order of this Commission requiring return to car owner.

Effective May 28, 1974.

Expires 11:59 p.m., June 30, 1974.

Issued at Washington, D.C., May 28, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13020 Filed 6-5-74;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 74]

RAILROADS SERVING KEOKUK, IOWA

Exemption Under Mandatory Car Service Rules

It appearing, That because of flood conditions the railroads serving Keokuk, Iowa, are unable to move empty cars to and from that station; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rule 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads serving Keokuk, Iowa, are authorized to move, place, and accept from shippers located in Keokuk, general service cars owned by other railroads regardless of the provisions of Car Service Rule 2 (see exception).

Exception: Covered hopper cars and cars subject to Interstate Commerce Commission Service Orders requiring the return of cars to owners.

Effective May 22, 1974.

Expires June 15, 1974.

Issued at Washington, D.C., May 22, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13019 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 128]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc. (BN) is unable to transport traffic over its line between Burlington, Iowa and Keota, Iowa, because of flooding.

It is ordered, That:

(a) The BN being unable to transport traffic over its line between Burlington, Iowa and Keota, Iowa, because of flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained*. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date*. This order shall become effective at 1:00 p.m., May 21, 1974.

(g) *Expiration date*. This order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent,

[FR Doc.74-13025 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 127]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to transport traffic to and from Burlington, Iowa, and to and from Keokuk, Iowa because of flooding.

It is ordered, That:

(a) The RI being unable to transport traffic to and from Burlington, Iowa, and to and from Keokuk, Iowa because of flooding, the RI is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained*. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date*. This order shall become effective at 1:00 p.m., May 21, 1974.

(g) *Expiration date*. This order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13024 Filed 6-5-74;8:45 am]

[Rev. S.O. 994; I.C.C. Order 126]

PENN CENTRAL TRANSPORTATION CO., ET AL.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees (PC) is unable to transport traffic over its Hudson River bridge east of Highland, New York, because of fire damage.

It is ordered, That:

(a) *Rerouting traffic*. The PC being unable to transport traffic over its Hudson River bridge located east of Highland, New York, because of fire damage, the following routes shall be used for the rerouting of traffic:

(1) Traffic originating or terminating on the PC at stations Campbell Hall, New York to Highland, New York, inclusive, and requiring movement over the Hudson River bridge of the PC east of Highland, New York, shall be rerouted via Maybrook, New York, thence any available route.

(2) Traffic routed for interchange between the PC and the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL), at Maybrook, New York, shall be interchanged between the PC and the EL at either Utica, New York, or Croxton (Marion) New Jersey, as mutually agreed upon by these carriers.

(3) Traffic routed for interchange between the PC and The Lehigh and Hudson River Railway Company, John C. Troiano, Trustee (LHR) at Maybrook, New York, shall be interchanged between the PC and the LHR at Maybrook, N.Y.

(b) *Concurrence of receiving roads to be obtained*. The railroad desiring to divert or reroute traffic under section (a), paragraph (1) of this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date*. This order shall become effective at 12:01 a.m., May 25, 1974.

(g) *Expiration date*. This order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-13021 Filed 6-5-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JUNE 3, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 17, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience

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in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–16682 (Sub-No. E3), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture, fixtures, and equipment.* (1) From points in Connecticut, Massachusetts, and Rhode Island to points in Arizona, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. (2) From points in Maine, New Hampshire, and Vermont to points in Arizona, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. (3) Between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. (4) Between points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island, on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateways of New York, N.Y., Cuyahoga County, Ohio, and points in Kentucky in proposal number 1, New York, N.Y., Cuyahoga County, Ohio, and points in Kentucky in proposal number 2, New York, N.Y., Cuyahoga County, Ohio, and Chicago, Ill., in proposal number 3, New York, N.Y., Cuyahoga County, Ohio, and Chicago, Ill., in proposal number 4.

No. MC–16682 (Sub-No. E8), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture and fixtures*, (1) from Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, to points in Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas; (2) from points in Delaware, Maryland, Rhode Island, and the District of Columbia to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Utah, and Texas; (3) from points in Maine, New Hampshire, and Vermont to points in Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Utah, Tennessee, and Texas. The purpose of this filing is to eliminate the gateways in (1) above of Cuyahoga County, Ohio, and Kentucky; in (2) above, points in Pennsylvania and Kentucky, and Cuyahoga County, Ohio, and in (3) above, points in Kentucky, New York, N.Y., and Cuyahoga County, Ohio.

No. MC–64651 (Sub-No. E1), filed May 12, 1974. Applicant: STAR TRANSPORT CO., INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of points in New Jersey which are within the Philadelphia, Pa., commercial zone.

No. MC–73165 (Sub-No. E1), filed May 14, 1974. Applicant: EAGLE MOTOR LINES, INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections), consisting of, *equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or consisting of *equipment, materials, and supplies* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals. (a) Between points in Texas on or south of a line beginning at Laredo, and extending along U.S. Highway 59 to Houston, Texas, and thence along U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois. (b) Between points in Texas on or south of a line beginning at Eagle Pass, and extending along U.S. Highway 57 to junction U.S. Highway 81, thence along U.S. Highway 81 to Round Rock thence along U.S. Highway 79 to Hearne, thence along U.S. Highway 190 to the Texas-Louisiana State line, on the one hand, and, on the other, Dubuque, Iowa, and points in Wisconsin within 150 miles of Dubuque, and points in Illinois.

(c) Between points in Texas on or east of a line beginning at Eagle Pass, and extending along U.S. Highway 277 to Abilene, thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Fond du Lac, Ozaukee, Washington, Dodge, Jefferson, Waukesha, Rock, Walworth, Racine, Kenosha, and Milwaukee Counties, Wis., within 150 miles of Dubuque, Iowa, and points in Lake, Du Page, Cook, Will, and Kankakee Counties, Ill. (d) Between points in Louisiana, on the one hand, and, on the other, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque. (e) Between points in Louisiana, on or east of a line beginning at the Louisiana-Texas State line southwest of Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Illinois. (f) Between points in Louisiana in or east of Cameron, Jefferson, Davis, Calcasieu, Allen, Evangeline, and Avoyelles Parishes, on the one hand, and, on the other, points in Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo., those in Cherokee and Crawford Counties, Kans., and those in Ottawa County, Okla. (g) Between points in Louisiana in or east of West Feliciana, Pointe Coupee, St. Martin, La Fayette, and Iberia Parishes, on the one hand, and, on the other, points in Labette and Montgomery Counties, Kans.

(2) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment and pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines).

(a) Between points in Texas on or south of a line beginning at the Texas-Louisiana State line, and extending west along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along U.S. Highway 69 to Jacksonville, thence along U.S. Highway 79 to Round Rock, thence along U.S. Highway 81 to Austin, thence along U.S. Highway 290 to Sonora, thence along U.S. Highway 277 to Eagle Pass, on the one hand, and, on the other, points in Illinois. (b) Between points in Texas on or south of U.S. Highway 80, on the one hand, and, on the other, points in Illinois on or east of a line beginning at the Illinois-Wisconsin State line near Hebron, and extending along Illinois Highway 47 to Decatur, thence along U.S. Highway 51 to Cairo. (c) Between points in Bowie, Cass, Hunt, Parker, Titus, Marion, Harrison, Upshur, Collin, Wise, Wood, and Rains Counties, Tex., on the one hand, and, on the other, points in Lake, McHenry, Kane, Cook, Du Page, Kendall, Kankakee, Iroquois, Vermilion, Edgar, Will, and Clark Counties, Ill. (d) Between points in Louisiana, on the one hand, and, on the other, points in Illinois. (e) Between points in Texas on or south of a line beginning at Farwell, and extending along U.S. Highway 60 to Bovina, thence along Texas Highway 86 to Estelline, thence along U.S. Highway 287 to Wichita Falls, thence along U.S. Highway 82 to Bells, thence along U.S. Highway 69 to Randolph, thence along Texas Highway 11 to

Pittsburg, thence along U.S. Highway 271 to Gilmer, thence along Texas Highway 154 to Marshall, and thence along U.S. Highway 80 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Kentucky. (f) Between points in Texas in or south of Oldham, Potter, Carson, Gray, and Wheeler Counties (except those in Bowie, Cass, Titus, Red River, Lamar, and Fannin Counties), on the one hand, and, on the other, points in Kentucky on or east of U.S. Highway 41.

(g) Between points in Bowie, Cass, Titus, Red River, Lamar, and Fannin Counties, Tex., on the one hand, and, on the other, points in Kentucky on or east of a line beginning at Louisville, and extending along U.S. Highway 150 to Mt. Vernon, thence along U.S. Highway 25 to Corbin, and thence along U.S. Highway 25E to the Kentucky-Tennessee State line. (h) Between points in Louisiana, on the one hand, and, on the other, points in Kentucky on, east, or south of a line beginning at the Kentucky-Tennessee State line south of Scottsville, and extending along U.S. Highway 31E to Glasgow, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 60 to Mt. Sterling, thence along U.S. Highway 460 to Paintsville, and thence along U.S. Highway 23 to Louisa. (i) Between points in Louisiana in or west of St. Mary, St. Martin, Assumption, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, on the one hand, and, on the other, points in Kentucky. (j) Between Sikeston, Mo., and points within 50 miles of Sikeston, on the one hand, and, on the other, points in Louisiana on or south of a line beginning at the Louisiana-Arkansas State line near Junction City, and extending along U.S. Highway 167 to Winfield, and thence along U.S. Highway 84 to the Louisiana-Texas State line, and that part of Texas on or south of a line beginning at Haslam, and extending along U.S. Highway 84 to Gatesville, thence along Texas Highway 36 to Abilene, and thence along U.S. Highway 80 to El Paso.

(3) *Iron and steel articles of structural steel, contractors' equipment* other than oil field, and *pipe* which because of size or weight require the use of special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment). (a) Between points in Louisiana in or east of West Feliciana, West Baton Rouge, Iberville, Assumption, and Terrebonne Parishes, on the one hand, and, on the other, points in Missouri, those in Kansas on or east of a line beginning at the Kansas-Nebraska State line near Chester, Nebr., and extending along U.S. Highway 81 to junction with Kansas Highway 61 southeast of McPherson, thence along Kansas Highway 61 to Hutchinson, thence along the Arkansas River to Wichita, and thence along Kansas Highway 15 to the Kansas-Oklahoma State line, and those in Oklahoma on, north, or east of a line beginning at the Oklahoma-Kansas State line near Coffeyville, Kans., and extending along U.S. Highway 75 to Bartlesville, and thence along U.S. Highway 60 to the Oklahoma-Missouri State line. (b) Between points in Louisiana, on the one hand, and, on the other, points in Missouri on or east of a line beginning at the Missouri-Iowa State line near Alexandria, and extending along U.S. Highway 61 to Troy, thence along Missouri Highway 47 to junction U.S. Highway 67 near Bonne Terre, Mo., and thence along U.S. Highway 67 to the Missouri-Arkansas State line. (c) Between points in Missouri on or north of a line beginning at the Missouri-Kansas State line near Freeman, and extending along Missouri Highway 2 to Windsor, thence along Missouri Highway 52 to Tuscumbia, thence along Missouri Highway 17 to Buckhorn, thence along U.S. Highway 66 to Rolla, thence along Missouri Highway 72 to Fredericktown, and thence along U.S. Highway 67 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and east of a line beginning at the Louisiana-Texas State line near Starks, and extending along Louisiana Highway 12 to Kinder, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line.

(d) Between points in Louisiana on or east of a line beginning at the Louisiana State line near Jones, and extending along U.S. Highway 165 to Tullos, and thence along U.S. Highway 84 to Vidalia, on the one hand, and, on the other, points in Kansas on, north, or east of a line beginning at Kansas City, and extending along Kansas Highway 10 to Lawrence, thence along U.S. Highway 40 to Topeka, and thence along U.S. Highway 75 to the Kansas-Nebraska State line. (e) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri on or east of a line beginning at the Missouri-Iowa State line near South Lineville, and extending along U.S. Highway 65 to Sedalia, thence along U.S. Highway 50 to Drake, thence along Missouri Highway 19 to Salem, thence along Missouri Highway 72 to Frederickstown, thence along U.S. Highway 67 to the Missouri-Arkansas State line. (f) Between points in Texas on or east of a line beginning at Brownsville, and extending along U.S. Highway 281 to Alice, thence over Texas Highway 44 to Robstown, thence over U.S. Highway 77 to Victoria, thence over U.S. Highway 59 to Houston, and thence over U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on and east of U.S. Highway 63.

(4) *Iron and steel articles consisting of road and bridge building materials*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment). (a) Between points in Louisiana in or east of West Feliciana, West Baton Rouge, Iberville, Assumption, and Terrebonne Parishes, on the one hand, and, on the other, points in Missouri, Oklahoma, and that portion of Kansas within 300 miles of Joplin, Missouri. (b) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Iowa, La., and thence over U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri, and that part of Kansas on or east of U.S. Highway 69. (c) Between points in Louisiana on or east of a line beginning at the Louisiana-Texas State line near Many, and extending along Louisiana Highway 6 to Clarence, thence along U.S. Highway 84 to Joyce, thence along Louisiana Highway 34 to Monroe, and thence along U.S. Highway 165 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 63. (d) Between points in Louisiana, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 61. (e) Between points in Texas on or east of a line beginning at Laredo, and extending along U.S. Highway 59 to Houston, and thence along U.S. Highway 90 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on or east of U.S. Highway 63. (f) Between points in Texas on or east of a line beginning at Laredo, and extending along U.S. Highway 81 to San Marcos, and thence along Texas Highway 21 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Missouri on or east of a line beginning at Alexandria, and extending along U.S. Highway 61 to St. Louis, and thence along U.S. Highway 67 to the Missouri-Arkansas State line.

(5) *Iron and steel articles* consisting of mining, excavating, construction, and road building, contractors' equipment, and supplies, which by reason of size or weight requires special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), between points in Indiana, on the one hand, and, on the other, points in Louisiana, and that part of Texas on or south of a line beginning at the Texas-Louisiana State line near Marshall, and extending along U.S. Highway 80 to Abilene, and thence along U.S. Highway 277 to Eagle Pass. The purpose of this filing is to eliminate the gateways of: (1) Lake Providence, La., and Pine Bluff, Ark. [proposal numbers 1 (a), (b), (c), (d), (e), (f), and (g)], (2) Lake Providence, La. Memphis, Tenn., and West Memphis, Ark. [pro-

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posal numbers 2 (a), (b), (c), and (d)]. (3) Lake Providence and Delhi, La., and Union City, Tenn. [proposal numbers 2 (e), (f), (g), (h), and (i)]. (4) Lake Providence, La. [proposal number 3(j)]. (5) Lake Providence, La., Memphis, Tenn., and Joplin, Mo. [proposal numbers 3 (a), (b), (c), (d), (e), and (f)]. (6) Lake Providence, La., and Warren, Ark. [proposal numbers 4 (a), (b), (c), (d), (e), and (f)]. (7) Lake Providence, La., Memphis, Tenn., West Memphis, Ark., and Cairo, Ill. (proposal number 5).

No. MC-107295 (Sub-No. E2), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling*, from Charlotte, N.C., (1) to points in Arizona, Louisiana, New Mexico, and Texas (Truman, Ark.);* (2) to points in Michigan and that part of Ohio in, east, and north of Lucas, Wood, Seneca, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, and Jefferson Counties (Chester, W. Va.);* and (3) to points in California, Colorado, Idaho, Illinois, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and that part of Indiana in, north, and west of Vigo, Clay, Putnam, Hendricks, Marion, Clinton, Howard, Miami, Fulton, Marshall, and Fulton Counties (Paris, Ill.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E5), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pipe, conduit, and tubing*, from points in Livingston County, Ill., to points in Delaware, Maryland, New Jersey, Virginia, West Virginia, that part of South Carolina in and east of Lancaster, Kershaw, Lee, Sumter, Clarendon, Dorchester, Colleton, and Jasper Counties, and that part of North Carolina in and east of Ashe, Wilkes, Caldwell, Catawba, Lincoln, and Gaston Counties (Seville, Ohio);* (B) *steel pipe, steel conduit, and steel tubing*, when utilized as building parts or accessories, from points in Livingston County, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (Youngstown, Ohio);* and (C) *metal pipe, metal conduit, and metal tubing*, from points in Livingston County, Ill., to points in Louisiana, that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line, thence along Interstate Highway 40 to Ash Fork, thence along U.S. Highway 66 to the Arizona-California State line, that part of Alabama in, south, and west of Baldwin and Washington Counties, that part of Mississippi in, south, and west of Bolivar, Sunflower, Humphreys, Yazoo, Madison, Scott, Jasper, and Wayne Counties, that part of New Mexico on and south of Interstate Highway 40/U.S. Highway 66, and that part of Texas in, south, and east of Wichita, Baylor, Haskill, Jones, Nolan, Mitchell, Howard, Midland, Ector, and Winker Counties (Pine Bluff, Ark), restricted in (A), (B), and (C), against the transportation (1) of oilfield commodities as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E123), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal panels*, when utilized as prefabricated building parts, from the plantsite and storage facilities of H. H. Robertson Company at Ambridge, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Galesburg, Ill.

No. MC-107295 (Sub-No. E124), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Edgewater, N.J., (1) to points in Arizona and California (Truman, Ark.);* and (2) to points in Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E125), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from East St. Louis, Ill., (1) to points in West Virginia (Brookville, Ind.);* and (2) to points in North Dakota and South Dakota (Fort Dodge, Iowa).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E126), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Deposit, N.Y., (1) to points in Arizona and California (Truman, Ark.);* and (2) to points in Idaho, Nevada, Oregon, Utah, and Washington (Kalamazoo, Mich.).* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-107295 (Sub-No. E127), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Memphis, Tenn., (1) to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming (Truman, Ark.)*; and (2) to points in Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and the District of Columbia (points in Henry County, Tenn:* The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E179), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from those points in Georgia on, north and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 20 to Atlanta, thence along Interstate Highway 85 to the Georgia-Alabama State line, to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC-110525 (Sub-No. 273), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Maryland to points in Iowa. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC-110525 (Sub-No. E284), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Nevada. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E289), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in North Dakota. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E296), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in Maryland to points in Texas. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC-110525 (Sub-No. E297), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Utah. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E298), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Washington. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110525 (Sub-No. E299), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Maryland on and east of Interstate Highway 81, to those points in that part of West Virginia on and west of a line beginning at the Maryland-West Virginia State line, then along U.S. Highway 219 to Bluefield, thence along U.S. Highway 19 to the West Virginia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC-110525 (Sub-No. E300), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in the *Maxwell* Co., *Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Maryland to points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC-110525 (Sub-No. E354), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in that Jersey. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E355), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to pionts in that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E356), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Michigan to points in North Carolina. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E357), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in that part of Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E358), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Fort Lee, N.J.

No. MC-110525 (Sub-No. E359), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Michigan to points in South Carolina. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E361), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Vermont. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E362), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials) in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in Virginia. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC-110525 (Sub-No. E363), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to points in West Virginia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC-110525 (Sub-No. E364), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in

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Connecticut. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E365), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Delaware. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E366), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E367), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Maine. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E368), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Maryland. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E369), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Massachusetts. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E370), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk in tank vehicles, from points in Mississippi to points in New Hampshire. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E371), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in New Jersey. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E372), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E373), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E374), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to point in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E375), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Mississippi to points in Vermont. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E376), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Mississippi to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along Virginia Highway 311 to Roanoke, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E377), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Mississippi to points in West Virginia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. 379), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Arizona. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E380), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, black liquor skimmings, sulphate, and liquid alum), in bulk, in tank vehicles, from points in New Jersey to points in Arkansas. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Atlanta, Ga.

No. MC–110525 (Sub-No. E381), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E382), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E383), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) points in Aston and Middletown Townships, Delaware County, Pa., and (2) Baltimore, Md.

No. MC–110525 (Sub-No. E384), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E385), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in New Jersey to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E386), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Idaho. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E387), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Illinois. The purpose of this filing is to eliminate the gatewar of Bridgeville, Pa.

No. MC–110525 (Sub-No. E388), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Indiana. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E389), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), from points in New Jersey to points in Iowa. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC 110525 (Sub-No. E390), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Kansas. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E436), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in New Mexico. The purpose of this filing is to eleminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E437), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of New York on and east of Interstate Highway 81 to points in North Carolina. The purpose of this filing is to eliminate the gateways of Johnstown, Pa., and Baltimore, Md.

No. MC–110525 (Sub-No. E438), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of New York west of Interstate Highway 81 to points in North Carolina. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–113843 (Sub-No. E23), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Minnesota. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC–113843 (Sub-No. E78), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in Vermont, New Hampshire, and points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Riceville, N.Y.

No. MC–113843 (Sub-No. E79), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates, and essence of fruits and berries*, from Buffalo, N.Y., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota,

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Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–113843 (Sub-No. E80), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juices, frozen berries, and essence of berries*, from Buffalo, N.Y., to Delaware, Maryland, Kentucky, and West Virginia. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC–113843 (Sub-No. E113), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y., and Detroit, Mich.

No. MC–113843 (Sub-No. E114), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to points in Indiana. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–114045 (Sub-No. E101), filed May 10, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Washington, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana, Oklahoma, or Texas.

No. MC–114045 (Sub-No. E119), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats* (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E120), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables*, and *frozen berries*, and *frozen fish* and *frozen poultry* when moving in the same vehicle with frozen fruits, vegetables and berries, from points in Oregon to Pittsburgh, Pa., and points in Kentucky, Tennessee (except Memphis), and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–123048 (Sub-No. E22), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin, 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities which because of size or weight require special equipment or special handling) from Schoolcraft, Mich., to points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oregon, North Dakota, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E23), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities, the transportation of which because of size or weight require the use of special equipment or handling), from Shelbyville, Ill., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Crown Point, Md.

No. MC–123048 (Sub-No. E24), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *implements* and *parts thereof* (except commodities which because of size or weight, require the use of special equipment or special handling), from Schoolcraft, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of South Bend, Md.

No. MC–123048 (Sub-No. E25), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts, and tractor attachments and commodities the transportation of which because of size or weight require special equipment or special handling), from Waterloo, Iowa, to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E26), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* (except commodities the transportation of which because of size or weight require special equipment or special handling), from St. Nazianz, Wis., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, Tennessee, Texas, and West Virginia, restricted to shipments originating at St. Nazianz, Wis. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E27), filed May, 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities which because of size or weight require the use of special equipment or special handling), from Batavia, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E28), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors*, from West Allis, Wis., to points in Oklahoma, restricted to traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E29), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors and agricultural tractors), from West Allis, Wis., to points in Oklahoma, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E30), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm or industrial tractors*, not intended for over-the-road use in the movement of freight carrying trailers, from West Allis, Wis., to points in Arkansas and Louisiana, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E31), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from West Allis, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Nebraska, and South Dakota, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E32), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wisconsin 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and farm tractors and except those which because of size or weight require the use of special equipment), from West Allis, Wis., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, North Dakota, Ohio, Nebraska, and South Dakota, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers Manufacturing Company, Farm Equipment Division, West Allis, Wis. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E35), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and farm tractors and commodities which because of their size or weight require the use of special equipment or handling), from Detroit, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Kansas. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E36), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E37), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and farm tractors* (except commodities the transportation of which because of size or weight require special equipment or special handling), from Bettendorf, Iowa, and Rock Island, Ill., to points in Washington, Oregon, California, Georgia, Florida, and points in Arizona on and west of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 89 to Flagstaff, thence along Interstate Highway 17 to Phoenix, and thence along U.S. Highway 80 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Crown Point, Ind.

No. MC–123048 (Sub-No. E38), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except commodities requiring the use of special equipment or special handling), from Detroit, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Washington, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway of Racine, Wis., and the plantsite of Helix Corporation at Crown Point, Ind.

No. MC–123048 (Sub-No. E43), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors, tractor parts and tractor attachments and agricultural implements requiring special equipment or special handling), from LaCygne, Kans., to points in Delaware, Maryland, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, and points in Ohio on and north of U.S. Highway 224, restricted to traffic originating at LaCygne, Kans. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC–123048 (Sub-No. E45), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery*, other than hand, as defined by the Commission (except commodities, the transportation of which because of size or weight requiring special equipment or special handling), from the plant site of the Helix Corporation at Crown Point, Ind., to points in Minnesota, Nebraska, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E46), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wagon tanks* (except those which because of size, shape, or weight require the use of special equipment or special handling), from Minneapolis, Minn., to points in Illinois, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Dane County, Wis.

No. MC–123048 (Sub-No. E47), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel wagon tanks* (except those which because of size, shape, or weight require the use of special equipment or special handling), from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Rusk County, Wis.

No. MC–123048 (Sub-No. E48), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), from LaPorte, Ind., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, restricted to traffic originating at the plant site of Allis-Chalmers at LaPorte, Ind. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–123048 (Sub-No. E50), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements* (other than hand), from LaPorte, Ind., to points in Colorado,

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restricted to the transportation of traffic originating at the plant site of Allis-Chalmers at La Porte, Ind. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC-123048 (Sub-No. E51), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), from LaPorte, Ind., to points in Arizona, California, Idaho, Montana, New Mexico, Oregon, Washington, Wyoming, and Utah, restricted to the transportation of traffic originating at the plant site of Allis-Chalmers at LaPorte, Ind. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC-131179 (Sub-No. E1), filed April 22, 1974. Applicant: R. C. WILLIAMS INC., W. 40 Highway, Russell, Kansas 67665. Applicant's representative: R. C. Williams (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Texas on and north of U.S. Highway 66, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Stevens, Haskell, Grant, Seward, Morton, Stanton, Finney, Kearney, Meade and Hamilton Counties, Kans., and Cimarron, Texas, and Beaver Counties, Okla.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13023 Filed 6-5-74;8:45 am]

[Notice No. 95]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 26, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75056. By order of May 30, 1974, the Motor Carrier Board approved the acquisition of control by Von E. Wilson, Carl E. Rhyne, and Spencer H. Lusk of Knoxville Tours, Inc., Knoxville, Tenn., through purchase of stock from N. W. Wolfenbarger and Ella Mae Wolfenbarger; Knoxville Tours, Inc., holds licenses in Nos. MC-12669 and MC-12669 (Sub-No. 1) issued November 28, 1958, and October 31, 1969, authorizing it to engage in operations as a broker at Knoxville, Tenn., in connection with transportation by motor vehicle of passengers and their baggage, in all expense round-trip tours, beginning and ending at points in Anderson, Blount, Knox, and Sevier Counties, Tenn., and in special and charter operations, beginning and ending at points in 30 named counties in Tennessee and extending to all points in the United States, including Alaska but excluding Hawaii. James W. Bell, 203 Clinch Avenue SW., Knoxville, Tenn. 37902, Attorney for applicants.

No. MC-FC-75156. By order of May 29, 1974, the Motor Carrier Board approved the transfer to Mosca Bros. Moving & Storage, Inc., Rome, N.Y., of the operating rights in Certificate No. MC-14063 issued April 3, 1974, to Payne Trucking, Inc., Rome, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Massachussetts, New Jersey, Pennsylvania, West Virginia, Ohio, Connecticut, Maryland, Michigan, New Hampshire, and Vermont. Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019, Attorney for applicants.

No. MC-FC-75168. By order of May 29, 1974, the Motor Carrier Board approved the transfer to Oble Nations, doing business as Tyler Bus Lines, Tyler, Tex., of a portion of Certificate No. MC-37640 (Sub-No. 5) issued November 24, 1964, to Texas Bus Lines, a corporation, Galveston, Tex., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Tyler, Tex., to Mt. Pleasant, Tex.; between junction Texas Highway 155 and U.S. Highway 271, and junction unnumbered highway and U.S. Highway 271 east of Winona, Tex.; and between Gilmer, Tex., and Winona, Tex., serving named intermediate points. Mike Cotton, Esq., Attorney at Law, P.O. Box 1148, Austin, Tex. 78767.

No. MC-FC-75169. By order of May 31, 1974, the Motor Carrier Board approved ing, rugs, and padding from Inwood, N.Y. wood, N.Y., of the operating rights in Permit No. MC-134535 (Sub-No. 2) issued June 15, 1971, to Casale Contract Carriers, Inc., South Plainfield, N.J., authorizing the transportation of carpeting, rugs, and padding from Inwood, N.Y., to points in New Jersey, Philadelphia, Pa., Bridgeport, Conn., Staten Island, N.Y., and points in Bucks, Chester, Delaware, and Montgomery Counties, Pa., and Dedham, Mass. Edward F. Bowes, 744 Broad St., Newark, N.J. 07102, Attorney for transferee. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, Attorney for transferor.

No. MC-FC-75171. By order entered May 28, 1974, the Motor Carrier Board approved the transfer to James Transfer, Inc., St. Paul, Minn., of the operating rights set forth in Certificates Nos. MC-125370 (Sub-No. 2) and MC-125370 (Sub-No. 3), issued May 27, 1970, and February 6, 1974, respectively, to Maldwyn James, doing business as James Transfer, St. Paul, Minn., authorizing the transportation of malt beverages, from Milwaukee and Sheboygan, Wis., to Albert Lea, Austin, Owatonna, and Rochester, Minn.; from La Crosse, Wis., to Albert Lea, Austin, North Mankato, Owatonna, and Rochester, Minn.; and from St. Paul and Minneapolis, Minn., to points in Nebraska and that part of Iowa on and west of U.S. Highway 65, restricted against the transportation of shipments, destined to Mason City and Des Moines, Iowa. Howard S. Cox, 715 First National Bank Bldg., Minneapolis, Minn. 55402, attorney for applicants.

No. MC-FC-75172. By order of May 28, 1974, the Motor Carrier Board approved the transfer to Wells Express, Inc., Hoboken, N.J., of Certificate No. MC-42138 issued June 19, 1970, to Max Z. Shapiro, Kauneonga Lake, N.Y., authorizing the transportation of general commodities, with exceptions, between White Lake, N.Y., and New York, N.Y.; coal from Scranton, Honesdale, and Carbondale, Pa., to points in Sullivan County, N.Y.; and household goods between New York, N.Y., and points in Bergen, Hudson, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y. Mr. George A. Olsen (for Transferee), Registered Practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306; Leo Glass, Esq., (for Transferor), 248 Broadway, Monticello, N.Y. 12701.

No. MC-FC-75173. By order of May 30, 1974, the Motor Carrier Board approved the transfer to D. M. Bowman, Inc., Hagerstown, Md., of the operating rights in Permits Nos. MC-117613, MC-117613 (Sub-No. 1), MC-117613 (Sub-No. 2), MC-117613 (Sub-No. 6), MC-117613 (Sub-No. 7), MC-117613 (Sub-No. 11), and MC-117613 (Sub-No. 12) issued June 7, 1967, June 18, 1969, February 20, 1970, July 12, 1972, December 10, 1973, September 24, 1973, and April 8, 1974, respectively, to Donald M. Bowman, Jr., Hagerstown, Md., authorizing the transportation of various specified commodities, including brick and tile, from specified points in Virginia and Maryland to points in various eastern states, and building materials and supplies, from Gibbsboro, N.J., to points in named eastern states, under continuing contract, or contracts, with certain named shippers. Charles E. Creager, Registered Practitioner, 133 Overhill Drive, P.O. Box 1417, Hagerstown, Md. 21740, representative for applicants.

No. MC-FC-75177. By order entered May 30, 1974, the Motor Carrier Board approved the transfer to Martin Truck Line, Inc., Henderson, Tenn., of the operating rights set forth in Permit No. MC-123347, issued July 6, 1972, to E. W. Peery, doing business as Peery Trucking Co., Miston, Tenn., authorizing the transportation of steel pipe, steel retaining walls, and pipe-piling corrugated steel used in the fabrication of steel pipe, steel retaining walls, and steel tunneling, steel sheeting, guard rails, and fittings, parts, and attachments used in connection with the fabrication and installation of such items when moving incidental thereto and in the same vehicle therewith, corrugated metal pipe, and fittings, accessories, and attachments thereof, and septic tanks, from, and to points in Alabama, Arkansas, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas, with certain restrictions. R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13022 Filed 6-5-74;8:45 am]

[No. 35941]

WEST VIRGINIA INTRASTATE FREIGHT RATES AND CHARGES, 1973

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 22nd day of May 1974.

It appearing, That by order served in this proceeding on December 28, 1973, an investigation was instituted by this Commission under section 13 of the Interstate Commerce Act, pursuant to a petition filed by certain railroads operating in West Virginia, to determine whether the intrastate rate level in West Virginia is unlawful because it does not include increases corresponding to the interstate increases authorized in Ex Parte Nos. 281 and 295;

It further appearing, That on April 5, 1974, the same petitioners filed a petition for leave to file an accompanying amended petition; and that a reply thereto has been filed;

It further appearing, That by said amendment, petitioners seek to have included in the instant investigation the matter of whether West Virginia intrastate freight rates and charges are unlawful to the extent that they do not include also the interim increase of 4 percent authorized by this Commission on December 20, 1973 in docket No. Ex Parte No. 303, Increased Freight Rates & Charges—1974—Nationwide;

It further appearing, That petitioners state that they could not have included the amended relief sought in their prior petition filed December 7, 1973 because, as indicated, the interim increase in Ex Parte No. 303 was not authorized until thereafter on December 20, 1973;

It further appearing, That petitioners allege that the said Ex Parte No. 303 interim increase of 4 percent applied to West Virginia intrastate commerce would provide approximately $900,000 in increased annual revenues for railroads operating in West Virginia and a commensurate loss if not granted; and that failure to include such increase in West Virginia intrastate rates results, therefore, in unjust discrimination against and an undue burden on interstate commerce;

And it further appearing, That the instant proceeding has not yet been assigned for hearing nor any evidence submitted herein; wherefore and for good cause:

It is ordered, That the amended petition be, and it is hereby, granted, and the instant investigation is hereby broadened to include also the matter of whether the present intrastate freight rates and charges in West Virginia are in any manner unlawful under section 13(4) of the act by reason of the failure of such rates and charges to include the interim increase authorized in Ex Parte No. 303 or whatever other increase may be ultimately authorized therein during the pendency of this proceeding.

It is further ordered, That all parties hereto, including the common carriers by railroad operating in West Virginia and those persons who previously notified this Commission that they intend to participate in this proceeding, shall be notified of the amendment to the investigation by service of a copy of this order upon them; that a copy shall be served upon the Governor of West Virginia and the West Virginia Public Service Commission at Charleston; and that notice to the general public shall be given by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12925 Filed 6-5-74;8:45 am]

[Notice No. 523]

ASSIGNMENT OF HEARINGS

JUNE 3, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 6, 1974.

MC-C-8131, Atlanta Motor Lines, Inc., et al. v. Brown Transport Corp., et al., now being assigned hearing August 6, 1974 (2 days), in Room 305, 1252 West Peachtree St. NW., Atlanta, Ga.

MC 118848 Sub-16, Domenico Bus Service, Inc., application dismissed.

W-552 Sub 15, American Commercial Barge Line Co., W-654 Sub 8, Warrior & Gulf Navigation Company—Extension—Tug & Barge, now assigned June 4, 1974, at Washington, D.C., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-13018 Filed 6-5-74;8:45 am]

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federal register

THURSDAY, JUNE 6, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 110
PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

PILOT SCHOOLS

Title 14—Areonautics and Space

CHAPTER I—FEDERAL AVIATION ADMINMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12547; Amdt. No. 141–13]

PART 141—PILOT SCHOOLS

The purpose of this amendment is to revise the standards for the certification of Pilot Schools prescribed in Part 141 of the Federal Aviation Regulations.

Interested persons have been afforded the opportunity to participate in this amendment by a notice of proposed rule making issued as Notice 73–5 published in the FEDERAL REGISTER on February 8, 1973 (38 FR 4046). Approximately 675 individuals, aeronautical associations and Government agencies presented comments in response to the notice. Based upon the public comments and upon further review within the FAA, a number of changes have been made to the proposed rules. Except for minor editorial changes and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in Notice 73–5.

Proposed § 141.5(b) would have required, among other things, that within 24 months before the date of its application for a pilot school certificate an applicant must have trained at its present base of operations at least 20 applicants for pilot certificates and ratings. A number of persons objected to the requirement that the 20 applicants have to be trained at the school's present base of operations. The comments point out that this proposal would force schools that had poor locations to remain at those locations rather than to try to update their facilities. On the other hand, some schools might be required to move from their present base of operations in order to meet various other requirements of the proposal. None of these schools could receive credit for the students trained at the prior location in meeting the eligibility requirements of the proposal. The FAA now recognizes that under the proposal an applicant could be penalized for complying with the new standards. Moreover, the proposal would discourage applicants from moving for the purpose of improving their facilities. For these reasons the proposed requirement has been withdrawn. There were also a number of comments objecting to the requirement that an applicant for a pilot school certificate must have trained at least 20 applicants for pilot certificates and ratings within the 24 month period before the date of its application. The comments state that this requirement would create a severe burden on many small schools and on those schools located in areas where continuous flight training operations are hampered by seasonal weather conditions. After further consideration in the light of these comments, the FAA agrees that it is not necessary in order to establish an applicant's qualifications to require that the applicant have recommended for pilot certificates and ratings at least 20 applicants for those certificates and ratings. The FAA considers that by recommending 10 applicants for pilot certificates and ratings within the 24 months prior to his application, an applicant for a pilot school certificate has shown that he has adequate recent training experience for that certificate. Finally, the term "designated flight examiner" has been corrected to "designated pilot examiner."

Several commentators questioned the need for the restriction in proposed § 141.15 on the location of pilot schools outside the United States. It was argued that by adopting this proposed requirement the FAA would contribute to a further decline in U.S. civil aviation leadership and that the decision as to whether or not to grant a certificate for a school located in a foreign country should be based on business and public need. One commentator indicated that the certification of international schools has been a significant factor in the export of U.S. manufactured general aviation aircraft and the potential loss of sales, and consequent loss in the balance of payments to the U.S. far outweighs the relatively minor expense and time consumed to provide inspection and surveillance of pilot schools outside the United States. The proposed § 141.15 reflects a long standing policy in the FAA with respect to the certification of pilot schools and it does not appear that this policy has resulted in any of the problems referred to in the comments. Therefore, there is no reason to expect that those problems will now arise simply because the existing policy is stated in the regulation. The purpose of certificated pilot schools is to provide pilot training for citizens of the United States. This is consistent with a similar requirement in Part 145 of the FARs concerning repair stations.

Proposed § 141.17(b) provides that a certificated pilot school or provisional pilot school has 15 days after change in ownership in which to apply for an appropriate amendment to its certificate. In response to a number of comments, that period has been changed to 30 days. The FAA now considers that this is in keeping with good business practice and would still accomplish FAA's objective.

The final regulation contains the new § 141.18 *Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances* which was added to Part 141 by Amendment 141–12 adopted June 19, 1973 (38 FR 17493).

After further consideration, the FAA has determined that under proposed § 141.23(c), a pilot school must remove from its premises all indication that the school is certificated by the Administrator not only when its certificate is surrendered, suspended, revoked or has expired but also when the school is moved to another location. This is necessary to avoid misleading potential applicants should a non-certificated school occupy the premises vacated by a certificated school. In addition, the FAA is aware that proposed § 141.23 does not carry out the FAA's intent as set forth in Notice 73–5. As stated in the preamble to that Notice, proposed § 141.23 should have required that when a school's certificate is surrendered, suspended, terminated, or revoked, any indication (including signs) that the school is certificated by the FAA be removed. However, as drafted, proposed § 141.23(c) incorrectly limited this provision to the school's premises. This has been corrected in the final rule.

In response to comments concerning proposed § 141.27(c)(2), the FAA now considers that a one year required waiting period before the holder of an expired provisional certificate may reapply for a renewal of its provisional certificate is too restrictive. The FAA believes that a waiting period of 180 days is sufficient to ensure that the provisional school makes every effort to meet the requirements for a pilot school certificate. The proposal has been changed accordingly. In addition, after further consideration, the FAA has determined that proposed paragraph (b)(2) of § 141.27 serves no useful purpose. As proposed a pilot school need only enroll one student in a course of training in order to meet the requirements for the renewal of its pilot school rating. However, as proposed the provision provides no assurance that a student would be enrolled for the purpose of training and not merely for the purpose of the certificate renewal. This provision has been withdrawn and after further study, may become the subject of a separate rule making action.

Proposed § 141.29 covers the validity of pilot school certificates that are in effect on the date that the revised Part 141 becomes effective. As proposed under paragraph (a) a pilot school certificate issued before the effective date of revised Part 141 remains in effect until the expiration date of that certificate unless it is sooner surrendered, suspended, or revoked. This will allow schools holding certificates on the effective date of revised Part 141 to continue to train students under the provisions of old Part 141 until the certificates expire (24 months after date of issuance) and will also allow students already enrolled in the school to continue their training. As pointed out in the preamble to Notice 73–5, the proposal also provided in paragraph (b) for the renewal of a pilot school certificate issued prior to the effective date of the revised Part 141 for the period of time necessary for those students who are enrolled in the school prior to the effective date of the revised Part to complete their training but in no event would the certificates be renewed for a period longer than 24 months after the effective date of the revised Part. This has been clarified in the final rule. In order to implement § 141.29, an amendment to Part 61 is being processed concurrently with this final rule which allows graduates of pilot schools operating under certificates issued under old Part 141 in accordance with § 141.29 to be tested for their pilot certificates under the requirements of Part 61 in effect prior to November 1, 1973. Under these provisions for a period of time some schools may hold dual certificates.

There were a number of objections to proposed § 141.31. As proposed the section prescribed the facilities an applicant must have available on a "continuous use" basis in order to obtain and hold a pilot school or a provisional pilot school certificate. As used in the proposal, a person has "continuous use" of a facility, including an airport, if it has

the use when needed as the owner or under a written agreement giving it that use for at least one year from the date of application for the initial certificate or a renewal. Most of the comments noted that since leases are negotiated for a year or less it would be extremely difficult under the proposal to have a lease coincide with application for initial certification or for renewal of a certificate. Moreover, FAA approved military schools rarely get a one year lease from the Government and a municipality may not wish to include an airport in a lease for one year. Based on these comments and after further study, the FAA does not consider it necessary to require a pilot school to have the use of a facility, including an airport, under a written agreement for a minimum of one year. It is enough if the school has "continuous use" at the time of application for, or renewal of, a certificate and for at least six months thereafter. This should meet the objections raised by the comments and, at the same time, assure that the schools will have the facilities and airports to provide the necessary continuity in training for their students.

Many of the persons commenting on § 141.33 apparently thought that the proposal would have prevented an applicant for a pilot school certificate from designating more than one instructor to assist the chief instructor. This was not intended and the proposal has been changed to require that, where necessary, a pilot school applicant shall designate at least one instructor to assist the chief instructor and to serve for him in his absence. In addition, the word "operations" has been deleted from § 141.33(a)(1) to make it clear that a pilot school applicant must show that it has adequate personnel and authorized instructors regardless of their assigned responsibilities.

A large number of comments were received with respect to the chief instructor qualifications in § 141.35. A majority of these comments objected to some aspect of this proposal. Among the more pertinent comments, was the comment that under the proposal, a person may qualify as a chief flight instructor with one year's experience as a flight instructor in an approved training course of a certificated pilot school. The comment pointed out that this could result in a flight instructor who has been employed on a "part time" basis and who has given a minimum of flight instruction being appointed to the responsible position of chief flight instructor. In addition, it was pointed out that the flight instructing experience required for a chief flight instructor in airplanes should be comparable to that required for helicopters, gliders, and as an instrument instructor. The comments also indicated that 1,000 hours of flight instructing experience in an airplane is unrealistic and unnecessary. Most commentators thought that the requirement of 500 hours as a certificated classroom instructor for a chief instructor in a ground school course should be deleted since there is presently no requirement to log or record classroom instruction. It was also suggested that the requirements for an assistant chief instructor should be reduced by 50 percent.

The FAA sees merit in most of the comments received on this proposal. After further consideration, it appears that the proposal should be given additional study. Therefore the proposed requirements have been withdrawn except those which require the chief instructor to pass an oral test on Parts 61, 91 and 141 and on the training standards of the course for which he is designated and to pass a flight test on the procedures and maneuvers appropriate to that course. In the meantime, the current requirements governing the chief flight instructor as set forth in present § 141.59 have been retained. They have, however, been revised to remove obsolete terms without making any substantive changes and without imposing any additional burdens on any person. Contrary to the opinions expressed in some of the comments, the FAA considers that an assistant chief instructor should meet the same experience and knowledge requirements as the chief instructor in order to prevent any derogation in the quality of instruction during the chief instructor's absence. Finally, the term "classroom instructor" has been corrected to "ground instructor" since there are no certificated classroom instructors.

By far the most controversial proposal in Notice 73–5 was the proposed new requirement for airports in § 141.37. Most commentators pointed out that very few airports currently used by pilot schools could meet these requirements and that many pilot schools use municipal facilities over which they have no control. They indicated that pilot schools must use the available airports, therefore the requirements for those airports should be limited to the minimum needed for safety. In view of the overwhelming number of comments in opposition to the proposed requirements, and based upon further consideration within the FAA, it has been determined that the proposed requirements exceed those necessary for a majority of the training aircraft in use today. The FAA is now aware that only a few of the airports available to pilot schools, including those recently constructed to FAA specifications, could meet the proposed standards. For the foregoing reasons, and in response to the comments, the FAA has determined that the present airport standards in Part 141 (§ 141.51(a)) should be retained as the minimum standards. However, the FAA considers that the requirements for a wind direction indicator, a traffic direction indicator and airport lighting as proposed in Notice 73–5 constitute a necessary upgrading of airports used by pilot schools and should be required in the interest of safety. With these exceptions, the proposed airport requirements have been withdrawn.

Section 141.39 of Notice 73–5 proposed requirements for the aircraft used by pilot schools. All of the comments concerning this proposal expressed concern over the requirement for an "operable transponder" in aircraft used for flight instruction and solo flights in IFR enroute operations and instrument approaches. The comments pointed out that under other regulations, in the airspace where transponders are required equipment in all aircraft, training aircraft along with other aircraft must have the transponder. However, in many areas of the country a transponder may not be usable due to the lack of ground radar coverage in the low altitude regions where most training flights are conducted. Moreover, it was pointed out that students may be instructed in the use and operation of transponder equipment by means of simulators and other ground training aids. Therefore, there is no need for a requirement in Part 141 that each aircraft used in IFR training be equipped with an operable transponder. The FAA agrees and the proposed requirement has been withdrawn.

There were some objections to the requirements in § 141.41 dealing with ground trainers and training aids. In particular the comments objected to the requirements that a pilot ground trainer must have an enclosed pilot's station or cockpit and must simulate motion. The comments indicated that such requirements are unnecessary. The FAA does not agree. An enclosed pilot station or cockpit is necessary not only to simulate the environment of instrument flight but to separate the student from distractions around the ground trainer. Moreover, the fundamentals of VFR flying require the student to relate motion to control movement. There were also some objections to the requirement that a ground trainer used for IFR instruction have a means of recording flight path. However, the FAA believes that such a requirement is necessary for effective IFR ground trainer instruction. Both the student and the instructor benefit when the trainer provides the capability of reconstructing a flight with a visual record of any mistakes made by the student. These proposed requirements have, therefore, not been changed. However, from the comments received in response to proposd § 141.41, it appears that there are a larger number of ground trainers currently being used by pilot schools that do not meet all of the requirements proposed in that section. Nevertheless, these other trainers can be used to provide effective instruction in certain of the operations required in an approved training course curriculum and there appears to be no reason why pilot schools should not be allowed to continue using those trainers for instruction. However, because of their limitations, full credit against flight time as proposed in the notice should not be allowed for instruction in such trainers. The final provisions in Appendixes A, C, D, E and F allow a credit for instruction in the other trainers of not more than 50 percent of the credit against flight time proposed for instruction in a ground trainer meeting all of the proposed requirements. This minor relaxation of the proposed requirement should not reduce the standard of training provided for in Notice 73–5. Finally, it appears from the

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comments that the requirement that training aids and equipment must be adequate in size for the class and classroom for which it is used has resulted in considerable confusion. Upon further consideration, the FAA has determined that this proposed requirement is unnecessary and it has been withdrawn.

The term "readyroom" is used in § 141.43 and throughout the proposal. However, this term is now considered inappropriate and the more descriptive term "briefing area" is used in its place in the final rule. With further reference to § 141.43, the FAA does not now consider it necessary to require that the briefing areas be "located near the ramp and accessible to the dispatch office." In the light of the comments, the FAA believes that the schools should be allowed to locate their "briefing areas" where they best serve the particular needs of the school and its students and proposed § 141.43(a)(3) has been withdrawn. As proposed under paragraph (b) of § 141.43, an applicant for a pilot school certificate would have had to show that its required readyroom (now briefing area) was not available for use by another school or business during the time that it was required for use by the applicant. Some comments referred to this requirement as unnecessarily adding to the physical space required for a school and the expense of maintaining that school. The comments recommended a change in the proposal and they argue that there should be no conflict if a pilot school's briefing area is available for use in its air-taxi operations or in its business of serving transient pilots or aircraft renters at the same time that it is to be used by its students. After further consideration of this proposal, the FAA agrees that the use of a briefing area by the passengers of an air-taxi/commercial operator, or by transient pilots, or aircraft renters at the same time that it is available for use by a pilot school should not create interference with the functions of the schools and these are the only types of businesses likely to be using the facilities when they are also being used by the school. However, as proposed, the FAA still believes that it would not be appropriate to allow the simultaneous use of a briefing area by the students and instructors of more than one pilot school.

The term "classroom" has been changed in proposed § 141.45 and throughout the remaining provisions of Part 141 in response to a number of objections. The FAA believes that this provision should cover all training areas. Learning booths or corrals may be used more effectively in some learning situations and the requirements for lighting, heating and ventilation should also cover those training areas rather than be limited to the traditional "classroom." For this reason the title of proposed § 141.43 has been changed to "Ground training facilities." A number of commentators objected to the requirement that a classroom be located so that the students in that classroom would not be distracted by flight and maintenance operations on the airport. The comments indicated that small operators could be required to construct classrooms in order to meet this requirement. The FAA is aware that many ground training facilities are located on airports and that there will be occasional distractions created by operations on the airport. The purpose of this requirement is to isolate the ground training facilities from those routine operations on an airport that are continually distracting to students. The benefits to be derived from this proposal outweigh any financial burden that may result from compliance with the requirement.

In connection with proposed § 141.53, a large number of comments suggested that the FAA should prepare and publish sample course outlines for the pilot schools rather than require the schools to prepare and obtain approval of their own. This matter was considered at the time that Notice 73–5 was developed. As stated in the notice, consistent with the new total operational training concept incorporated in the recent revision to Part 61 of the Federal Aviation Regulations, a revamped concept of pilot training by a certificated pilot school is also necessary. In developing the proposed revision to Part 141 the major emphasis centered around the ability of a certificated school to, among other things, develop its own course of training. To assist the schools in the preparation of their training courses and to provide the desired standardization, the FAA has included a curriculum for each flight course in an Appendix to Part 141. This should reduce to a minimum the variance in the training courses approved in the district and regional offices throughout the FAA. Therefore, the FAA does not consider it necessary or appropriate to develop sample course outlines. The minimum curriculum prescribed for each training course substantially reduces the burden on the schools and provides the information needed to develop appropriate training courses. In addition, the FAA intends to provide additional guidelines for the benefit of all interested persons in the form of Advisory Circulars.

With further reference to § 141.53, a comment was received requesting that, in light of the requirement in § 141.13, it be made clear that an amendment to an existing course outline can be made without providing three copies of the entire course outline to the FAA. The FAA agrees and paragraph (b) of § 141.53 has been changed to make it clear that only three copies of the pages in the course outline to be amended need be furnished the FAA when an amendment to an approved training course is requested.

Section 141.55 is another of the proposals in Notice 73–5 which received substantial comments. Section 141.55 sets forth the required contents of the training course outline. Many of the commentators repeated their requests for FAA prepared course outlines. This suggestion has not been adopted, however, for the reasons discussed in connection with proposed § 141.53. However, a number of suggested changes have been made to § 141.55. In response to comments, the proposed requirement for a description of each audio-visual aid, projector, tape recorder, etc., in each training course outline, has been changed to require only that the outline contain a description of the "types" of such equipment. Thus, multiples of similar instructional aids need not be individually described. It should also be made clear that modern individual instructional aids, along with other training aids may be used in a course of training as long as the course objectives and standards as specified in this section are attained. In addition, the proposal has been changed to require a listing of the airports at which training flights originate rather than a description of those airports. Airport descriptions are on file with the FAA and are regularly published in the Airmen's Information Manual and other government manuals. On the other hand, as proposed, the final rule still requires a description of the facilities that are available for use by students and operating personnel at each airport. Proposed paragraph (b)(4) required that the tests and checks used to measure a student's accomplishments be included in the training syllabus. This was an oversight since such a requirement would destroy the integrity of those tests and checks. Since a description of the tests and checks will give the student the necessary information concerning the techniques that will be used to measure his progress, this is all that is required in the final rule.

The qualifications for examining authority under proposed § 141.63 have been changed in response to a large number of comments. The requirement that an applicant must have actively conducted a certificated pilot school "at its present base of operations" for at least 24 months has been withdrawn. The FAA agrees with the commentators that under this proposal a school that had poor facilities or a poor location would probably elect to remain at that location in order to meet this requirement rather than relocate to improve the school. This would not be in the public interest. Moreover, the FAA no longer believes that an applicant for an examining authority need graduate at least 20 students during the 24 months prior to its application. This provision would penalize the smaller schools and those schools in locations where continuous operations are hampered by seasonal weather conditions. For this reason, the proposal has been changed so that a school need graduate only 10 students during the preceding 24 months in order to be eligible for examining authority. Finally, proposed paragraph (b)(3) has been withdrawn. The proposal did not specify the kinds of violations involving pilot training which would make an applicant ineligible for examining authority. The comments generally requested a listing of those violations. The proposal covered all possible violations and a listing as requested is unnecessary. However, the FAA now believes that in light of other provisions in the regulation which establish the qualifications of the applicant through a showing of its training skills and management ability, the entire requirement is unnecessary.

As proposed under § 141.65 a pilot school holding an examining authority may recommend graduates of that school's approved certification courses for any pilot certificate and rating without taking the FAA flight or written test. The FAA is now aware that the failure to exclude flight instructor certificates, airline transport pilot certificates (ATR) and associated ratings and turbojet type ratings from that provision was an oversight. The examining authority is now and has always been limited to private and commercial pilot certificates and even with the increase in qualifications required of applicants for, and holders of, an examining authority under this proposed revision the FAA does not consider that the extension of that authority to cover instructor and airline transport pilot certificates and turbojet type ratings to be in the interest of safety. New Part 61 contains sweeping changes which establish new concepts of pilot training with the flight instructor as the keystone. Under new Part 61, the flight instructor will assume full responsibility for all phases of the required flight and ground training. Insofar as turbojet type ratings are concerned, most pilot schools have little experience with such sophisticated equipment and do not have the expertise to conduct a training course for such a rating without close monitoring by the FAA. In recognition of the need for high testing standards, the FAA maintains a continuous training program at the Aeronautical Center to qualify and keep current its most experienced inspectors to conduct turbojet practical tests. The average pilot school would not have access to such a specialized program. Finally, because of the privileges granted to the holder of an airline transport pilot certificate, the FAA feels it must retain sole authority for testing applicants for such certificates. An airline transport pilot certificate authorizes the holder to act as pilot in command of large aircraft engaged in air carrier and commercial operator operations governed by Part 121 of the FARs. The standards for airline transport pilots are constantly being monitored by the FAA and it would present a difficult task to disseminate the changes resulting from this monitoring program to all pilot schools for incorporation into their testing program. The FAA believes that it would be unfair to require anyone outside of the FAA to assume this burden. For the foregoing reasons, it would not be in the public interest, and the FAA did not intend, to give pilot schools authority to test applicants for the flight instructor and ATR certificates and for turbojet type ratings. Therefore, the proposed examining authority in § 141.65 insofar as it applied to instructor and ATR certificates and turbojet type ratings has been withdrawn.

In response to various comments paragraph (a) of § 141.67 has been revised to make it clear that the written or flight test referred to therein is an "FAA" written or flight test and that the holder of an examining authority may not recommend a person for the issuance of a pilot certificate or rating without taking the FAA tests unless that person has "satisfactorily" completed all of the approved course of training at the holder's school. Paragraph (b) has been revised to make it clear that the final written or flight test given by the holder of an examining authority must be given to a person who has completed the approved course of training and not to a person who has only enrolled in that course.

There were some objections to the requirement that a pilot school could not use a test more than once unless it contained appropriate changes in substance to preclude a compromise of the test by the students. The comments characterized this proposal as unrealistic and pointed out that the very active pilot schools would be constantly revising their tests. The FAA recognizes that the proposal creates some burden on the schools. However, it also recognizes the need to preclude the ground school written tests from being compromised. In light of the foregoing, the final rule has been relaxed and now prohibits any school from using a test it or the appropriate FAA District Office knows, or has reason to believe, has been compromised. This accomplishes the purpose of the proposal but does not require that each test be regularly revised.

The comments on § 141.75 stated that the check list contained in various operators handbooks should be adequate for the purpose of this regulation and recommended that the requirement for a separate check list be withdrawn. The FAA does not agree. A check list separate from the owners manual or operators handbook is essential in the interest of safety, particularly when there is only one pilot aboard the aircraft. The check lists in general use today, and which are the kind intended to be used under this proposal, contain the necessary items covering, among other things, preflight, takeoff, climb, cruise, prelanding, and emergency procedures, organized for efficient utilization. For safety reasons, such a check list must be readily accessible to the pilot, especially the student pilot, at all times, particularly during emergencies. The FAA does not believe that in an emergency a pilot school student should have to search through the pages of a manual or handbook to find the appropriate emergency procedures or any of the other necessary procedures. For this reason the proposal has not been changed.

A substantial number of comments objected to the proposal in § 141.77 that would prohibit the holder of a pilot school or provisional pilot school certificate from crediting a student with instruction or training received in another school for more than one-half of the lessons in the crediting school's approved training course. The commentators generally thought that in view of the intended upgrading of pilot schools under Notice 73–5, this proposal was arbitrary, discriminating, antiquated and indicated a lack of confidence in FAA approved schools. The comments pointed out that the proposal does not take into account the intended standardization of flight training systems throughout the industry and the proposed rule would allow only 50 per cent credit to a student for previous training even though the previous school and the new school had identical curriculums and training systems. Moreover, the proposal would not allow credit for previous training at other than an approved school which implies that the receiving school is not competent to judge a student's ability or entrance point in a training program. After full consideration of the comments the FAA now considers that the proposal is not in the public interest. It could in some instances work a severe hardship on the students, particularly VA students. Such students if forced to transfer to another school because of a need to relocate, could be required to retake a portion of their training, and the VA may be reluctant to pay for that training again. The present requirements of § 141.11(b) have been in effect for a number of years and have provided the necessary and appropriate latitude to pilot schools with respect to crediting a student's previous training. This revision to Part 141 constitutes an upgrading of the standards for pilot schools and for the first time requires that pilot schools certify as to the training that has been completed and the results of that training. Therefore, the FAA believes that the proposed limitation on crediting a student with instruction or training received in another school should be withdrawn and that the appropriate requirements in present § 141.11(b), should be retained.

A large number of persons objected to the proposal in § 141.79 providing that a student may not be authorized to start a solo practice flight from an airport until the flight has been approved by the authorized flight instructor who is present at that airport. The comments pointed out that in advance courses, a certificated pilot may be given the assignment of several practice flights before returning for a lesson with the instructor and there is no need for an authorized flight instructor to be present at the airport for each of these practice flights. A flight instructor should be able to authorize solo practice flights without waiting to dispatch a student on each practice flight. After further consideration the FAA agrees that the proposed requirement imposes an unnecessary burden on school operations with respect to students in the advanced courses. However, the student pilots in the Private Pilot Certification Course and the Private Test Course need close supervision and should not be allowed to start a solo practice flight until so authorized by the authorized flight instructor who is present at the airport. This is consistent with the requirement in Appendixes A and B that each student be given a preflight briefing and a postflight critique by the instructor after each training flight. The FAA agrees that the same supervision is not

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necessary with respect to the more advanced courses which involve pilots holding at least a private pilot certificate. In this connection, the final rule does not require that a preflight briefing or a postflight critique be included in the curriculum for the advance courses. Finally, a minor change has been made in paragraph (d) to make it clear that flight instructors and not ground instructors must accomplish the required flight check.

Consistent with the change previously discussed concerning proposed § 141.35, the title to proposed § 141.81 has been changed to "Ground training." A number of comments concerning § 141.81 expressed the opinion that there is no need for the requirement that the chief instructor must be present and available during the time that ground training instruction is being given by a person who does not hold a flight or ground instructor certificate since the proposal also requires that such instruction be given under the direct supervision of the chief instructor. The commentators also indicated that even though the instructor is uncertificated, if he were found qualified to instruct by the chief instructor, as the proposal requires, he should be able to instruct without the chief instructor being present and available at the base when that instruction is being given. The FAA does not agree. The chief instructor must always be available at the base where instruction is being given for consultation with both certificated and uncertificated instructors on matters requiring his instruction and decision. In addition, since the chief instructor is allowed under this regulation to use uncertificated persons as ground instructors based on his own evaluation of their qualifications, the FAA believes that he must exercise direct supervision over that instruction and he must, therefore, be present at the base during the time that the instruction is being given. The FAA was concerned that this might not be obvious to all persons and in order to avoid confusion the proposed regulation contained both requirements. The comments clearly indicate the need to retain that part of the proposal. On the other hand, the certificated instructor has established his qualifications in accordance with the requirements of Part 143 of the FARs, and does not require supervision from the chief instructor to the same extent as the uncertificated person, even though the chief instructor would always be required to exercise the general supervision necessary to maintain training techniques, procedures and standards for the school as required in § 141.85. In any event, the requirement that the chief instructor must be present at the base when ground instruction by an uncertificated instructor is being given should impose no hardship on the chief instructor since he must approve the use of the uncertificated instructor and can schedule his time accordingly. Finally, the FAA believes that the ground school instructor should be permitted to give instruction under the direct supervision of either the chief instructor or his assistant chief instructor since they must meet the same requirements. The proposal has been changed accordingly.

Proposed paragraph (c) of § 141.83 requires that each school allow the Administrator to make tests, flight checks, or examinations of its students to determine compliance with the school's approved course of training. However, as proposed, the section does not expressly require that each school comply with its approved course of training. Therefore, paragraph (a) in the final rule has been corrected consistent with the requirements of paragraph (c) to make it clear that each school must comply with its approved course of training. Finally, in response to a number of comments, proposed § 141.83 has been changed to allow the tests given by a designated pilot examiner as well as the tests given by an FAA inspector to be used in measuring the quality of instruction of a certificated school.

A number of commentators expressed confusion concerning the general requirement in proposed § 141.85 that a chief instructor or his designated assistant must be present and available at the school's base of operation during the time that instruction is being given in an approved course of training. Since § 141.85 covers both flight and ground instructor responsibilities, the FAA recognizes the need to clarify this requirement consistent with the changes to the provisions of proposed § 141.81 for ground instructors. As previously stated, instruction by an uncertificated ground instructor must be under the direct supervision of the chief instructor and the chief instructor must, therefore, be present during the time that instruction is being given. This requirement is set forth in § 141.81 and there is no need to repeat it in this section. On the other hand, the chief instructor must always be available for consultation at the school's base of operation during instruction in an approved course of training whether the instruction is given by a certificated or an uncertificated instructor. This change is reflected in § 141.85 for both flight and ground instructors.

Proposed § 141.87 would have allowed the holder of a pilot school certificate to continue to conduct training or instruction for a course without a chief instructor for that course for a period of not more than 30 days pending the designation and approval of another chief instructor. The FAA now agrees with the majority of comments concerning this provision that 30 days does not provide sufficient time for most schools to obtain a qualified chief instructor and agrees that schools should have 60 days in which to obtain the services of a chief instructor. This change should have no adverse affect on safety since during this 60 day period, each stage and final test of a student enrolled in the approved course of training must be given by an FAA inspector or designated pilot examiner.

The proposed satellite base requirements in § 141.91 received a number of comments, principally regarding the 25 mile limitation and the requirement that the chief instructor has to be readily available for consultation. Many commentators were under the impression that like similar provisions in proposed §§ 141.81 and 141.85, this proposal required the chief instructor to be present at the satellite base during training or instruction in an approved course. This, however, was not proposed. As proposed the chief instructor need merely be available for consultation and the 25 mile limitation on satellite bases makes this a feasible requirement. Thus, in order to assure that a chief instructor can provide the necessary supervision and meet his other responsibilities with respect to a school's main base of operation and its satellite bases, the FAA considers it necessary to retain the 25 mile limitation as proposed.

A number of comments objected to the provision in proposed § 141.93 that required pilot schools to furnish each student, upon enrollment, with a copy of the approved training course outline. The FAA agrees and the final rule requires only that each student be furnished a copy of the training syllabus required in § 141.55(b). The training syllabus should provide the student with all the material he needs to enroll, train and graduate from an approved course. The training course outline will always be available at the school for examination by any interested student. Several commentators requested that the proposal be changed to require a school to forward a copy of each certificate of enrollment to the FAA District Office within a week or even a month after enrollment rather than within 5 days as proposed. The FAA does not agree. A weekly or monthly report would not serve the intended purpose. A pilot school could enroll, train and graduate a student from some short courses in less than a week. Under these conditions, the FAA could receive an enrollment certificate after the student had graduated with the result that there would not be proper surveillance of the short courses. Finally, the provision in paragraph (a) of § 141.93 requiring that a certificate of enrollment contain the date on which a student is required to complete the course has been withdrawn. This is consistent with the action taken by the FAA with respect to proposed § 141.95(c) in this final rule.

Numerous comments objected to the time limits for course completion specified in § 141.95(c). The comments pointed out that in some cases the student may have commitments that would prevent him from proceeding toward course completion at a normal rate and, in other cases, weather or other unforeseen circumstances could affect his course timing. The comments noted that while the use of prepared individual instructional programs encourage and facilitate the completion of courses on a predetermined schedule, the penalty under § 141.95(c) for failure to meet that schedule is severe and is unnecessary. The proposal was based on the FAA's belief that recent experience and a reasonably active training schedule are essential to good flight training and that active, diligent students graduate in the minimum time, with lower costs to themselves. The failure of pilot schools to graduate students after enrollment has been a longstanding problem and the proposal was designed to meet that problem. However, the FAA recognizes from the comments received that the schedules proposed for course completion were too restrictive and that the proposal did not provide the necessary flexibility. Nevertheless, the FAA believes that appropriate schedules for course completion can be developed and that such schedules should be established. This proposal has been withdrawn and will be given further study for inclusion in a future rule-making action.

Several comments recommended that the proposed Subpart F covering training records be withdrawn. The comments stated that it imposes an unnecessary and costly burden on the pilot schools. The FAA does not agree. This requirement will provide valuable records for students who transfer to other schools and will provide the long needed participation and accomplishment records for all students.

The proposed Appendixes which set forth the minimum curriculum requirements for each pilot training course also received a large number of comments in response to the Notice. The pertinent comments and the disposition of those comments are discussed separately for each Appendix.

Appendix A. A number of comments suggested that this Appendix should be revised to provide for advanced systems of instruction that coordinate learning in various subjects rather than treating each subject as a complete entity, unrelated to other subjects. The commentators expressed the opinion that the best course of instruction is one which furnishes information of the Federal Aviation Regulations, Navigation, Air Traffic Control, and Weather in cohesive units consistent with the student's progress in flight, his "need to know," and his ability to understand subjects in their application. The comments further indicated that where the subjects are taught as a coordinated whole, it is not practical to give examinations at the completion of each "group of classroom subjects" as proposed under paragraph 5(b). It is only practical to give examinations upon completion of each stage of training specified in the training syllabus required in the training course outline. The FAA agrees that modern training techniques and demands make it feasible to allow pilot schools to give their training courses by means of formal classroom instruction or individual instruction, as needed. The FAA believes that the position presented by the comments with respect to stage and final tests is valid and the proposal has been changed to require each student to satisfactorily accomplish a written examination at the completion of each stage of training specified in the approved training syllabus and a final test at the conclusion of the course. This also applies to the similar provisions in the other appendixes, and appropriate changes have been made to the stage and final test requirements of those appendixes.

It appears that there was some confusion concerning the term "classroom instruction" as used in all of the Appendixes. The comments point out that modern course materials intermix materials relating to the operation of aircraft, such as weight and balance computations, with basic principles of flight as appropriate to the stage of development of the student. These comments suggest that provision be made to allow the pilot schools to cover these subjects either in individual courses or in classroom instruction. The FAA did not intend, by using the term "classroom instruction," to prohibit individual instruction not conducted in a classroom. To make this clear, the term "classroom instruction" as used in each Appendix has been changed to "ground training" in the final rule.

Various comments concerning Appendix A, as well as Appendixes B, D, and E state that the requirement for a preflight briefing and a postflight critique for each training flight is unrealistic. They point out that many advance students may be scheduled for a solo practice flight with complete confidence without a preflight briefing or postflight critique by the flight instructor. The FAA agrees that not all training flights require a briefing and critique. However, the FAA considers that student pilots need a preflight briefing and postflight critique on all training flights. As discussed in connection with § 141.79, the more advanced students do not need this close supervision. Since the training flight involving student pilots would occur in the private pilot certification courses, the proposed requirement is retained in Appendixes A and B. It has been withdrawn from the remaining appendixes.

In reviewing the requirements of proposed paragraph 4 of Appendix A concerning solo flights, the FAA realizes that the proposal did not take into consideration schools located on islands where the required cross-country flights cannot be made safely. Therefore, to accommodate those shcools the provisions of paragraph 4 have been changed consistent with the new provisions in Part 61 to except schools located on islands where cross-country flights cannot be accomplished without flying over water more than 10 nautical miles from the nearest shoreline from compliance with paragraph 4. However, if other airports are available that permit civil operations and to which flights may be made without flying over water for more than 10 nautical miles, the school would have to show that its students completed two round trip solo flights between the airports that are farthest apart. Since any limitations on the cross-country training received by a graduate of a private pilot certification course is important for the purpose of certification under § 61.111 of Part 61 of the FARs, it is necessary that the pilot school indicate whether the graduating student met the full cross-country requirements or those applicable to pilot schools on small islands. The provision of § 141.95(b) have been changed accordingly.

Consistent with the relaxatory changes made in proposed § 141.77 the FAA has withdrawn the proposal which would have prohibited pilot schools from granting credit to its students for prior pilot training experience and tests.

Finally, a number of persons expressed the view that more flexibility should be provided in allocating the minimum of 35 hours of flight training between instructional and solo flights. It was suggested that the minimum time required for flight instruction be reduced from 20 to 15 hours and the minimum solo time be reduced from 15 to 10 hours with the remaining 10 hours to be allocated among instructional time, solo time and trainer time as deemed appropriate. The FAA does not agree. Revised Part 61 is the testing medium for all applicants and requires considerably more knowledge and skill than was previously required. The flight times proposed in the Notice provide the minimum training necessary to obtain the experience and skills needed under the revised testing requirements of Part 61.

Appendix B. With respect to Appendix B, Private Test Course (airplanes), the comments pointed out that the requirement for 12 hours of flight instruction under paragraph 4 would result in a student having 42 hours at graduation, whereas, only 40 hours is required under Part 61 of the FARs. Since it was not intended that the student in a pilot school meet higher requirements concerning flight time and training than required under Part 61 of the FARs, the proposal has been changed to require only a total of 10 hours of flight instruction under paragraph 4.

In addition, the experience requirements have been changed in format only to make them consistent with the similar requirements in Appendix E covering the Commercial Test Course (airplanes).

Finally, because of the changes made in § 141.77, the provision covering credit for previous training or tests proposed in paragraph 6 is now unnecessary and it has been withdrawn.

Appendix C. A number of comments received in response to proposed Appendix C recommended that the minimum flight training for an instrument rating course school be increased from 35 to 40 hours. The FAA does not agree. While it may take the average student more than 35 hours to complete an instrument rating course, there are students who can complete the course in the minimum time. To arbitrarily increase this minimum would place an undue burden on such persons. If a school desires to increase the minimum time required for completion of the course, it may do so simply by submitting the higher time requirement in the course outline for the instrument rating course.

The reference to "instrument approach plates" in paragraph 2(b) has been cor-

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rected to read "instrument approach procedure charts."

Finally, there was an inadvertent omission in Notice 73–5 concerning the instrument flight training required under Appendix C. As proposed, paragraph 3 covering flight training omitted the requirement for training in cross-country flying in simulated or actual IFR conditions, on Federal airways or as routed by ATC, including one such trip of at least 250 nautical miles including VOR, ADF and ILS approaches at different airports. This requirement is included in § 61.65(c)(4) of Part 61 and § 141.83 provides that for a student who has completed a course of training for a pilot certificate or rating, the flight test is based on the standards prescribed in Part 61. Therefore, a student taking an instrument rating course under Part 141 is already required to be tested on the basis of the requirement of § 61.65(c)(4). For this reason, it is appropriate to incorporate that provision in the approved course curriculum for instrument rating courses by pilot schools. This correction imposes no additional burden on any person.

Appendix D. There were numerous comments on the curriculum for the Commercial Pilot Certification Course set forth in Appendix D. A majority of the comments objected to the requirement, in paragraph 3(b)(3), for ten hours of flight instruction in an airplane with, among other things, a true airspeed of more than 165 knots at the critical altitude with 75 percent power. The comments point out that of approximately 14 models of airplanes currently in production that meet the basic requirements of paragraph 3(b)(3), only two meet the true airspeed requirement. Most commentators thought that the proposed requirement was excessive. After further consideration in the light of comments the FAA considers that the airspeed requirement in paragraph 3(b)(3) is unnecessary. Therefore, this proposed requirement has been withdrawn and a more realistic requirement based on engine horsepower has been incorporated as suggested. The rule now requires the ten hours of instruction to be given in an airplane with retractable gear, flaps, and a controllable propeller, and powered by at least a 180 hp engine. A number of comments also stated that the proposed requirement for 100 hours of ground training is excessive and should be reduced by 20 percent. The FAA does not agree. Present Part 141 requires 150 hours of ground training to complete the commercial pilot ground school. This proposal reduced that figure by 50 hours while, at the same time, adding a requirement for ground training for an instrument rating. The FAA does not believe that any further reduction can be made in the hours of ground training without impairing the effectiveness of the course.

Proposed paragraph 3(c) allowed flight time as pilot in command of an airplane with not more than two other pilots assigned by the school to specific flight crew duties on the flight to be credited for not more than 50 hours of solo practice. In response to comments received concerning this paragraph, the provision has been changed to make it clear that no persons other than the additional pilots may be carried aboard the airplane. Moreover, the FAA now considers that it should be left up to the school to decide the number of pilots, including students in training, who should be assigned to flight crew duties on the airplane. The rule has been changed accordingly.

Proposed paragraph 3(c)(3) of Appendix D requires at least 5 hours of solo flight time in complex airplanes. The purpose of this requirement was to acquaint the student in a commercial pilot certification course with the complexities of a high performance airplane. However, this can be accomplished with the student acting as pilot in command just as well as during a solo flight while at the same time reducing the burden on the pilot schools who would be required to furnish an expensive airplane for solo use by relatively "low time" pilots. The commercial students will receive the required solo time under other provisions of the course curriculum. Therefore, it is considered appropriate to change the proposal to provide for 5 hours of pilot in command time on complex airplanes rather than require 5 hours of solo flight time in such airplanes. Consistent with this change, the requirement for a solo checkout in complex airplanes in paragraph 3(b)(3) has been withdrawn.

Appendix F. With respect to Appendix F, several comments objected to the requirement for 20 hours of flight instruction in order to obtain a type rating. It was pointed out that some operators are qualifying pilots on aircraft with approximately four hours of flight time in addition to detailed instruction on the aircraft systems and emergency and normal procedures, through the use of modern training aids, including simulators. The comments recommended 10 hours total, of which 75 percent could be obtained in a pilot ground trainer, as a conservative minimum requirement for pilot schools. After careful study, the FAA believes that the 20 hour requirement for a type rating could be reduced. This kind of training is directed primarily toward professional pilots with considerable experience and as the comments indicate, it would not take the average pilot 20 hours to get a type rating in many large airplanes. Therefore, the hours of flight instruction required for a type rating have been reduced to 10 hours.

Finally, the previous experience requirements proposed in paragraphs C.II (c), C.III(c), C.IV(a)(4), D.(d), D.III (c), E.II(c), E.III(c), E.IV(c) and E.V (c) of Appendix F have been withdrawn consistent with the changes made in § 141.77.

Appendix G. Appendix G was intended to prescribe the general curriculum appropriate to a pilot ground school course. However, as proposed, the curriculum contained the specific requirements for private and commercial certificates which are also set forth in the curriculum covering the individual pilot certification courses. This has created considerable confusion. Therefore, the curriculum requirements have been revised, without making any substantive change in the requirements, to make it clear that a pilot ground school may offer ground training for any of the certification or test preparation courses set forth in the other Appendixes of the Part, as long as its curriculum meets the ground training requirements specified in the curriculum for the particular courses.

Finally, the provision in Appendix G concerning the credit allowed for previous training and experience has been withdrawn consistent with the changes made in § 141.77.

Appendix H. Appendix H has been changed in response to various comments to make it clear that the instruction under paragraph 3(a)(2) (i) and (iii) is flight instruction with the instructor in the aircraft.

Any conforming changes to other parts of the Federal Aviation Regulations necessary to reflect the changes being made to Part 141 will be covered in a separate rulemaking action.

In consideration of the foregoing, Part 141 of the Federal Aviation Regulations is revised, effective November 1, 1974, to read as follows:

Subpart A—General

Sec.
141.1 Applicability.
141.3 Certificate required.
141.5 Pilot school certificate.
141.7 Provisional pilot school certificate.
141.9 Examining authority.
141.11 Pilot school ratings.
141.13 Application for issuance, amendment, or renewal.
141.15 Location of facilities.
141.17 Duration of certificates.
141.18 Carriage of narcotic drugs, marahauna, and depressant or stimulant drugs or substances.
141.19 Display of certificate.
141.21 Inspections.
141.23 Advertising limitations.
141.25 Business office and operations base.
141.27 Renewal of certificates and ratings.
141.29 Existing pilot school certificates; validity.

Subpart B—Personnel and Facilities Requirements

141.31 Applicability.
141.33 Personnel.
141.35 Chief instructor qualifications.
141.37 Airports.
141.39 Aircraft.
141.41 Ground trainers and training aids.
141.43 Pilot briefing areas.
141.45 Ground training facilities.

Subpart C—Training Course Outline and Curriculum

141.51 Applicability.
141.53 Training course outline: General.
141.55 Training course outline: Contents.
141.57 Special curricula.

Subpart D—Examining Authority

141.61 Applicability.
141.63 Application and qualification.
141.65 Privileges.
141.67 Limitations and reports.

Subpart E—Operating Rules

141.71 Applicability.
141.73 Privileges.
141.75 Aircraft requirements.
141.77 Limitations.

Sec.
141.79 Flight instruction.
141.81 Ground training.
141.83 Quality of instruction.
141.85 Chief instructor responsibilities.
141.87 Change of chief instructor.
141.89 Maintenance of personnel, facilities and equipment.
141.91 Satellite bases.
141.93 Enrollment.
141.95 Graduation certificate.

Subpart F—Records

141.101 Training records.

Appendices

Appendix A—Private pilot certification course (airplanes).
Appendix B—Private test course (airplanes).
Appendix C—Instrument rating course (airplanes).
Appendix D—Commercial pilot certification course (airplanes).
Appendix E—Commercial test course (airplanes).
Appendix F—Rotorcraft, gliders, lighter-than-air-aircraft and aircraft rating courses.
Appendix G—Pilot ground school course.
Appendix H—Test preparation courses.

AUTHORITY: Sections 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Subpart A—General

§ 141.1 Applicability.

This Part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings.

§ 141.3 Certificate required.

No person may operate as a certificated pilot school without, or in violation of, a pilot school certificate or provisional pilot school certificate issued under this Part.

§ 141.5 Pilot school certificate.

An applicant is issued a pilot school certificate with associated ratings for that certificate if—

(a) It meets the pertinent requirements of Subparts A through C of this Part; and

(b) Within the 24 months before the date of application, it has trained and recommended for pilot certification and rating tests, at least 10 applicants for pilot certificates and ratings and at least 8 of the 10 most recent graduates tested by an FAA inspector or designated pilot examiner, passed that test the first time.

§ 141.7 Provisional pilot school certificate.

An applicant is issued a provisional pilot school certificate with associated ratings if it meets the pertinent requirements of Subparts A through C of this Part, but does not meet the recent training activity requirement specified in § 141.5(b).

§ 141.9 Examining authority.

An applicant is issued an examining authority for its pilot school certificate if it meets the requirements of Subpart D of this Part.

§ 141.11 Pilot school ratings.

Associated ratings are issued with a pilot school certificate or a provisional pilot school certificate, specifying each of the following courses that the school is authorized to conduct:

(a) *Certification courses.*
(1) Private pilot.
(2) Private test course.
(3) Instrument rating.
(4) Commercial pilot.
(5) Commercial test course.
(6) Additional aircraft rating.
(b) *Pilot ground school course.*
(1) Pilot ground school.
(c) *Test preparation courses.*
(1) Flight instructor certification.
(2) Additional flight instructor rating.
(3) Additional instrument rating.
(4) Airline transport pilot certification.
(5) Pilot refresher course.
(6) Agricultural aircraft operations course.
(7) Rotorcraft external loan operations course.

§ 141.13 Application for issuance, amendment, or renewal.

(a) Application for an original certificate and rating, for an additional rating, or for the renewal of a certificate under this Part is made on a form and in a manner prescribed by the Administrator.

(b) An application for the issuance or amendment of a certificate or rating must be accompanied by three copies of the proposed training course outline for each course for which approval is sought.

§ 141.15 Location of facilities.

Neither a pilot school certificate nor a provisional pilot school certificate is issued for a school having a base or other facilities located outside the United States unless the Administrator finds that the location of the base or facilities at that place is needed for the training of students who are citizens of the United States.

§ 141.17 Duration of certificates.

(a) Unless sooner surrendered, suspended, or revoked, a pilot school certificate or a provisional pilot school certificate expires—

(1) At the end of the twenty-fourth month after the month in which it was issued or renewed; or

(2) Except as provided in paragraph (b) of this section, on the date that any change in ownership of the school or the facilities upon which its certification is based occurs; or

(3) Upon notice by the Administrator that the school has failed for more than 60 days to maintain the facilities, aircraft, and personnel required for at least one of its approved courses.

(b) A change in the ownership of a certificated pilot school or provisional pilot school does no terminate that certificate if within 30 days after the date that any change in ownership of the school occurs, application is made for an appropriate amendment to the certificate and no change in the facilities, instructor, personnel or training course is involved.

(c) An examining authority issued to the holder of a pilot school certificate expires on the date that the pilot school certificate expires, or is surrendered, suspended, or revoked.

§ 141.18 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this Part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

§ 141.19 Display of certificate.

(a) Each holder of a pilot school certificate or a provisional pilot school certificate shall display that certificate at a place in the school that is normally accessible to the public and is not obscured.

(b) A certificate shall be made available for inspection upon request by the Administrator, or an authorized representative of the National Transportation Safety Board, or of any Federal, State, or local law enforcement officer.

§ 141.21 Inspections.

Each holder of a certificate issued under this Part shall allow the Administrator to inspect its personnel, facilities, equipment, and records to determine its compliance with the Federal Aviation Act of 1958, and the Federal Aviation Regulations, and its eligibility to hold its certificate.

§ 141.23 Advertising limitations.

(a) The holder of a pilot school certificate or a provisional pilot school certificate may not make any statement relating to its certification and ratings which is false or designed to mislead any person contemplating enrollment in that school.

(b) The holder of a pilot school certificate or a provisional pilot school certificate may not advertise that the school is certificated unless it clearly differentiates between courses that have been approved and those that have not.

(c) The holder of a pilot school certificate or a provisional pilot school certificate—

(1) That has relocated its school shall promptly remove from the premises it has vacated all signs indicating that the school was certificated by the Administrator; or

(2) Whose certificate has expired, or has been surrendered, suspended, or revoked shall promptly remove all indications (including signs), wherever located, that the school is certficated by the Administrator.

§ 141.25 Business office and operations base.

(a) Each holder of a pilot school or a provisional pilot school certificate shall

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maintain a principal business office with a mailing address in the name shown on its certificate. The business office shall have facilities and equipment that are adequate to maintain the required school files and records and to operate the business of the school. The office may not be shared with, or used by, another pilot school.

(b) Each certificate holder shall, before changing the location of its business office or base of operations, notify the FAA District Office having jurisdiction over the area of the new location. The notice shall be submitted in writing at least 30 days before the change. For a change in the holder's base of operations, the notice shall be accompanied by any amendments needed for the holder's approved training course outline.

(c) No certificate holder may conduct training at an operations base other than the one specified in its certificate, until—

(1) The base has been inspected and approved by the FAA District Office having jurisdiction over the school for use by the certificate holder; and

(2) The course of training and any needed amendments thereto have been approved for training at that base.

§ 141.27 Renewal of certificates and ratings.

(a) *Pilot school certificates.* The holder of a pilot school certificate may apply for a renewal of the certificate not less than 30 days before the certificate expires. If the school meets the requirements of this Part for the issuance of the certificate, its certificate is renewed for 24 months.

(b) *Pilot school ratings.* Each pilot school rating on a pilot school certificate may be renewed with that certificate for another 24 months if the Administrator finds that the school meets the requirements prescribed in this Part for the issuance of the rating.

(c) *Provisional pilot school certificates.* (1) A provisional pilot school certificate and any ratings on that certificate may not be renewed. However, the holder of that certificate may apply for a pilot school certificate with appropriate ratings not less than 30 days before the provisional certificate expires. The school is issued a pilot school certificate with appropriate ratings, if it meets the appropriate requirements of this Part.

(2) The holder of a provisional pilot school certificate may not reapply for a provisional pilot school certificate for at least 180 days after the date of its expiration.

§141.29 Existing pilot school certificates; validity.

(a) A pilot school certificate issued before November 1, 1974 remains in effect until the expiration date on that certificate, unless it is sooner surrendered, suspended, or revoked.

(b) A pilot school certificate issued before November 1, 1974, may be renewed under the requirements of Part 141 in effect before November 1, 1974, to allow those students enrolled in a school's approved course of training prior to November 1, 1974, to complete that training. The renewal is issued for a period long enough for the students to complete their training in the enrolled course, but not for more than 24 months after November 1, 1974.

Subpart B—Personnel, Aircraft, and Facilities Requirements

§ 141.31 Applicability.

This subpart prescribes the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate. It also prescribes the facilities an applicant must have available to him on a continuous use basis to hold a pilot school or provisional pilot school certificate. As used in this subpart, a person has the continuous use of a facility, including an airport, if it has the use of the facility when needed as the owner, or under a written agreement giving it that use for at least 6 calendar months from the date of the application for the initial certificate or a renewal of that certificate.

§ 141.33 Personnel.

(a) An applicant for a pilot school or provisional pilot school certificate must show that—

(1) It has adequate personnel and authorized instructors, including a chief instructor for each course of training, who are qualified and competent to perform the duties to which they are assigned;

(2) Each dispatcher, aircraft handler, line crewman, and serviceman to be used has been instructed in the procedures and responsibilities of his employment. (Qualified operations personnel may serve in more than one capacity with a pilot school or provisional pilot school); and

(3) Each instructor to be used for ground or flight instruction holds a flight or ground instructor certificate, as appropriate, with ratings for the course of instruction and any aircraft used in that course.

(b) An applicant for a pilot school or a provisional pilot school certificate shall designate a chief instructor for each course of training who meets the requirements of a § 141.35 of this Part. Where necessary, the applicant shall also designate at least one instructor to assist the chief instructor and serve for the chief instructor in his absence. A chief instructor or his assistant may be designated to serve in that capacity for more than one approved course but not for more than one school.

§ 141.35 Chief instructor qualifications.

(a) To be eligible for a designation as a chief flight instructor or an assistant chief flight instructor for a course of training, a person must meet the following requirements:

(1) He must pass—

(i) An oral test on this Part and on Parts 61 and 91 of this chapter and on the training standards and objectives of the course for which he is designated; and

(ii) A flight test on the flight procedures and maneuvers appropriate to that course.

(2) He must meet the applicable requirements of paragraphs (b), (c), and (d) of this section. However, a chief flight instructor or an assistant chief flight instructor for a course of training for gliders, free balloons or airships is only required to have 40 percent of the hours required in paragraphs (b) and (c) of this section.

(b) For a course of training leading to the issuance of a private pilot certificate or rating, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with a rating for the category and class of aircraft used in the course;

(2) At least 1,000 hours as pilot in command;

(3) Primary flight instruction experience, acquired as either a certificated flight instructor or an instructor in a military pilot primary flight training program, or a combination thereof, consisting of at least—

(i) Two years and a total of 500 flight hours; or

(ii) 1,000 flight hours; and

(4) Within the year preceding designation, at least 100 hours of flight instruction as a certificated flight instructor in the category of aircraft used in the course.

(c) For a course of training leading to the issuance of an instrument rating or a rating with instrument privileges, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with an appropriate instrument rating;

(2) At least 100 hours of flight time under actual or simulated instrument conditions;

(3) At least 1,000 hours as pilot in command;

(4) Instrument flight instructor experience, acquired as either a certificated instrument flight instructor or an instructor in a military pilot basic or instrument flight training program, or a combination thereof; consisting of at least—

(i) Two years and a total of 250 flight hours; or

(ii) 400 flight hours; and

(5) Within the year preceding designation, at least—

(i) 100 hours of instrument flight instruction as a certificated instrument flight instructor; or

(ii) One year of active service as an FAA designated instrument rating examiner.

(d) For a course of training other than those that lead to the issuance of a private pilot certificate or rating, or an instrument rating or a rating with instrument privileges, a chief flight instructor or an assistant chief flight instructor must have—

(1) At least a commercial pilot certificate and a flight instructor certificate, each with a rating for the category and class of aircraft used in the course of training and, for a course of training using airplanes or airships, an instrument rating on his commercial pilot certificate;

(2) At least 2,000 hours as pilot in command;

(3) Flight instruction experience, acquired as either a certificated flight instructor or an instructor in a military pilot primary or basic flight training program or a combination thereof, consisting of at least—

(i) Three years and a total of 1,000 flight hours; or

(ii) 1,500 flight hours; and

(4) Within the year preceding designation, at least—

(i) 100 hours of pilot instruction as a certificated flight instructor in the category of aircraft use in the course;

(ii) One year of active service as chief flight instructor of an approved course of training; or

(iii) One year of active service as an FAA designated pilot examiner.

(e) To be eligible for designation as a chief instructor or an assistant chief instructor for a ground school course, a person must have one year of experience as a ground school instructor in a certificated pilot school.

§ 141.37 Airports.

(a) An applicant for a pilot school certificate or a provisional pilot school certificate must show that it has continuous use of each airport at which training flights originate.

(b) Each airport used for airplanes and gliders must have at least one runway or takeoff area that allows training aircraft to make a normal takeoff or landing at full gross weight—

(1) Under calm wind (not more than five miles per hour) conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;

(2) Clearing all obstacles in the takeoff flight path by at least 50 feet;

(3) With the powerplant operation and landing gear and flap operation, if applicable recommended by the manufacturer; and

(4) With smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques.

(c) Each airport must have a wind direction indicator that is visible from the ends of each runway at ground level.

(d) Each airport must have a traffic direction indicator when the airport has no operating control tower and UNICOM advisories are not available.

(e) Each airport used for night training flights must have permanent runway lights.

§ 141.39 Aircraft.

An applicant for a pilot school or provisional pilot school certificate must show that each aircraft used by that school for flight instruction and solo flights meets the following requirements:

(a) It must be registered as a civil aircraft of the United States.

(b) Except for aircraft used for flight instruction and solo flights in a course of training for agricultural aircraft operations, external load operations and similar aerial work operations, it must be certificated in the standard airworthiness category.

(c) It must be maintained and inspected in accordance with the requirements of Part 91 of this chapter that apply to aircraft used to give flight instruction for hire.

(d) For use in flight instruction, it must be at least a two place aircraft having engine power controls and flight controls that are easily reached and that operate in a normal manner from both pilot stations.

(e) For use in IFR en route operations and instrument approaches, it must be equipped and maintained for IFR operations. However, for instruction in the control and precision maneuvering of an aircraft by reference to instruments, the aircraft may be equipped as provided in the approved course of training.

§ 141.41 Ground trainers and training aids.

An applicant for a pilot school or a provisional pilot school certificate must show that its ground trainers, and training aids and equipment meet the following requirements:

(a) *Pilot ground trainers.* (1) Each pilot ground trainer used to obtain the maximum flight training credit allowed for ground trainers in an approved pilot training course curriculum must have—

(i) An enclosed pilot's station or cockpit which accommodates one or more flight crewmembers;

(ii) Controls to simulate the rotation of the trainer about three axes;

(iii) The minimum instrumentation and equipment required for powered aircraft in § 91.33 of this chapter, for the type of flight operations simulated;

(iv) For VFR instruction, a means for simulating visual flight conditions, including motion of the trainer, or projections, or models operated by the flight controls; and

(v) For IFR instruction, a means for recording the flight path simulated by the trainer.

(2) Pilot ground trainers other than those covered under paragraph (a)(1) of this section must have—

(i) An enclosed pilot's station or cockpit, which accommodates one or more flight crewmembers;

(ii) Controls to simulate the rotation of the trainer about three axes; and

(iii) The minimum instrumentation and equipment required for powered aircraft in § 91.33 of this chapter, for the type of flight operations simulated.

(b) *Training aids and equipment.* Each training aid, including any audio-visuals, mockup, chart, or aircraft component listed in the approved training course outline must be accurate and appropriate to the course for which it is used.

§ 141.43 Pilot briefing areas.

(a) An applicant for a pilot school or provisional pilot school certificate must show that it has the continuous use of a briefing area located at each airport at which training flights originate, that is—

(1) Adequate to shelter students waiting to engage in their training flights;

(2) Arranged and equipped for the conduct of pilot briefings; and

(3) For a school with an instrument or commercial pilot course rating, equipped with private landline or telephone communication to the nearest FAA Flight Service Station, except that this communication equipment is not required if the briefing area and the flight service station are located on the same airport and are readily accessible to each other.

(b) A briefing area required by paragraph (a) of this section may not be used by the applicant if it is available for use by any other pilot school during the period it is required for use by the applicant.

§ 141.45 Ground training facilities.

An applicant for a pilot school or provisional pilot school certificate must show that each room, training booth, or other space used for instructional purposes is heated, lighted, and ventilated to conform to local building, sanitation, and health codes. In addition, the training facility must be so located that the students in that facility are not distracted by the instruction conducted in other rooms, or by flight and maintenance operations on the airport.

Subpart C—Training Course Outline and Curriculum

§ 141.51 Applicability.

This subpart prescribes the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate and ratings.

§ 141.53 Training course outline: General.

(a) *General.* An applicant for a pilot school or provisional pilot school certificate must obtain the Administrator's approval of the outline of each training course for which certification and rating is sought.

(b) *Application.* An application for the approval of an initial or amended training course outline is made in triplicate to the FAA District Office having jurisdiction over the area in which the operations base of the applicant is located. It must be made at least 30 days before any training under that course, or any amendment thereto, is scheduled to begin. An application for an amendment to an approved training course must be accompanied by three copies of the pages in the course outline for which an amendment is requested.

§ 141.55 Training course outline: Contents.

(a) *General.* The outline for each course of training for which approval is requested must meet the minimum cur-

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riculum for that course prescribed in the appropriate appendix of this Part, and contain the following information:

(1) A description of each room used for ground training, including its size and the maximum number of students that may be instructed in the room at one time.

(2) A description of each type of audio-visual aid, projector, tape recorder, mockup, aircraft component and other special training aid used for ground training.

(3) A description of each pilot ground trainer used for instruction.

(4) A listing of the airports at which training flights originate and a description of the facilities, including pilot briefing areas that are available for use by the students and operating personnel at each of those airports.

(5) A description of the type of aircraft including any special equipment, used for each phase of instruction.

(6) The minimum qualifications and ratings for each instructor used for ground or flight training.

(b) *Training syllabus.* In addition to the items specified in paragraph (a) of this section, the course outline must include a training syllabus for each course of training that includes at least the following information:

(1) The pilot certificate and ratings, if any; the medical certificate, if necessary; and the training, pilot experience and knowledge, required for enrollment in the course.

(2) A description of each lesson, including its objectives and standards and the measurable unit of student accomplishment or learning to be derived from the lesson or course.

(3) The stage of training (including the standards therefor) normally accomplished within each training period of not more than 90 days.

(4) A description of the tests and checks used to measure a student's accomplishment for each stage of training.

§ 141.57 Special curricula.

An applicant for a pilot school or provisional pilot school certificate may apply for approval to conduct a special course of pilot training for which a curriculum is not prescribed in the appendixes to this Part, if it shows that the special course of pilot training contains features which can be expected to achieve a level of pilot competency equivalent to that achieved by the curriculum prescribed in the appendixes to this Part or the requirements of Part 61 of this chapter.

Subpart D—Examining Authority

§ 141.61 Applicability.

This subpart prescribes the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority.

§ 141.63 Application and qualification.

(a) Application for an examining authority is made on a form and in a manner prescribed by the Administrator.

(b) To be eligible for an examining authority an applicant must hold a pilot school certificate. In addition, the applicant must show that—

(1) It has actively conducted a certificated pilot school for at least 24 months before the date of application; and

(2) Within the 24 months before the date of application for the examining authority, at least 10 students were graduated from the course for which the authority is requested, and at least 9 of the most recent 10 graduates of that course, who were given an interim or final test by an FAA inspector or a designated pilot examiner, passed that test the first time.

§ 141.65 Privileges.

The holder of an examining authority may recommend graduates of the school's approved certification courses for pilot certificates and ratings except flight instructor certificates, airline transport pilot certificates and ratings, and turbojet type ratings, without taking the FAA flight or written test, or both, in accordance with the provisions of this subpart.

§ 141.67 Limitations and reports.

(a) The holder of an examining authority may not recommend any person for the issuance of a pilot certificate or rating without taking the FAA written or flight test unless that person has—

(1) Been enrolled by the holder of the examining authority in its approved course of training for the particular pilot certificate or rating recommended; and

(2) Satisfactorily completed all of that course of training at its school.

(b) Each final written or flight test given by the holder of an examining authority to a person who has completed the approved course of training must be at least equal in scope, depth, and difficulty to the comparable written or flight test prescribed by the Administrator under Part 61 of this chapter.

(c) A final ground school written test may not be given by the holder of an examining authority to a student enrolled in its approved course of training unless the test has been approved by the FAA District Office having jurisdiction over the area in which the holder of the examining authority is located. In addition, an approved test may not be given by the holder of an examining authority when—

(1) It knows or has reason to believe that the test has been compromised; or

(2) It has been notified that the District Office knows or has reason to believe that the test has been compromised.

(d) The holder of an examining authority shall submit to the FAA District Office a copy of the appropriate training record for each person recommended by it for a pilot certificate or rating.

Subpart E—Operating Rules

§ 141.71 Applicability.

This subpart prescribes the operating rules that are applicable to a pilot school or provisional pilot school certificated under the provisions of this part.

§ 141.73 Privileges.

(a) The holder of a pilot school or a provisional pilot school certificate may advertise and conduct approved pilot training courses in accordance with the certificate and ratings that it holds.

(b) A certificate pilot school holding an examining authority for a certification course may recommend each graduate of that course for the issuance of a pilot certificate and rating appropriate to that course without the necessiy of taking an FAA written or flight test from an FAA inspector or designated pilot examiner.

§ 141.75 Aircraft requirements.

(a) A pretakeoff and prelanding checklist, and the operator's handbook for the aircraft (if one is furnished by the manufacturer) or copies of the handbook if furnished to each student using the aircraft, must be carried on each aircraft used for flight instruction and solo flights.

(b) Each aircraft used for flight instruction and solo flight must have a standard airworthiness certificate, except that an aircraft certificated in the restricted category may be used for flight training and solo flights conducted under special courses for agricultural aircraft operation, external load operations, and similar aerial work operations if its use for training is not prohibited by the operating limitations for the aircraft.

§ 141.77 Limitations.

(a) The holder of a pilot school or a provisional pilot school certificate may not issue a graduation certificate to a student, nor may a certificated pilot school recommend a student for a pilot certificate or rating, unless the student has completed the training therefor specified in the school's course of training and passed the required final tests.

(b) The holder of a pilot school or a provisional pilot school certificate may not graduate a student from a course of training unless he has completed all of the curriculum requirements of that course. A student may be credited, but not for more than one-half of the curriculum requirements, with previous pilot experience and knowledge, based upon an appropriate flight check or test by the school. Course credits may be transferred from one certificated school to another. The receiving school shall determine the amount to be transferred, based on a flight check or written test, or both, of the student. Credit for training and instruction received in another school may not be given unless—

(1) The other school holds a certificate issued under this Part and certifies to the kind and amount of training and to the result of each stage and final test given to that student;

(2) The training and instruction was conducted by the other school in accordance with that school's approved training course; and

(3) The student was enrolled in the other school's approved training course

before he received the instruction and training.

§ 141.79 Flight instruction.

(a) No person other than a flight instructor who has the ratings and the minimum qualifications specified in the approved training course outline may give a student flight instruction under an approved course of training.

(b) No student pilot may be authorized to start a solo practice flight from an airport until the flight has been approved by an authorized flight instructor who is present at that airport.

(c) Each chief flight instructor must complete at least once each 12 months, a flight instructor refresher course consisting of not less than 24 hours of ground or flight instruction, or both.

(d) Each flight instructor for an approved course of training must satisfactorily accomplish a flight check given to him by the designated chief flight instructor for the school by whom he is employed. He must also satisfactorily accomplish this flight check each 12 months from the month in which the initial check is given. In addition, he must satisfactorily accomplish a flight check in each type of aircraft in which he gives instruction.

(e) An instructor may not be used in an approved course of training until he has been briefed in regard to the objectives and standards of the course by the designated chief instructor or his assistant.

§ 141.81 Ground training.

(a) Except as provided in paragraph (b) of this section, each instructor used for ground training in an approved course of training must hold a flight or ground instructor certificate with an appropriate rating for the course of training.

(b) A person who does not meet the requirements of paragraph (a) of this section may be used for ground training in an approved course of training if—

(1) The chief instructor for that course of training finds him qualified to give that instruction; and

(2) The instruction is given under the direct supervision of the chief instructor or the assistant chief instructor who is present at the base when the instruction is given.

(c) An instructor may not be used in an approved course of training until he has been briefed in regard to the objectives and standards of that course by the designated chief instructor or his assistant.

§ 141.83 Quality of instruction.

(a) Each holder of a pilot school or provisional pilot school certificate must comply with the approved course of training and must provide training and instruction of such quality that at least 8 out of the 10 students or graduates of that school most recently tested by an FAA inspector or designated pilot examiner, passed on their first attempt either of the following tests:

(1) A test for a pilot certificate or rating, or for an operating privilege appropriate to the course from which the student graduated; or

(2) A test given to a student to determine his competence and knowledge of a completed stage of the training course in which he is enrolled.

(b) The failure of a certificated pilot school or provisional pilot school to maintain the quality of instruction specified in paragraph (a) of this section is considered to be the basis for the suspension or revocation of the certificate held by that school.

(c) The holder of a pilot school or provisional pilot school certificate shall allow the Administrator to make any test, flight check, or examination of its students to determine compliance with its approved course of training and the quality of its instruction and training. A flight check conducted under the provisions of this paragraph is based upon the standards prescribed in the school's approved course of training. However, if the student has completed a course of training for a pilot certificate or rating, the flight test is based upon the standards prescribed in Part 61 of this chapter.

§ 141.85 Chief instructor responsibilities.

(a) Each person designated as a chief instructor for a certificated pilot school or provisional pilot school shall be responsible for—

(1) Certifying training records, graduation certificates, stage and final test reports, and student recommendations;

(2) Conducting an initial proficiency check of each instructor before he is used in an approved course of instruction and, thereafter, at least once each 12 months from the month in which the initial check was conducted;

(3) Conducting each stage or final test given to a student enrolled in an approved course of instruction; and

(4) Maintaining training techniques, procedures, and standards for the school that are acceptable to the Administrator.

(b) The chief instructor or his designated assistant shall be available at the school's base of operations during the time that instruction is given for an approved course of training.

§ 141.87 Change of chief instructor.

(a) The holder of a pilot school or provisional pilot school certificate shall immediately notify in writing the FAA District Office having jurisdiction over the area in which the school is located, of any change in its designation of a chief instructor of an approved training course.

(b) The holder of a pilot school or provisional pilot school certificate may, after providing the notification required in paragraph (a) of this section and pending the designation and approval of another chief instructor, conduct training or instruction without a chief instructor for that course of training for a period of not more than 60 days. However, during that time each stage or final test of a student enrolled in that approved course of training must be given by an FAA inspector, or a designated pilot examiner.

§ 141.89 Maintenance of personnel, facilities, and equipment.

The holder of a pilot school or provisional pilot school certificate may not give instruction or training to a student who is enrolled in an approved course of training unless—

(a) Each airport, aircraft, and facility necessary for that instruction or training meets the standards specified in the holder's approved training course outline and the appropriate requirements of this Part; and

(b) Except as provided in § 141.87, each instructor or chief instructor meets the qualifications specified in the holder's approved course of training and the appropriate requirements of this Part.

§ 141.91 Satellite bases.

The holder of a pilot school or provisional pilot school certificate may conduct ground or flight training and instruction in an approved course of training at a base other than its main operations base if—

(a) The satellite base is located not more than 25 nautical miles from its main operations base;

(b) The airport, facilities, and personnel used at the satellite base meet the appropriate requirements of Subpart B of this Part and its approved training course outline;

(c) The instructors are under the direct supervision of the chief instructor for the appropriate training course, who is readily available for consultation; and

(d) The FAA District Office having juridiction over the area in which the school is located is notified in writing if training or instruction is conducted there for more than seven consecutive days.

§ 141.93 Enrollment.

(a) The holder of a pilot school or a provisional pilot school certificate shall furnish each student, at the time he is enrolled in each approved training course, with the following:

(1) A certificate of enrollment containing—

(i) The name of the course in which he is enrolled; and

(ii) The date of that enrollment.

(2) A copy of the training syllabus required under § 141.55(b).

(3) A copy of the safety procedures and practices developed by the school covering the use of its facilities and the operation of its aircraft, including instructions on the following:

(i) The weather minimums required by the school for dual and solo flights.

(ii) The procedures for starting and taxiing aircraft on the ramp.

(iii) Fire precautions and procedures.

(iv) Redispatch procedures after unprogrammed landings, on and off airports.

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(v) Aircraft discrepancies and write offs.

(vi) Securing of aircraft when not in use.

(vii) Fuel reserves necessary for local and cross-country flights.

(viii) Avoidance of other aircraft in flight and on the ground.

(ix) Minimum altitude limitations and simulated emergency landing instructions.

(x) Description and use of assigned practice areas.

(b) The holder of a pilot school or provisional pilot school certificate shall, within 5 days after the date of enrollment, forward a copy of each certificate of enrollment required by paragraph (a)(1) of this section to the FAA District Office having jurisdiction over the area in which the school is located.

§ 141.95 Graduation certificate.

(a) The holder of a pilot school or provisional pilot school certificate shall issue a graduation certificate to each student who completes its approved course of training.

(b) The certificate shall be issued to the student upon his completion of the course of training and contain at least the following information:

(1) The name of the school and the number of the school certificate.

(2) The name of the graduate to whom it was issued.

(3) The course of training for which it was issued.

(4) The date of graduation.

(5) A statement that the student has satisfactorily completed each required stage of the approved course of training including the tests for those stages.

(6) A certification of the information contained in the certificate by the chief instructor for that course of training.

(7) A statement showing the cross-country training the student received in the course of training.

Subpart F—Records

§ 141.101 Training records.

(a) Each holder of a pilot school or provisional pilot school certificate shall establish and maintain a current and accurate record of the participation and accomplishment of each student enrolled in an approved course of training conducted by the school (the student's logbook is not acceptable for this record). The record shall include—

(1) The date the student was enrolled;

(2) A chronological log of the student's attendance, subjects, and flight operations covered in his training and instruction, and the names and grades of any tests taken by the student; and

(3) The date the student graduated, terminated his training, or transferred to another school.

(b) Whenever a student graduates, terminates his training, or transfers to another school, his record shall be certified to that effect by the chief instructor.

(c) The holder of a certificate for a pilot school or a provisional pilot school shall retain each student record required by this section for at least 1 year from the date that the student graduates from the course to which the record pertains, terminates his enrollment in that course, or transfers to another school.

(d) The holder of a certificate for a pilot school or a provisional pilot school shall, upon request of a student, make a copy of his record available to him.

APPENDIX A

PRIVATE PILOT CERTIFICATION COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a private pilot certification course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 35 hours of ground training in the following subjects:

(a) The Federal Aviation Regulations applicable to private pilot privileges, limitations, and flight operations; the rules of the National Transportation Safety Board pertaining to accident reporting; the use of the Airman's Information Manual; and the FAA Advisory Circular System.

(b) VFR navigation using pilotage, dead reckoning, and radio aids.

(c) The recognition of critical weather situations from the ground and in flight and the procurement and use of aeronautical weather reports and forecasts.

(d) The safe and efficient operation of airplanes, including high density airport operations, collision avoidance precautions, and radio communication procedures.

3. *Flight training.*

(a) The course must consist of at least 35 hours of the flight training listed in this section and section 4 of this Appendix. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 5 of the required 35 hours of flight time. Instruction in a pilot ground trainer that meets the requirement of § 141.41(a)(2) may be credited for not more than 2.5 hours of the required 35 hours of flight time.

(b) Each training flight must include a preflight briefing and a postflight critique of the student by the instructor assigned to that flight.

(c) Flight training must consist of at least 20 hours of instruction in the following subjects:

(1) Preflight operations, including weight and balance determination, line inspection, starting and runups, and airplane servicing.

(2) Airport and traffic pattern operations, including operations at controlled airports, radio communications, and collision avoidance precautions.

(3) Flight maneuvering by reference to ground objects.

(4) Flight at critically slow airspeeds, recognition of imminent stalls, and recovery from imminent and full stalls.

(5) Normal and crosswind takeoffs and landings.

(6) Control and maneuvering an airplane solely by reference to instruments, including emergency descents and climbs using radio aids or radar directives.

(7) Cross-country flying using pilotage, dead reckoning, and radio aids, including a two-hour dual flight at least part of which must be on Federal airways.

(8) Maximum performance takeoffs and landings.

(9) Night flying, including 5 takeoffs and landings as sole manipulator of the controls, and VFR navigation.

(10) Emergency operations, including simulated aircraft and equipment malfunctions, lost procedures, and emergency go-arounds.

4. *Solo flights.* The course must provide at least 15 hours of solo flights, including—

(a) *Solo practice.* Directed solo practice on all VFR flight operations for which flight instruction is required (except simulated emergencies) to develop proficiency, resourcefulness, and self-reliance; and

(b) *Cross-country flights.* (1) Ten hours of cross-country flights, each flight with a landing at a point more than 50 nautical miles from the point of departure, and one flight with landings at not less than three points, each of which is more than 100 nautical miles from the other points; or

(2) If a pilot school or a provisional pilot school shows that it is located on an island from which cross-country flights cannot be accomplished without flying over water more than 10 nautical miles from the nearest shoreline, it need not include cross-country flights under subparagraph (1) of this paragraph. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 nautical miles from the nearest shoreline, the school must include in its course, two round trip solo flights between those airports that are farthest apart, including a landing at each airport on both flights.

5. *Stage and final tests.* (a) Each student enrolled in a private pilot certification course must satisfactorily accomplish the stage and final tests prescribed in this section. The written tests may not be credited for more than 3 hours of the 35 hours of required ground training, and the flight tests may not be credited for more than 4 hours of the 35 hours of required flight training.

(b) Each student must satisfactorily accomplish a written examination at the completion of each stage of training specified in the approved training syllabus for the private pilot certification course and a final test at the conclusion of that course.

(c) Each student must satisfactorily accomplish a flight test at the completion of the first solo cross-country flight and at the conclusion of that course.

APPENDIX B

PRIVATE TEST COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a private test course (airplanes) required by § 141.55.

2. *Experience.* For enrollment as a student in a private test course (airplanes) an applicant must—

(a) Have logged at least 30 hours of flight time as a pilot; and

(b) Have such experience and flight training that upon completion of his approved private test course (airplanes) he will meet the aeronautical experience requirements prescribed in Part 61 of this chapter for a private pilot certificate.

3. *Ground training.* The course must consist of at least 35 hours of ground training in the subjects listed in § 2 of Appendix A of this Part.

4. *Flight training.* (a) The course must consist of a total of at least 10 hours of flight instruction in the subjects listed in § 3(c) of Appendix A of this Part.

(b) Each training flight must include a preflight briefing and a postflight critique of the student by the instructor assigned to that flight.

5. *Stage and final tests.* Each student enrolled in the course must satisfactorily accomplish the final tests prescribed in § 5 of Appendix A of this Part. Written tests may not be credited for more than 3 hours of the required 35 hours of ground training, and the flight tests may not be credited for more than 2 hours of the required 10 hours of flight training.

APPENDIX C

INSTRUMENT RATING COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a training course for an Instrument Rating Course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 30 hours of ground training instruction in the following subjects:

(a) The Federal Aviation Regulations that apply to flight under IFR conditions, the IFR air traffic system and procedures, and the provisions of the Airman's Information Manual pertinent to IFR flights.

(b) Dead reckoning appropriate to IFR navigation, IFR navigation by radio aids using the VOR, ADF, and ILS systems, and the use of IFR charts and instrument approach procedure charts.

(c) The procurement and use of aviation weather reports and forecasts, and the elements of forecasting weather trends on the basis of that information and personal observation of weather conditions.

(d) The function, use, and limitations of flight instruments required for IFR flight, including transponders, radar and radio aids to navigation.

3. *Flight training.* The course must consist of at least 35 hours of instrument flight instruction given by an appropriately rated flight instructor, covering the operations listed in paragraphs (a) through (d) of this section. Instruction given by an authorized instructor in a pilot ground trainer which meets the requirements of § 141.41(a)(1) may be credited for not more than 15 hours of the required flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 7.5 of the required 35 hours of flight time.

(a) Control and accurate maneuvering of an airplane solely by reference to flight instruments.

(b) IFR navigation by the use of VOR and ADF systems, including time, speed and distance computations and compliance with air traffic control instructions and procedures.

(c) Instrument approaches to published minimums using the VOR, ADF, and ILS systems (instruction in the use of the ILS glide slope may be given in an instrument ground trainer or with an airborne ILS simulator).

(d) Cross-country flying in simulated or actual IFR conditions, on Federal airways or as routed by ATC, including one such trip of at least 250 nautical miles including VOR, ADF, and ILS approaches at different airports.

(e) Emergency procedures appropriate to the maneuvering of an airplane solely by reference to flight instruments.

4. *Stage and final tests.*

(a) Each student must satisfactorily accomplish a written test at the completion of each stage of training specified in the approved training syllabus for the instrument rating course. In addition, he must satisfactorily accomplish a final written test at the conclusion of that course. The written tests may not be credited for more than 5 hours of the 30 hours of required ground training.

(b) Each student must satisfactorily accomplish a flight stage test at the completion of each operation listed in paragraphs (a), (b), and (c) of section 3 of this Appendix. In addition, he must satisfactorily accomplish a final flight test at the completion of the course. The stage and final tests may not be credited for more than 5 hours of the required 35 hours of flight training.

APPENDIX D

COMMERCIAL PILOT CERTIFICATION COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a commercial pilot certification course (airplanes) required by § 141.55.

2. *Ground training.* The course must consist of at least 100 hours of ground training instruction in the following subjects:

(a) The ground training subjects prescribed in section 2 of Appendix A of this Part for a private pilot certification course, except the private pilot privileges and limitations of paragraph (a) of that section.

(b) The ground training subjects prescribed in section 2 of Appendix C of this Part 141 for an Instrument Rating Course.

(c) The Federal Aviation Regulations covering the privileges, limitations, and operations of a commercial pilot, and the operations for which an air taxi/commercial operator, agricultural aircraft operator, and external load operator certificate, waiver, or exemption is required.

(d) Basic aerodynamics, and the principles of flight which apply to airplanes.

(e) The safe and efficient operation of airplanes, including inspection and certification requirements, operating limitations, high altitude operations and physiological considerations, loading computations, the significance of the use of airplane performance speeds, the computations involved in runway and obstacle clearance and crosswind component considerations, and cruise control.

3. *Flight training*—(a) *General.* The course must consist of at least 190 hours of the flight training and instruction prescribed in this section. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 40 hours of the required 190 hours of flight time. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 20 hours of the required 190 hours of flight time.

(b) *Flight instruction.* The course must consist of at least 75 hours of instruction in the operations listed in subparagraphs (1) through (6) of this paragraph. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 20 hours of the required 75 hours. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 10 hours of the required 75 hours.

(1) The pilot operations for the Private Piolt Course prescribed in § 3 of Appendix A of this Part.

(2) The IFR operations for the Instrument Rating Course prescribed in § 3 of Appendix C of this Part.

(3) Ten hours of flight instruction in an airplane with retractable gear, flaps, a controllable propeller, and powered by at least 180 hp. engine.

(4) Night flying, including a cross-country night flight with a landing at a point more than 100 miles from the point of departure.

(5) Normal and maximum performance takeoffs and landings using precision approaches and prescribed airplane performance speeds, including operations at maximum authorized takeoff weight.

(6) Emergency procedures appropriate to VFR and IFR flight and to the operation of complex airplane systems.

(c) *Solo practice.* The course must consist of at least 100 hours of the flights listed in subparagraphs (1) through (4) of this paragraph. Flight time as pilot in command of an airplane carrying only those persons who are pilots assigned by the school to specific flight crew duties on the flight may be credited for not more than 50 hours of that requirement.

(1) Directed solo practice on each VFR operation for which flight instruction is required (except simulated emergencies).

(2) At least 40 hours of solo cross-country flights, including one flight with landings at three points, each of which is more than 200 nautical miles from the other points, except that those flights conducted in the State of Hawaii may be made with landings at points which are 100 nautical miles apart.

(3) At least 5 hours of pilot in command time in an airplane described in paragraph (b)(3) of this section, including not less than 10 takeoffs and 10 landings to a full stop.

(4) At least 5 hours of night flight, including at least 10 takeoffs and 10 landings to a full stop.

4. *Stage and final tests*—(a) *Written examinations.* Each student enrolled in the course must satisfactorily accomplish a written test upon the completion of each stage of training specified in the approved training syllabus for the commercial pilot certification course. In addition, he must satisfactorily accomplish a final stage test at the completion of all of that course. The stage and final tests may be credited for not more than 6 hours of the required 100 hours of ground training.

(b) *Flight tests.* Each student enrolled in a commercial pilot certification course (airplanes) must satisfactorily accomplish a stage flight test at the completion of each of the stages listed in subparagraphs (1), (2), (3), (4), and (5), of this paragraph. In addition, he must satisfactorily accomplish a final test at the completion of all of those stages. The stage and final tests may not be credited for more than 10 hours of the required 190 hours of flight training.

(1) Solo.

(2) Cross-country.

(3) High performance airplane operations.

(4) IFR operations.

(5) Commercial Pilot Course test, VFR and IFR.

APPENDIX E

COMMERCIAL TEST COURSE (AIRPLANES)

1. *Applicability.* This Appendix prescribes the minimum curriculum for a commercial test course (airplanes) required by § 141.55.

2. *Experience.* For enrollment as a student in a commercial test course (airplanes) an applicant must—

(a) Hold a valid private pilot certificate;

(b) Hold a valid instrument rating, or be enrolled in an approved instrument rating course; and

(c) Have such experience and flight training that upon completion of his approved commercial test course he will meet the aeronautical experience requirements prescribed in Part 61 of this chapter for a commercial pilot certificate.

3. *Ground training.* The course must consist of at least 50 hours of ground training instruction in the following subjects:

(a) A review of the ground training subjects prescribed in § 2 of Appendix A of this Part 141 for a private pilot certification.

(b) A review of the ground training subjects prescribed in § 2 of Appendix C of this Part 141 for an instrument rating course.

(c) The Federal Aviation Regulations covering the privileges, limitations, and operations of a commercial pilot, and the operations for which an air taxi/commercial operator, agricultural aircraft operator, and external load operator certificate, waiver or exemption is required.

(d) Basic aerodynamics, and the principles of flight that apply to airplanes.

(e) The safe and efficient operation of airplanes, including inspection and certifica-

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tion requirements, operating limitations, high altitude operations and psysiological considerations, loading computations, the significance and use of airplane performance speeds, and computations involved in runway and obstacles clerance and cross-wind component considerations.

4. *Flight training.*—(a) *General.* The course must consist of at least 25 hours of flight training prescribed in this section. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 20 per cent of the total number of hours of flight time. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 10 per cent of the total number of hours of flight time.

(b) *Flight instruction.* The course must consist of at least 20 hours of flight instruction in the subjects listed in subparagraphs (1) through (3) of this paragraph. Instruction in a ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 4 hours of the required 20 hours. Instruction in a ground trainer that meets the retquirements of § 141.41(a)(2) may be credited for not more than 2 hours of the required 20 hours.

(1) A review of the VFR operations prescribed in § 3 of Appendix A of this Part for a private course.

(2) A review of the IFR operations prescribed in § 3 of Appendix C of this Part for an instrument rating course.

(3) A review of the VFR operations prescribed in § 3(b)(3) through (6) of Appendix D of this Part for a commercial pilot certification course.

(c) *Directed solo practice.* If the course includes directed solo practice necessary to develop the flight proficiency of each student, the practice may not exceed a ratio of 3 hours of directed solo practice for each hour of the flight instruction required by the school's approved course outline.

5. *Stage and final tests.*—(a) *Written tests.* Each student enrolled in the course must satisfactorily accomplish a stage test upon the completion of each stage of training specified in the approved training syllabus for the commercial test course. In addition, he must satisfactorily accomplish a final test at the conclusion of that course. The stage and final tests may not be credited for more than 4 hours of the required 50 hours of ground training.

(b) *Flight tests.* Each student enrolled in the course must satisfactorily accomplish a final test at the completion of the course. However, if the approved course of training exceeds 35 hours he must be given a test at an appropriate stage prior to completion of 35 hours of flight training. The flight tests may not be credited for more than 3 of the required hours of flight training.

(c) *Total flight experience.* The approved training course outline must specify the minimum number of hours of flight instruction and directed solo practice (if any) that is provided for each student under the requirements of paragraphs (b) and (c) of § 4 of this Appendix. The total number of hours of all flight training given to a student under this section and the minimum experience required for enrollment under § 2 of this Appendix must meet the minimum aeronautical experience requirements of § 61.129 of this chapter for the issuance of a commercial pilot certificate.

APPENDIX F

ROTORCRAFT, GLIDERS, LIGHTER-THAN-AIR AIRCRAFT AND AIRCRAFT RATING COURSES

A. *Applicability.* This Appendix prescribes the minimum curriculum for a pilot certification course for a rotorcraft, glider, lighter-than-air aircraft, or aircraft rating, required by § 141.55.

B. *General Requirements.* The course must be comparable in scope, depth, and detail with the curriculum prescribed in Appendices A through D of this Part for a pilot certification course (airplanes) with the same rating. Each course must provide ground and flight training covering the aeronautical knowledge and skill items required by Part 61 of this chapter for the certificate or rating concerned. In addition, each course must meet the appropriate requirements of this Appendix.

C. *Rotorcraft*—I. *Kinds of rotorcraft pilot certification courses.* An approved rotorcraft pilot certification course includes—

(a) A helicopter or gyroplane course—private pilots;

(b) A helicopter or gyroplane course—commercial pilots; and

(c) An instrument rating—helicopter.

II. *Helicopter or gyroplane course: Private pilots.*

(a) A private pilot certification course for helicopters or gyroplanes must consist of at least the following:

(1) Ground training—35 hours.

(2) Flight training—35 hours, including the following:

(i) Flight instruction—20 hours.

(ii) Solo practice—10 hours, including a flight with landings at three points, each of which is more than 25 nautical miles from the other two points.

(b) Stage and final tests may be credited for not more than 3 hours of the 35 hours of ground training, and for not more than 4 hours of the 35 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

III. *Helicopter or gyroplane course—commercial pilots.* (a) A commercial pilot certification course of training for helicopters or gyroplanes must consist of at least the following:

(1) Ground training—65 hours.

(2) Flight training—150 hours of flight training at least 50 hours of which must be in helicopters or gyroplanes.

The flight training must include the following:

(i) Flight instruction—50 hours.

(ii) Directed solo—100 hours (including a cross-country flight with landings at three points, each of which is more than 50 nautical miles from the other two points).

(b) Stage and final tests may be credited for not more than 5 hours of the required 65 hours of ground training, and for not more than 7 hours of the required 150 hours of flight training prescribed in paragraphs (a)(1) and (a)(2) of this section.

IV. *Instrument rating—helicopter course.* (a) An instrument rating—helicopter course of training must consist of at least the following:

(1) Ground training—35 hours.

(2) Instrument flight training—35 hours. Instrument instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 10 hours of the required 35 hours of flight training. Instruction in a ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 5 hours of the required 35 hours. The instrument flight instruction must include a 100-mile simulated or actual IFR cross-country flight, and 25 hours of flight instruction.

(3) Stage and final tests may be credited for not more than 5 hours of the 35 hours of required ground training, and not more than 5 hours of the 35 hours of instrument training.

D. *Gliders*—I. *Kinds of glider pilot certification courses.* An approved glider certification course includes—

(a) A glider course—private pilots; and

(b) A glider course—commercial pilots.

II. *Glider course: Private pilot.* A private pilot certification course for gliders must consist of at least the following:

(a) Ground training—15 hours.

(b) Flight training—8 hours (including 35 flights if ground tows are used, or 20 flights if aero tows are used). The flight training must include the following:

(1) Flight instruction—2 hours (including 20 flights if ground tows are used or 15 flights if aero tows are used).

(2) Directed solo—5 hours (including at least 15 flights if ground tows are used or 5 flights if aero tows are used).

(c) Stage and flight tests may be credited for not more than one hour of the 15 hours of ground training, and for not more than one-half hour of the 2 hours of flight instruction required by paragraphs (a)(1) and (a)(2) of this section.

III. *Glider course: Commercial pilot.* (a) An approved commercial pilot certification course for gliders must consist of at least the following:

(1) Ground training—25 hours.

(2) Flight training—20 hours of flight time in gliders (consisting of at least 50 flights), including the following:

(i) Flight instruction—8 hours.

(ii) Directed solo—10 hours.

(b) Stage and final tests may be credited for not more than 2 hours of the 25 hours of ground training, and for not more than 2 hours of the 20 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

E. *Lighter-than-air aircraft*—I. *Kinds of lighter-than-air pilot certification courses.* An approved lighter-than-air pilot certification course includes—

(a) An airship course—private pilot;

(b) A free balloon course—private pilot;

(c) An airship course—commercial pilot; and

(d) A free balloon course—commercial pilot.

II. *Airship—private pilot.* (a) A private pilot certification course for an airship must consist of at least the following:

(1) Ground training—35 hours.

(2) Flight training—50 hours (45 hours must be in airships), including the following:

(i) Flight instruction—20 hours in airships.

(ii) Directed solo, or performing the functions of a pilot in command of an airship for which more than one pilot is required—10 hours.

(b) Stage and final tests may be credited for not more than 5 hours of the 35 hours of ground training, and not more than 5 hours of the 50 hours of flight training required by paragraphs (a)(1) and (a)(2) of this section.

III. *Free balloon course; private pilot.* (a) A private pilot course for a free balloon must consist of at least the following:

(1) Ground training—10 hours.

(2) Flight training—6 free flights, including—

(i) Two flights of one hour duration each if a gas balloon is used, or of 30 minutes duration if a hot air balloon is used;

(ii) At least one solo flight; and

(iii) One ascent under control to 5,000 feet above the point of takeoff if a gas balloon is used, or 3,000 feet above the point of takeoff if a hot air balloon is used.

(b) The written and stage checks may be credited for not more than one hour of the ground training, and not more than one of the 6 flights required by paragraph (a)(1) and (a)(2) of this section.

IV. *Airship course—commercial pilot.* (a) A commercial pilot course for an airship must consist of at least the following:

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(1) Ground training—100 hours.

(2) Flight training—190 hours in airships as follows:

(i) Flight instruction—80 hours, including 30 hours instrument time.

(ii) 100 hours of solo time, or flight time performing the functions of a pilot in command in an airship that requires more than one pilot, including 10 hours of cross-country flying and 10 hours of night flying.

(b) Stage and final tests may be credited for not more than 6 hours of the 100 hours of ground training, and not more than 10 hours of the 190 hours of flight training required by paragraphs (a)(1) and (a)(2), respectively, of this section.

V. *Free balloon course; commercial pilot.* (a) A commercial pilot certification course for free balloons must consist of at least the following:

(1) Ground training—20 hours.

(2) Flight training—8 free flights, including—

(i) 2 flights of more than 2 hours duration if a gas balloon is used, or 2 flights of more than 1 hour duration if a hot air balloon is used;

(ii) 1 ascent under control to more than 10,000 feet above the takeoff point if a gas balloon is used, or to more than 5,000 feet above the takeoff point if a hot air balloon is used; and

(iii) 2 solo flights.

(b) Stage and final tests may be credited for not more than 2 hours of the 20 hours of ground training, and not more than one of the flights required by paragraphs (a)(1) and (a)(2), respectively, of this section.

F. *Aircraft rating course*—I. *Kinds of aircraft rating courses.* An approved aircraft rating course includes—

(a) An aircraft category rating;

(b) An aircraft class rating; and

(c) An aircraft type rating.

II. *Aircraft category rating.* An aircraft category rating course must include at least the ground training and flight instruction required by Part 61 of this chapter for the issuance of a pilot certificate with a category rating appropriate to the course. However, the Administrator may approve a lesser number of hours of ground training, or flight instruction, or both, if the course provides for the use of special training aids, such as ground procedures, trainers, systems mock-ups, and audio-visual training materials, or requires appropriate aeronautical experience of the students as a prerequisite for enrollment in the course.

III. *Aircraft class rating.* An aircraft class rating course must include at least the flight instruction required by Part 61 of this chapter for the issuance of a pilot certificate with a class rating appropriate to the course.

IV. *Aircraft type rating.* An aircraft type rating course must include at least 10 hours of ground training on the aircraft systems, performance, operation, and loading. In addition, it must include at least 10 hours of flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(1) may be credited for not more than 5 of the 10 hours of required flight instruction. Instruction in a pilot ground trainer that meets the requirements of § 141.41(a)(2) may be credited for not more than 2.5 of the 10 hours of required flight instruction.

APPENDIX G

PILOT GROUND SCHOOL COURSE

1. *Applicability.* This Appendix prescribes the minimum curriculum for a pilot ground school course required by § 141.55.

2. *General requirements.* An approved course of training for a pilot ground school course must contain the instruction necessary to provide each student with adequate knowledge of those subjects needed to safely exercise the privileges of the pilot certificate sought.

3. *Ground training instruction.* A pilot ground school course must include at least the subjects and the number of hours of ground training specified in the ground training section of the curriculum prescribed in the Appendixes to this Part for the certification or test preparation course to which the ground school course is directed.

4. *Stage and final tests.* Each student must pass a written test at the completion of each stage of training specified in the approved training syllabus for each ground training course in which he is enrolled. In addition, he must pass a final written test at the completion of the course. The stage and final tests may be credited towards the total ground training time required for each certification and test preparation course as provided in the curriculum prescribed in the Appendixes to this Part for that course.

APPENDIX H

TEST PREPARATION COURSES

1. *Applicability.* This Appendix prescribes the minimum curriculum required under § 141.55 of this Part 141 for each test preparation course listed in § 141.11.

2. *General requirements.*

(a) A test preparation course is eligible for approval if the Administrator determines that it is adequate for a student enrolled in that course, upon graduation, to safely exercise the privileges of the certificate, rating, or authority for which the course is conducted.

(b) Each course for a test preparation must be equivalent in scope, depth, and detail with the curriculum for the corresponding test course prescribed in Appendices A, B, C, and D of this Part 141. However, the number of hours of ground training and flight training included in the course must meet the curriculum prescribed in this Appendix. (The minimums prescribed in this Appendix for each test preparation course are based upon the amount of training that is required for students who meet the total flight experience requirements prescribed in Part 61 of this chapter at the time of enrollment.)

(c) Minimum experience, knowledge, or skill, requirements necessary as a prerequisite for enrollment are prescribed in the appropriate test preparation courses contained in this Appendix.

3. *Flight instructor certification course.*

(a) An approved course of training for a flight instructor certification course must contain at least the following:

(1) *Ground training*—40 hours.

(2) *Instructor training*—25 hours, including—

(i) 10 hours of flight instruction in the analysis and performance of flight training maneuvers;

(ii) 5 hours of practice ground instruction; and

(iii) 10 hours of practice flight instruction (with the instructor in the aircraft).

(b) *Credit for previous training of experience:* A student may be credited with the following training and experience acquired before his enrollment in the course.

(1) Satisfactory completion of two years of study on the principles of education in a college or university may be credited for 20 hours of the required 40 hours of ground training prescribed in paragraph (a)(1) of this section.

(2) One year of experience as a full-time instructor in an institution of secondary or advanced education may be credited for 5 hours of the required practice ground instruction prescribed in paragraph (a)(2) of this section.

(c) *Prerequisite for enrollment.* To be eligible for enrollment each student must hold—

(1) A commercial pilot certificate;

(2) A rating for the aircraft used in the course; and

(3) An instrument rating for enrollment in an airplane instructor rating course.

4. *Additional flight instructor rating courses.*

(a) An approved course of training for an additional flight instructor rating course must consist of at least the following:

(1) *Ground training*—20 hours.

(2) *Instructor training (with an instructor in the aircraft).* 20 hours, including—

(i) 10 hours of analysis of flight training maneuvers, or, in the case of a glider instructor rating course, 10 flights in a glider; and

(ii) 10 hours of practice flight instruction, or, in the case of glider instructor rating course, 10 flights in a glider.

5. *Additional instrument rating course (airplane or helicopter).*

(a) An approved training course for an additional instrument rating course must include at least the following:

(1) *Ground training*—15 hours.

(2) *Flight instruction*—15 hours.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must hold a valid pilot certificate with an instrument rating, and an aircraft rating for the aircraft used in the course.

6. *Airline transport pilot test course.*

(a) An approved training course for an airline transport pilot test course must include at least the following:

(1) *Ground training*—40 hours.

(2) *Flight instruction*—25 hours, including at least 15 hours of instrument flight instruction.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must—

(1) Hold a commercial pilot certificate with an instrument rating and a rating for the aircraft used in the course; and

(2) Meet the experience requirements of Part 61 of this chapter for the issuance of an airline transport pilot certificate.

7. *Pilot certificate, aircraft or instrument rating refresher course.*

(a) An approved refresher training course for a pilot certificate, aircraft rating, or an instrument rating must contain at least the following:

(1) *Ground training*—4 hours.

(2) *Flight instruction*—6 hours, which may include not more than 2 hours of directed solo or pilot in command practice.

(b) *Prerequisites for enrollment.* To be eligible for enrollment each student must hold a valid pilot certificate with ratings appropriate to the refresher course.

8. *Agricultural aircraft operations course.*

(a) An approved training course for pilots of agricultural aircraft must include at least the following:

(1) *Ground training*—25 hours, including at least 15 hours on the handling of agricultural and industrial chemicals.

(2) *Flight instruction*—15 hours, which may include not more than 5 hours of directed solo practice.

(b) *Prerequisite for enrollment.* To be eligible for enrollment each student must hold a valid commercial pilot certificate with a rating for the aircraft used in the course.

9. *Rotorcraft external-load operations course.*

(a) An approved training course for pilots of a rotorcraft with an external-load must contain at least the following:

(1) *Ground training*—10 hours.

(2) *Flight instruction*—15 hours.

(b) *Prerequisite for enrollment.* To be eligible for enrollment each student must

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hold a valid commercial pilot certificate with a rating for the rotorcraft used in the course.

This revision is made under the authority of sections 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on May 29, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-12776 Filed 6-5-74;8:45 am]

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federal register

THURSDAY, JUNE 6, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 110

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Limitations on Coverage of Costs; Interim Schedule

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Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Providers

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

LIMITATIONS ON COVERAGE OF COSTS UNDER MEDICARE

On March 19, 1974, there was published in the FEDERAL REGISTER (39 FR 10260) a notice of proposed rule making with proposed amendments to Subparts D and F of Regulations No. 5 (20 CFR Part 405), regarding implementation of section 223 of Public Law 92–603 entitled "Limitations on Coverage of Costs Under Medicare." On April 30, 1974, an extension of the comment period was granted (39 FR 15045) giving interested parties until May 18, 1974, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this Notice of Proposed Rules Making, responses thereto and changes in the proposed regulations are summarized below.

1. Many commenters recommended that the proposed regulations be revised to eliminate the necessity for providers to obtain intermediary approval of provider charges to beneficiaries for excess costs and the requirement that similar charges be made to all patients because such provisions are not in accordance with the law. The proposed regulations have been revised to clarify that the intermediary's only role is to validate the computation of the charge. Also, the regulations have been revised to eliminate the requirement that a provider electing to make charges based on excess cost must make such charges to all individuals entitled to benefits under title XVIII. This is not a requirement of the law, and it could result in unjustifiable hardship and difficulty.

2. In response to comments, the regulations have been revised to indicate that public notice required before a provider may impose excess charges on beneficiaries will be published as a notice in a newspaper of general circulation serving the provider's locality and such other notice as the Secretary may require.

3. A recommendation was received and adopted that the definition of "emergency services" in § 405.461(d) be revised to conform to the definition of "emergency services" used for purposes of payment to non-participating hospitals.

4. Comments were received indicating that no limits should be applied to providers. As this is clearly inconsistent with the statute, such suggestions could not be adopted.

5. Comments were received concerning a possible lack of sufficient recognition in the limits of the effect of the cost of teaching programs in a hospital. Our analysis of data indicated that teaching hospitals tended to be concentrated in certain classification groups so that almost always the limits applied to them seem to reflect well the costs of similar hospitals. Nevertheless, the regulations provide that, where a provider can demonstrate that its costs exceed the applicable limit by reason of teaching effort, an exception can be made to the application of the limit to the extent that the added costs flow from approved educational activities and are atypical (although reasonable) for providers in the comparison group. No definition of a teaching hospital that could be reflected in a classification system and could be assumed to improve the effectiveness of the system for setting limits on hospital inpatient general routine service costs has been advanced. As a result, no modifications have been made in response to these comments.

6. A number of comments expressed disagreement with various aspects of the classification system. It is recognized that the presently proposed limits may not be as refined as those which may be developed in the future. However, the initial limits will identify hospitals whose costs are substantially higher than those deemed necessary for efficient delivery of hospital inpatient general routine services. Efforts to develop a more advanced classification system—one that will permit improved identification of hospitals whose costs are excessive—will continue but awaiting the development of such a system is neither desirable nor necessary.

7. A recommendation was received but not adopted for the elimination of the requirement, in § 405.461(a)(2), that a high-cost provider may not impose charges on a beneficiary for emergency services. The basis for this recommendation is the view that charges could not in any event be made for emergency services on the assumption that the cost limits do not apply to such services. However, the language of the law contains no support for the view that the cost limits do not apply to emergency services but states specifically that no charges can be made by the high-cost provider for such services.

8. Recommendations were received, but not adopted, that § 405.461(a) (4) and (5) be modified to eliminate the requirement that the Social Security Administration identify to the public and the high-cost provider identify to the beneficiary the specified charges to meet the costs in excess of costs determined to be necessary in the efficient delivery of health services under title XVIII.

This requirement is contained specifically in section 1866(a) of the Social Security Act as amended by § 223 of P.L. 92–603 and, therefore, this suggestion could not be adopted.

9. A comment was received, but not adopted, that the requirement in section 405.461(a)(3), that the admitting physician have no direct or indirect financial interest in the high-cost provider which is making charges to his patients be modified by the insertion of "significant" before "direct or indirect financial interest." Section 1866(a) of the Social Security Act as amended by § 223 of P.L. 92–603 contains such wording and such a change would be contrary to the statute.

10. Under the provision for recovery by new providers of amounts unreimbursed as a result of application of cost limits published in the Notice of Proposed Rule Making or the lower of cost or charges provision, a new provider's recovery during any year of the new provider base period or recovery period was limited to the lesser of the amount by which the provider's charges exceeded cost or the amount by which the provider's costs were less than the applicable limit. As a result of further study, the Social Security Administration believes that this provision should be liberalized and simplified. Thus, the regulations have been revised to provide that where costs in the current reporting period are below the cost limit, the amount of the recovery of accumulated unreimbursable costs under the lower of cost or charges provision is only limited to the extent aggregate charges applicable to health insurance beneficiaries exceed aggregate costs for services provided to such beneficiaries during such reporting period.

11. A number of editorial changes have also been made in the interest of clarity.

The regulations are issued under the authority contained in sections 1102, 1861(v), 1866(a), and 1871; 49 Stat. 647, as amended; 79 Stat. 313, as amended; 79 Stat. 327, as amended; 79 Stat. 331; 42 U.S.C. 1302, 1395x(v), 1395cc(a), and 1395hh.

Effective date. These regulations will be effective July 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 21, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-based Physicians; Appeals by Providers

1. In § 405.401, paragraph (a) is revised to read as follows:

§ 405.401 Introduction.

(a) Under the health insurance program for the aged and disabled, the amount paid to any provider of services—i.e., hospital, skilled nursing facility, or home health agency—for the covered services furnished to beneficiaries is required by section 1814(b) and section 1833(a)(2) of the Act to be the reasonable cost of such services subject to the provisions of §§ 405.455 and 405.460.

* * * * *

2. In § 405.402, paragraph (a) is revised to read as follows:

§ 405.402 Cost reimbursement: General.

(a) In formulating methods for making fair and equitable reimbursement for services rendered beneficiaries of the program, payment is to be made on the basis of current costs of the individual provider, rather than costs of a past period or a fixed negotiated rate. All necessary and proper expenses of an institution in the production of services, including normal standby costs, are recognized. Furthermore, the share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients. Conversely, costs attributable to other patients of the institution are not to be borne by the program. Thus, the application of this approach, with appropriate accounting support, will result in meeting actual costs of services to beneficiaries as such costs vary from institution to institution. However, payments to providers of services for services rendered health insurance program beneficiaries are subject to the provisions of §§ 405.455 and 405.460.

§ 405.455 [Amended]

3. In § 405.455, paragraph (d)(1) is amended by adding at the end of the material preceding the example the sentence "However, no recovery may be made in any period in which costs are unreimbursed under § 405.460."

4. In § 405.455, paragraph (d)(2) is revised to read as follows:

(2) *New provider*—(i) *General.* A new provider of services may carry forward for five succeeding cost reporting periods costs attributable to program beneficiaries which are unreimbursed under the provisions of this section during a base period, which includes any cost reporting period which begins after December 31, 1973, and ends on or before the last day of its third year of operation. Where beneficiary charges exceed reasonable cost in the five succeeding reporting periods, such previously unreimbursed amounts carried forward shall be reimbursed to the provider to the extent that such previously unreimbursed amounts carried forward, together with costs applicable to program beneficiaries in such subsequent periods, do not exceed customary charges with respect to services to program beneficiaries in such subsequent periods. If such five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward costs unreimbursed under this section for one additional reporting period.

Example. A provider begins its operations on March 5, 1972. However, it begins to participate in the Medicare program as of January 1, 1973, and reports on a calendar year basis. Since it would be subject to the application of the provision for its cost reporting period beginning with January 1, 1974, it would be permitted to accumulate any unreimbursed costs (excess of costs over its charges) incurred during this reporting period. Since this cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending with December 31, 1979. Had this provider begun its operation on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any unreimbursed costs for the two cost reporting periods ending June 30, 1975, and June 30, 1976. Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, and June 30, 1976.

(ii) *New provider base period; unreimbursed costs under lower of cost or charges.* Where costs of a new provider are unreimbursed under this section but no costs are unreimbursed under § 405.460 during the new provider base period, such previously unreimbursed amounts which a provider may recover during any cost reporting period in the new provider base period or carry forward period is limited to the amount by which the aggregate customary charges applicable to health insurance beneficiaries during any such period exceed the aggregate costs applicable to such beneficiaries during that period, without regard to the application of the cost limits described in § 405.460(d) during the recovery period; except that no recovery may be made in any period in which costs are unreimbursed under § 405.460.

(iii) *New provider base period; unreimbursed costs under lower of cost or charges and cost limits.* Where costs of a new provider are unreimbursed under both this section and § 405.460 during the base period, such previously unreimbursed amounts carried forward shall be reimbursed to the provider in accordance with § 405.460(g)(3)(ii).

5. Section 405.460 is added to read as follows:

§ 405.460 Limitations on coverage of costs.

(a) *Principle.* In the determination of the allowability of provider costs, costs estimated to be in excess of those necessary in the efficient delivery of needed health services are excluded. Such estimates may be made with respect to direct or indirect overall costs or costs of specific items or services, or groups of items or services and upon publication in the FEDERAL REGISTER will constitute limits on amounts otherwise payable under the program. These limits will be imposed prospectively and may be on a per diem, per visit, or other basis.

(b) *Application.* In determining the limits to be applied, providers may be classified by type of provider (e.g., hospitals, skilled nursing facilities, and home health agencies) and within each provider class by such factors as the Secretary shall find appropriate and practical, such as:

(1) Type of services rendered;

(2) Geographical area where services are rendered, allowing for grouping of noncontiguous areas having similar demographic and economic characteristics;

(3) Size of institution;

(4) Nature and mix of services rendered; or

(5) Type and mix of patients treated.

(c) *Data.* In establishing limits, the estimates of the costs necessary for efficient delivery of health services may be based on cost reports or other data providing indicators of current costs, with current and past period data being adjusted to arrive at estimated costs for the prospective periods to which limits shall be applied.

(d) *Notice of limits to be imposed.* Prior to the onset of a cost period to which a limit shall be applied, a notice shall be published in the Federal Register establishing the limits to be applied to an identified cost and type and class of provider of service.

(e) *Provider rights to review.* A request by a provider for review of the determination of an intermediary concerning classification for, exceptions to, or exemptions from the cost limits imposed under the provisions of this section shall be made to the intermediary under the provisions of §§ 405.490–405.499f.

(f) *Exceptions, exemptions, and adjustments.* The following types of exceptions, exemptions, and classification adjustments may be granted under this section but only upon the provider's demonstration that the conditions indicated are present:

(1) *Reclassification.* A provider shall be entitled to obtain adjustment of its classification by the intermediary for the purpose of cost limits applied under this section on the basis of evidence that such a classification is at variance with the criteria specified in promulgating limits under paragraph (d) of this section.

(2) *Exception of cost of atypical services.* Where the actual cost of items or services furnished by a provider exceeds the applicable limit by reason of the provision of items or services that are atypical in nature and scope as compared to the services generally provided by institutions similarly classified and appropriate reason exists for the provision of such items or services, the limits may be adjusted upward to reflect any added costs flowing from the delivery of such items or services. Such adjustments may only be made where the provider demonstrates: (i) The provision of the atypical items or services were by reason of the special needs of the patients treated and necessary in the efficient delivery of needed health care, or (ii) the added costs flow from approved educational activities (as described in § 405.421) to the extent such costs are atypical (although reasonable) for providers in the comparison group. In addition, such adjustments may be made only to the extent that such justified costs are separately identified by the provider and can be verified by the intermediary.

(3) *Exception because of extraordinary circumstances.* Where a provider's costs exceed the limits due to extraordinary circumstances beyond the control of the provider, the provider may request

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an exception from the cost limits to the extent that the provider shows such higher costs result from the extraordinary circumstances. These circumstances may include but are not limited to increased costs attributable to strikes, fire, earthquake, flood, or similar unusual occurrences with substantial cost effects.

(4) *Exemption as sole community provider.* The limitation on costs imposed under this section shall not be applicable where a provider by reason of factors such as isolated location or absence of other providers of the same type, is the sole source of such care reasonably available to beneficiaries.

(g) *New providers; accumulation of unreimbursed costs and carryover to subsequent periods*—(1) *General.* A new provider of services may carry forward for five succeeding cost reporting periods costs attributable to health insurance program beneficiaries which are unreimbursed under this section and not charged to patients during any cost reporting period ending on or before the last day of its third year of operation. Such period is called the new provider base period. If the five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward such unreimbursed costs for one additional reporting period.

Example. A provider begins operation on April 7, 1973. However, it begins to participate in the health insurance program as of January 1, 1974, and reports on a calendar year basis. The provider would be permitted to accumulate any costs unreimbursed under this section which were incurred during reporting periods ending prior to April 7, 1976. Because the calendar year 1975 cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending on December 31, 1980. Had this provider begun its operations on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any such unreimbursed costs for the cost reporting periods ending June 30, 1975, and June 30, 1976 (the limits are not applicable to the year ending June 30, 1974). Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, or June 30, 1976.

(2) *New provider defined.* A new provider is an institution that has operated as the type of facility (or the equivalent thereof) for which it is certified in the program under present and previous ownership for less than 3 full years.

(3) *Recovery of unreimbursed excess cost*—(i) *New provider base period; unreimbursed costs under cost limits.* Where costs of a new provider are unreimbursed under this section during the new provider base period, but no costs are unreimbursed under § 405.455 during such base period, such unreimbursed amounts which a provider may recover during any cost reporting period in the new provider base period or carry forward period is limited to the lesser of (A) the amount by which the provider's current cost limit under this section exceeds the provider's reasonable cost for items and services to which such limit is applied during that cost reporting period, or (B) the amount by which the aggregate customary charges applicable to health insurance program beneficiaries during any such period exceeds the aggregate costs for such services which are applicable to such beneficiaries during that period (see § 405.455).

(ii) *New provider base period; unreimbursed costs under lower of cost or charges and cost limits.* Where costs of a new provider are unreimbursed under the provisions of both this section and § 405.455 during the new provider base period, the amount of such unreimbursed costs which a new provider may recover during any cost reporting period in which the cost limit is not exceeded is limited to the extent that such unreimbursed costs plus normally reimbursable costs do not exceed aggregate customary charges with respect to health insurance beneficiaries during that period. In the application of this paragraph, costs previously unreimbursed under this section will be recovered first, in accordance with paragraph (g) (3) (i) of this section, and any remaining unreimbursed costs shall be carried forward to the next succeeding year within the new provider base period or carry forward period. Costs previously unreimbursed under § 405.455 may thereafter be recovered to the extent that aggregate customary charges with respect to health insurance beneficiaries exceed the aggregate reimbursable costs applicable to such beneficiaries plus amounts recovered under paragraph (g) (3) (i) of this section during that period. Any remaining unreimbursed costs under § 405.455 may be carried forward to the next succeeding reporting period within the new provider base period or carry forward period.

6. Section 405.461 is added to read as follows:

§ 405.461 Limitations on coverage of costs; charges to beneficiaries where cost limits are applied to services.

(a) *Principle.* A provider of services that customarily furnishes an individual items or services which are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services described in § 405.460, may charge an individual entitled to benefits under title XVIII for such more expensive items or services even though not requested by the individual. The charge, however, may not exceed the amount by which the cost of (or, if less, the customary charges for) such more expensive items or services furnished by such provider in the second cost reporting period immediately preceding the cost reporting period in which such charges are imposed exceeds the applicable limit imposed under the provisions of § 405.460(d). This charge may be made only if:

(1) The intermediary determines that the charges have been calculated properly in accordance with the provisions of this section; and

(2) The services are not emergency services as defined in paragraph (d) of this section; and

(3) The admitting physician has no direct or indirect financial interest in such provider; and

(4) The Social Security Administration has provided notice to the public through notice in a newspaper of general circulation servicing the provider's locality and such other notice as the Secretary may require, of any charges the provider is authorized to impose on individuals entitled to benefits under title XVIII of the Act on account of costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under such title; and

(5) The provider has, in the manner described in paragraph (e) of this section, identified such charges to such individual or person acting on his behalf as charges to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act.

(b) *Provider request to charge beneficiaries for costs in excess of limits.* (1) Where a provider's actual costs (or, if less, the customary charges) in the second preceding cost period exceed the prospective limits established for such costs, the intermediary shall, at the provider's request, validate in advance the charges which may be made to the beneficiaries for the excess.

(2) Where a provider does not have a second preceding cost period and is a new provider as defined in § 405.460(g), the provider, subject to validation by the intermediary, will estimate the current cost of the service to which a limit is being applied. Such amount shall be adjusted to an amount equivalent to costs in the second preceding year by use of a factor to be developed based on estimates of cost increases during the preceding 2 years and published by the Social Security Administration. The amount thus derived will be used in lieu of the second preceding cost period amount in determining the charge to the beneficiary.

(3) To obtain consideration of such a request, the provider must submit to the intermediary a statement indicating the charge for which it is seeking validation and providing the data and method used to determine the amount. Such statement should include:

(i) Producer's name and number;

(ii) Identity of class and prospective cost limit for the class in which the provider has been included;

(iii) Amount of charge and cost period in which the charge is to be imposed;

(iv) The cost and customary charge for items and services rendered to beneficiaries; and

(v) The cost period ending date of the second reporting period immediately preceding the cost period in which the charge is to be imposed. The intermediary may request such additional information as it finds necessary with respect to the request.

(c) *Provider charges*—(1) *Establishing the charges.* If the actual cost incurred (or, if less, the customary charges) in

the prior period determined under paragraph (a) of this section exceeds the limits applicable to the pertinent period, the provider may charge the beneficiary to the extent costs in the second preceding cost reporting period (or the equivalent when there is no second preceding period) exceed the current cost limits. (Data from the most recently submitted appropriate cost report will be used in determining the actual cost.) For example, if a limit of $58 per day is applied to the cost of general routine services for the provider's cost reporting period starting in calendar year 1975 and if the provider's actual general routine cost in the second preceding reporting period, i.e., the reporting period starting in calendar year 1973, was $60 per day, the provider (after first having obtained intermediary validation and subject to the considerations and requirements specified in paragraph (a) of this section) may charge hospital insurance beneficiaries up to $2 per day for general routine services.

(2) *Adjusting cost.* Program reimbursement for the costs to which limits imposed under § 405.460 are applied in any cost reporting period shall not exceed the lesser of the provider's actual cost or the limits imposed under § 405.460. If program reimbursement for items or services to which such limits are applied plus the charges to beneficiaries for such items or services imposed under this section exceed the provider's actual cost for such items or services, program payment to the provider shall be reduced to the extent program payment plus charges to the beneficiaries exceed actual cost. If the provider's actual cost for general routine services in 1975 was $57,000, the cost limit was $58,000, and billed charges to hospital insurance beneficiaries were $2,000, the provider would receive $55,000 from the program ($57,000 actual cost minus the $2,000 in charges to the beneficiaries).

(d) *Definition of emergency services.* For purposes of paragraph (a) (2) of this section, emergency services are those hospital services which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services. Where an individual has been admitted to such hospital as an inpatient because of an emergency, the emergency will be deemed to continue until it is safe from a medical standpoint to move the individual to another hospital or other institution or to discharge him.

(e) *Identification of charges to individual.* For purposes of paragraph (a) (5) of this section, a provider shall give or send to the individual or his representative, a schedule of all items and services which the individual might need and for which the provider imposes charges under this section, and the charge for each. Such schedule shall specify that the charges are necessary to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act and shall include such other information as the Social Security Administration considers necessary to protect the individual's rights under this section. The provider, in arranging for the individual's admission, first service, or start of care, shall give or send this schedule to the individual or his representative when arrangements are being made for such services or if this is not feasible, as soon thereafter as is practicable but no later than at the initiation of services.

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

7. In § 405.607, paragraph (a) is revised to read as follows:

§ 405.607 Essentials of agreements with providers of services.

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual, or other person (except as described in §§ 405.608–405.610 and 405.461):

* * * * *

[FR Doc.74-12867 Filed 6-5-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

HOSPITAL COSTS UNDER THE HEALTH INSURANCE PROGRAM

Interim Schedule of Limits

On March 19, 1974, there was published in the FEDERAL REGISTER (39 FR 10313) a Notice of Proposed Schedule of Limits on Hospital Costs Under the Medicare program for cost reporting periods beginning on and after the effective date of final regulations implementing section 223 of P.L. 92–603. On April 30, 1974, an extension of the comment period was granted (39 FR 15060) giving interested parties until May 18, 1974, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this Notice of Proposed Schedule of Limits, responses thereto, and changes in the proposed schedule of limits are summarized below:

1. Many commenters suggested that the term "general routine service costs" should be clarified to indicate whether the inpatient routine nursing salary cost differential payment is to be included. This suggestion was adopted and the Notice has been revised to indicate that the limits apply to the total of "hospital inpatient general routine service costs" as defined in § 405.452(d)(2) (also see § 405.452(d)(7)) and the inpatient routine nursing salary cost differential payment defined in § 405.430 and excludes the cost of any inpatient special care units and ancillary services.

2. One of the comments received noted that the District of Columbia was included in both the schedules of limits—within Standard Metropolitan Statistical Area (SMSA) and outside SMSA. The Schedule of Limits applicable to hospitals located outside SMSA's has been revised to delete specific dollar limitations for hospitals located in Washington, D.C. because the entire area of Washington, D.C. is located within an SMSA. The Schedule of Limits for hospitals within SMSA's has been revised to include dollar limitations for hospitals located in a newly designated and defined SMSA in Alaska.

3. The Notice has been revised to reflect a publication (Federal Information Processing Standards Publication—F.I.P.S. Pub. 8–3) in which the definition and list of SMSA's can be found.

4. Some comments were received suggesting that the final published regulations, rather than the Notice of proposed limits, include the detailed methodology employed to establish the limits on general routine service costs for hospitals. The Secretary believes it more appropriate for the Notices to describe the methodology used in determining the published limits and thus make it easier for interested parties to understand the methodology. Moreover, there may be different methods for different types of providers and for different types of services. Therefore, this suggestion has not been adopted.

5. A number of comments were received regarding various aspects of the classification system and their effect on setting limits. While it is recognized that the initial limits may not be as refined as those developed in the future, it is believed the initial limits will identify hospitals whose costs are in excess of those deemed necessary for efficient delivery of hospital inpatient general routine services. Efforts to develop a more advanced classifications system—one that will permit improved identification of hospitals whose costs are excessive—will continue but awaiting development of such a system is neither desirable or necessary. These comments although not adopted at this time, will be taken into account in future efforts to refine the classification system.

6. Various editorial changes have been made in the interest of clarity. The following Notice of Schedule of Limits on Hospital Inpatient General Routine Service Costs has been adopted by the Secretary.

Notice is hereby given that the Schedule of Limits on Hospital Inpatient General Routine Service Costs in the Medicare program has been established by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This interim schedule is applicable for cost reporting periods beginning on or after July 1, 1974, and before the earlier of July 1, 1975 or the effective date of any revised schedule. The schedule set forth herein will be carefully reviewed by the Commissioner in the coming months with a view toward developing a more refined classification system which better adjusts for such cost factors as patient mix, scope-of-services, and the economic conditions of the local labor market. As revised, a new schedule will be published, with the approval of the Secretary, to be effective for cost reporting periods beginning no later than July 1, 1975.

The Schedule of Limits on Hospital Inpatient General Routine Service Costs set out below will apply to the entire cost reporting period of a provider whose cost reporting period begins during the effective period of this schedule. The schedule, as approved, applies to the total of the cost of routine services as defined in 20 CFR, § 405.452(d)(2) (also see § 405.452(d)(7)) and the inpatient routine nursing salary cost differential payment described in § 405.430. These limits do not apply to the cost of special care units or ancillary services. Section 1861(v)(1) of the Social Security Act as amended by section 223 (Limitations on Coverage of Costs Under Medicare) of P.L. 92–603 (the Social Security Amendments of 1972) permits the Secretary to set prospective limits on overall provider costs or provider costs for specific items or services based on estimates of the costs necessary in the efficient delivery of needed health services. Separate schedules of limits will be issued for skilled nursing facilities and home health agencies prior to the beginning of the cost reporting period to which such limits would be applied.

To provide adequate sized comparison bases and to permit reasonable comparisons between providers within a group a classification system was developed to take into account two principal elements: hospital size and economic environment essentially reflecting urban or nonurban locations by geographic groupings. A provider's location within a Standard Metropolitan Statistical Area is used as a proxy for an urban location while providers not located in a Standard Metropolitan Statistical Area are considered nonurban. (A Standard Metropolitan Statistical Area, as defined by the Office of Management and Budget, is a county or group of contiguous counties which (1) includes at least one city of 50,000 inhabitants, or (2) otherwise meets the basic criteria specified by the Office of Management and Budget for defining such areas. The standard definition and a complete list of Standard Metropolitan Statistical Areas can be found in the Federal Information Processing Standards Publication (F.I.P.S Pub. 8–3), which is available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.)

These two principal elements (size and economic environment) are reflected in five State groupings with the States classified according to per capita income as follows:

STATE GROUP I

Alaska
California
Connecticut
Hawaii
Illinois
Nevada
New Jersey
New York
Washington, D.C.

STATE GROUP II

Delaware
Maryland
Massachusetts
Michigan
Ohio
Pennsylvania
Rhode Island
Washington

STATE GROUP III

Arizona
Colorado
Florida
Indiana
Iowa
Kansas
Minnesota
Missouri
Nebraska
New Hampshire
Oregon
Virginia
Wisconsin

STATE GROUP IV

Georgia
Idaho
Maine
Montana
North Carolina
Oklahoma
South Dakota
Texas
Utah
Vermont
Wyoming

STATE GROUP V

Alabama
Arkansas
Kentucky
Louisiana
Mississippi
New Mexico
North Dakota
Puerto Rico
South Carolina
Tennessee
West Virginia

Providers in each of the five State groups have been divided between those located in SMSA's and those not in SMSA's. These 10 groups have been further divided into 7 bed-size categories resulting in 70 classes.

The actual limits were developed for each of the 70 groups in the following manner:

1. Inpatient routine service cost data for each participating hospital was obtained from the fiscal intermediaries.

2. The data for hospitals in each class were arrayed in descending order of inpatient routine service cost.

3. The 90th percentile and the median were computed for each class.

4. For each class, an amount equal to 10 percent of the median was added to the 90th percentile amount.

5. This sum was adjusted by a factor at a 10.5 percent annual rate to reflect estimated cost increases.

6. The amounts calculated in step 5 are rounded to the next higher dollar which establishes the limit for each class, subject to adjustment for other than calendar year hospitals.

Under the authority of section 1861(v) of the Social Security Act as amended by P.L. 92–603, the following dollar limitations apply to the total of the hospital inpatient general routine service costs and the inpatient routine nursing salary cost differential (excluding costs incurred for special care units and ancillary services), adjusted upward as provided for below, and are applicable to cost reporting periods beginning on and after July 1, 1974, and before the earlier of July 1, 1975 or the effective date of any revised schedule. Revised schedules of limits will be published on a periodic basis.

Where a hospital has a cost reporting period beginning on or after July 1, 1974, the published limit will be adjusted upward by 9/10th of one percent of the published limit for each elapsed month between January 1, 1974, and the month in which the hospital's reporting period starts. Adjustment must be calculated in dollars and cents.

Example. Hospital A's cost reporting period starting in 1974, begins October 1, 1974, and ends September 30, 1975. The cost factor for Hospital A's group for calendar year 1974 is $83.00.

Computation of adjusted cost limit

Cost factor	$83.00
Plus: Adjustment for 9-mo. period (Jan. 1, 1974 to Sept. 30, 1974, 9 mos. × .9 percent=8.1 percent, 8.1 percent × $83.00	6.72
Adjusted cost limit applicable to hospital A for the Oct. 1, 1974, to Sept. 30, 1975, reporting period	89.72

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS

Hospitals located within SMSA's (urban)

State	Bed size						
	Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
Alabama	$71	$74	$67	$74	$76	$74	$74
Alaska	143	135	138	139	128	150	167
Arizona	100	86	86	87	82	90	90
Arkansas	71	74	67	74	76	74	74
California	114	108	111	112	102	120	134
Colorado	100	86	86	87	82	90	90
Connecticut	114	108	111	112	102	120	134
Delaware	84	91	88	91	98	99	128
District of Columbia	114	108	111	112	102	120	134
Florida	100	86	86	87	82	90	90
Georgia	71	77	76	78	76	77	77
Hawaii	131	124	127	128	117	138	154
Idaho	71	77	76	78	76	77	77
Illinois	114	108	111	112	102	120	134
Indiana	100	86	86	87	82	90	90
Iowa	100	86	86	87	82	90	90
Kansas	100	86	86	87	82	90	90
Kentucky	71	74	67	74	76	74	74
Louisiana	71	74	67	74	76	74	74
Maine	71	77	76	78	76	77	77
Maryland	84	91	88	91	98	99	128
Massachusetts	84	91	88	91	98	99	128
Michigan	84	91	88	91	98	99	128
Minnesota	100	86	86	87	82	90	90
Mississippi	71	74	67	74	76	74	74
Missouri	100	86	86	87	82	90	90
Montana	71	77	76	78	76	77	77
Nebraska	100	86	86	87	82	90	90
Nevada	114	108	111	112	102	120	131
New Hampshire	100	86	86	87	82	90	90
New Jersey	114	108	111	112	102	120	131
New Mexico	71	74	67	74	76	74	74
New York	114	108	111	112	102	120	134
North Carolina	71	77	76	78	76	77	77
North Dakota	71	74	67	74	76	74	74
Ohio	84	91	88	91	98	99	128
Oklahoma	71	77	76	78	76	77	77
Oregon	100	86	86	87	82	90	90
Pennsylvania	84	91	88	91	98	99	128
Puerto Rico	76	79	72	80	82	80	80
Rhode Island	84	91	88	91	98	99	128
South Carolina	71	74	67	74	76	74	74
South Dakota	71	77	76	78	76	77	77
Tennessee	71	74	67	74	76	74	74
Texas	71	77	76	78	76	77	77
Utah	71	77	76	78	76	77	77
Vermont [1]							
Virginia	100	86	86	87	82	90	90
Washington	84	91	88	91	98	99	128
West Virginia	71	74	67	74	76	74	74
Wisconsin	100	86	86	87	82	90	90
Wyoming [1]							

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[1] No Standard Metropolitan Statistical Areas for these States.

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS—Continued

Hospitals located outside SMSA's (nonurban)

State	Bed size						
	Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
Alabama	$61	$58	$59	$65	$57	$57	$57
Alaska	132	116	125	107	102	102	102
Arizona	69	65	70	69	78	78	78
Arkansas	61	58	59	65	57	57	57
California	97	92	99	86	82	82	82
Colorado	69	65	70	69	78	78	78
Connecticut	97	92	99	86	82	82	82
Delaware	91	83	82	77	67	67	67
Florida	69	65	70	69	78	78	78
Georgia	68	65	71	66	83	83	83
Hawaii	121	107	115	98	94	94	94
Idaho	68	65	71	66	83	83	83
Illinois	97	92	99	86	82	82	82
Indiana	69	65	70	69	78	78	78
Iowa	69	65	70	69	78	78	78
Kansas	69	65	70	69	78	78	78
Kentucky	61	58	59	65	57	57	57
Louisiana	61	58	59	65	57	57	57
Maine	68	65	71	66	83	83	83
Maryland	91	83	82	77	67	67	67
Massachusetts	91	83	82	77	67	67	67
Michigan	91	83	82	77	67	67	67
Minnesota	69	65	70	69	78	78	78
Mississippi	61	58	59	65	57	57	57
Missouri	69	65	70	69	78	78	78
Montana	68	65	71	66	83	83	83
Nebraska	69	65	70	69	78	78	78
Nevada	97	92	99	86	82	82	82
New Hampshire	69	65	70	69	78	78	78
New Jersey	97	92	99	86	82	82	82
New Mexico	61	58	59	65	57	57	57
New York	97	92	99	86	82	82	82
North Carolina	68	65	71	66	83	83	83
North Dakota	61	58	59	65	57	57	57
Ohio	91	83	82	77	67	67	67
Oklahoma	68	65	71	66	83	83	83
Oregon	69	65	70	69	78	78	78
Pennsylvania	91	83	82	77	67	67	67
Puerto Rico	65	63	63	70	61	61	61
Rhode Island	91	83	82	77	67	67	67
South Carolina	61	58	59	65	57	57	57
South Dakota	68	65	71	66	83	83	83
Tennessee	61	58	59	65	57	57	57
Texas	68	65	71	66	83	83	83
Utah	68	65	71	66	83	83	33
Vermont	68	65	71	66	83	83	83
Virginia	69	65	70	69	78	78	78
Washington	91	83	82	77	67	67	67
West Virginia	61	58	59	65	57	57	57
Wisconsin	69	65	70	69	78	78	78
Wyoming	68	65	71	66	83	83	83

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: May 21, 1974.

Approved: May 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.74-12868 Filed 6-5-74;8:45 am]

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federal register

THURSDAY, JUNE 6, 1974

Volume 39 ■ Number 110

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit— Federal Housing Commission

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FIRE SAFETY EQUIPMENT IN NURSING HOMES

Insurance for Supplemental Loans

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner

[24 CFR Part 232]

[Docket No. R–74–272]

FIRE SAFETY EQUIPMENT IN NURSING HOMES

Insurance for Supplemental Loans

The Department of Housing and Urban Development is considering amending Subtitle B of Title 24 of the Code of Federal Regulations, Chapter II, Subchapter B, Part 232, Nursing Homes and Intermediate Care Facilities Mortgage Insurance, by adding a new Subpart C, Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment, and a new Subpart D, Contract Rights and Obligations. The amendments will implement section 232(1) of the National Housing Act, which section was added by Pub. L. 93–204, December 28, 1973, to provide insurance of supplemental loans to finance the purchase and installation of fire safety equipment necessary to meet the fire safety requirements of the Department of Health, Education, and Welfare for providers of services under titles XVIII and XIX of the Social Security Act.

The regulations will apply to both conventionally-financed and federally insured nursing homes and intermediate care facilities.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views or statements with regard to the proposed regulations. Communications should be filed in triplicate, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. All relevant material received on or before July 8, 1974, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed amendment is as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

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AUTHORITY: Sec. 211, 52 Stat. 23, as amended; sec. 232, 73 Stat. 663 (12 U.S.C. 1715b, 1715w); as further amended by Pub. L. 93–204 (Dec. 28, 1973).

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

§ 232.500 Definitions.

In addition to the definitions contained in Subpart A, incorporated herein by reference, the following terms, as used in §§ 232.500 et seq., shall have the meaning indicated:

(a) "Insured loan" means a loan insured by the endorsement of the credit instrument by the Commissioner.

(b) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(c) "Fire safety equipment" means equipment purchased, installed, and maintained in nursing homes and intermediate care facilities, which is necessary for compliance by such home or facility with the applicable requirements for institutional occupancy under the 1967 edition of the Life Safety Code of the National Fire Protection Association, or other such code or requirements approved by the Secretary of Health, Education, and Welfare for providers of services under title XVIII and title XIX of the Social Security Act. In addition to those requirements approved by the Secretary of Health, Education, and Welfare as necessary for institutional occupancy, "fire safety equipment" may also include those fire safety-related improvements which are not mandatory under the requirements of the Secretary of Health, Education, and Welfare but which he considers desirable for protection against the hazards of fire and which the borrower agrees to install. For the purposes of this definition, the terms "nursing home" and "intermediate care facilities" shall include those facilities designated as skilled nursing facilities or intermediate care facilities by HEW.

(d) "Fire safety loan" means any form of secured or unsecured obligation as may be determined by the Commissioner to be eligible for insurance under this subpart.

(e) "Equipment cost" means the reasonable cost of "fire safety equipment" fully installed as estimated by the Secretary of Health, Education, and Welfare and as determined by the Commissioner.

(f) "Insured loan maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan instrument or instruments.

(g) "Approved lender" means a financial institution or other mortgagee approved by the Commissioner as eligible for insurance under section 2 of the National Housing Act, or a mortgagee approved under section 203(b)(1) of the National Housing Act.

FEES AND CHARGES

§ 232.505 Application and application fee.

(a) *Prior approval.* An application for insurance of a fire safety loan under this part shall be considered only in connection with a proposal which has been approved by the Secretary of Health, Education, and Welfare, or his designee, based upon (1) his determination of need for such equipment to be installed in the facility as a condition for participation for providers of services under Title XVIII and Title XIX of the Social Security Act, and (2) his determination that upon installation of such equipment the project will meet the fire safety requirements prescribed by the Secretary of HEW for participation under Titles XVIII and XIX of the Social Security Act, and (3) his judgment that the cost estimate for purchase and installation of the equipment is a reasonable cost estimate."

(b) *Filing of application.* An application for insurance of a fire safety loan for a nursing home or intermediate care facility shall be submitted on an approved FHA form by an approved lender and by the owners of such project through the local FHA office.

(c) *Application fee.* An application fee of $2.00 per thousand dollars of the amount of the fire safety loan applied for shall accompany the application. The minimum application fee shall be $50.00.

§ 232.510 Commitment and commitment fee.

(a) *Issuance of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the fire safety loan will be insured.

(b) *Type of commitment.* The commitment will provide for the insurance of the loan after satisfactory completion of installation of the fire safety equipment, as determined by the Secretary of HEW.

(c) *Term of commitment.* (1) If the commitment fee is paid as required, a commitment shall have a term within which the borrower is required to begin construction, and if construction is begun as required, for such additional period as the Commissioner deems necessary for satisfactory completion of installation.

(2) The term of a commitment may be extended in such manner as the Commissioner may prescribe.

(d) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $4.00 per thousand of the amount of the fire safety loan (with a minimum total of $50.00 for both fees) set forth in the commitment, and shall be paid prior to issuance of the commitment.

(e) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 10 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 10-day period, a new application, accompanied by the required application and commitment fee, must be submitted.

(f) *Increase in commitment prior to endorsement.* An application, filed prior to endorsement, for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. The combined additional fee shall be in an amount which will aggregate $4.00 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. The additional inspection fee shall be paid prior to the date installation of fire safety equipment, is begun or, if installation has begun, it shall be paid with the application for increase.

§ 232.515 Refund of fees.

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the installation of fire safety equipment for the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine.

§ 232.520 Maximum fees and charges by lender.

The lender may collect from the borrower the amount of the fees provided for in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed one and one-half of one percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Commissioner.

§ 232.522 Inspection fee.

The commitment shall provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment. The minimum inspection fee shall be $50.00 paid prior to the date construction is begun: *Provided, however,* That in no case shall the combined total of the fees provided for in §§ 232.505, 232.510 and this section exceeds one percent of the original principal face amount of the loan.

ELIGIBLE SECURITY INSTRUMENTS

§ 232.525 Note and security form.

The lender shall present for insurance a note and security instrument, if required, on forms approved by the Commissioner for use in the jurisdiction in which the property to be improved is located.

§ 232.530 Disbursement of proceeds.

At the time of endorsement for insurance of the note by the Commissioner, the entire principal amount of the note shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 232.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of $100, and the minimum principal obligation shall be $5,000.

§ 232.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

(b) *Amortization period.* (1) The loan shall have an amortization of either 5, 10, or 15 years by providing for either 60, 120, or 180 monthly amortization payments. No fire safety loan shall have an amortization period in excess of 15 years unless the amount of the loan exceeds $50,000.00, in which event the amortization period may be increased to 20 years, with a provision for 240 monthly amortization payments.

(2) In any event, the loan shall have a maturity satisfactory to the Commissioner of not less than 5 or more than 20 years from the date of the beginning of amortization or the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

(3) The Commissioner shall establish the date of the first payment to the principal.

§ 232.545 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of additional liens against the property superior or inferior to the lien of such instrument, except with the prior approval of the Commissioner.

§ 232.550 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner.

§ 232.555 Security instrument and lien.

The security instrument shall cover the entire property included in the project, shall be a lien on the real property of the project under the laws of the jurisdiction in which the project is located, and may be junior to such prior liens or mortgage indebtedness as the Commissioner may approve. The Commissioner may from time to time require such other security, in lieu of, or in addition to, a lien on real property as he may prescribe.

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed nine percent.

(b) Interest shall be payable in monthly installments on the principal amount of the loan outstanding on the due date of each installment.

§ 232.565 Maximum loan amount.

The principal amount of the loan shall not exceed the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation. The sum of the liens against the property which are superior in priority to the fire safety loan and the fire safety loan shall not exceed ninety percent of the Commissioner's estimate of the value of the project upon completion of installation of the fire safety equipment. The cost of installation may include the cost of such other work to be performed on the project as is necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner to enhance the fire safety of the project, and such costs incidental to installation as may be approved by the Commissioner.

§ 232.570 Endorsement of credit instrument.

The Commissioner shall indicate his insurance of the loan by endorsing the credit instrument and identifying the section of the Act and regulations under which the loan is insured and the date of insurance, subject to the presentation and approval by him of the following:

(a) Certification of full disbursement of loan proceeds as provided for in § 232.530.

(b) Certification of costs as required by § 232.610.

(c) Statement by the Secretary of Health, Education, and Welfare that the fire safety equipment noted in the determination required by § 232.620 has been satisfactorily installed.

§ 232.580 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan;

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 232.585 Prepayment privilege and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days' advance written notice and it may contain a provision, with the approval of the Commissioner, for a reasonable charge in the event of prepayment.

Property Requirements

§ 232.590 Eligibility of property.

(a) A loan to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than fifty years to run from the date the loan is executed.

(b) The property constituting security for the loan transaction must be held by an eligible borrower as herein defined and must at the time the loan is insured be free and clear of all liens other than those specifically approved by the Commissioner.

Title

§ 232.595 Eligibility of title.

In order for the property which is to be the security for a loan to be insured under this subpart to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for the record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 232.600 Title evidence.

The lender, without expense to the Commissioner, shall furnish to the Commissioner a policy of title insurance, or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish an abstract of title. The following are the requirements covering the title insurance and abstract of title:

(a) The policy of title insurance shall be issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the lender and the Secretary of Housing and Urban Development, as their respective interests may appear. The policy shall provide that upon acquisition of title by the lender or the Secretary, it will become an owner's policy running to the lender or the Secretary, as the case may be.

(b) The abstract of title shall be satisfactory to the Commissioner, prepared by an abstract title company or an individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

Form of Contract

§ 232.605 Contract requirements.

(a) The contract between the mortgagor and the general contractor may be in the form of either a lump sum contract or a cost plus contract. Either form of contract shall include the cost of fire safety equipment, its installation, and such other work to be performed by the contractor as necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner. A lump sum contract shall provide for the payment of a specified amount. A cost plus contract shall provide for the payment of the contractor's actual cost of compliance with the requirements of the contract, plus such allowance for overhead and profit as may be approved by the Commissioner and shall provide that the total cost under the contract shall not exceed an upset price as approved by the Commissioner.

(b) If agreed to by the general contractor and borrower, a lump sum form of contract between the borrower and the general contractor may be used unless the Commissioner determines that a cost plus contract with a maximum upset price is necessary to protect the interests of the borrower or the Commissioner.

Cost Certification Requirements

§ 232.610 Certification of cost requirements.

(a) *Certificate and adjustment.* No loan shall be insured unless:

(1) A certification of actual cost is made by the contractor in cases in which a cost plus form of contract is used; and

(2) The amount of the loan is adjusted to reflect the actual cost to the borrower of the improvements when either a cost plus or lump sum form of contract is used.

(b) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including the amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner.

(c) *Statement of facts.* Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(d) *Incontestability.* Upon the Commissioner's approval of the cost certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

(e) *Records.* The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

Eligible Borrowers

§ 232.615 Eligible borrowers.

In order to be eligible as a borrower under this subpart the applicant shall be a profit or non-profit entity, which owns a nursing home or intermediate care facility for which the Secretary of Health, Education, and Welfare has determined that the installation of fire safety equipment in such facility is necessary to meet the requirements of the Secretary of Health, Education, and Welfare for providers of services under title XVIII and title XIX of the Social Security Act and that upon completion of the installation of such equipment the nursing home or intermediate care facility will meet not only the applicable fire safety requirements of HEW but will meet, or has submitted a plan acceptable to HEW to meet, other pertinent health and safety requirements of HEW for providers of such services. At the time of application a nursing home or intermediate care facility need not be provided such services if upon completion of installation such home or facility will meet, or has submitted a plan acceptable to HEW to meet, the requirements of HEW for providers of such services. Until the termination of all obligations of the Commissioner under an insurance contract under this subpart and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the loan, the borrower shall be regulated or restricted by the Commissioner as to methods of operation including requirements for maintenance of fire safety equipment.

Special Requirements

§ 232.620 Determination of compliance by HEW.

An application under this subpart must be accompanied by a statement from the Secretary of Health, Education, and Welfare, or his designee, that the Secretary has determined that the physical plant of the facility, when the fire safety equipment has been installed, will be in compliance with the HEW requirements for fire safety and will meet, or has submitted a plan acceptable to HEW to meet, other pertinent health and safety requirements for providers of services under title XVIII and title XIX of the Social Security Act (Medicare and Medicaid). The architectural exhibits, as approved by HEW, together with any commitment requirements HEW deems appropriate, must accompany the statement. In the case of Intermediate Care Facilities, the statement by HEW to HUD will be based upon a determination that the facility has been approved in accordance with applicable HEW statutes and regulations, subject to the proper installation of the proposed equipment.

§ 232.625 Discrimination prohibited.

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, creed or national origin.

§ 232.630 Assurance of completion.

If the property upon which the fire safety equipment is to be installed is subject to a mortgage insured or held by the Commissioner pursuant to Subpart B of this part, the Commissioner may require such assurance of completion of the contract for installation as he may from time to time prescribe.

Subpart D—Contract Rights and Obligations

§ 232.800 Definitions.

All of the definitions contained in § 232.500 shall apply to this subpart. In addition, as used in this subpart, the following term shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan and includes the provisions of this subpart and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

Premiums

§ 232.805 Insurance premiums.

(a) *First premium.* The lender, upon the endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one percent of the original face amount of the note.

(b) *Second premium.* The lender, on the date of the first principal payment, shall pay a second premium equal to one percent of the average outstanding principal obligation of the loan for the year following such first principal payment date which shall be adjusted as of that date so that the aggregate of the first and second premiums shall equal the sum of one percent per annum of the average outstanding principal obligation of the loan for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(c) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(d) *Method of premium payment.* Premiums shall be payable in cash or in debentures of the General Insurance Fund at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in § 232.800 et seq.

(e) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 232.815 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of the prepayment. The insurance termination shall become effective as of the date of the prepayment, or 30 days prior to the Commissioner's receipt of the prepayment notice, whichever is later.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

§ 232.825 Pro rata refund of insurance premium.

Upon termination of a loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the effective date of the termination.

Rights and Duties of Lender Under the Contract of Insurance

§ 232.830 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument, the note shall be considered in default for the purposes of this subpart.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default, provided the lender, because of such default, has exercised its rights under the note or security instrument and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender

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shall be entitled to receive the benefits of insurance hereinafter provided.

§ 232.840 Date of default.

In computing loan insurance benefits, the date of default shall be considered as:

(a) The date of the lender's acceleration of the debt because of the borrower's uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they become due.

§ 232.850 Notice of default.

(a) If the default is not cured within the 30 day grace period, as defined in § 232.830(c), the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact that the lender may not have elected to accelerate the debt.

§ 232.860 Commissioner's right to require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or otherwise being apprised thereof, the Commissioner may require the lender to accelerate payment of the outstanding principal balance due.

§ 232.865 Election by lender.

Where a real estate mortgage, or other security instrument has been used to secure the payment of a loan made under the provisions of this subpart and Subpart C of this part, the lender may either elect to assign the loan to the Commissioner in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument in lieu of making a claim for insurance benefits. If the lender elects the latter course, the Commissioner shall be so notified and the contract of insurance shall be deemed terminated upon the date of receipt of such notification.

§ 232.875 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 232.880 Items to be delivered on submitting claim.

Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commission in writing, the lender shall deliver to the Commissioner:

(a) The fiscal data pertaining to the loan transactions;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and material-men's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default and all claims of the lender against the borrower or others arising out of the loan transaction;

(e) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner.

(f) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(g) Any additional information or data which the Commissioner may require.

(h) The following cash items, held in connection with the loan insured under this subpart, shall either be retained by the lender or delivered to the Commissioner in accordance with instructions to be issued by the Commissioner at the time the insurance claim is filed.

(1) Any cash held by the lender or its agents or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan indebtedness.

(2) All funds held by the lender for the account of the borrower received pursuant to any other agreement.

§ 232.885 Insurance benefits.

(a) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash.

(2) *Optional payment in debentures.* Payment shall be made in debentures upon filing a written request with the application.

(b) *Amount of payment.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in an amount equal to the unpaid principal balance of the loan as of the date of default determined as follows:

(1) By adding the following items:

(i) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(ii) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(iii) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(iv) Any loan insurance premiums paid after default.

(v) If payment is made in cash, an amount equivalent to the debenture interest which would have been earned thereon, as of the date such cash payment is made, except when the lender fails to meet any one of the applicable requirements of §§ 232.850, 232.875, and 232.880, within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(2) By deducting from the total of the items computed under paragraph (b)(1) of this section the following items:

(i) Any amount received by the lender on account of the loan after the date of default.

(ii) Any net income received by the lender from the property covered by the note or security instrument and not applied to prior debts held by that lender.

(iii) The sum of the cash items retained by the lender pursuant to § 232.880(h)(i)(ii).

§ 232.890 Characteristics of debentures.

Debentures issued in settlement of insurance claims under this subpart shall have the same characteristics and the same requirements for registration and redemption as those issued pursuant to Subpart B of this part except that debentures shall bear interest at the rate in effect as of the date the commitment was issued, or as of the date the loan was first endorsed for insurance, whichever rate is higher and shall mature 10 years from the date of issue which date shall be the date of execution of the assignment of the loan to the Commissioner.

§ 232.893 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

ASSIGNMENTS

§ 232.895 Assignment of insured loans.

(a) An insured loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm, or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan to other than an approved lender.

EXTENSION OF TIME

§ 232.897 Actions to be taken by lender.

With respect to any action required of the lender within a period of time prescribed by this subpart, the Commissioner may extend such period.

Issued at Washington, D.C., May 31, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

[FR Doc.74-12967 Filed 6-5-74;8:45 am]

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Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

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June 7, 1974—Pages 20179–20355

federal register

FRIDAY, JUNE 7, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 111
Pages 20179–20355
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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Communications Commission

Section 213.3138 is amended to show that the positions of Chief, Safety and Special Radio Services Bureau and Chief, Common Carrier Bureau are no longer excepted under Schedule A.

Effective June 7, 1974, § 213.3138 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13117 Filed 6-6-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Assistant Chief of Protocol for Ceremonial Affairs is excepted under Schedule C.

Effective on June 7, 1974, § 213.3304 (a)(18) is added as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(18) One Assistant Chief of Protocol for Ceremonial Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13116 Filed 6-6-74;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant to the Deputy Under Secretary is excepted under Schedule C.

Effective on June 7, 1974, § 213.3305(a) (19) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(19) One Staff Assistant to the Deputy Under Secretary.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13115 Filed 6-6-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Special Assistant to the Deputy Administrator for Policy, Law Enforcement Assistance Administration, is excepted under Schedule C.

Effective June 7, 1974, § 213.3310(a) (10) is added as set out below.

§ 213.3310 Department of Justice.

(a) *Law Enforcement Assistance Administration.* * * *

(10) One Special Assistant to the Deputy Administrator for Policy.

* * * * *

((5 U.S.C. secs. 3301, 3302); E.O 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13114 Filed 6-6-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Commissioner, Assistance Payments Administration, Social and Rehabilitation Service, is expected under Schedule C.

Effective June 7, 1974, § 213.3316(o) (11) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.* * * *

(11) One Confidential Assistant to the Commissioner, Assistance Payments Administration.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13112 Filed 6-6-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant to the Administrator, New Communities Administration, is excepted under Schedule C.

Effective June 7, 1974, § 213.3384(k)(2) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(k) *Office of New Communities Administration.* * * *

(2) Special Assistant to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission.
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13113 Filed 6-6-74;8:45 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Comprehensive Employment and Training; Correction

In the Federal Register of May 24. 1974, FR Doc. 74-11946, on page 18279. the words "parts A, B, and E of title I of" were inadvertently omitted from the introductory paragraph of the revision of § 733.301. The paragraph should read as follows: "The Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, 87 Stat. 839) repealed parts A, B. and E of title I of the Economic Opportunity Act of 1964, but continued the Job Corps within the Department of Labor."

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13119 Filed 6-6-74;8:45 am]

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Use of the Term "Judge"

Section 930.203a is amended to prohibit the use of the word "judge" in the title of any position other than Administrative Law Judge for any purpose.

Section 930.203a is revised as set out below.

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§ 930.203a Title of Administrative Law Judge.

The title, "administrative law judge" is the official class title for an administrative law judge position. Each agency shall use only this official class title for personnel, budget, fiscal and all other purposes, and may not use the word "judge" as the title or part of the title for any other position for any purpose.

(5 U.S.C. 1305, 3105, 3344, 5362, 7521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13118 Filed 6-6-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Notice 1974-8]

WHOLESALE/RETAIL PRICE "REPURIFICATION"

Phase IV Price Notice

The purpose of this notice is to explain the validity and effect of § 150.313 for the last reporting quarter ended prior to the expiration of price controls.

Under § 150.313 a markup or gross margin excess in a particular quarter will be excused to the extent that the excess is offset by the firm in the succeeding fiscal quarter. The question has arisen as to whether this provision has any applicability when the excess occurs with respect to the last fiscal quarter ended under price controls and the succeeding fiscal quarter is the quarter which follows expiration of price control authority.

It is clear that § 150.313 contemplates that the succeeding fiscal quarter in which the markup or gross margin excess is offset will be a quarter in which controls are in effect. "Repurification" during a quarter in which no controls are in effect would not be meaningful. It is the conclusion of the Council, therefore, that § 150.313 does not apply to excuse markup or gross margin violations for the last full quarter under controls. In other words, a markup or gross margin excess for a quarter which ends on or before April 30, 1974, cannot be excused by operation of § 150.313.

However, in appropriate cases the Council would be willing to consider, in the context of post-controls compliance settlements, the effect of true forebearance of price increases in the subsequent quarter which can be demonstrated to have resulted in "repurification" as described in § 150.313.

In addition, a markup or gross margin excess may be excused where the succeeding fiscal quarter is the quarter in which price controls expire if the firm can demonstrate, to the satisfaction of the Council, that the excess was fully offset as of April 30, 1974 (i.e., during the "stub" period, if any, between the end of the last full quarter under controls and the expiration of the Economic Stabilization Act).

Issued in Washington, D.C., on June 4, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.74-13065 Filed 6-4-74;11:07 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

This amendment excludes portions of El Paso County in Texas from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 82.3 [Amended]

In § 82.3, in paragraph (a)(1) relating to the State of Texas, paragraphs (i), (ii), (iii) and (iv) relating to El Paso County are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f), 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 3, 1974.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of June 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13084 Filed 6-6-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

PART 325—TRANSPORTATION

Additional Products Sealing Methods

Statement of Considerations: On July 13, 1973, there was published in the FEDERAL REGISTER (38 FR 18682), under the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rulemaking to allow additional sealing methods for restricted meat products.

The current regulations specify that certain restricted meat products may be transferred in vehicles sealed with official program seals, or in closed containers sealed by cording and affixing thereto official program wing seals or sealing with wax impressed by an official program metal brand.

The two methods of closing containers approved by the regulations are no longer applicable since the program has discontinued issuing wing seals and wax seals are seldom used. Other control methods have not been permitted.

The proposal would delete the two approved methods for sealing closed containers and allow for the use of pressure sensitive tape applied in two directions around each container and stamped at the intersection with an official inspection legend.

Interested persons were given until September 14, 1973, to submit to the Hearing Clerk written data, views, or arguments concerning the proposed amendments.

The Department received one written comment which requested that an additional sealing method allowing for the use of nonmetallic straps be added to the regulations. Upon evaluation of the additional sealing method, the Department has determined that the method is consistent with the intent of the regulation and will effectively accomplish the required control.

Therefore, §§ 318.10(c)(2)(vi) and 325.7(b) are amended as set forth in the proposal, except that a provision to allow the use of nonmetallic straps as a sealing device has been added to § 325.7(b), as set forth below.

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on the amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other rulemaking procedures on the amendments are impracticable and unnecessary.

These amendments shall become effective July 8, 1974.

Done at Washington, D.C., on May 30, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

1. In § 318-10 paragraph (c)(2)(vi) is revised as follows.

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

* * * * *

(c) * * *
(2) * * *
(vi) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, for use in the preparation of product covered by paragraph (b) of this section. Such vehicles and containers shall be sealed and transported between official establishments in accordance with § 325.7 of this subchapter.

* * * * *

2. In § 325.7 paragraph (b) is revised as follows.

§ 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.

* * * * *

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers as hereinafter provided. Containers shall be sealed by firmly applying a pressure sensitive tape around each container in two directions and stamping the intersection of the tape with the marking device described in § 312.2(a) of this subchapter for use on burlap, muslin, etc. (2½-inch rubber brand). Such tape must possess the adhesive property to actually remove a portion of the container surface when the tape is removed. Alternatively, an inelastic, nonmetallic strap which will retain a legible imprint of the marking device (2½-inch rubber brand) may be used. The imprint of the marking device shall be placed partially on the strap and partially on the container. Such restricted product shall be marked "U.S. passed for cooking" or "pork product ---- °F.----days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked. For each consignment there shall be promptly issued and forwarded by the inspector to the inspector in charge at destination, a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are restricted. A duplicate copy shall be retained in the program files.

* * * * *

[FR Doc.74-12752 Filed 6-6-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Miscellaneous Amendments

The amendments published herein are designed to correct technical errors and omissions in Part 211, Mandatory Petroleum Allocation Regulations, issued May 1, 1974 (39 FR 15960, May 6, 1974), effective June 1, 1974.

As part of these corrections, § 211.12 (d)(1), which sets forth the method by which a supplier determines the amounts of product which it supplies under allocation levels not subject to an allocation fraction, is changed to include all amounts not subject to an allocation fraction except those supplied to utilities. A subparagraph (x) is added to § 211.13(b)(1) to provide a means to calculate the supplier-initiated unusual growth adjustment for wholesale purchasers of propane, which has a base period extending into the first quarter of 1973.

Several corrections are made in Subpart D (Propane), including provision for supplier-initiated unusual growth adjustments for wholesale purchasers of propane and requiring FEO approval of unusual growth adjustments for wholesale purchasers of propane for industrial or petrochemical feedstock use. It is also clarified that the use of propane by gas utilities for peak shaving purposes during any twelve month period beginning after January 1, 1974, is limited to one hundred percent of the amount contracted for or purchased for delivery during the base period. The limits placed on inventories controlled by gas utilities are also changed to specify one hundred twenty percent of the modified allocation entitlement under § 211.84 for gas utilities, and one hundred twenty percent of the volumes used for all industrial uses during the period April 1, 1972 through March 31, 1973, provided that inventories are not used to exceed a firm's allocation entitlement. Although the base period for propane is each calendar quarter during the period April 1, 1972, through March 31, 1973, purchasers of propane are given the option for the month of June, 1974, of using only the month of June, 1972, as the base period.

Finally, a definition of wholesale purchaser-consumer is added in § 211.142 for purposes of Subpart H to specify that civil air carriers are wholesale purchaser-consumers.

Because the purpose of these amendments is to provide technical corrections to FEO regulations, the FEO finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is revised as set forth herein, effective immediately.

Issued in Washington, D.C., June 4, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

§ 211.12 [Amended]

1. Section 211.12(d)(1) is amended in the first sentence by deleting the phrase "of 100 percent of current requirements" and by inserting between the words "fraction" and "shall" the phrase "(other than a utility)".

2. Section 211.12 is further amended in paragraph (d) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by adding a new paragraph (3) to read as follows:

* * * * *

(d) *Determination of amounts not subject to an allocation fraction.* * * *
(3) Suppliers which certify their requirements for wholesale purchaser-consumers and end-users entitled to an allocation level of 100 percent of current requirements not subject to an allocation fraction or which receive a certification from any other supplier of such requirements shall be entitled to an adjustment of their base period use as provided by § 211.13(d)(4).

* * * * *

§ 211.13 [Amended]

3. Section 211.13 is amended in paragraph (b)(1) by adding a paragraph (x) to read as follows:

* * * * *

(b) *Adjustments for unusual growth—(1) Supplier-initiated wholesale purchaser unusual growth adjustment.* * * *

(x) Although wholesale purchasers of propane have a base period that includes part of 1973, for the purpose of this paragraph, suppliers shall determine such wholesale purchasers' unusual growth by comparing the volume of propane purchased from the supplier in 1972 and the volume purchased in 1973. If the supplier did not supply the wholesale purchaser for all of 1972, the adjustment shall be made by a comparison of the volume for the period in 1972 that the supplier did supply the wholesale purchaser and the volume purchased by the wholesale purchaser during the corresponding period of 1973.

* * * * *

4. Section 211.13 is further amended in paragraph (d) by adding subparagraph (4) to read as follows:

* * * * *

(d) *Adjustments for increased current requirements.* * * *

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(4) All suppliers which, in their capacity as wholesale purchaser-resellers, certify their requirements for wholesale purchaser-consumers and end-users entitled to an allocation level of 100 percent of current requirements not subject to an allocation fraction pursuant to § 211.12(d) or which receive a certification from any other supplier of such requirements, shall in turn certify to their suppliers such increased requirements and be assigned a proportionate adjustment to that part of their base period use received from each supplier.

* * * * *

5. Section 211.82 is revised in the definitions of "Base period," "Producer" and "Propane-butane mix" to read as follows:

§ 211.62 Definitions.

"Base period" means each calendar quarter during the period April 1, 1972, through March 31, 1973, which corresponds to the present calendar quarter except that for the period June 1, 1974, through June 30, 1974, purchasers of propane may, at their option, use the period June 1, 1972 through June 30, 1972, as the base period.

* * * * *

"Producer" means a firm which produces propane in a refinery, natural gas processing plant or fractionating plant, or imports more than 2,000,000 gallons per year, including firms which own natural gas and have their gas processed for their account by others but retain title.

* * * * *

"Propane-butane mix" means any mixture consisting exclusively of propane and butane which contains greater than ten (10) percent propane by weight.

* * * * *

6. Section 211.83 is amended by deleting paragraph (d) and by adding paragraph (c)(2)(v) to read as follows:

§ 211.83 Allocation levels.

* * * * *

(c) *Allocation levels subject to an allocation fraction.* * * *

(2) * * *

(v) *Peak shaving for gas utilities.* The use of propane for peak shaving by gas utilities during any consecutive twelve month period beginning after January 1, 1974, is limited to the volume of propane equal to one hundred (100) percent of that volume which a gas utility contracted for or purchased for delivery during the period April 1, 1972 through March 31, 1973, regardless of whether that volume was used during the period. Propane shall not be used for peak shaving as long as the gas utility continues service during such peak shaving usage to interruptible industrial customers (other than for process fuel, plant protection fuel, or raw material) or to any non-residential customer who can use a fuel other than natural gas, propane or butane.

* * * * *

7. Section 211.84 is revised in paragraph (c)(3) to read as follows:

§ 211.84 Modified allocation levels.

* * * * *

(c) *Modified allocation levels subject to an allocation fraction.* * * *

(3) One hundred (100) percent of base period volumes for:

(i) Standby volumes, or any other industrial use;

(ii) Synthetic natural gas feedstock use; and

(iii) Peak shaving for gas utilities. The use of propane for peak shaving by gas utilities during any twelve month period beginning after January 1, 1974, is limited to the volume of propane equal to one hundred (100) percent of that volume which a gas utility contracted for or purchased for delivery during the period April 1, 1972 through March 31, 1973, regardless of whether that volume was used during the period. Propane shall not be used for peak shaving as long as the gas utility continues service during such peak shaving usage to interruptible customers (other than for process fuel, plant protection fuel, or raw material) or to any non-residential customer who can use a fuel other than natural gas, propane or butane.

8. Section 211.86 is amended in paragraphs (a), (e) and (g) to read as follows:

§ 211.86 Method of allocation.

(a) *General.* Except as specifically otherwise provided in this subpart, the allocation of propane shall be as specified in § 211.10. Adjustments to a wholesale purchaser's base period volume specified in § 211.13 shall apply to this subpart, except that wholesale purchaser-consumers using propane for industrial use or petrochemical feedstock use may not receive increased supplies of propane on the basis of an adjustment for unsual growth under § 211.13(b) until such adjustment has been approved by FEO. Wholesale purchaser-consumers of propane for such uses which have received adjustments for unusual growth shall submit to FEO the proposed adjustment and the basis therefor. FEO may require the wholesale purchaser-consumers to submit additional information to justify the adjustment. FEO may approve, deny or modify the adjustment. New wholesale purchasers and end-users are subject to the requirements of § 211.12. Notwithstanding the provisions of § 211.12 (c), each supplier or producer which sells propane to a wholesale purchaser-consumer, end-user or dispensing station shall determine the base period volume of those purchasers but is not required to report that determination to such purchasers except on written request by a purchaser.

* * * * *

(e) Operators of merchant storage facilities shall not release for shipment to gas utilities any quantity of propane which, when taken together with other amounts of propane supplied to that utility for the allocation quarter, exceeds the quantity of propane which may be supplied under the allocation level for utilities in § 211.83(c)(2)(v) or the modified allocation level for utilities in § 211.84(c)(3)(iii).

* * * * *

(g) Producers, suppliers and wholesale purchasers (except gas utilities and industrial users) shall be permitted to accumulate an inventory of propane during the summer in quantities which are normal and reasonable for seasonal usage in accordance with their normal business practices. Inventories controlled by gas utilities and industrial users (including petrochemical producers) shall be limited to:

(1) One hundred twenty (120) percent of the modified allocation entitlement specified in § 211.84 for gas utilities.

(2) One hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the period April 1, 1972 through March 31, 1973, provided however, that an industrial firm may not use such inventories to exceed its allocation entitlement specified in § 211.84, as appropriate.

If a firm currently controls greater than the above-mentioned inventories, it shall not accept an allocation from a supplier or producer until its inventories are reduced to conform to the limits imposed in this paragraph.

9. Section 211.87 is revised in paragraphs (a), (c) and (e) to read as follows:

§ 211.87 Procedures and reporting requirements.

(a) All owners of storage facilities (or operators thereof) with a capacity in excess of 500,000 gallons which store propane shall report to the Administrator, FEO, the total volume, locations, and ownership of propane in storage including that owned by the storage owner or operator of affiliated companies, and that held in transit. If it is not possible to report each separate account of "in transit" storage, then the total volume shall be reported. This same information shall be reported as of the end of each month on Form FEO 103B and filed within fifteen (15) days after the close of that month. All owners of propane in a merchant storage facility shall file form FEO 101A with the operator of the merchant storage facility, and shall revise such form prior to withdrawal of propane from storage. These reports shall be kept on file by the merchant storage facility operator, and are subject to FEO audit.

* * * * *

(c) The general reporting and recordkeeping requirements contained in Subpart L of this part apply to this subpart except that the requirements of § 211.224 shall not apply and the information required to be kept on FEO forms in § 211.-223 may be kept by suppliers or producers in accordance with that firm's customary recordkeeping practices.

* * * * *

(e) Producers and specified wholesale purchaser-resellers of propane shall report on Form FEO 100–A.

10. Section 211.142 is amended by adding, in the appropriate alphabetical order, the definition of "Wholesale purchaser-consumer" to read as follows:

§ 211.142 Definitions.

* * * * *

"Wholesale purchaser-consumer" means wholesale purchaser-consumer as defined in § 211.51, and any civil air carrier as defined in this section.

[FR Doc.74–13102 Filed 6–6–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–18–AD, Amdt. 39–1868]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331–1–151B, –2–201C, –3U–307G, –5–251C, –2–251K and –6–251M Engines

Amendment 39–1842 (39 FR 16873), AD 74–10–10, requires a modification and recurring inspection of the fuel control assembly mounting and support bracket fasteners on the AiResearch Model TPE331–1–151B, –2–201C, –3U–307G, –5–251C, –5–251K and –6–251M engines. After issuing Amendment 39–1842 the agency determined that the installation of a larger fastener for the attachment of the fuel control assembly support bracket to the fuel control assembly effectively eliminates the tendency of this support to loosen in service. Therefore, the AD is being amended to require the modification of the fuel control assembly support bracket attachment lug and installation of the improved fastener, after which the recurring inspection and retorquing of the fuel control assembly mounting and support bracket fasteners required by the AD may be discontinued.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1842 (39 FR 16873), AD 74–10–10, is amended as follows:

1. Add a new paragraph (d) to read:

(d) Unless previously accomplished, within the next 1000 hours time in service, or within one year after the effective date of this AD, whichever occurs earlier, the fuel control assembly support bracket attachment lug and fastener must be modified in accordance with AiResearch Service Bulletin TPE331–73–0029, dated May 27, 1974, or later FAA-approved revisions. This change has been incorporated in production engines by model and serial number as defined in paragraph 1.A. of the above referenced service bulletin.

2. Add a new paragraph (e) to read:

(e) The recurring inspection required in (b), above, may be discontinued when the modification prescribed in (d), above, have been accomplished.

This amendment becomes effective June 14, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on May 31, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74–13041 Filed 6–6–74;8:45 am]

[Airworthiness Docket No. 74–WE–19–AD, Amdt. 39–1869]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TSCP700–4B Auxiliary Power Units (APU)

Amendment 39–1837 (39 FR 16874) AD 74–10–11, requires the installation of a placard in view of the flight crew prohibiting all in-flight operation of the AiResearch Model TSCP700–4B APU on McDonnell Douglas Model DC–10 aircraft. After issuing Amendment 39–1837, the agency determined that inspection of the fuel control differential pressure regulator housing and the installation of a bypass system to deliver fuel back to the inlet side of the fuel pump on shut-down prevents the pressure surge which caused the development of fatigue cracks in fuel control differential pressure regulator housing. Therefore, the AD is being amended to permit the in-flight operation of the APU after the housings have been inspected and the bypass system has been installed.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1837, (39 FR 16874), AD 74–10–11, is amended as follows:

(1) Delete the last two sentences of the AD beginning with, "Within 25 hours * * *," and add a new paragraph (a), to read:

(a) Within 25 hours additional time in service after the effective date of this AD, as amended, unless already accomplished, install a placard in view of the flight crew to prohibit all in-flight operation of the APU. Thereafter the APU may not be used in flight but may be used in ground operations.

(2) Delete the Note which reads: "This is interim action. An inspection program * * * FAA Western Region."

(3) Add a new paragraph (b) to read:

(b) The operating restriction prescribed in (a), above, may be removed when the inspections and modifications described in paragraph 2.B. and C. of AiResearch Service Bulletin 969900–49–3635, Revision 1, dated May 14, 1974, or later FAA-approved revisions, are accomplished. Differential pressure regulator body assembly P/N 977320 –1 or –2 which does not meet the wall thickness and fillet radius requirements specified in the referenced Service Bulletin must be rendered unserviceable. Those found satisfactory or that can be reworked per the instructions contained in paragraph 2.B.(4) of the referenced Service Bulletin must be re-identified as P/N 977320–4 and may be continued in service. Re-identify the fuel control assembly per paragraph 2.D. of the referenced service bulletin.

(4) Add a new paragraph (c) to read:

(c) Within 8000 APU operating cycles in service after accomplishment of paragraph (b), above, and at intervals not to exceed 3000 APU operating cycles in service thereafter, inspect the fuel control differential pressure regulator body, P/N 977320–4, for cracks in accordance with paragraph 2.B.(2) of AiResearch Service Bulletin 969900–49–3635. If cracks are found, replace the housing with a serviceable housing conforming to P/N 977320–4, prior to further in-flight operation.

NOTE: For the purpose of this AD, an APU operating cycle is any operation consisting of a start and shut-down. The number of cycles may be determined by actual count, or, subject to acceptance by the assigned FAA Maintenance Inspector, may be calculated by dividing the fuel control assembly time in service by the operator's fleet average APU operating time per APU operating cycle.

(5) Add a new paragraph (d) to read:

(d) The inspections prescribed in (c) above may be discontinued when the fuel control differential pressure regulator body assembly P/N 977320–4 is replaced with a new part conforming to P/N 977656–1.

(6) Add a new paragraph (e) to read:

(e) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

This amendment becomes effective June 14, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 31, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74–13040 Filed 6–6–74;8:45 am]

[Airworthiness Docket No. 73–SW–74, Amdt. 39–1864]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

Amendment 39–1801 (39 FR 11083), AD 74–7–1, requires disassembly and internal inspection of vertical control tubes for internal corrosion within 100 hours time in service and thereafter at 1200 hour intervals on Bell Model 47 Series helicopters. The Amendment also requires replacement of corroded tubes, protection of tube internal surfaces and sealing of the tube assembly to preclude corrosion and it also requires submittal

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of reports to assess the magnitude of the corrosion.

Preliminary written and verbal reports have been received on the affected tubes but a trend has not developed from this limited information. Written reports are still required to assess the magnitude of tube corrosion. As a result of these preliminary reports, it is apparent that the A.D. can be revised to return to service those control tubes with light corrosion pits, provided these tubes are removed from service prior to accumulating 200 hours time in service after the initial inspection. Therefore the A.D. is being amended accordingly.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1801 (39 FR 11083), AD 74–7–1 is amended as follows:

1. By revising subparagraph (c) to read as follows:

(c) Remove corroded control tubes from service prior to further flight, except as specified by paragraph (g) of this A.D. and submit a report of finding a corroded tube to Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, P.O. Box 1689, Fort Worth, Texas 76101. The control tube assembly part number, degree of corrosion found and total time in service should be included in the report. FAA Form 8330–2 may be used for this report. (Reporting approved by the Bureau of the Budget under BOB No. 04–R0174.)

2. By adding a new subparagraph (g) as follows:

(g) Tubes with light corrosion over less than twenty-five percent of the area in any one-half inch length of the tube may be returned to service provided the tube is assembled and protected as noted in paragraph (d) of this A.D. and the tube is removed from service prior to accumulating 200 hours time in service after the initial inspection prescribed by this A.D. was conducted.

Note: Advisory Circular No. 43–4, page 47 defines light corrosion.

This amendment becomes effective May 30, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on May 29, 1974.

Henry L. Newman,
Director, Southwest Region.

[FR Doc.74-13043 Filed 6-6-74;8:45 am]

[Airworthiness Docket No. 74-WE-17-AD, Amdt. 39-1865]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–9 and Military C–9A & C–9B Airplanes

There have been fatigue failures in the spoiler actuating link and/or fitting of the spoiler actuating mechanism on McDonnell Douglas DC–9 series airplanes. Failures of any of these elements could result in an unsafe condition. In a recent incident an airplane experienced an abrupt 45° roll as the result of sudden spoiler deployment which was attributed to fatigue failure of the spoiler link, P/N 3923250–3. Failure occurred when the pilot was selecting 25° to 50° flaps at approximately 1,000 altitude on approach.

The manufacturer has issued Service Bulletins S/B 27–156 and 27–139 to operators of the Model DC–9 and military C–9A and C–9B airplanes, providing instructions for retrofit of a new improved spoiler actuating link, P/N 3923250–7, and spoiler fitting, P/N 3923251–3 "G". These new parts were incorporated in the DC–9 production line on fuselage number F/N 716 and 623 and subsequent aircraft respectively.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require initial and repetitive inspections of spoiler actuating links and fittings for cracks and replacement, if necessary, and revisions to appropriate sections of the model DC–9 Airplane Flight Manual (AFM), on McDonnell Douglas DC–9–10, –20, –30, –40 series and military C–9A and C–9B (DC–9–32F) airplanes. The AD contains provisions for terminating actions.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDonnell Douglas. Applies to all Model DC–9 Series airplanes, including, but not limited to models thereof, –10, –20, –30, and –40 (Military C–9A and C–9B), inclusive of fuselage number F/N 1 through 715, certificated in all categories, which correspond to the factory serial numbers listed in Douglas Service Bulletin No. S/B 27–139, dated January 20, 1971, or later FAA-approved revisions; and/or which correspond to the factory serial numbers listed in Douglas Service Bulletin No. S/B 27–156, dated February 7, 1974, or later FAA-approved revisions, as applicable.

Compliance required as indicated:

I. To detect fatigue cracks in the spoiler actuator links, P/N 3923250–3 and/or –5, and in the spoiler fitting, P/N 3923251–3–NC and/or through "F" Change, accomplish the following:

(A) (1) For airplanes with 3,000 hours or more time in service on these parts on the effective date of this A.D., within the next 300 hours time in service and thereafter at intervals not to exceed 300 hours time in service on these parts from the last inspection, visually inspect the spoiler actuating links, P/N 392350–3 and/or –5 and/or the spoiler fittings, P/N 392351–3–NC and/or through "F" Change, in accordance with the instructions and procedures of paragraph (B), below. At or prior to the accumulation of an additional 1,000 hours time in service from the first visual inspection on these parts, institute the program of ultrasonic inspection methods in accordance with the inspections outlined in Douglas All Operators Letter, AOL, 9–802 dated May 14, 1974, or equivalent inspection means approved by the Chief, Aircraft Engineering Division, FAA Western Region, per (C) below.

(2) For airplanes with less than 3,000 hours time in service on these parts on the effective date of this A.D., comply with paragraph (B) before the accumulation of 3,300 total hours time in service.

(B) (1) Visually inspect the exposed surfaces on the forward and aft lugs including the areas surrounding the grease fittings on the spoiler actuating link, P/N 3923250–3 and/or –5 for evidence of cracking.

(2) Visually inspect the exposed surface and areas surrounding the grease fitting on the spoiler fitting, P/N 392351–3–NC and/or through "F" Change for evidence of cracking.

(3) If a crack(s) is found:

(a) In the spoiler actuator link, before further flight, replace the cracked part(s) with a new part, P/N 3923250–5, of the same design, in accordance with Douglas Service Bulletin S/B 27–42, Revision 3, dated April 8, 1968, or later FAA-approved revisions; or replace with a new part, P/N 3923250–7, in accordance with Douglas Service Bulletin S/B 27–156, dated February 7, 1974, or later FAA-approved revisions.

(b) In the spoiler fitting, P/N 3923251–3–NC and/or through "F" Change, replace the cracked part(s) with a new part, P/N 3923251–3–"G" Change, in accordance with Douglas Service Bulletin S/B 27–139, dated January 20, 1971, or later FAA-approved revisions, prior to further flight.

(4) (a) Upon installation of a new part(s), P/N 3923250–5 in accordance with the requirements of (B)(3)(a), the inspections required in (B)(1) and (B)(2) and (C), below, may be discontinued until the new part(s) accumulate 3,000 hours time in service, at which time institute the program of ultrasonic inspections of (C), below, and any necessary replacement per this A.D.; or,

(b) Upon installation of a new part(s) P/N 3923250–7, in accordance with the requirements of (B)(3)(a), the inspection requirements of this A.D. may be discontinued for that part only.

(c) Upon installation of a new part(a) P/N 3923251–"G" Change, in accordance with the requirements of (B)(3)(b), the inspection requirements of this A.D. may be discontinued for that part only.

(C) At or prior to 1,000 hours time in service on the parts after the accomplishment of the first visual inspection required by (B)(1) and (B)(2), above, and at intervals not to exceed 1,600 hours time in service thereafter or, at or before the accumulation of 3,000 hours time in service on new parts, P/N 3923250–5, and at intervals not to exceed 1,600 hours time in service thereafter.

(1) Perform an ultrasonic inspection in accordance with the instructions outlined in Douglas All Operators Letter, AOL 9–802, dated May 14, 1974, or equivalent inspection means approved by the Chief, Aircraft Engineering Division, FAA Western Region, on the spoiler actuating link, P/N 3923250–3 and/or –5, and the spoiler fitting, P/N 3923251–3 and/or through "F" Change; or

(2) Replace the spoiler actuator link(s), P/N 3923250–3 and/or –5 and or spoiler fitting(s), P/N 3923251–3–NC and/or through "F" Change, with a new spoiler link, P/N 3923250–7 and/or spoiler fitting P/N 3923251–3–"G" Change, in accordance with the instructions in Douglas Service Bulletins S/B 27–139, dated January 20, 1971, and S/B 27–156, dated February 7, 1974, or later FAA-approved revisions. Upon accomplishment of this link and/or fitting installation, the inspection requirements of this A.D. may be discontinued for that part(s) only.

Note: (a) For the purposes of this A.D., if the time-in-service hours of either the spoiler actuating link or the spoiler fitting cannot be established, the part will be considered to have the same number of time-in-service hours as the airplane on which it is installed.

(b) Refer to the appropriate Douglas and/or Operators Maintenance and Overhaul Manuals and/or the Service Bulletins noted in this A.D. for instructions and caution and warning notes necessary for accomplishing the inspections of these parts.

(3) If cracks are found in the spoiler actuator link and/or spoiler fitting as a result of the ultrasonic inspection, before further flight, replace the cracked parts as specified in (B)(3)(a) and (B)(3)(b) and comply with the requirements of (B)(4)(a), (B)(4)(b) and (B)(4)(c), as applicable.

Note: The airplane may be flown in accordance with FARs 21.197 and 21.199, with crack(s), in the spoiler fitting and/or link, using the applicable limitations and procedures prescribed in Part II of this A.D., to a base where the inspection and/or maintenance can be performed.

(D) If cracks are found as a result of the inspections performed in compliance with this A.D., report the findings to the Chief, Aircraft Engineering Division, FAA Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009 (Reporting approved by the Bureau of Budget under BOB No. 04–R–0174).

Identify part number, total hours time in service on the part and time in service since last inspection; number, size and location of crack(s); total time on the aircraft, serial number of the aircraft; spoiler location (inboard or outboard).

II. To provide crews with operational information should spoiler float occur, evidenced by abrupt roll, and to provide for a permanent change in the FAA-approved Airplane Flight Manual (and/or appropriate AFM section of the operator's manual required by FAR 121.133 and 121.141), "Emergency Procedures" Section, accomplish the following:

(A) *Placard.* Within 48 hours after the effective date of this AD, unless already accomplished, install a placard as close as practicable to the flap position indicator, reading as follows:

DC–9–10. Flap selection excess 20° must be made prior to 1000 feet AGL. See Section I, AFM for alternate procedures.

DC–9–20, 30, 40, C9A, C9B. Flap selection excess 25° must be made prior to 1000 feet AGL. See Section I, AFM for alternate procedures.

(B) *Limitations.* Within 48 hours after the effective date of this AD, unless already accomplished, incorporate the "Limitations" set forth below into the airplane flight manual. Operators shall initiate action to notify and ensure that flight crewmembers are apprised of these limitations.

DC–9–10—Sec. I *Limitations.* (New Title) "Flaps"; "Flap selection in excess of 20° must be made prior to descending below 1000 feet above ground level except for the following:

"Approach and landing may be made with a maximum of 30° flaps when 15 percent is added to the 50° flap landing field length."

Sec. I *Limitations.* Performance and Operating Limitations. Add a new paragraph as follows:

"When using the 30° flaps for landing, the maximum permissible quick turn around landing weight shown on the plot 'Maximum Permissible Quick Turn Around Landing Weight Flaps Down' in Section IV must be reduced by 15 percent."

DC–9–20, 30, 40, C9A, C9B—Sec. I *Limitations.* (New Title) "Flaps" Flap selection in excess of 25° must be made prior to descending below 1000 feet above ground level except for the following:

"Approach and landing may be made with a maximum of 25° flaps when 20 percent is added to the 50° flap landing field length."

Sec. I *Limitations.* Performance and Operating Limitations. Add new paragraph as follows:

"When using the 25° flaps for landing, the maximum permissible quick turn around landing weight shown on the plot 'Maximum Permissible Quick Turn Around Landing Weight Flaps Full Down' in Section IV must be reduced by 20 percent."

The "Limitations" may be terminated, and the placard removed when any one of the following requirements have been accomplished.

(1) Compliance with both I (B)(4)(b) and (B)(4)(c); or

(2) Compliance with I(B)(4)(b) and initial 1,000 hours ultrasonic inspection per (C)(1) for spoiler fittings; or

(3) Compliance with I(B)(4)(c) and initial 1,000 hours ultrasonic inspection per (C)(1) for spoiler links; or

(4) Compliance with the initial 1,000 hours ultrasonic inspections per (C)(1) for both the spoiler links and fittings.

(C) Emergency Procedures.

Within 48 hours after the effective date of this AD, unless already accomplished, incorporate the "Emergency Procedures" set forth below into the airplane flight manual. These procedures shall constitute a permanent change to the manual. Operators shall initiate action to notify and ensure that flight crewmembers are apprised of this change.

Emergency procedures. All models.

New Section "Spoiler Float";

"Should rapid roll develop during extension of flap to 50°, retract flaps immediately to single engine landing flap setting. Adjust speed as required."

This amendment becomes effective June 13, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on May 30, 1974.

Arvin O. Basnight,
Director,
FAA Western Region.

[FR Doc.74-13042 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-NW-06]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 15, 1974, a notice of proposed rulemaking was published in the Federal Register (39 FR 13556) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bremerton, Washington, Control Zone.

Interested persons were given 30 days in which to submit written data, views or arguments. No objections were received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., May 30, 1974.

C. B. Walk, Jr.,
Director, Northwest Region.

In § 71.171 (39 FR 354) the description of the Bremerton, Washington Control Zone is amended to read:

Bremerton, Washington

Within a 5-mile radius of Kitsap County Airport (Latitude 47°29'35" N., Longitude 122°45'35" W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (Latitude 47°29'48" N., Longitude 122°45'36" W.) extending from the 5-mile radius to 8 miles SW. of the RBN, and within 2 miles each side of the 028° bearing from the Kitsap RBN extending from the 5-mile radius zone to 7 miles northeast of the RBN. This Control Zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airmen's Information Manual.

[FR Doc.74-13046 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SO-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

On May 16, 1974, FR Doc. No. 74-11226 was published in the Federal Register (39 FR 17431), amending Part 71 of the Federal Aviation Regulations by amending the alteration of the Fort Lauderdale, Fla. (Executive Airport) control zone.

In the amendment, reference is erroneously made to "Runway 8/27" in lieu of "Runway 8/26." It is necessary to amend the FR Doc. to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In line six of the amended description "* * * Runway 8/27 * * *" is deleted and "* * * Runway 8/26 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on May 28, 1974.

Phillip M. Swatek,
Director, Southern Region.

[FR Doc.74-13035 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 18, 1974, a notice of proposed rulemaking was published in the Federal

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REGISTER (39 FR 13899), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Jacksonville, Fla., transition area is amended as follows:

"* * * long. 81°25'15" W.)." is deleted and "* * * long. 81°25'15" W.); within a 6.5-mile radius of Herlong Airport (lat. 30°16'30" N. long. 81°48'20" W.)." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on May 28, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-13034 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Lawton, Okla., transition area.

On April 18, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 13899) stating the Federal Aviation Administration proposed to alter the 700-foot transition area at Lawton, Okla.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Lawton, Okla., transition area is amended to read:

LAWTON, OKLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.); within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 7 miles S of the VOR; within 10 miles W and 5 miles E of the Lawton VOR 177° radial extending from 7 miles S to 17 miles S of the VOR and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN and excluding that portion within the confines of the Wichita Falls, Tex., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 24, 1974.

ALBERT H. THURBURN,
*Acting Director,
Southwest Region.*

[FR Doc.74-13045 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 18, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 13898) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Oakdale Airport, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Delete "106°" where it appears in the text and substitute "104°" therefor.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on May 30, 1974.

ROBERT O. BLANCHARD,
*Acting Director,
Western Region.*

In § 71.131 (39 FR 440) the following transition area is added:

OAKDALE, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Oakdale Airport (latitude 37°45'28" N., longitude 120°43'01" W.) and within 2.5 miles each side of the Stockton VORTAC 104° radial, extending from the 3-mile radius area to 16 miles E of the VORTAC.

[FR Doc. 74-13037 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On April 26, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 14725) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at Scottsdale Airport, Arizona.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif. on May 30, 1974.

ROBERT O. BLANCHARD,
*Acting Director,
Western Region.*

In § 71.171 (39 FR 354) the following control zone is added:

SCOTTSDALE, ARIZ.

Within a 5-mile radius of Scottsdale Airport (latitude 33°37'05" N., longitude 111°-54'55" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established and published in the Airman's Information Manual.

[FR Doc.74-13038 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SW-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Pearsall, Tex.

On April 18, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 13899) stating the Federal Aviation Administration proposed to designate the Pearsall, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

PEARSALL, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of McKinley Field Airport (latitude 28°49'00" N., longitude 99°07'00" W.) and within 2.5 miles either side of the Cotulla, Tex. VORTAC 001° radial extending from the 5-mile radius area to 18.5 miles north of the VORTAC.

(Sec. 307(a) Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on May 24, 1974.

ALBERT H. THURBURN,
*Acting Director,
Southwest Region.*

[FR Doc.74-13044 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SO-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway

On March 18, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 10161) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate alternate VOR Federal Airway No. 7E between Montgomery, Ala., and Birmingham, Ala.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307, 3929) is amended as follows:

In V-7 Between "Birmingham;" and "Muscle Shoals, Ala.," add: "including an east alternate via INT of Montgomery 358° and Birmingham 140° radials;".

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 3, 1974.

CHARLES H. NEWPOL,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.74-13036 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of VOR Federal Airways

On March 25, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 11099) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway segments in the Atlanta, Ga., to Charlotte, N.C., area which are no longer needed.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

1. In V-194 "From Norcross, Ga., INT Norcross 042° and Anderson, S.C., 274° radials; Anderson; INT Anderson 065° and Charlotte, N.C., 240° radials; Charlotte; Liberty, N.C.;" is deleted and "From Liberty, N.C., via" is substituted therefor.

2. In V-296 "From Sugarloaf Mountain, N.C., Fort Mill, S.C.;" is deleted and "From Fort Mill, S.C.;" is substituted therefor.

(Sec. 307(a), Federal Avaition Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 3, 1974.

CHARLES H. NEWPOL,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.74-13039 Filed 6-6-74;8:45 am]

[Airspace Docket No. 74-GL-8]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

On April 8, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 12769) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route Nos. 60 and 146 between Lincoln, Nebr., and Iowa City, Iowa.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699) is amended as follows:

1. In Jet Route No. 60

"INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City;" is deleted and "Iowa City, Iowa;" is substituted therefor.

2. In Jet Route No. 146

"INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City;" is deleted and "Iowa City, Iowa;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1848(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 3, 1974.

CHARLES H. NEWPOL,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.74-13047 Filed 6-6-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S DEPARTMENT OF COMMERCE

SUBCHAPTER D—GENERAL REGULATIONS OF THE ENVIRONMENTAL DATA SERVICE

PART 950—ENVIRONMENTAL DATA

Change of Telephone Number

JUNE 3, 1974.

FEDERAL REGISTER, Vol. 39, No. 74, Tuesday, April 16, 1974, published general information regarding the type and availability of environmental data and information from the Environmental Data Service. Included in § 950.3 was the address and telephone number of the National Climatic Center, Asheville, N.C. Users of data from the National Climatic Center are requested to change the telephone number in the last line of § 950.3 to read: Tel: (704) 254-0961, ext. 683.

T. P. GLEITER,
*Assistant Administrator
for Administration.*

[FR Doc.74-13096 Filed 6-6-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Ozone Generators and Other Devices Generating Ozone

Correction

In FR Doc. 74-8754 appearing at page 13774 in the issue of Wednesday, April 17, 1974 make the following changes:

1. In the first column, second line, "36 FR" should read "36(228)".
2. In item No. 4, fourth line, the figures "798,799" should read "798-799".
3. In item No. 12, second line, the word "biolography" should read "bibliography".
4. In item No. 14, fourth line, "Vol. 29" should read "Vol. 229".
5. In term No. 15, second line, the word "Irons" should read "Ions".

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Oleandomycin

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (11-545V and 35-287V) filed by Pfizer, Inc., New York, NY 10017, proposing safe and effective use of swine feed concentrates containing up to 225 grams of oleandomycin activity per ton, and revision of the limits of assay for finished feeds for chickens, turkeys, and swine. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.45 is amended by revising paragraphs (c) and (e) to read as follows:

§ 135e.45 Oleandomycin.

* * * * *

(c) *Assay limits.* (1) Feeds containing up to 11.25 grams of oleandomycin per ton to contain 70 to 130 percent of the labeled amount of product.

(2) Feed concentrates containing more than 11.25 grams of oleandomycin per ton to contain 75 to 125 percent of the labeled amount of product.

* * * * *

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(e) *Special considerations.* (1) Bentonite should not be used in feeds containing oleandomycin.

(2) Finished swine feeds processed from concentrates that contain up to 225 grams of oleandomycin per ton and conforming to the requirements of paragraph (f)(1) of this section are not required to comply with the provisions of section 512(m) of the act.

* * * * *

Effective date. This order shall be effective June 7, 1974.

(Sec. 512(1), 82 Stat. 347; (21 U.S.C. 360b(1)))

Dated: May 31, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-13063 Filed 6-6-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7315]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Depreciation Allowance for Property of Certain Public Utilities

By notice of proposed rulemaking appearing in the FEDERAL REGISTER for September 1, 1972 (37 FR 17845), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform the regulations to section 441(a) of the Tax Reform Act of 1969 (83 Stat. 625), relating to depreciation allowance for property of certain public utilities. By notice of proposed rulemaking published on May 31, 1973 (38 FR 14287), new paragraph (6) was added to § 1.167(l)-1(h) as proposed on September 1, 1972. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made and the proposed amendments are adopted by this document, subject to the changes indicated below. The amendments supersede § 13.13 of this chapter relating to use of a normalization method of accounting which was prescribed by T.D. 7049, approved June 25, 1970 (35 FR 10518).

Section 167(l) provides limitations on the use of certain methods of computing a reasonable allowance for depreciation under section 167(a) with respect to public utility property for all taxable years for which a Federal income tax return was not filed before August 1, 1969. Under section 167(l), a taxpayer may always use a straight line method (or other subsection (l) method) of depreciation, and the use of a method of depreciation other than a subsection (l) method is generally not prohibited if the taxpayer uses a normalization method of regulated accounting. Further, in certain cases the use of a method of depreciation other than a subsection (l) method is not prohibited by section 167(l) if the taxpayer used a flowthrough method of regulated accounting for its "July 1969 regulated accounting period". A taxpayer may not use a method of depreciation other than a subsection (l) method in the case of pre-1970 public utility property unless such method of depreciation is its "applicable 1968 method".

The regulations provide definitions for "public utility property", "pre-1970 public utility property", "post-1969 public utility property", "applicable 1968 method", "subsection (l) method", "July 1969 regulated accounting period", "normalization method of regulated accounting", and "flow-through method of regulated accounting". The definition of "applicable 1968 method" has been modified to include a method of accelerated depreciation otherwise allowable under section 167 if the method results in a lesser depreciation expense in the year of the change to such method.

Paragraph (h) of § 1.167(l)-1 provides rules with respect to the use of a normalization method of regulated accounting. Under these rules a taxpayer is deemed to be using a normalization method of regulated accounting with respect to its public utility property if it uses the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account and, if it uses a different method to compute its allowance under section 167 than the method used for the purposes previously described, the taxpayer makes adjustments to a reserve to reflect the total amount of deferral of Federal income tax liability resulting from the use of such different method of depreciation. Paragraph (h)(3) provides rules for establishing compliance with normalization requirements in respect of operating books of account. These rules have been modified to provide additional time in which to establish such compliance.

Paragraph (h)(6) provides that a taxpayer does not use a normalization method of regulated accounting if, for ratemaking purposes, the amount for deferred taxes under section 167(l) which is excluded from the base to which the taxpayer's rate of return is applied exceeds the amount in the reserve for deferred taxes for the period used in determining the taxpayer's cost of service in such ratemaking. Paragraph (h)(6) also provides a formula to determine the amount in the reserve account. This paragraph has been clarified to indicate that the "period used" may be an historical (base) period, a projected period, or a combination thereof. In addition inclusion of the reserve for deferred taxes in no-cost capital in those rate cases in which the rate of return is based upon the cost of capital is to be considered as an exclusion of the normalization reserve from the rate base for purposes of paragraph (h)(6). Also, the effective date for certain provisions in paragraph (h)(6) has been changed.

Paragraph (i) of § 1.167(l)-1 defines the term "flow-through method of regulated accounting".

Section 167(l)-3, relating to the property of a taxpayer which is subject to the jurisdiction of two or more regulatory bodies, has been modified to clarify the rules as they relate to a single multiple asset account.

Adoption of amendments to the regulations. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments described in the first paragraph of this document are hereby adopted, subject to the changes set forth below. The regulations hereby adopted supersede the provisions of § 13.13 of this chapter (relating to use of a normalization method of accounting for public utility property) which were prescribed by Treasury Decision 7049 (35 FR 10518), approved June 25, 1970.

PARAGRAPH 1. Section 1.167 (a)-11 is changed as follows:

1. Subdivision (ii) of paragraph (b)(6), as set forth in paragraph 1 of the notice of proposed rulemaking of September 1, 1972, is changed by deleting the portion of such subdivision preceding the last sentence thereof.

2. The second sentence of paragraph (c) (1) (iv) (*a*) is revised.

These revised provisions read as set forth below.

PAR. 2. Section 1.167 (a)-12 is changed by revising the last sentence of paragraph (a) (4) (iii) (*b*) and the second sentence of paragraph (a) (5) (v) to read as set forth below.

PAR. 3. Section 1.167 (l)-1, as set forth in paragraph 2 of the notice of proposed rulemaking of September 1, 1972, is changed as follows:

1. Six new sentences are added at the end of paragraph (a)(1).

2. The third sentence of paragraph (a)(2) is changed by deleting the word "generally".

3. A sentence is added at the end of paragraph (e)(1).

4. The first sentence of paragraph (h)(2)(i) is revised.

5. Examples (1), (2), and (3) of paragraph (h)(2)(ii) are changed by deleting the phrase "in 1972" and by substituting therefor the phrase "for 1972" in the last sentence of example (1) and in the eighth sentence of example (2) and by deleting the phrase "in 1971" and substituting therefor the phrase "for 1971" in the last sentence of example (3).

6. Paragraph (h)(3) (i), (ii), and (iii) is revised.

7. Examples (1) and (2) of paragraph (h)(4)(iii) are revised and a new example (3) is added.

8. The heading and the last two sentences of paragraph (h)(5) are revised.

These changed provisions read as set forth below.

PAR. 4. Section 1.167 (l)-1, as set forth in the notice of proposed rulemaking of May 31, 1973, is changed to read as set forth below.

PAR. 5. Section 1.167(l)-3, as set forth in paragraph 3 of the notice of proposed rule making of September 1, 1972, is changed by adding a new sentence after the first sentence of paragraph (a)(1) to read as set forth below.

PAR. 6. Section 1.167(l)-5 is redesignated as § 1.167(l)-4.

(Secs. 167(l) (83 Stat. 625; 26 U.S.C. 167); 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: May 29, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.167(a)-11 is changed as follows:

1. The next to last sentence of paragraph (b)(6)(ii) is amended by deleting the following text from the paragraph.

2. The second sentence of paragraph (c)(1)(iv)(*a*) is revised.

These revised provisions read as follows:

§ 1.167(a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

* * * * *

(b) *Reasonable allowance using asset depreciation ranges.* * * *

(6) *Special rule for certain public utility property.* * * *

(ii) *Normalization.* * * * and makes adjustments to a reserve to reflect the deferral of taxes resulting from the election to apply this section. A determination whether the taxpayer is considered to normalize (within the meaning of the preceding sentence) the tax deferral resulting from the election to apply this section shall be made in a manner consistent with the principles for determining whether a taxpayer is using the "normalization method of accounting" (within the meaning of section 167(l)(3)(G)). [Deleted] See § 1.167(l)-1(h).

* * * * *

(c) *Manner of determining allowance*—(1) *In general.* * * *

(iv) *Limitation of methods.* (*a*) * * * Generally, the method of depreciation which may be adopted is subject to the limitations contained in section 167(c), (j) and (l). * * *

* * * * *

PAR. 2. Section 1.167 (a)-12 is changed by revising the last sentence of paragraph (a)(4)(iii)(*b*) and the second sentence of paragraph (a)(5)(v) to read as follows:

§ 1.167(a)-12 Depreciation based on class lives for property first placed in service before January 1, 1971.

(a) *In general.* * * *

(4) *Requirements of election.* * * *

(iii) *Special rule for certain public utility property.* * * *

(*b*) * * * See § 1.167 (l)-1 (h).

* * * * *

(5) *Determination of reasonable allowance for depreciation.* * * *

(v) *Method of depreciation.* * * * The method of depreciation is subject to the limitations of section 167 (c), (j), and (l). * * *

* * * * *

PAR. 3. Section 1.167(l)-4 is redesignated as § 1.167(l)-2 and immediately after § 1.167(l) and before such redesignated § 1.167(l)-2 there is added the following new section:

§ 1.167(l)-1 Limitations on reasonable allowance in case of property of certain public utilities.

(a) *In general*—(1) *Scope.* Section 167(l) in general provides limitations on the use of certain methods of computing a reasonable allowance for depreciation under section 167(a) with respect to "public utility property" (see paragraph (b) of this section) for all taxable years for which a Federal income tax return was not filed before August 1, 1969. The limitations are set forth in paragraph (c) of this section for "pre-1970 public utility property" and in paragraph (d) of this section for "post-1969 public utility property." Under section 167(l), a taxpayer may always use a straight line method (or other "subsection (l) method" as defined in paragraph (f) of this section). In general, the use of a method of depreciation other than a subsection (l) method is not prohibited by section 167(l) for any taxpayer if the taxpayer uses a "normalization method of regulated accounting" (described in paragraph (h) of this section). In certain cases, the use of a method of depreciation other than a subsection (l) method is not prohibited by section 167(l) if the taxpayer used a "flow-through method of regulated accounting" described in paragraph (i) of this section) for its "July 1969 regulated accounting period" (described in paragraph (g) of this section) whether or not the taxpayer uses either a normalization or a flow-through method of regulated accounting after its July 1969 regulated accounting period. However, in no event may a method of depreciation other than a subsection (l) method be used in the case of pre-1970 public utility property unless such method of depreciation is the "applicable 1968 method" (within the meaning of paragraph (e) of this section). The normalization requirements of section 167(l) with respect to public utility property defined in section 167(l)(3)(A) pertain only to the deferral of Federal income tax liability resulting from the use of an accelerated method of depreciation for computing the allowance for depreciation under section 167 and the use of straight line depreciation for computing tax expense and depreciation expense for purposes of establishing cost of services and for reflecting operating results in regulated books of account. Regulations under section 167(l) do not pertain to other book-tax timing differences with respect to State income taxes, F.I.C.A. taxes, construction costs, or any other taxes and items. The rules provided in paragraph (h)(6) of this section are to insure that the same time period is used to determine the deferred tax reserve amount resulting from the use of an accelerated method of depreciation for cost of service purposes and the reserve amount that may be excluded from the rate base or included in no-cost capital in determining such cost of services. The formula provided in paragraph (h)(6)(ii) of this section is to be used in conjunction with the method of accounting for the reserve for deferred taxes (otherwise proper under paragraph (h)(2) of this section) in accordance with the accounting requirements prescribed or approved, if applicable, by the regulatory body having jurisdiction over the taxpayer's regulated books of account. The formula provides a method to determine the period of time during which the taxpayer will be treated as having received amounts credited or charged to the reserve account so that the disallowance of earnings with respect to such amounts through rate base exclusion or treatment as no-cost capital will take into account the factor of time for which such amounts are held by the taxpayer. The formula serves to limit the amount of such disallowance.

(2) *Methods of depreciation.* For purposes of section 167(l), in the case of a declining balance method each different uniform rate applied to the unrecovered cost or other basis of the property is a different method of depreciation. For purposes of section 167(l), a change in a uniform rate of depreciation due to a change in the useful life of the property or a change in the taxpayer's unrecovered cost or other basis for the property is not a change in the method of depreciation. The use of "guideline lives" or "class lives" for Federal income tax purposes and different lives on the taxpayer's regulated books of account is generally not treated for purposes of section 167(l) as a different method of depreciation. Further, the use of an unrecovered cost or other basis or salvage value for Federal income tax purposes different from the basis or salvage value used on the taxpayer's regulated books of account is not treated as a different method of depreciation.

(3) *Application of certain other provisions to public utility property.* For rules with respect to application of the investment credit to public utility property, see section 46(e). For rules with respect to the application of the class life asset depreciation range system, including the treatment of the use of "class lives" for Federal income tax purposes and different lives on the taxpayer's regulated books of account, see § 1.167(a)-11 and § 1.167(a)-12.

(4) *Effect on agreements under section 167(d).* If the taxpayer has entered into an agreement under section 167(d) as to any public utility property and such agreement requires the use of a method of depreciation prohibited by section 167(l), such agreement shall terminate as to such property. The termination, in accordance with this subparagraph, shall not affect any other property (whether or not public utility property) covered by the agreement.

(5) *Effect of change in method of depreciation.* If, because the method of

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depreciation used by the taxpayer with respect to public utility property is prohibited by section 167(l), the taxpayer changes to a method of depreciation not prohibited by section 167(l), then when the change is made the unrecovered cost or other basis shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time.

(b) *Public utility property*—(1) *In general.* Under section 167(l)(3)(A), property is "public utility property" during any period in which it is used predominantly in a "section 167(l) public utility activity." The term "section 167(l) public utility activity" means the trade or business of the furnishing or sale of—

(i) Electrical energy, water, or sewage disposal services,

(ii) Gas or steam through a local distribution system,

(iii) Telephone services,

(iv) Other communication services (whether or not telephone services) if furnished or sold by the Communications Satellite Corporation for purposes authorized by the Communications Satellite Act of 1962 (47 U.S.C. 701), or

(v) Transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, are regulated, i.e., have been established or approved by a regulatory body described in section 167(l)(3)(A). The term "regulatory body described in section 167(l)(3)(A)" means a State (including the District of Columbia) or political subdivision thereof, any agency or instrumentality of the United States, or a public service or public utility commission or other body of any State or political subdivision thereof similar to such a commission. The term "established or approved" includes the filing of a schedule of rates with a regulatory body which has the power to approve such rates, even though such body has taken no action on the filed schedule or generally leaves undisturbed rates filed by the taxpayer involved.

(2) *Classification of property.* If property is not used solely in a section 167(l) public utility activity, such property shall be public utility property if its predominant use is in a section 167(l) public utility activity. The predominant use of property for any period shall be determined by reference to the proper accounts to which expenditures for such property are chargeable under the system of regulated accounts required to be used for the period for which the determination is made and in accordance with the principles of § 1.46–3(g)(4) (relating to credit for investment in certain depreciable property). Thus, for example, for purposes of determining whether property is used predominantly in the trade or business of the furnishing or sale of transportation of gas by pipeline, or furnishing or sale of gas through a local distribution system, or both, the rules prescribed in § 1.46–3(g)(4) apply, except that accounts 365 through 371, inclusive (Transmission Plant), shall be added to the accounts enumerated in subdivision (i) of such paragraph (g)(4).

(c) *Pre-1970 public utility property*—(1) *Definition.* (i) Under section 167(l)(3)(B), the term "pre-1970 public utility property" means property which was public utility property at any time before January 1, 1970. If a taxpayer acquires pre-1970 public utility property, such property shall be pre-1970 public utility property in the hands of the taxpayer even though such property may have been acquired by the taxpayer in an arm's-length cash sale at fair market value or in a tax-free exchange. Thus, for example, if corporation X which is a member of the same controlled group of corporations (within the meaning of section 1563(a)) as corporation Y sells pre-1970 public utility property to Y, such property is pre-1970 public utility property in the hands of Y. The result would be the same if X and Y were not members of the same controlled group of corporations.

(ii) If the basis of public utility property acquired by the taxpayer in a transaction is determined in whole or in part by reference to the basis of any of the taxpayer's pre-1970 public utility property by reason of the application of any provision of the code, and if immediately after the transaction the adjusted basis of the property acquired is less than 200 percent of the adjusted basis of such pre-1970 public utility property immediately before the transaction, the property acquired is pre-1970 public utility property.

(2) *Methods of depreciation not prohibited.* Under section 167(l)(1), in the case of pre-1970 public utility property, the term "reasonable allowance" as used in section 167(a) means, for a taxable year for which a Federal income tax return was not filed before August 1, 1969, and in which such property is public utility property, an allowance (allowable without regard to section 167(l)) computed under—

(i) A subsection (l) method, or

(ii) The applicable 1968 method (other than a subsection (l) method) used by the taxpayer for such property, but only if—

(*a*) The taxpayer uses in respect of such taxable year a normalization method of regulated accounting for such property,

(*b*) The taxpayer used a flow-through method of regulated accounting for such property for its July 1969 regulated accounting period, or

(*c*) The taxpayer's first regulated accounting period with respect to such property is after the taxpayer's July 1969 regulated accounting period and the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period for public utility property of the same kind (or if there is no property of the same kind, property of the most similar kind) most recently placed in service. See paragraph (e)(5) of this section for determination of same (or similar) kind.

(3) *Flow-through method of regulated accounting in certain cases.* See paragraph (e)(6) of this section for treatment of certain taxpayers with pending applications for change in method of accounting as being deemed to have used a flow-through method of regulated accounting for the July 1969 regulated accounting period.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation X, a calendar-year taxpayer subject to the jurisdiction of a regulatory body described in section 167(l)(3)(A), used the straight line method of deprecation (a subsection (l) method) for all of its public utility property for which depreciation was allowable on its Federal income tax return for 1967 (the latest taxable year for which X, prior to August 1, 1969, filed a return). Assume that under paragraph (e) of this section, X's applicable 1968 method is a subsection (l) method with respect to all of its public utility property. Thus, with respect to its pre-1970 public utility property, X may only use a straight line method (or any other subsection (l) method) of depreciation for all taxable years after 1967.

Example (2). Corporation Y, a calendar-year taxpayer subject to the jurisdiction of the Federal Power Commmision, is engaged exclusively in the transportation of gas by pipeline. On its Federal income tax return for 1967 (the latest taxable year for which Y, prior to August 1, 1969, filed a return), Y used the declining balance method of depreciation using a rate of 150 percent of the straight-line rate for all of its nonsection 1250 public utility property with respect to which depreciation was allowable. Assume that with respect to all of such property, Y's applicable 1968 method under paragraph (e) of this section is such 150 percent declining balance method. Assume that Y used a normalization method of regulated accounting for all relevant regulated accounting periods. If Y continues to use a normalization method of regulated accounting, Y may compute its reasonable allowance for purposes of section 167(a) using such 150 percent declining balance method for its nonsection 1250 pre-1970 public utility property for all taxable years beginning with 1968, provided the use of such method is allowable without regard to section 167(l). Y may also use a subsection (l) method for any of such pre-1970 public utility property for all taxable years beginning after 1967. However, because each different uniform rate applied to the basis of the property is a different method of depreciation, Y may not use a declining balance method of depreciation using a rate of twice the straight line rate for any of such pre-1970 public utility property for any taxable year beginning after 1967.

Example (3). Assume the same facts as in example (2) except that with respect to all of its nonsection 1250 pre-1970 public utility property accounted for in its July 1969 regulated accounting period Y used a flow-through method of regulated accounting for such period. Assume further that such property is the property on the basis of which the applicable 1968 method is established for pre-1970 public utility property of the same kind, but having a first regulated accounting period after the taxpayer's July 1969 regulated accounting period. Beginning with 1968, with respect to such property Y may compute its reasonable allowance for purposes of section 167(a) using the declining balance method of depreciation and a rate of 150 percent of the straight line rate, whether it uses a normalization or flow-through method of regulated accounting after its July 1969 regulated accounting period, provided the use of such method is allowable without regard to section 167(l).

(d) *Post-1969 public utility property*—(1) *In general.* Under section 167(l)(3)(C), the term "post-1969 public utility property" means any public utility property which is not pre-1970 public utility property.

(2) *Methods of depreciation not prohibited.* Under section 167(l)(2), in the case of post-1969 public utility property, the term "reasonable allowance" as used in section 167(a) means, for a taxable year, an allowance (allowable without regard to section 167(l)) computed under—

(i) A subsection (l) method,

(ii) A method of depreciation otherwise allowable under section 167 if, with respect to the property, the taxpayer uses in respect of such taxable year a normalization method of regulated accounting, or

(iii) The taxpayer's applicable 1968 method (other than a subsection (l) method) with respect to the property in question, if the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period for the property of the same (or similar) kind most recently placed in service, provided that the property in question is not property to which an election under section 167(l)(4)(A) applies. See § 1.167(l)–2 for rules with respect to an election under section 167(l)(4)(A). See paragraph (e)(5) of this section for definition of same (or similar) kind.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation X is engaged exclusively in the trade or business of the transportation of gas by pipeline and is subject to the jurisdiction of the Federal Power Commission. With respect to all its public utility property, X's applicable 1968 method (as determined under paragraph (e) of this section) is the straight line method of depreciation. X may determine its reasonable allowance for depreciation under section 167(a) with respect to its post-1969 public utility property under a straight line method (or other subsection (l) method) or, if X uses a normalization method of regulated accounting, any other method of depreciation, provided that the use of such other method is allowable under section 167 without regard to section 167(l).

Example (2). Assume the same facts as in example (1) except that with respect to all of X's post-1969 public utility property the applicable 1968 method (as determined under paragraph (e) of this section) is the declining balance method using a rate of 150 percent of the straight line rate. Assume further that all of X's pre-1970 public utility property was accounted for in its July 1969 regulated accounting period, and that X used a flow-through method of regulated accounting for such period. X may determine its reasonable allowance for depreciation under section 167 with respect to its post-1969 public utility property by using the straight line method of depreciation (or any other subsection (l) method), by using any method otherwise allowable under section 167 (such as a declining balance method) if X uses a normalization method of regulated accounting, or, by using the declining balance method using a rate of 150 percent of the straight line rate, whether or not X uses a normalization or a flow-through method of regulated accounting.

(e) *Applicable 1968 method*—(1) *In general.* Under section 167(l)(3)(D), except as provided in subparagraphs (3) and (4) of this paragraph, the term "applicable 1968 method" means with respect to any public utility property—

(i) The method of depreciation properly used by the taxpayer in its Federal income tax return with respect to such property for the latest taxable year for which a return was filed before August 1, 1969,

(ii) If subdivision (i) of this subparagraph does not apply, the method of depreciation properly used by the taxpayer in its Federal income tax return for the latest taxable year for which a return was filed before August 1, 1969, with respect to public utility property of the same kind (or if there is no property of the same kind, property of the most similar kind) most recently placed in service before the end of such latest taxable year, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies, a subsection (l) method.

If, on or after August 1, 1969, the taxpayer files an amended return for the taxable year referred to in subdivisions (i) and (ii) of this subparagraph, such amended return shall not be taken into consideration in determining the applicable 1968 method. The term "applicable 1968 method" also means with respect to any public utility property, for the year of change and subsequent years, a method of depreciation otherwise allowable under section 167 to which the taxpayer changes from an applicable 1968 method if, such new method results in a lesser allowance for depreciation for such property under section 167 in the year of change and the taxpayer secures the Commissioner's consent to the change in accordance with the procedures of section 446(e) and § 1.446–1.

(2) *Placed in service.* For purposes of this section, property is placed in service on the date on which the period for depreciation begins under section 167. See, for example, § 1.167(a)–10(b) and § 1.167(a)–11(c)(2). If under an averaging convention property which is placed in service (as defined in § 1.46–3(d)(ii)) by the taxpayer on different dates is treated as placed in service on the same date, then for purposes of section 167(l) the property shall be treated as having been placed in service on the date the period for depreciation with respect to such property would begin under section 167 absent such averaging convention. Thus, for example, if, except for the fact that the averaging convention used assumes that all additions and retirements made during the first half of the year were made on the first day of the year, the period of depreciation for two items of public utility property would begin on January 10 and March 15, respectively, then for purposes of determining the property of the same (or similar) kind most recently placed in service, such items of property shall be treated as placed in service on January 10 and March 15, respectively.

(3) *Certain section 1250 property.* If a taxpayer is required under section 167(j) to use a method of depreciation other than its applicable 1968 method with respect to any section 1250 property, the term "applicable 1968 method" means the method of depreciation allowable under section 167(j) which is the most nearly comparable method to the applicable 1968 method determined under subparagraph (1) of this paragraph. For example, if the applicable 1968 method on new section 1250 property is the declining balance method using 200 percent of the straight line rate, the most nearly comparable method allowable for new section 1250 property under section 167(j) would be the declining balance method using 150 percent of the straight line rate. If the applicable 1968 method determined under subparagraph (1) of this paragraph is the sum of the years-digits method, the term "most nearly comparable method" refers to any method of depreciation allowable under section 167(j).

(4) *Applicable 1968 method in certain cases.* (i) (*a*) Under section 167(l)(3)(E), if the taxpayer evidenced within the time and manner specified in (*b*) of this subdivision (i) the intent to use a method of depreciation under section 167 (other than its applicable 1968 method as determined under subparagraph (1) or (3) of this paragraph or a subsection (l) method) with respect to any public utility property, such method of depreciation shall be deemed to be the taxpayer's applicable 1968 method with respect to such public utility property and public utility property of the same (or most similar) kind subsequently placed in service.

(*b*) Under this subdivision (i), the intent to use a method of depreciation under section 167 is evidenced—

(*1*) By a timely application for permission for a change in method of accounting filed by the taxpayer before August 1, 1969, or

(*2*) By the use of such method of depreciation in the computation by the taxpayer of its tax expense for purposes of reflecting operating results in its regulated books of account for its July 1969 regulated accounting period, as established in the manner prescribed in subparagraph (g)(1) (i), (ii), or (iii) of this section.

(ii) (*a*) If public utility property is acquired in a transaction in which its basis in the hands of the transferee is determined in whole or in part by reference to its basis in the hands of the transferor by reason of the application of any provision of the Code, or in a transfer (including any purchase for cash or in exchange) from a related person, then in the hands of the transferee the applicable 1968 method with respect to such property shall be determined by reference to the treatment in respect of such property in the hands of the transferor.

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(*b*) For purposes of this subdivision (ii), the term "related person" means a person who is related to another person if either immediately before or after the transfer—

(*1*) The relationship between such persons would result in a disallowance of losses under section 267 (relating to disallowance of losses, etc., between related taxpayers) or section 707(b) (relating to losses disallowed, etc., between partners and controlled partnerships) and the regulations thereunder, or

(*2*) Such persons are members of the same controlled group of corporations, as defined in section 1563(a) (relating to definition of controlled group of corporations), except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a) and the regulations thereunder.

(5) *Same or similar.* The classification of property as being of the same (or similar) kind shall be made by reference to the function of the public utility to which the primary use of the property relates. Property which performs the identical function in the identical manner shall be treated as property of the same kind. The determination that property is of a similar kind shall be made by reference to the proper account to which expenditures for the property are chargeable under the system of regulated accounts required to be used by the taxpayer for the period in which the property in question was acquired. Property, the expenditure for which is chargeable to the same account, is property of the most similar kind. Property, the expenditure for which is chargeable to an account for property which serves the same general function, is property of a similar kind. Thus, for example, if corporation X, a natural gas company, subject to the jurisdiction of the Federal Power Commission, had property properly chargeable to account 366 (relating to transmission plant structures and improvements) acquired an additional structure properly chargeable to account 366, under the uniform system of accounts prescribed for natural gas companies (class A and class B) by the Federal Power Commission, effective September 1, 1968, the addition would constitute property of the same kind if it performed the identical function in the identical manner. If, however, the addition did not perform the identical function in the identical manner, it would be property of the most similar kind.

(6) *Regulated method of accounting in certain cases.* Under section 167(l)(4)(B), if with respect to any pre-1970 public utility property the taxpayer filed a timely application for change in method of accounting referred to in subparagraph (4)(i)(*b*)(*1*) of this paragraph and with respect to property of the same (or similar) kind most recently placed in service the taxpayer used a flow-through method of regulated accounting for its July 1969 regulated accounting period, then for purposes of section 167(l)(1)(B) and paragraph (c) of this section the taxpayer shall be deemed to have used a flow-through method of regulated accounting with respect to such pre-1970 public utility property.

(7) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation X is a calendar-year taxpayer. On its Federal income tax return for 1967 (the latest taxable year for which X, prior to August 1, 1969, filed a return) X used a straight line method of depreciation with respect to certain public utility property placed in service before 1965 and used the declining balance method of depreciation using 200 percent of the straight line rate (double declining balance) with respect to the same kind of public utility property placed in service after 1964. In 1968 and 1970, X placed in service additional public utility property of the same kind. The applicable 1968 method with respect to the above described public utility property is shown in the following chart:

Property held in 1970	Placed in service	Method on 1967 return	Applicable 1968 method
Group 1	Before 1965	Straight line.	Straight line.
Group 2	After 1964 and before 1968.	Double declining balance.	Double declining balance.
Group 3	After 1967 and before 1969.		Do.
Group 4	After 1968		Do.

Example (2). Corporation Y is a calendar-year taxpayer engaged exclusively in the trade or business of the furnishing of electrical energy. In 1954, Y placed in service hydroelectric generators and for all purposes Y has taken straight line depreciation with respect to such generators. In 1960, Y placed in service fossil fuel generators and for all purposes since 1960 has used the declining balance method of depreciation using a rate of 150 percent of the straight line rate (computed without reduction for salvage) with respect to such generators. After 1960 and before 1970 Y did not place in service any generators. In 1970, Y placed in service additional hydroelectric generators. The applicable 1968 method with respect to the hydroelectric generators placed in service in 1970 would be the straight line method because it was the method used by Y on its return for the latest taxable year for which Y filed a return before August 1, 1969, with respect to property of the same kind (i.e., hydroelectric generators) most recently placed in service.

Example (3). Assume the same facts as in example (2), except that the generators placed in service in 1970 were nuclear generators. The applicable 1968 method with respect to such generators is the declining balance method using a rate of 150 percent of the straight line rate because, with respect to property of the most similar kind (fossil fuel generators) most recently placed in service, Y used such declining balance method on its return for the latest taxable year for which it filed a return before August 1, 1969.

(f) *Subsection (l) method.* Under section 167(l)(3)(F), the term "subsection (l) method" means a reasonable and consistently applied ratable method of computing depreciation which is allowable under section 167(a), such as, for example, the straight line method or a unit of production method or machine-hour method. The term "subsection (l) method" does not include any declining balance method (regardless of the uniform rate applied), sum of the years-digits method, or method of depreciation which is allowable solely by reason of section 167(b)(4) or (j)(1)(C).

(g) *July 1969 regulated accounting period*—(1) *In general.* Under section 167(l)(3)(I), the term "July 1969 regulated accounting period" means the taxpayer's latest accounting period ending before August 1, 1969, for which the taxpayer regularly computed, before January 1, 1970, its tax expense for purposes of reflecting operating results in its regulated books of account. The computation by the taxpayer of such tax expense may be established by reference to the following:

(i) The most recent periodic report of a period ending before August 1, 1969, required by a regulatory body described in section 167(l)(3)(A) having jurisdiction over the taxpayer's regulated books of account which was filed with such body before January 1, 1970 (whether or not such body has jurisdiction over rates).

(ii) If subdivision (i) of this subparagraph does not apply, the taxpayer's most recent report to its shareholders for a period ending before August 1, 1969, but only if such report was distributed to the shareholders before January 1, 1970, and if the taxpayer's stocks or securities are traded in an established securities market during such period. For purposes of this subdivision, the term "established securities market" has the meaning assigned to such term in § 1.453–3(d)(4).

(iii) If subdivisions (i) and (ii) of this subparagraph do not apply, entries made to the satisfaction of the district director before January 1, 1970, in its regulated books of account for its most recent accounting period ending before August 1, 1969.

(2) *July 1969 method of regulated accounting in certain acquisitions.* If public utility property is acquired in a transaction in which its basis in the hands of the transferee is determined in whole or in part by reference to its basis in the hands of the transferor by reason of the application of any provision of the Code, or in a transfer (including any purchase for cash or in exchange) from a related person, then in the hands of the transferee the method of regulated accounting for such property's July 1969 regulated accounting period shall be determined by reference to the treatment in respect of such property in the hands of the transferor. See paragraph (e)(4)(ii) of this section for definition of "related person".

(3) *Determination date.* For purposes of section 167(l), any reference to a method of depreciation under section 167(a), or a method of regulated accounting, taken into account by the taxpayer in computing its tax expense for its July 1969 regulated accounting period shall be a reference to such tax expense as shown on the periodic report or report to shareholders to which subparagraph (1)(i) or (ii) of this paragraph applies or the entries made on the taxpayer's regulated books of account to which subparagraph (1)(iii) of this paragraph applies. Thus, for example, assume that regulatory body A having jurisdiction over public utility property with respect to X's regulated books of account requires X to reflect its tax expense in such books using the same method of depreciation which regulatory body B uses for determining X's cost of service for ratemaking purposes. If in 1971, in the course of approving a rate change for X, B retroactively determines X's cost of service for ratemaking purposes for X's July 1969 regulated accounting period using a method of depreciation different from the method reflected in X's regulated books of account as of January 1, 1970, the method of depreciation used by X for its July 1969 regulated accounting period would be determined without reference to the method retroactively used by B in 1971.

(h) *Normalization method of accounting*—(1) *In general.* (i) Under section 167(l), a taxpayer uses a normalization method of regulated accounting with respect to public utility property—

(*a*) If the same method of depreciation (whether or not a subsection (l) method) is used to compute both its tax expense and its depreciation expense for purposes of establishing cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, and

(*b*) If to compute its allowance for depreciation under section 167 it uses a method of depreciation other than the method it used for purposes described in (*a*) of this subdivision, the taxpayer makes adjustments consistent with subparagraph (2) of this paragraph to a reserve to reflect the total amount of the deferral of Federal income tax liability resulting from the use with respect to all of its public utility property of such different methods of depreciation.

(ii) In the case of a taxpayer described in section 167(l)(1)(B) or (2)(C), the reference in subdivision (i) of this subparagraph shall be a reference only to such taxpayer's "qualified public utility property". See § 1.167(l)–2(b) for definition of "qualified public utility property".

(iii) Except as provided in this subparagraph, the amount of Federal income tax liability deferred as a result of the use of different method of depreciation under subdivision (i) of this subparagraph is the excess (computed without regard to credits) of the amount the tax liability would have been had a subsection (l) method been used over the amount of the actual tax liability. Such amount shall be taken into account for the taxable year in which such different methods of depreciation are used. If, however, in respect of any taxable year the use of a method of depreciation other than a subsection (l) method for purposes of determining the taxpayer's reasonable allowance under section 167(a) results in a net operating loss carryover (as determined under section 172) to a year succeeding such taxable year which would not have arisen (or an increase in such carryover which would not have arisen) had the taxpayer determined his reasonable allowance under section 167(a) using a subsection (l) method, then the amount and time of the deferral of tax liability shall be taken into account in such appropriate time and manner as is satisfactory to the district director.

(2) *Adjustments to reserve.* (i) The taxpayer must credit the amount of deferred Federal income tax determined under subparagraph (1)(i) of this paragraph for any taxable year to a reserve for deferred taxes, a depreciation reserve, or other reserve account. The taxpayer need not establish a separate reserve account for such amount but the amount of deferred tax determined under subparagraph (1)(i) of this paragraph must be accounted for in such a manner so as to be readily identifiable. With respect to any account, the aggregate amount allocable to deferred tax under section 167(l) shall not be reduced except to reflect the amount for any taxable year by which Federal income taxes are greater by reason of the prior use of different methods of depreciation under subparagraph (1)(i) of this paragraph. An additional exception is that the aggregate amount allocable to deferred tax under section 167(l) may be properly adjusted to reflect asset retirements or the expiration of the period for depreciation used in determining the allowance for depreciation under section 167(a).

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Corporation X is exclusively engaged in the transportation of gas by pipeline subject to the jurisdiction of the Federal Power Commission. With respect to its post-1969 public utility property, X is entitled under section 167(l)(2)(B) to use a method of depreciation other than a subsection (l) method if it uses a normalization method of regulated accounting. With respect to such property, X has not made any election under § 1.167(a)–11 (relating to depreciation based on class lives and asset depreciation ranges). In 1972, X places in service public utility property with an unadjusted basis of $2 million, and an estimated useful life of 20 years. X uses the declining balance method of depreciation with a rate twice the straight line rate. If X uses a normalization method of regulated accounting, the amount of depreciation allowable under section 167(a) with respect to such property for 1972 computed under the double declining balance method would be $200,000. X computes its tax expense and depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account using the straight line method of depreciation (a subsection (l) method). A depreciation allowance computed in this manner is $100,000. The excess of the depreciation allowance determined under the double declining balance method ($200,000) over the depreciation expense computed using the straight line method ($100,000) is $100,000. Thus, assuming a tax rate of 48 percent, X used a normalization method of regulated accounting for 1972 with respect to property placed in service that year if for 1972 it added to a reserve $48,000 as taxes deferred as a result of the use by X of a method of depreciation for Federal income tax purposes different from that used for establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account.

Example (2). Assume the same facts as in example (1), except that X elects to apply § 1.167(a)–11 with respect to all eligible property placed in service in 1972. Assume further that all property X placed in service in 1972 is eligible property. One hundred percent of the asset guideline period for such property is 22 years and the asset depreciation range is from 17.5 years to 26.5 years. X uses the double declining balance method of depreciation, selects an asset depreciation period of 17.5 years, and applies the half-year convention (described in § 1.167(a)–11(c)(2)(iii)). In 1972, the depreciation allowable under section 167(a) with respect to property placed in service in 1972 is $114,285 (determined without regard to the normalization requirements in § 1.167(a)–11(b)(6) and in section 167(l)). X computes its tax expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account using the straight line method of depreciation (a subsection (l) method), an estimated useful life of 22 years (that is, 100 percent of the asset guideline period), and the half-year convention. A depreciation allowance computed in this manner is $45,454. Assuming a tax rate of 48 percent, the amount that X must add to a reserve for 1972 with respect to property placed in service that year in order to qualify as using a normalization method of regulated accounting under section 167(l)(3)(G) is $27,429 and the amount in order to satisfy the normalization requirements of § 1.167(a)–11(b)(6) is $5,610. X determined such amounts as follows:

(1) Depreciation allowance on tax return (determined without regard to section 167(l) and § 1.167(a)–11(b)(6))	$114,285
(2) Line (1), recomputed using a straight line method	57,142
(3) Difference in depreciation allowance attributable to different methods (line (1) minus line (2))	$57,143
(4) Amount to add to reserve under this paragraph (48 percent of line (3))	27,429
(5) Amount in line (2)	$57,142
(6) Line (5), recomputed by using an estimated useful life of 22 years and the half-year convention	45,454
(7) Difference in depreciation allowance attributable to difference in depreciation periods	$11,688
(8) Amount to add to reserve under § 1.167(a)–11(b)(6)(ii) (48 percent of line (7))	5,610

If, for its depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account, X had used a period in excess of the asset guideline period of 22 years, the total amount in lines (4) and (8) in this example would not be changed.

Example (3). Corporation Y, a calendar-year taxpayer which is engaged in furnishing electrical energy, made the election provided by section 167(l)(4)(a) with respect to its "qualified public utility property" (as defined in § 1.167(l)–2(b)). In 1971, Y placed in service qualified public utility property which had an adjusted basis of $2 million, estimated useful life of 20 years, and no salvage value. With respect to property of

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the same kind most recently placed in service, Y used a flow-through method of regulated accounting for its July 1969 regulated accounting period and the applicable 1968 method is the declining balance method of depreciation using 200 percent of the straight line rate. The amount of depreciation allowable under the double declining balance method with respect to the qualified public utility property would be $200,000. Y computes its tax expense and depreciation expense for purposes of determining its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account using the straight line method of depreciation. A depreciation allowance with respect to the qualified public utility property determined in this manner is $100,000. The excess of the depreciation allowance determined under the double declining balance method ($200,000) over the depreciation expense computed using the straight line method ($100,000) is $100,000. Thus, assuming a tax rate of 48 percent, Y used a normalization method of regulated accounting for 1971 if for 1971 it added to a reserve $48,000 as tax deferred as a result of the use by Y of a method of depreciation for Federal income tax purposes with respect to its qualified public utility property which method was different from that used for establishing its cost of service for ratemaking purposes and for reflecting operating results in its regulated books of account for such property.

Example (4). Corporation Z, exclusively engaged in a public utility activity did not use a flow-through method of regulated accounting for its July 1969 regulated accounting period. In 1971, a regulatory body having jurisdiction over all of Z's property issued an order applicable to all years beginning with 1968 which provided, in effect, that Z use an accelerated method of depreciation for purposes of section 167 and for determining its tax expenses for purposes of reflecting operating results in its regulated books of account. The order further provided that Z normalize 50 percent of the tax deferral resulting from the use of the accelerated method of depreciation and that Z flow-through 50 percent of the tax deferral resulting therefrom. Under section 167(l), the method of accounting provided in the order would not be a normalization method of regulated accounting because Z would not be permitted to normalize 100 percent of the tax deferral resulting from the use of an accelerated method of depreciation. Thus, with respect to its public utility property for purposes of section 167, Z may only use a subsection (l) method of depreciation.

Example (5). Assume the same facts as in example (4) except that the order of the regulatory body provided, in effect, that Z normalize 100 percent of the tax deferral with respect to 50 percent of its public utility property and flow-through the tax savings with respect to the other 50 percent of its property. Because the effect of such an order would allow Z to flow-through a portion of the tax savings resulting from the use of an accelerated method of depreciation, Z would not be using a normalization method of regulated accounting with respect to any of its properties. Thus, with respect to its public utility property for purposes of section 167, Z may only use a subsection (l) method of depreciation.

(3) *Establishing compliance with normalization requirements in respect of operating books of account.* The taxpayer may establish compliance with the requirement in subparagraph (1)(i) of this paragraph in respect of reflecting operating results, and adjustments to a reserve, in its operating books of account by reference to the following:

(i) The most recent periodic report for a period beginning before the end of the taxable year, required by a regulatory body described in section 167(l)(3)(A) having jurisdiction over the taxpayer's regulated operating books of account which was filed with such body before the due date (determined with regard to extensions) of the taxpayer's Federal income tax return for such taxable year (whether or not such body has jurisdiction over rates).

(ii) If subdivision (i) of this subparagraph does not apply, the taxpayer's most recent report to its shareholders for the taxable year but only if (*a*) such report was distributed to the shareholders before the due date (determined with regard to extensions) of the taxpayer's Federal income tax return for the taxable year and (*b*) the taxpayer's stocks or securities are traded in an established securities market during such taxable year. For purposes of this subdivision, the term "established securities market" has the meaning assigned to such term in § 1.453–3(d)(4).

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies, entries made to the satisfaction of the district director before the due date (determined with regard to extensions) of the taxpayer's Federal income tax return for the taxable year in its regulated books of account for its most recent period beginning before the end of such taxable year.

(4) *Establishing compliance with normalization requirements in computing cost of service for ratemaking purposes.* (i) In the case of a taxpayer which used a flow-through method of regulated accounting for its July 1969 regulated accounting period or thereafter, with respect to all or a portion of its pre-1970 public utility property, if a regulatory body having jurisdiction to establish the rates of such taxpayer as to such property (or a court which has jurisdiction over such body) issues an order of general application (or an order of specific application to the taxpayer) which states that such regulatory body (or court) will permit a class of taxpayers of which such taxpayer is a member (or such taxpayer) to use the normalization method of regulated accounting to establish cost of service for ratemaking purposes with respect to all or a portion of its public utility property, the taxpayer will be presumed to be using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes with respect to the public utility property to which such order applies. In the event that such order is in any way conditional, the preceding sentence shall not apply until all of the conditions contained in such order which are applicable to the taxpayer have been fulfilled. The taxpayer shall establish to the satisfaction of the Commissioner or his delegate that such conditions have been fulfilled.

(ii) In the case of a taxpayer which did not use the flow-through method of regulated accounting for its July 1969 regulated accounting period or thereafter (including a taxpayer which used a subsection (l) method of depreciation to compute its allowance for depreciation under section 167(a) and to compute its tax expense for purposes of reflecting operating results in its regulated books of account), with respect to any of its public utility property, it will be presumed that such taxpayer is using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes with respect to its post-1969 public utility property. The presumption described in the preceding sentence shall not apply in any case where there is (*a*) an expression of intent (regardless of the manner in which such expression of intent is indicated) by the regulatory body (or bodies), having jurisdiction to establish the rates of such taxpayer, which indicates that the policy of such regulatory body is in any way inconsistent with the use of the normalization method of regulated accounting by such taxpayer or by a class of taxpayers of which such taxpayer is a member, or (*b*) a decision by a court having jurisdiction over such regulatory body which decision is in any way inconsistent with the use of the normalization method of regulated accounting by such taxpayer or a class of taxpayers of which such taxpayer is a member. The presumption shall be applicable on January 1, 1970, and shall, unless rebutted, be effective until an inconsistent expression of intent is indicated by such regulatory body or by such court. An example of such an inconsistent expression of intent is the case of a regulatory body which has, after the July 1969 regulated accounting period and before January 1, 1970, directed public utilities subject to its ratemaking jurisdiction to use a flow-through method of regulated accounting, or has issued an order of general application which states that such agency will direct a class of public utilities of which the taxpayer is a member to use a flow-through method of regulated accounting. The presumption described in this subdivision may be rebutted by evidence that the flow-through method of regulated accounting is being used by the taxpayer with respect to such property.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (*1*). Corporation X is a calendar-year taxpayer and its "applicable 1968 method" is a straight line method of depreciation. Effective January 1, 1970, X began collecting rates which were based on a sum of the years-digits method of depreciation and a normalization method of regulated accounting which rates had been approved by a regulatory body having jurisdiction over X. On October 1, 1971, a court of proper jurisdiction annulled the rate order prospectively, which annulment was not appealed, on the basis that the regulatory body had abused its discretion by determining the rates on the basis of a normalization method of regulated accounting. As there was no inconsistent expression of intent during 1970 or prior to the due date of X's return for 1970, X's use of the sum of the years-digits method of depreciation for purposes of section 167 on such return was proper. For 1971, the presumption is in effect through September 30. During 1971, X may use the sum of the years-digits method of depreciation for purposes of section 167 from January 1 through September 30, 1971. After September 30, 1971, and for taxable years after 1971, X must use a straight line method of depreciation until the inconsistent court decision is no longer in effect.

Example (2). Assume the same facts as in example (1), except that pursuant to the order of annulment, X was required to refund the portion of the rates attributable to the use of the normalization method of regulated accounting. As there was no inconsistent expression of intent during 1970 or prior to the due date of X's return for 1970, X has the benefit of the presumption with respect to its use of the sum of the years-digits method of depreciation for purposes of section 167, but because of the retroactive nature of the rate order X must file an amended return for 1970 using a straight line method of depreciation. As the inconsistent decision by the court was handed down prior to the due date of X's Federal income tax return for 1971, for 1971 and thereafter the presumption of subdivision (ii) of this subparagraph does not apply. X must file its Federal income tax returns for such years using a straight line method of depreciation.

Example (3). Assume the same facts as in example (2), except that the annulment order was stayed pending appeal of the decision to a court of proper appellate jurisdiction. X has the benefit of the presumption as described in example (2) for the year 1970, but for 1971 and thereafter the presumption of subdivision (ii) of this subparagraph does not apply. Further, X must file an amended return for 1970 using a straight line method of depreciation and for 1971 and thereafter X must file its returns using a straight line method of depreciation unless X and the district director have consented in writing to extend the time for assessment of tax for 1970 and thereafter with respect to the issue of normalization method of regulated accounting for as long as may be necessary to allow for resolution of the appeal with respect to the annulment of the rate order.

(5) *Change in method of regulated accounting.* The taxpayer shall notify the district director of a change in its method of regulated accounting, an order by a regulatory body or court that such method be changed, or an interim or final rate determination by a regulatory body which determination is inconsistent with the method of regulated accounting used by the taxpayer immediately prior to the effective date of such rate determination. Such notification shall be made within 90 days of the date that the change in method, the order, or the determination is effective. In the case of a change in the method of regulated accounting, the taxpayer shall recompute its tax liability for any affected taxable year and such recomputation shall be made in the form of an amended return where necessary unless the taxpayer and the district director have consented in writing to extend the time for assessment of tax with respect to the issue of normalization method of regulated accounting.

(6) *Exclusion of normalization reserve from rate base.* (i) Notwithstanding the provisions of subparagraph (1) of this paragraph, a taxpayer does not use a normalization method of regulated accounting if, for ratemaking purposes, the amount of the reserve for deferred taxes under section 167 (l) which is excluded from the base to which the taxpayer's rate of return is applied, or which is treated as no-cost capital in those rate cases in which the rate of return is based upon the cost of capital, exceeds the amount of such reserve for deferred taxes for the period used in determining the taxpayer's tax expense in computing cost of service in such ratemaking.

(ii) For the purpose of determining the maximum amount of the reserve to be excluded from the rate base (or to be included as no-cost capital) under subdivision (i) of this subparagraph, if solely an historical period is used to determine depreciation for Federal income tax expense for ratemaking purposes, then the amount of the reserve account for the period is the amount of the reserve (determined under subparagraph (2) of this paragraph) at the end of the historical period. If solely a future period is used for such determination, the amount of the reserve account for the period is the amount of the reserve at the beginning of the period and a pro rata portion of the amount of any projected increase to be credited or decrease to be charged to the account during such period. If such determination is made by reference both to an historical portion and to a future portion of a period, the amount of the reserve account for the period is the amount of the reserve at the end of the historical portion of the period and a pro rata portion of the amount of any projected increase to be credited or decrease to be charged to the account during the future portion of the period. The pro rata portion of any increase to be credited or decrease to be charged during a future period (or the future portion of a part-historical and part-future period) shall be determined by multiplying any such increase or decrease by a fraction, the numerator of which is the number of days remaining in the period at the time such increase or decrease is to be accrued, and the denominator of which is the total number of days in the period (or future portion).

(iii) The provisions of subdivision (i) of this subparagraph shall not apply in the case of a final determination of a rate case entered on or before May 31, 1973. For this purpose, a determination is final if all rights to request a review, a rehearing, or a redetermination by the regulatory body which makes such determination have been exhausted or have lapsed. The provisions of subdivision (ii) of this subparagraph shall not apply in the case of a rate case filed prior to June 7, 1974, for which a rate order is entered by a regulatory body having jurisdiction to establish the rates of the taxpayer prior to September 5, 1974, whether or not such order is final, appealable, or subject to further review or reconsideration.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (*1*). Corporation X is exclusively engaged in the transportation of gas by pipeline subject to the jurisdiction of the Z Power Commission. With respect to its post-1969 public utility property, X is entitled under section 167(l)(2)(B) to use a method of depreciation other than a subsection (l) method if it uses a normalization method of regulated accounting. With respect to X the Z Power Commission for purposes of establishing cost of service uses a recent consecutive 12-month period ending not more than 4 months prior to the date of filing a rate case adjusted for certain known changes occurring within a 9-month period subsequent to the base period. X's rate case is filed on January 1, 1975. The year 1974 is the recorded test period for X's rate case and is the period used in determining X's tax expense in computing cost of service. The rates are contemplated to be in effect for the years 1975, 1976, and 1977. The adjustments for known changes relate only to wages and salaries. X's rate base at the end of 1974 is $145,000,000. The amount of the reserve for deferred taxes under section 167(l) at the end of 1974 is $1,300,000, and the reserve is projected to be $4,400,000 at the end of 1975, $6,500,000 at the end of 1976, and $9,800,000 at the end of 1977. X does not use a normalization method of regulated accounting if the Z Power Commission excludes more than $1,300,000 from the rate base to which X's rate of return is applied. Similarly, X does not use a normalization method of regulated accounting if, instead of the above, the Z Power Commission, in determining X's rate of return which is applied to the rate base, assigns to no-cost capital an amount that represents the reserve account for deferred tax that is greater than $1,300,000.

Example (2). Assume the same facts as in example (1) except that the adjustments for known changes in cost of service made by the Z Power Commission include an additional depreciation expense that reflects the installation of new equipment put into service on January 1, 1975. Assume further that the reserve for deferred taxes under section 167(l) at the end of 1974 is $1,300,000 and that the monthly net increases for the first 9 months of 1975 are projected to be

January 1–31	$ 310,000
February 1–28	300,000
March 1–31	300,000
April 1–30	280,000
May 1–31	270,000
June 1–30	260,000
July 1–31	260,000
August 1–31	250,000
September 1–30	240,000
	$2,470,000

For its regulated books of account X accrues such increases as of the last day of the month but as a matter of convenience credits increases or charges decreases to the reserve account on the 15th day of the month following the whole month for which such increase or decrease is accrued. The maximum amount that may be excluded from the rate base is $2,470,879 (the amount in the reserve at the end of the historical portion of the period ($1,300,000) and a pro rata portion of the amount of any projected increase for the future portion of the period to be credited to the reserve ($1,170,879)). Such pro rata portion is computed (without regard to the

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date such increase will actually be posted to the account) as follows:

$310,000 x 243/273=$ 275,934
300,000 x 215/273= 236,264
300,000 x 184/273= 202,198
280,000 x 154/273= 157,949
270,000 x 123/273= 121,648
260,000 x 93/273= 88,571
260,000 x 62/273= 59,048
250,000 x 31/273= 28,388
240,000 x 1/273= 879

$1,170,879.

Example (3). Assume the same facts as in example (1) except that for purposes of establishing cost of service the Z Power Commission uses a future test year (1975). The rates are contemplated to be in effect for 1975, 1976, and 1977. Assume further that plant additions, depreciation expense, and taxes are projected to the end of 1975 and that the reserve for deferred taxes under section 167 (l) is $1,300,000 for 1974 and is projected to be $4,400,000 at the end of 1975. Assume also that the Z Power Commission applies the rate of return to X's 1974 rate base of $145,000,000. X and the Z Power Commission through negotiation arrive at the level of approved rates. X uses a normalization method of regulated accounting only if the settlement agreement, the rate order, or record of the proceedings of the Z Power Commission indicates that the Z Power Commission did not exclude an amount representing the reserve for deferred taxes from X's rate base ($145,000,000) greater than $1,300,000 plus a pro rata portion of the projected increases and decreases that are to be credited or charged to the reserve account for 1975. Assume that for 1975 quarterly net increases are projected to be

1st quarter	$910,000
2nd quarter	810,000
3rd quarter	750,000
4th quarter	630,000
Total	$3,100,000

For its regulated books of account X will accrue such increases as of the last day of the quarter but as a matter of convenience will credit increases or charge decreases to the reserve account on the 15th day of the month following the last month of the quarter for which such increase or decrease will be accrued. The maximum amount that may be excluded from the rate base is $2,591,480 (the amount of the reserve at the beginning of the period ($1,300,000) plus a pro rata portion ($1,291,480) of the $3,100,000 projected increase to be credited to the reserve during the period). Such portion is computed (without regard to the date such increase will actually be posted to the account) as follows:

$910,000 × 276/365=$ 688,110
810,000 × 185/365= 410,548
750,000 × 93/365= 191,096
630,000 × 1/365= 1,726

$1,291,480

(i) *Flow-through method of regulated accounting*. Under section 167(l)(3)(H), a taxpayer uses a flow-through method of regulated accounting with respect to public utility property if it uses the same method of depreciation (other than a subsection (l) method) to compute its allowance for depreciation under section 167 and to compute its tax expense for purposes of reflecting operating results in its regulated books of account unless such method is the same method used by the taxpayer to determine its depreciation expense for purposes of reflecting operating results in its regulated books of account. Except as provided in the preceding sentence, the method of depreciation used by a taxpayer with respect to public utility property for purposes of determining cost of service for ratemaking purposes or rate base for ratemaking purposes shall not be considered in determining whether the taxpayer used a flow-through method of regulated accounting. A taxpayer may establish use of a flow-through method of regulated accounting in the same manner that compliance with normanization requirements in respect of operating books of account may be established under paragraph (h)(4) of this section.

PAR. 4. Immediately following redesignated § 1.167(l)-2, there is added the following new section:

§ 1.167(l)-3 Multiple regulation, asset acquisitions, reorganizations, etc.

(a) *Property not entirely subject to jurisdiction of one regulatory body*—(1) *In general*. If a taxpayer which uses a method of depreciation other than a subsection (l) method of depreciation is required by a regulatory body having jurisdiction over less than all of its property to use, or not to use, a method of regulated accounting (i.e., normalization or flow-through), such taxpayer shall be considered as using, or not using, such method of regulated accounting only with respect to property subject to the jurisdiction of such regulatory body. In the case of property which is contained in a multiple asset account, the provisions of § 1.167(a)-7(c) and § 1.167(a)-11(c)(1)(iv) apply to prohibit depreciating a single account by two or more different methods.

(2) *Jurisdiction of regulatory body*. For purposes of this paragraph, a regulatory body is considered to have jurisdiction over property of a taxpayer if expenses with respect to the property are included in cost of service as determined by the regulatory body for ratemaking purposes or for reflecting operating results in its regulated books of account. For example, if regulatory body A, having jurisdiction over 60 percent of an item of X corporation's public utility property, required X to use the flow-through method of regulated accounting in circumstances which would bar X from using a method of depreciation under section 167(a) other than a subsection (l) method, and if regulatory body B, having jurisdiction over the remaining 40 percent of such item of property does not so require X to use the flow-through method of regulated accounting (or if the remaining 40 percent is not subject to the jurisdiction of any regulatory body), then with respect to 60 percent of the adjusted basis of the property X is prohibited from using a method of depreciation for purposes of section 167(a) other than a subsection (l) method. If in such example, A, having jurisdiction over 60 percent of X's public utility property, had jurisdiction over 100 percent of a particular generator, then with respect to the generator X would be prohibited from using a method of depreciation other than a subsection (l) method.

(3) *Public utility property subject to more than one regulatory body*. If a regulatory body having jurisdiction over public utility property with respect to the taxpayer's regulated books of account requires the taxpayer to reflect its tax expense in such books in the manner used by the regulatory body having jurisdiction over the public utility property for purposes of determining the taxpayer's cost of service for ratemaking purposes, the rules of subparagraphs (1) and (2) of this paragraph shall apply.

(b) *Leasing transactions*—(1) *Leased property*. Public utility property as defined in paragraph (b) of § 1.167(l)-1 includes property which is leased by a taxpayer where the leasing of such property is part of the lessor's section 167(l) public utility activity. Thus, such leased property qualifies as public utility property even though the predominant use of such property by the lessee is in other than a section 167(l) public utility activity. Further, leased property qualifies as public utility property under section 167(l) even though the leasing is not part of the lessor's public utility activity if the predominant use of such property by the lessee or any sublessee is in a section 167(l) public utility activity. However, the limitations of section 167(l) apply to a taxpayer only if such taxpayer is subject to the jurisdiction of a regulatory body described in section 167(l)(3)(A). For example, if a financial institution purchases property which it then leases to a lessee which uses such property predominantly in a section 167(l) public utility activity, the property qualifies as public utility property. However, because the financial institution's rates for leasing the property are not subject to the jurisdiction of a regulatory body described in section 167(l)(3)(A), the provisions of section 167(l) do not apply to the depreciation deductions taken with respect to the property by the financial institution. For possible application of section 167(l) to the lessee, see subparagraph (2) of this paragraph.

(2) *Certain rental payments*. Under section 167(l)(5), if a taxpayer leases property which is public utility property and the regulatory body having jurisdiction over such property for purposes of determining the taxpayer's operating results in its regulated books of account or for ratemaking purposes allows only an amount of such lessee's expenses with respect to the lease which is less than the amount which the taxpayer deducts for purposes of its Federal income tax liability, then a portion of the difference between such amounts shall not be allowed as a deduction by the taxpayer for purposes of its Federal income tax liability in such manner and time as the Commissioner or his delegate may determine consistent with the principles of § 1.167(l)-1 and this section applicable as to when a method of depreciation other than a subsection (l) method

may be used for purposes of section 167(a).

(c) *Certain partnership arrangements*. Under section 167(l)(5), if property held by a partnership is not public utility property in the hands of the partnership but would be public utility property if an election was made under section 761 to be excluded from partnership treatment, then section 167(l) shall be applied by treating the partners as directly owning the property in proportion to their partnership interests.

(d) *Cross reference*. See § 1.167(l)-1(c)(1) for treatment of certain property as "pre-1970 public utility property" and § 1.167(l)-1(e)(4)(ii) for applicable 1968 method in the case of property acquired in certain transactions.

PAR. 5. Paragraph (b) of § 1.162-1 is amended by adding at the end thereof a new subparagraph (6) which reads as follows:

§ 1.162-1 Business expenses.

* * * * *

(b) *Cross references*. * * *

(6) For treatment of certain rental payments with respect to public utility property, see section 167(l) and § 1.167(l)-3.

§ 1.167(l)-5 [Redesignated]

PAR. 6. Section 1.167(l)-5 is redesignated as § 1.167(l)-4.

[FR Doc.74-13030 Filed 6-6-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-46]

PART 1—GENERAL PROVISIONS

Enforcement; Civil and Criminal Penalty Procedures

Correction

In FR Doc. 74-12624 appearing at page 19472 in the issue of Monday, June 3, 1974, after the first line of § 1.07-23, insert the following: "may transfer a case to another".

Title 36—Parks, Forests, and Public Property

CHAPTER VII—LIBRARY OF CONGRESS

[Regulation No. 1111-1]

PART 701—PROCEDURES AND SERVICES

Loans of Library Materials for Blind and Other Physically Handicapped Persons

Under the provisions of the Act of March 3, 1931 (46 Stat. 1487), as amended, the Library of Congress, through its Division for the Blind and Physically Handicapped, provides for the loan of library materials to blind and physically handicapped persons who are eligible. To be eligible, individuals must meet certain criteria set out in Library of Congress regulations. The Library recently learned that certain of those eligibility requirements used terms which were less than accurate diagnoses of specific conditions, and persons identified as competent to make judgments on eligibility criteria for one specific condition were not so qualified for others. To remedy this situation, the Library sought advice from nationally prominent individuals and institutions regarding authorities competent to judge the physical and organic basis of specific individual disabilities. As a result of that investigation, changes were made in the eligibility requirements; they are as follows:

Section 701.10 is amended to read as follows:

§ 701.10 Loans of library materials for blind and other physically handicapped persons.

(a) *Program*. In connection with the Library's program of service under the act of March 3, 1931 (46 Stat. 1487), as amended, its Division for the Blind and Physically Handicapped provides books in raised characters (braille), on sound reproduction recordings, or in any other form, under regulations established by the Librarian of Congress. The Division also provides and maintains reproducers for such sound reproduction recordings for the use of blind and other physically handicapped residents of the United States, including the several States, Territories, Insular Possessions, and the District of Columbia, and American citizens temporarily domiciled abroad.

(b) Eligibility Criteria. (1) The following persons are eligible for such service:

(i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.

(ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

(iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.

(iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

(2) In connection with eligibility for loan services "competent authority" is defined as follows:

(i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, home teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any person whose competence under specific circumstances is acceptable to the Library of Congress.

(ii) In the case of reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

(c) *Loans through regional libraries*. Sound reproducers are lent to individuals and appropriate centers through agencies, libraries, and other organizations designated by the Librarian of Congress to service specific geographic areas, to certify eligibility or prospective readers, and to arrange for maintenance and repair of reproducers. Libraries designated by the Librarian of Congress serve as local or regional centers for the direct loan of such books, reproducers, or other specialized material to eligible readers in specific geographic areas. They share in the certification of prospective readers, and utilize all available channels of communication to acquaint the public within their jurisdiction with all aspects of the program.

(d) *National collections*. The Librarian of Congress, through the Division for the Blind and Physically Handicapped, defines regions and determines the need for new regional libraries and deposit collections in cooperation with other libraries or agencies whose activities are primarily concerned with the blind or physically handicapped. The National Collections located in the Division for the Blind and Physically Handicapped serve as one such regional center, and provide services to other libraries, and to blind and physically handicapped readers anywhere in the nation requiring specialized materials. It serves as the center from which books, recordings, sound reproducers, and other specialized materials are lent to eligible blind and physically handicapped readers who may be temporarily domiciled outside the jurisdictions enumerated by the act.

(e) *Institutions*. The reading materials and sound reproducers for the use of the blind and physically handicapped may be loaned to individuals who qualify, to schools for the blind or otherwise handicapped, and to institutions for the use of such persons only. The reading materials and sound reproducers may also be used in public or private schools; however, the individual students who qualify must be the direct and only recipients of the materials and equipment.

(f) *Musical scores*. The Division also maintains a library of musical scores, instructional texts, and other specialized materials for the use of the blind and other physically handicapped residents of the United States and its possessions in furthering their educational, vocational, and cultural opportunities in the field of music. Such scores, texts, and materials are made available on a loan basis under regulations developed by the Librarian of Congress in consultation with persons, organizations, and agencies engaged in work for the blind and for other physically handicapped persons.

(g) *Veterans*. In the lending of such books, recordings, reproducers, musical scores, instructional texts, and other specialized materials, preference shall be at all times given to the needs of the blind and other physically handicapped persons who have been honorably discharged

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from the Armed Forces of the United States.

(h) Inquiries for information relative to the prescribed procedures and regulations governing such loans and requests for loans should be addressed to: Chief, Division for the Blind and Physically Handicapped, Library of Congress, Washington, D.C. 20542.

Effective date: July 1, 1974.

Issued in Washington, D.C., May 31, 1974.

[SEAL] JOHN G. LORENZ,
Acting Librarian of Congress.

[FR Doc.74-13080 Filed 6-6-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

Subpart C—Servicemen's Indemnity

Revocation of Obsolete Provisions

On page 12899 of the FEDERAL REGISTER of April 9, 1974, there was published a notice of proposed regulatory development to revoke obsolete provisions relating to servicemen's indemnity. In addition, minor editorial changes were made to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Sections 3.658(a) and 3.702(d) and the revocation of §§ 3.400 (t), 3.403(e), 3.500(s), 3.704(b), 3.705, 3.706 and 3.1800 through 3.1822 are effective May 31, 1974.

Approved: May 31, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

1. In § 3.400, paragraph (t) is revoked and the former paragraphs (u), (v), (w) and (x) are redesignated (t), (u), (v), and (w). The redesignated paragraphs read as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later. The effective date of an evaluation and award of pension or compensation for a veteran will be the date of receipt of the claim or the date entitlement arose, whichever is later. (38 U.S.C. 3010(a))

* * * * *

(t) *Whereabouts now known.* (See § 3.158(c).)

(u) *Void or annulled marriage of a child (38 U.S.C. 3010(a), (k); § 3.55)*—(1) *Void.* Date the parties ceased to cohabit or date of receipt of claim, whichever is later.

(2) *Annulled.* Date the decree of annulment became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(v) *Termination of remarriage of widow (widower) (38 U.S.C. 3010(a), (k); 38 U.S.C. 103(d)(2) and 3010(l) effective January 1, 1971; § 3.55)*—(1) *Void.* Date the parties ceased to cohabit or date of receipt of claim, whichever is the later.

(2) *Annulled.* Date the decree of annulment became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. (Effective January 1, 1971)

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim. (Effective January 1, 1971)

(w) *Termination of relationship or conduct resulting in restriction on payment of benefits (38 U.S.C. 103(d)(3), 3010(m), effective January 1, 1971; §§ 3.50(b)(2) and 3.55).* Date of receipt of application filed after termination of relationship and after December 31, 1970.

2. In § 3.402, the headnote, the introductory portion preceding paragraph (a), and paragraphs (a) and (b) are amended to read as follows:

§ 3.402 Widows (widowers).

Awards of pension, compensation, or dependency and indemnity compensation to or for a widow (widower) will be effective as follows:

(a) *Additional allowance of dependency and indemnity compensation for children (§ 3.5(e)).* Commencing date of widow's (widower's) award. See § 3.400(c).

(b) *Legal widow (widower) entitled.* See § 3.657.

* * * * *

3. In § 3.403, the introductory portion preceding paragraph (a) is amended, paragraph (e) is revoked and the former paragraph (f) is redesignated (e). The amended material and the redesignated paragraph (e) read as follows:

§ 3.403 Children.

Awards of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow (widower) on behalf of such child, will be effective as follows:

* * * * *

(e) *Adopted child.* Date of adoption either interlocutory or final or date of adoptive placement agreement, but not earlier than the date from which benefits are otherwise payable.

4. In § 3.500, paragraph (s) is revoked and former paragraphs (t) through (w) are redesignated (s) through (v). The redesignated paragraphs (s), (t), (u) and (v) read as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(s) *Treasonable acts or subversive activities. (38 U.S.C. 3504 and 3505; §§ 3.902 and 3.903)* Beginning date of award, or day preceding date of commission of treasonable act or subversive activities for which convicted, whichever is later. (See § 3.669.)

(t) *Whereabouts unknown (§§ 3.158, 3.656).* Date of last payment.

(u) *Change in law or Veterans Administration issue, or interpretation.* See § 3.114.

(v) *Failure to furnish evidence.* Except as otherwise provided, date of last payment where evidence requested to establish continued entitlement is not furnished.

5. In § 3.656, paragraph (d) is amended to read as follows:

§ 3.656 Disappearance of veteran.

* * * * *

(d) When any veteran has disappeared for 90 days or more and his (or her) whereabouts remain unknown to members of his (or her) family and the Veterans Administration, any pension under Public Law 86–211 (73 Stat. 432) or Indian or Spanish-American War pension which the veteran was receiving or entitled to receive may be paid to or for the spouse or children. The status of the veteran at the time of disappearance, with respect to permanent and total disability, income and net worth will be presumed to continue unchanged. Payment for the wife (husband) or children will be effective the day following the date of last payment to the veteran if a claim is received within 1 year after that date; otherwise from date of receipt of a claim. The total amount payable will be the lesser of these amounts:

(1) Death pension.

(2) Amount of pension payable to the veteran at the time of disappearance. (38 U.S.C. 507)

6. Section 3.657 is revised to read as follows:

§ 3.657 Widow (widower) becomes entitled, or entitlement terminates.

Where a widow (widower) establishes entitlement to pension, compensation, or dependency and indemnity compensation, an award to another person as widow (widower), or for a child or children as if there were no widow (widower), will be discontinued or adjusted as provided in this section.

(a) *Widow's (widower's) awards.* For periods on or after December 1, 1962, where a legal widow (widower) establishes entitlement after payments have been made to another person as widow (widower), the full rate payable to the legal widow (widower) will be authorized effective the date of entitlement. Payments to the former payee will be discontinued as follows:

(1) Where benefits are payable to the legal widow (widower) from a date prior to the date of filing claim, the award to the former payee will be terminated the day preceding the effective date of the award to the legal widow (widower).

(2) Where benefits are payable to the legal widow (widower) from the date of filing claim, the award to the former payee will be terminated effective the date of receipt of the claim or date of last payment, whichever is later.

(b) *Children's awards.* (1) Where a widow (widower) establishes entitlement and:

(i) Payments were being made for a child or children at a lower monthly rate than that provided where there is a widow (widower), the award to the widow (widower) will be effective the date provided by the applicable law, and will be the difference between the rate paid for the children and the rate payable for the widow (widower) and children. The full rate will be payable for the widow (widower) effective the day following the date of last payment for the children;

(ii) Payments were being made for a child or children at the same or higher monthly rate than that provided where there is a widow (widower), the award to the widow (widower) will be effective the day following the date of last payment on the awards on behalf of the children.

(2) Where a widow (widower) has received benefits after entitlement was terminated and,

(i) The child or children were entitled to a lower monthly rate, the award to the widow (widower) will be amended to authorize payment at the rate provided for the children as if there were no widow (widower), covering the period from the date the widow's (widower's) entitlement terminated to the date of last payment. The award for the child or children will be made effective the following day.

(ii) The child or children were entitled to a higher monthly rate, the award to the widow (widower) will be discontinued effective date of last payment. The award to the children will be effective the day following the date the widow's (widower's) entitlement terminated and will be the difference between the rate payable for the children and the rate paid on the widow's (widower's) award. The full rate will be payable for the children effective the day following the date of last payment to the widow (widower).

7. Section 3.658 is revised to read as follows:

§ 3.658 Offsets; dependency and indemnity compensation.

(a) When an award of dependency and indemnity compensation is made covering a period for which death compensation, servicemen's indemnity, or benefits under the Federal Employees' Compensation Act, based on military service, have been paid to the same payee based on the same death, the award of dependency and indemnity compensation will be made subject to an offset of payments of death compensation or benefits under the Federal Employees' Compensation Act over the same period.

(b) When a retroactive award of dependency and indemnity compensation is made to or for a child over the age of 18 and the widow (widower) has received death compensation on behalf of the child at a higher rate than the rate of dependency and indemnity compensation payable to the widow (widower) over the same period, the difference will be offset against the award of dependency and indemnity compensation otherwise payable for the child. If awards of dependency and indemnity compensation are being made for more than one child over the age of 18, the amount to be offset will be equally divided. (38 U.S.C. 416(b) (1) and (2))

8. In § 3.702, paragraphs (c), (d), (e) and (f) are amended to read as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * *

(c) *Limitation.* A claim for dependency and indemnity compensation may not be filed or withdrawn after the death of the widow (widower), child, or parent.

(d) *Finality of election.* An election to receive dependency and indemnity compensation is final and the claimant may not thereafter reelect death pension or compensation in that case. The election is final when the payee (or his fiduciary) has negotiated one check for this benefit or when the payee dies after filing claim. There is no right of reelection.

(e) *Widow (widower) becomes entitled.* A widow (widower) who becomes eligible to receive death compensation by reason of liberalizing provisions of any law may receive death compensation or elect dependency and indemnity compensation even though dependency and indemnity compensation has been paid to a child or children of the veteran.

(f) *Death pension rate.* (1) Effective October 1, 1961, where the monthly rate of dependency and indemnity compensation payable to a widow (widower) who has children is less than the monthly rate of death pension which would be payable to such widow (widower) if the veteran's death had not been service connected, dependency and indemnity compensation shall be paid to such widow (widower) in an amount equal to the pension rate for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b))

(2) Effective June 22, 1966, where the monthly rate of dependency and indemnity compensation payable to a widow (widower) who has children is less than the monthly rate of death pension which would be payable for the children if the veteran's death had not been service connected and the widow (widower) were not entitled to such pension, dependency and indemnity compensation shall be payable to the widow (widower) in an amount equal to the monthly rate of death pension which would be payable to the children for any month (or part thereof) in which this rate is greater. (38 U.S.C. 412(b))

9. In § 3.703, paragraphs (a) and (c) are amended to read as follows:

§ 3.703 Two parents in same parental line.

(a) *General.* Death compensation or dependency and indemnity compensation is not payable for a child if dependency and indemnity compensation is paid to or for a child or to the widow (widower) on account of the child by reason of the death of another parent in the same parental line where both parents died before June 9, 1960. Where the death of one such parent occurred on or after June 9, 1960, gratuitous benefits may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line.

* * * * *

(c) *Other payees.* Where a child has elected to receive pension, compensation, dependency and indemnity compensation or dependents' educational assistance under 38 U.S.C. ch. 35 based on the death of a veteran, he (or she) will be excluded from consideration in determining the eligibility or rate payable to a widow (widower) or another child or children in the case of another deceased veteran in the same parental line. See § 3.659(b).

10. In § 3.704, paragraph (b) is revoked and former paragraph (c) is redesignated (b). The redesignated (b) reads as follows:

§ 3.704 Elections within class of dependents.

* * * * *

(b) *Parents.* If there are two parents eligible for dependency and indemnity compensation and only one parent files claim for this benefit, the rate of dependency and indemnity compensation for that parent will not exceed the amount which would be paid to him if both parents had filed claim for dependency and indemnity compensation. The rate of death compensation for the other parent will not exceed the amount which would be paid if both parents were receiving this benefit.

§§ 3.705 and 3.706 [Revoked]

11. Section 3.705, Surrender of servicemen's indemnity, and § 3.706, Servicemen's indemnity for children, are

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revoked and the cross reference immediately following § 3.706 is deleted.

§§ 3.1800 through 3.1822 [Revoked]

12. Subpart C, Servicemen's Indemnity, is revoked.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER H—OCEAN DUMPING

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS

Transportation for Dumping and Dumping of Material Into Ocean Waters

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92–532) gives the Administrator of the Environmental Protection Agency the authority to designate sites where ocean dumping may be permitted. The EPA ocean dumping regulations (40 CFR, Chapter I, Subchapter H, § 220.4(d)) state that ocean dumping sites will be designated by publication in this Part.

The Regional Administrator of EPA Region VI has recommended the designation of a new site in the Gulf of Mexico for the disposal of wastes from the Du Pont plant at Belle, West Virginia. A baseline survey of the site will be conducted prior to using it for ocean waste disposal, and a monitoring program of the impact of the wastes on the site will be initiated as soon as dumping begins.

The area selected is in the southeastern part of the Gulf of Mexico approximately 200 statute miles from the nearest land in water approximately 1600 fathoms deep. This site is approved for interim use until an environmental impact statement is prepared and the site is formally approved for continuing use or withdrawn from use. This action is necessary to permit the ocean disposal of wastes for which there is no feasible alternative and for which the existing site has been deemed unsuitable for further use for the disposal of these wastes.

Management authority for this site is delegated to the Regional Administrator of Region VI, providing however, that this site may not be used for the disposal of wastes other than those from the Du Pont plant at Belle, West Virginia, without the prior approval of the Deputy Assistant Administrator for Water Program Operations.

RUSSELL E. TRAIN,
Administrator.

JUNE 4, 1974.

Chapter I of Title 40 is amended by adding to the list of approved interim ocean dumping sites in Subchapter H, Ocean Dumping, Part 227, the area bounded by the following coordinates:

26 degrees, 50 minutes North latitude
27 degrees, 10 minutes North latitude
86 degrees, 50 minutes West longitude
87 degrees, 10 minutes West longitude

[FR Doc.74–13143 Filed 6–6–74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Universal Registration Format

Correction

In FR Doc. 74–12638 appearing on page 19482 in the issue of Monday, June 3, 1974, § 574.7 is corrected to read as follows:

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) Each tire manufacturer, brand name owner and retreader (hereinafter referred to in this section and § 574.8 as "tire manufacturer" unless specified otherwise), or his designee, shall provide forms to every distributor and dealer of his tires who offers these tires for sale or lease to tire purchasers, by which the distributor or dealer may record the information appearing in paragraphs (a)(1), (a)(2) and (a)(3) of this section. Forms similar to Figure 3 shall be provided to those dealers who request them, or if a dealer prefers, he may supply his own form as long as it contains the required information as indicated in Figure 3.

(1) Name and address of the tire purchaser;

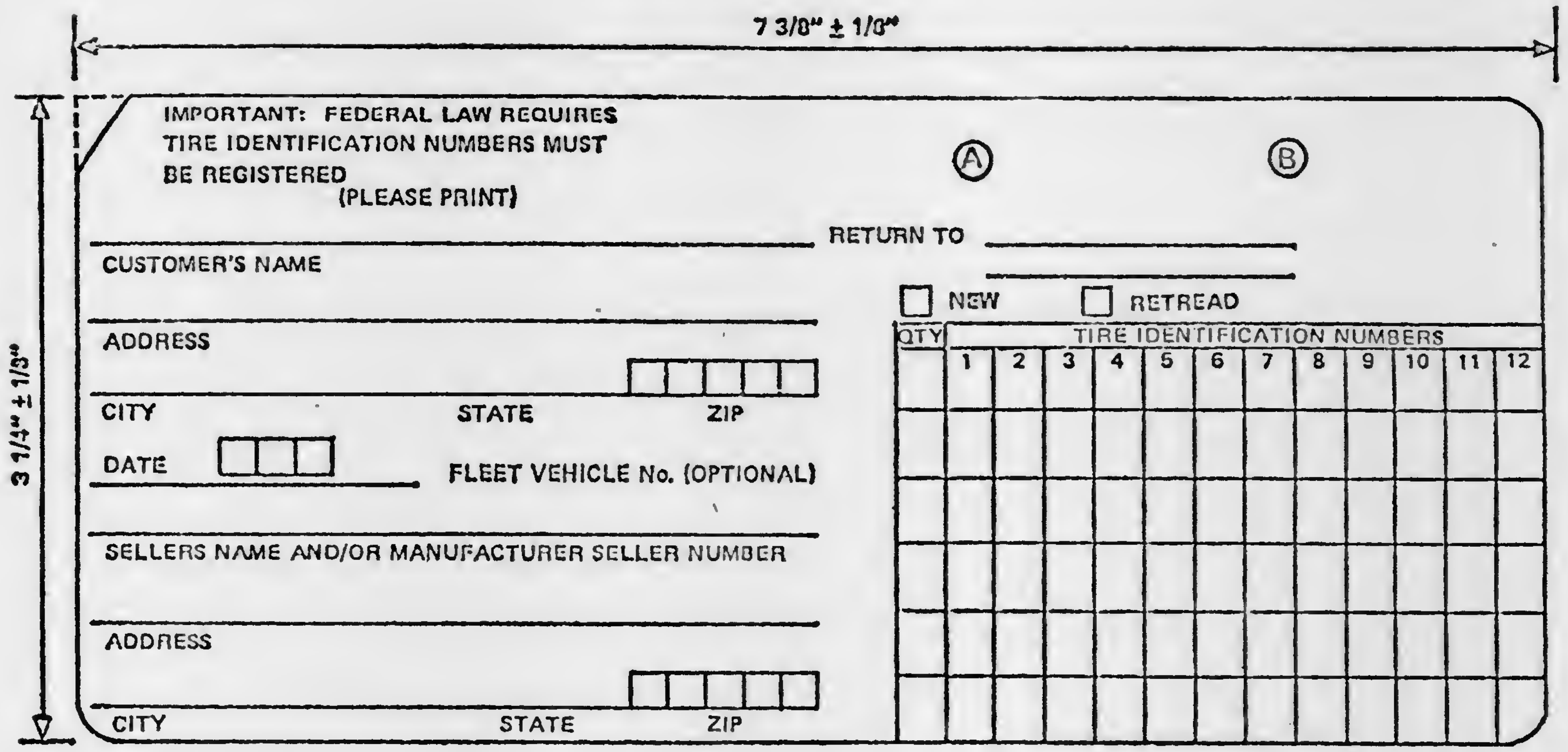
(2) Tire identification number;

(3) Name and address of the tire seller or other means by which the manufacturer can identify the tire seller.

(b) Each tire manufacture shall record and maintain, or have recorded and maintained for him, the information specified in paragraph (a) of this section and shall not use this information for any commercial purpose detrimental to tire distributors or dealers. Any new-tire manufacturer to whom forms are mistakenly returned shall forward the new-tire registration forms to the proper new-tire manufacturer within 90 days from receipt of the form.

(c) Each tire manufacturer shall maintain, or have maintained for him, a record of each tire distributor or dealer who purchases tire directly from him and sells them to tire purchasers, the number of tires purchased by each such distributor or dealer, the number of tires for which reports have been received from each such distributor or dealer pursuant to paragraph (a) of § 574.8, the total number of tires sold by the tire manufacturer, and the total number of tires for which reports have been received.

(d) Information required by paragraph (a) of this section shall be maintained for a period of not less than 3 years from the date the tire manufacturer of his designee records the information submitted to him.



7 3/8" ± 1/8"

3 1/4" ± 1/8"

IMPORTANT: FEDERAL LAW REQUIRES
TIRE IDENTIFICATION NUMBERS MUST
BE REGISTERED
(PLEASE PRINT)

Ⓐ Ⓑ

RETURN TO

CUSTOMER'S NAME

ADDRESS

CITY STATE ZIP

DATE FLEET VEHICLE No. (OPTIONAL)

SELLERS NAME AND/OR MANUFACTURER SELLER NUMBER

ADDRESS

CITY STATE ZIP

☐ NEW ☐ RETREAD

QTY	TIRE IDENTIFICATION NUMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12

Ⓐ PREPRINTED TIRE MANUFACTURERS' LOGO OR OTHER IDENTIFICATION AND MAILING ADDRESS

Ⓑ MICROFILM NUMBER LOCATION IF NECESSARY

A–B AREAS TO SUIT TIRE MANUFACTURERS REQUIREMENTS

FIG. 3 · UNIVERSAL FORMAT

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1171]

PART 1033—CAR SERVICE

Return of Hopper Cars

JUNE 4, 1974.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3rd day of June 1974.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1171 Service Order No. 1171.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

Illinois Central Gulf Railroad Company, Reporting marks: GM&O, IC, ICG.
St. Louis-San Francisco Railway Company[1] Reporting marks: SLSF.
Southern Railway System[1] Reporting marks: CG, INT, NS, SOU.

(2) Carriers named in subparagraph (1) of this paragraph are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means all freight cars assigned one of the mechanical designations described in the section "Class 'H'—Hopper Car type," under the heading "General Service Freight Equipment" published on pages 1119 to 1121, inclusive, of the Official Railway Equipment Register, ICC RER No. 391, issued by W. J. Trezise, or successive issues thereof, including cars bearing mechanical designations modified in the manner described in Notes 1, 2 or 3 of that section, and listed elsewhere in that tariff under the name of a railroad named in subparagraph (1) of paragraph (a) of this section.

---

[1] Addition.

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(e) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) Effective date: This order shall become effective at 12:01 a.m., June 10, 1974.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., October 31, 1974, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384 as amended; (49 U.S.C. 1, 12, 15 and 17 (2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17 (2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13125 Filed 6-6-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Directors, Office of Investigation and Office of Operations

Part 2, Subtitle A of Title 7, Code of Federal Regulations is amended to correct the titles of the Director, Office of Investigation, and the Director, Office of Operations, and the delegation to the Director, Office of Investigation appearing in 39 FR 12333, April 5, 1974, as follows:

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

§ 2.33 Delegations of authority to the Director, Office of Investigation.

* * * * *

(b) Initiate, direct or control all investigation activities by and for the Department. This includes the authority to:

* * * * *

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

§ 2.79 Director, Office of Operations.

* * * * *

Effective date: April 5, 1974.

For Subpart D:

Dated: June 4, 1974.

EARL L. BUTZ,
Secretary of Agriculture.

Dated: June 4, 1974.

For Subpart J:

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.74-13142 Filed 6-6-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52) AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO

Termination of Quotas, 1974 Crop Cigar Binder Tobacco, Types 51 & 52

Basis and purpose. Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim (1) that the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1974–75 marketing year.

The material previously appearing in this section under centerhead Termination of Quotas—1972–73 Marketing Year and Termination of Quotas—1973–74 Marketing Year remain in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year was published in the FEDERAL REGISTER on April 18, 1974 (39 FR 13891). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. The only submission received pursuant to such notice concurred in the proposed termination of marketing quotas.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1974–75 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of cigar-binder tobacco, who are preparing to plant their 1974 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective June 7, 1974.

Section 724.36 and the heading above § 724.36 are revised to read as follows.

TERMINATION OF QUOTAS—1974–75 MARKETING YEAR

§ 724.36 Cigar-binder (types 51 & 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1974–75 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; (7 U.S.C. 1371, 1375).)

Effective date: June 7, 1974.

Signed at Washington, D.C. on: May 31, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-13138 Filed 6-6-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 642]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 9–15, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.942 Lemon Regulation 642.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is somewhat slower this week, with little change in the pattern for the range of sizes. Average f.o.b. price was $6.37 per carton the week ended June 1, 1974, compared to $6.27 per carton the previous week. Track and rolling supplies at 200 cars were up 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until July 8, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when the regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 4, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 9, 1974, through June 15, 1974, is hereby fixed at 325,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated:

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13321 Filed 6-6-74;12:36 pm]

[Lime Regulation 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 9–15, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.403 Lime Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. Shipping point prices for fresh market limes have fallen sharply during the past several weeks. The committee further reports the fresh market demand for limes continues weak because of cool weather on the Eastern seaboard. Fresh shipments for the weeks ended June 1, 1974, and May 25, 1974, were 19,790 bushels and 24,973 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until July 8, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 4, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 9, 1974, through June 15, 1974, is hereby fixed at 18,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated:

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13320 Filed 6-6-74;12:36 pm]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Stock Dividends

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 8, 1974.

Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 8, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register.

The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 305 of the Internal Revenue Code of 1954, relating to distributions of stock and stock rights.

The proposed amendment to § 1.305–3(b)(3) would make it clear that a payment of interest to the holder of a convertible debenture is treated as a distribution of property to a shareholder for purposes of section 305(b)(2).

Under section 305(b)(2), a distribution (including a deemed distribution) by a corporation of its stock or rights to acquire its stock is treated as a distribution of property to which section 301 applies if the distribution, or a series of distributions of which such distribution is one, has the result of the receipt of property by some shareholders and an increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation.

The proposed amendment to example (6) of § 1.305–5(d) inserts the term "call price" in lieu of the term "call premium". As amended, this example excludes from the application of section 305 an exchange of preferred stock for new preferred stock pursuant to a reorganization under section 368(a)(1) where the shares of each preferred stock have substantially the same market value and where the liquidation preference and call price of the shares of the new preferred stock are not greater than those of the old preferred stock.

Proposed amendments to the regulations. The Income Tax Regulations (26 CFR Part 1) under section 305 of the Internal Revenue Code of 1954, relating to distributions of stock and stock rights are amended as follows:

PARAGRAPH 1. Section 1.305–3(b) is amended by adding a sentence in parenthesis immediately after the third sentence of subparagraph (3) to read as follows:

§ 1.305–3 Disproportionate distributions.

* * * * *

(b) *Special rules.* * * *

(3) * * * (Under section 305(d)(2), the payment of interest to a holder of a convertible debenture is treated as a distribution of property to a shareholder for purposes of section 305(b)(2).) * * *

* * * * *

§ 1.305–5 [Amended]

PAR. 2. Example (6) of § 1.305–5(d) is amended by deleting from the last sentence "call premium" and inserting in lieu thereof "call price".

[FR Doc.74–13087 Filed 6–6–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO–317–A1]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN THE STATE OF WASHINGTON AND IN UMATILLA COUNTY, OREGON

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order

This decision and referendum order, issued pursuant to the rules of practice and procedure governing the proceedings to formulate marketing agreements and orders (7 CFR Part 900), relates to evidence presented at a public hearing in Yakima, Washington, on February 28, 1974, after notice thereof published in the FEDERAL REGISTER (39 FR 6535) on proposals to amend the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in the State of Washington and in Umatilla County, Oregon. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; (7 U.S.C. 601–674)).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision on this proceeding was filed with the Hearing Clerk, United States Department of Agriculture, on May 2, 1974. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (FR Doc. 74–10533; 39 FR 16361). None were filed.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 74–10533; 39 FR 16361) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and general findings of this decision as published in full herein.

Material issues. The material issues presented on the record were concerned with amending the order to:

(1) Revise the provisions which authorize marketing research and development projects to include authority for production research projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fresh prunes.

(2) Authorize the issuance of expanded container regulations that could include specification of the minimum strength of material in containers of fresh prunes; and

(3) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence adduced at the hearing and the record thereof except as to item (2) which is hereby abandoned for the reasons hereinafter cited:

(1) The order presently contains authority for committee expenditures on marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes.

The order should be amended, as hereinafter set forth, to include authority for production research designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fresh prunes.

For several years the committee has conducted marketing research projects aimed at maintaining the market quality of prunes so as to promote their marketing, distribution, and consumption. During this time it has become apparent to the committee that some of the quality problems affecting the marketing, distribution, and consumption of prunes originate in the orchard. A number of factors affect the production of quality fruit such as nitrogen levels, root stocks, irrigation methods and firmness of the fruit at harvest. Often in its attempts to find solutions to marketing problems, the committee has found it difficult to separate production and marketing and it has concluded that unless its research can be extended into the production of the fruit much of its past efforts are likely to be lost for lack of final conclusion as to the cause of such problems. One such problem which has been the subject of study is internal browning of prunes. The incidence of this problem appears to be related to production factors but the committee has been hampered in its efforts to deal with the problem because it has not had authority to fund research which must be conducted at the orchard level.

The committee has been dependent upon other agencies to perform any production research and it has found that such research as well as other research of primary interest to the prune industry often cannot be undertaken or continued by the universities or other agencies in the research area without supplementary industry funding. Currently, the marketing order is considered as the only available industry agency through which all of the Washington-Oregon prune production area may equitably support research designed for its primary benefit. Authorizing the committee to engage in production research as contemplated by this amendment would enable it to fund such projects to the extent necessary from assessments under the order.

While it is evident that the committee's primary interest is in being able to conduct production research which may alleviate or contribute to the solution of marketing problems, the authority should not be so limited as to preclude production research with the primary aim of more efficient production. Rather, the order should permit the committee's conduct of or participation in research projects that are partly or exclusively production oriented if the need arises. Survival of the industry dictates that production be carried out efficiently. Advancing technology and changing economic situations render it difficult to foresee all the areas of production which may require study, therefore the authority should be broad enough in scope to permit the committee, subject to approval of the Secretary, to investigate any facet of production with a view toward improving the efficiency of production. In addition, new laws and regulation enacted for the protection of consumers and the environment may require research involving industry-wide cooperation to ascertain how to produce prunes most economically under such requirements. The expanded authority should enable the committee to participate in the development of production practices and procedures to meet the requirement of such laws and regulation especially when they would have an impact on the production and marketing of prunes.

In formulating production research projects the committee should be authorized to secure the advice and service of persons knowledgeable in any segment of the research field. The committee could establish subcommittees to assist it in the efficient and expeditious planning of production research projects or programs. Such subcommittees could explore research methods, develop preliminary projects and programs, and make recommendations with respect to any such activities. Subcommittees could also evaluate project activities at any state of completion. Final decisions of any such recommendation would be the prerogative of the committee subject to approval of the Secretary. In the conduct of any production research projects, the committee should be authorized to conduct the projects, or to contract for the conduct of such projects, with persons or organizations that specialize in this field of activity.

In submitting projects to the Secretary for his approval, the committee should include recommendations as to the funds to be obtained from assessments under the order and its appraisal of the relative urgency of individual projects whenever several possibilities are involved. The committee should fully consider the cost of any such activities, when developing its budget, both as to additional items of expense and the applicable assessment rate. The committee should review its production research program annually to appraise its effectiveness. Copies of the annual report on the program should be provided to the Secretary and made available at the committee office for examination by producers, handlers, and other interested persons.

(2) The notice of hearing contained an amendment proposal to expand the authority for regulation of containers to include specifications of minimum strength of material. One witness supported this proposal on behalf of the Washington-Oregon Fresh Prune Marketing Committee. However, the Committee later, unanimously recommended abandonment of this proposal. The committee stated that the container situation is in a state of flux due to shortages of various types of materials and that opposition, which was not apparent at the hearing, has developed. It is therefore concluded that the proposal should be dropped from further consideration in this proceeding.

(3) No conforming changes are necessary.

Ruling on proposed findings and conclusions. March 25, 1974, was fixed as the final date for the filing of briefs with respect to the facts presented in evidence at the hearing and on the findings and conclusions that should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order, as hereby proposed to be amended, regulate the handling of prunes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order, as hereby proposed to be amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of prunes grown in the production area; and

(5) All handling of prunes grown in the production area as defined in said marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in Umatilla County, Oregon"

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and "Order Amending the Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in Umatilla County, Oregon" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1973, through March 31, 1974 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all the counties in Washington lying east thereof, and in Umatilla County, Oregon, in the production for market of fresh prunes to ascertain whether such producers favor the issuance of said annexed order amending the marketing order regulating the handling of fresh prunes grown in the aforesaid production area. Allan E. Henry and John E. Coop, Jr., Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture, to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in said marketing order, as amended by annexed order which will be published with this decision.

Dated: June 3, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

ORDER[1] AMENDING THE ORDER REGULATING THE HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN THE STATE OF WASHINGTON AND IN UMATILLA COUNTY, OREGON

§ 924.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on February 28, 1974, upon proposed amendments to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in the State of Washington and in Umatilla County, Oregon. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby proposed to be amended, regulates the handling of prunes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order, as hereby proposed to be amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby proposed to be amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of prunes in the production area; and

(5) All handling of prunes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of fresh prunes grown in said production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended, as follows:

Section 924.45 is redesignated and revised to read as follows:

§ 924.45 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fresh prunes. The expense of such projects shall be paid from funds collected pursuant to § 924.41.

[FR Doc.74–13083 Filed 6–6–74;8:45 am]

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and order have been met.

[7 CFR Part 1131]

MILK IN THE CENTRAL ARIZONA MARKETING AREA

Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of mlk in the Central Arizona marketing area is being considered for the months of June and July 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, on or before June 14, 1974. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. Subparagraph (1) of § 1131.13(c) in its entirety.

Statement of consideration. The proposed suspension would remove the provision, for June and July 1974, that not more than eight days' production of any producer may be diverted to a nonpool plant from a pool plant during the month.

The suspension was requested by a cooperative association that not only supplies the market with a substantial part of its needs, but also handles much of the reserve supply of milk for fluid use.

The basis for the request is that a temporary increase in production, coupled with a decline in Class I sales will make it necessary for the plant of the association to receive and manufacture more milk in June and July than had reasonably been anticipated. Accordingly, the plant will not meet the pooling requirements of the order for those months.

The plant could operate on a nonpool basis for June and July, but it would have to divert more than eight days' production of its producers. Consequently, without the suspension, substantial quantities of milk regularly associated with the pool during the past fall and winter would be excluded from the pool.

The proposed suspension is requested pending a study of the need to amend, on the basis of a hearing, the pooling and diversion provisions of the order.

Signed at Washington, D.C. on June 4, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–13141 Filed 6–6–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 77]

REFUSE PILES AND WATER AND SILT IMPOUNDMENTS

Public Hearing

Pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745 (30 U.S.C. 811 (a))), there was published in the FEDERAL REGISTER for January 16, 1974 (39 FR 2004), a notice proposing that Part 77, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, be amended by adding paragraphs (h) and (i) to § 77.215 and by adding §§ 77.215–1 through 77.215–4 and new §§ 77.216 through 77.216–3. The proposed amendments pertain to refuse piles and water and silt impoundments.

Interested persons were afforded a period in excess of 45 days following publication within which to submit to the Administrator, Mining Enforcement and Safety Administration, written comments, suggestions and objections to these proposed standards, stating the grounds therefor, and to request a public hearing on such objections.

Written objections were timely filed with the Administrator stating the grounds for objections and requesting a public hearing on the proposed paragraphs (h) and (i) of §§ 77.215, §§ 77.215–1 through 77.215–4, and §§ 77.216 through 77.216–3 of 30 C.F.R. Part 77. In accordance with section 101(f) of the Act, a Notice of Objections Filed and Hearing Requested was published in the Federal Register for May 14, 1974 (39 FR 17234).

Pursuant to section 101(g) of the Act, notice is hereby given that a public hearing will be held on Tuesday, July 23 and Wednesday, July 24, 1974, beginning at 9 a.m. on Tuesday, July 23 in the House Chamber, State Capitol Building, Charleston, West Virginia, for the purpose of receiving relevant evidence. The following issues have been raised by the comments and objections filed:

(1) Whether the regulations should specifically state that they cover only refuse piles and impoundments affecting coal miners on coal mine property.

(2) Whether the regulations should be limited to refuse piles and impoundments which actually present a danger or whether the regulations should extend coverage to refuse piles and impoundments which can potentially present a danger.

(3) Whether refuse piles and impoundments located below natural surface drainage, such as in mined-out strip pits, should be exempted from the regulations.

(4) Whether the requirement for a maximum lift of two feet before compaction for refuse piles should be set at a greater height depending upon material compacted, location, and disposal pattern.

(5) Whether the requirement for maintenance of a maximum slope of 27° for refuse piles is too restrictive and slopes of a greater degree should be permitted depending upon the material, base soil conditions, and climate.

(6) Whether a standard safety factor should be used for refuse piles rather than the lift thickness and slope limitations.

(7) Whether inert material should be deposited between compacted lifts.

(8) Whether the extinguishing of burning refuse piles should be permitted by methods other than sealing or excavation of the burning material.

(9) Whether a plan for extinguishing refuse pile fires should be submitted to the District Manager for approval; such plan would include training of miners, supervision, procedures for eliminating potentially hazardous conditions, and procedures for removing miners from potentially hazardous conditions.

(10) Whether a standardized reporting form should be adopted by MESA.

(11) Whether the 180 day reporting requirement for both refuse piles and impoundments should be longer because of limited numbers of qualified engineers or whether no extension of time should be granted.

(12) Whether the determination that a refuse pile or impoundment can present a danger should be made by MESA, a registered engineer or the operator.

(13) Whether the District Manager should be required to respond in writing within specified time limits to operators who have submitted required information.

(14) Whether the perimeter survey requirement for refuse piles should be less than 500 feet.

(15) Whether the "largest (map) scale available" referred to in § 77.215–1(a)(1) and § 77.216–1(a)(2) should be specified.

(16) Whether the terms "active," "abandoned" and "final abandonment" when used with reference to refuse piles and impoundments should be defined.

(17) Whether the requirement in § 77.215–1(a)(6) for reporting the proximity of the nearest stream should also include reporting proximity and location of any other stream which potentially could adversely affect the stability of the pile.

(18) Whether the periodic certification reports required for refuse piles and impoundments are necessary.

(19) Whether the Coal Mine Health and Safety District Manager should have the discretion, provided for by §§ 77.215–1(a)(8) and 77.216–1(a)(18), to require "other information" concerning refuse piles and impoundments.

(20) Whether a registered engineer should be required to certify a refuse pile or impoundment as "safe."

(21) Whether a registered engineer should be required to design and supervise construction of refuse piles as well as impounding structures in accordance with specified requirements.

(22) Whether abandonment planning should be required to be undertaken during initial evaluation or design of refuse piles and impoundments.

(23) Whether abandoned and inactive refuse piles should be required to be sealed, covered with top soil and revegetated to assure stability.

(24) Whether abandonment plans required by §§ 77.215–3 and 77.216–1(d) should contain provisions to "preclude future impoundment" of water or silt, or major slope instability or whether the provision should preclude "probable future impoundment" or some other alternative.

(25) Whether there is a purpose and need for identification markers on refuse piles and impoundments, and if so, what information should they contain.

(26) Whether impounding structures should be eliminated.

(27) Whether impounding structures made of refuse materials should be immediately drained.

(28) Whether the term "silt" should be replaced by other terms such as, "sediment" or "fine refuse."

(29) Whether the depth of impounded water and silt should be measured from the upstream toe or downstream toe of the impoundment.

(30) Whether the height of the impoundment should be measured from the upstream toe or downstream toe of the impoundment.

(31) Whether storage volume of 20 acre feet or impoundment of water or silt to a height of 20 feet warrants an assumption of a hazardous condition.

(32) Whether the phrase "maximum probable flood" in § 77.216–1(a)(8) should be changed to "100 year storm" or other term.

(33) Whether the reporting requirements of downstream conditions in § 77.216–1(a)(14) and (15) should be replaced by a discussion of analyses and design considerations of downstream conditions or whether the requirements should be deleted.

(34) Whether any changes or modifications in impounding structures should be required to be reported to the District Manager or whether only those changes "adversely affecting the stability of the impoundments" should be required to be reported.

(35) Whether abandonment plans required by § 77.216–1(d) for impoundments should be limited to those impoundments required to be reported under § 77.216.

(36) Whether all water and silt impoundments should be inspected weekly.

(37) Whether provision should be made for issuance of administrative variances from methods and requirements specified in the regulations.

The Administrator—Mining Enforcement and Safety Administration, or his designee, will conduct the hearing.

The hearing shall be conducted in an informal manner and a verbatim transcript will be maintained. All written statements, charts and other data will be received in the record. Within 60 days after completion of the hearing, findings of fact concerning the issues presented at the hearing shall be made and such findings shall be made public.

Persons who desire to testify at the hearing should notify the Administrator—Mining Enforcement and Safety Administration, Department of the Interior, Washington, D.C. 20240, not later than Tuesday, July 16, 1974. Copies of comments, suggestions, and objections filed may be examined at, or obtained from, the Office of the Assistant Administrator, Coal Mine Health and Safety, Room 4070, Department of the Interior.

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Washington, D.C. 20240, telephone (202) 343-4249.

Dated: June 2, 1974.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-13095 Filed 6-6-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-15]

REPORTING POINTS

Proposed Designation and Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate three compulsory reporting points and revoke one compulsory reporting point in the vicinity of San Juan, Puerto Rico.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, PO Box 20636, Atlanta, Ga. 30320. All communications received on or before July 8, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would designate as new compulsory reporting points:

1. Dorado, Puerto Rico, NDB.
2. St. Croix, Virgin Islands, VOR.
3. Drake Intersection: Ponce, Puerto Rico, VORTAC 206°T radial, 62 NM from Ponce.

The proposed amendment would also revoke Hawaii Intersection as a compulsory reporting point. The proposed alterations to reporting points are required to conform to revised terminal area and traffic flow procedures in the San Juan area.

(Section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 3, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-13033 Filed 6-6-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-WA-17]

RNAV ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-949R between Dallas, Tex., and Houston, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 8, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J-949R from Greater Southwest, Tex., Waypoint (32°49'10.3" N., 97°02'28.2" W.) direct to Navasota, Tex., Waypoint (30°17'20" N., 96°03'30" W.). This would move the route centerline up to nine miles westward to make it compatible with planned standard instrument arrival routes.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 3, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-13032 Filed 6-6-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

ANNUAL INCOME

Domestic Volunteer Service Program

Pub. L. 93-113 (87 Stat. 394), the Domestic Volunteer Service Act of 1973 enacted October 1, 1973, provided statutory authorization for the following programs administered by the ACTION Agency: Volunteers in Service to America, University Year for ACTION, Program for Local Services, ACTION Cooperative Volunteers, Foster Grandparent Program, Older American Community Service Programs, Retired Senior Volunteer Program, Senior Corps of Retired Executives and Active Corps of Executives. One section of the Act provides that payments to volunteers under the Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteer may be receiving under any Government program. This prohibition has been construed to include benefits payable by the Veterans Administration. The following proposed regulatory changes implement this prohibition by amending Part 3 of Title 38, Code of Federal Regulations, to exclude payments to volunteers under the Domestic Volunteer Service Act from computation of income in claims for compensation, pension and dependency and indemnity compensation. In addition minor editorial changes have been made in §§ 3.261, 3.262 and 3.263 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. No substantive change affecting benefits is involved.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before July 8, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendment to §§ 3.261 and 3.262(q) would be effective October 1, 1973.

1. In § 3.261, paragraph (a)(33) is amended to read as follows:

§ 3.261 Character of income: exclusions and estates.

* * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension: protected (veterans, widows (widowers), and children)	Pension: Public Law 86-211 (veterans, widows (widowers), and children)	See—
(a) *Income:*					
* * *	*	*	*	*	*
(33) The following programs administered by the ACTION Agency:					
Foster Grandparent Program and Older Americans Community Service Programs payments (Public Law 93-29; 87 Stat. 55).	Excluded	Excluded	Excluded	Excluded	§ 3.262(q)(1).
Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Programs, Retired Senior Volunteer Program (RSVP), Senior Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE) (Public Law 93-113; 87 Stat. 394).	do	do	do	do	§ 3.262(q)(2).
* * *			*		

2. In § 3.262, paragraph (o), (p) and (q) are amended to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(o) *Final expenses of veteran or parent's spouse; dependency and indemnity compensation.* Effective January 1, 1967, in claims for dependency and indemnity compensation there will be excluded from the income of a parent, as provided in paragraph (p) of this section, amounts equal to amounts paid by the parent for:

(1) The expenses of the veteran's last illness and burial to the extent that such expenses are not reimbursed under 38 U.S.C. ch. 23.

(2) The parent's deceased spouse's just debts, the expenses of the spouse's last illness to the extent such expenses are not reimbursed under 38 U.S.C. ch. 51 and the expenses of the spouse's burial to the extent that such expenses are not reimbursed under 38 U.S.C. ch. 23 or 51. (38 U.S.C. 415(g))

(p) *Final expenses; year of exclusion.* For the purpose of paragraphs (m), (n) and (o) of this section, in the absence of contradictory information, the claimant's statement will be accepted as to the nature, amount and date of payment, and identity of the creditor. Except as provided in this paragraph, payments will be deducted from annual income for the year in which such payments are made. Payments made by a veteran, the wife or husband of a veteran, widow, widower, child or, in dependency and indemnity compensation claims, by a parent during the calendar year following the year in which the veteran, spouse or child died may be deducted from the claimant's income for the year of last illness or burial if this deduction is advantageous to him.

(q) *Volunteer programs*—(1) *Payments under Foster Grandparent Program and Older Americans Community Service Programs.* Effective May 3, 1973, compensation received under the Foster Grandparent Program and the Older Americans Community Service Programs will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-29; 87 Stat. 55)

(2) *Payments under Domestic Volunteer Service Act programs.* Effective October 1, 1973, compensation or reimbursement received under a Domestic Volunteer Service Act program (including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Program, Retired Senior Volunteer Program (RSVP), Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE)) will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-113; 87 Stat. 394)

3. In § 3.263, paragraph (a) is amended to read as follows:

§ 3.263 Corpus of estate; net worth.

(a) *General.* The following rules are for application in determining the corpus of estate of a parent where dependency is a factor under § 3.250, and the net worth of a veteran, widow, widower or child where pension is subject to Pub. L. 86-211 (73 Stat. 432) under § 3.252(b). Only the estate of the parent, in claims based on dependency, or the estate of the veteran, widow, widower or child-claimant in claims for pension, will be considered. In the absence of contradictory information, the claimant's statement as to ownership and estimate of value will be accepted.

* * * * *

Approved: June 3, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-13100 Filed 6-6-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1125]

[Ex Parte No. 293 (Sub-No. 2)]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Supplemental Notice of Proposed Rulemaking and Order; Correction

JUNE 4, 1974.

Strike out the word "not" in the third line of the sixth paragraph on page 19362 of the FEDERAL REGISTER of Friday, May 31, 1974, Volume 39, Number 106, Part III, and insert the word "net" in place thereof.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13128 Filed 6-6-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Delegation of Authority No. 104–8A; Notice No. 422]

DIRECTOR, BUREAU OF POLITICO-MILITARY AFFAIRS

Delegation of Authority

By virtue of the authority vested in me by section 621(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381(a)), and section 4 of the Act of May 26, 1949 (22 U.S.C. 2658), I hereby designate and empower the Director of the Bureau of Politico-Military Affairs, Department of State, during the present vacancy in the Office of the Under Secretary of State for Security Assistance, to perform any and all of the functions conferred upon the said Under Secretary by State Department Delegation of Authority No. 104 (26 FR 10608), as amended, or otherwise, except for the issuance of those rules and regulations and other actions required by law to be approved by higher authority.

Dated: May 16, 1974.

[SEAL] KENNETH RUSH,
Acting Secretary of State.

[FR Doc.13079 Filed 6–6–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [Pub. L. 92–463 (1972)], notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will have a closed meeting on June 20, 1974, at the Program Evaluation Center (Room 4D710), the Pentagon, Washington, D.C. The meeting will commence at 9:15 a.m. and is scheduled to terminate at 5:30 p.m. The agenda consists of matters classified in the interests of national security, including future Navy programs, force levels and force level planning; recent developments in the Soviet Navy; and current events impacting upon the U.S. Navy's ability to support policies of the United States.

Dated: June 4, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74–13093 Filed 6–6–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant. The New York Zoological Society, 185th Street and Southern Boulevard, Bronx, New York 10460.

MARCH 29, 1974.

DIRECTOR,
Bureau of Sports Fisheries and Wildlife,
U.S. Department of the Interior,
Washington, D.C. 20240

DEAR SIR: This is an application for the importation of 2 male and 4 female Great Indian Rhinoceros (*Rhinoceros unicornis*) under Provisions 17.23 of the Endangered Species Act of 1973, Title 50 Chapter 1, Part 17.

APPLICANT

The New York Zoological Society, 185th Street and Southern Boulevard, Bronx, New York 10460, Telephone (212) 933–1500.

SOURCE OF SPECIMENS

Every effort will be made to acquire zoo-born specimens in the United States and abroad, however, at least some of the specimens will be wild-born. None of them will have been caught for commercial purposes.

Ernst Lang, Director, Basle Zoological Gardens has given the New York Zoological Society an option to acquire a specimen born there and the National Zoo has indicated a willingness to enter into a cooperative breeding program with the New York Zoological Society which in long term will involve other facilities than the zoos mentioned.

Curator of Mammals, H. B. House travelled in India from January 16 to February 1, 1974 to explore the possibilities of acquiring animals from the state of Assam. There are several available there, including zoo born specimens and animals orphaned by extremely severe flooding in the Kaziranga sanctuary during summer of 1973. None of the animals available in Assam were captured for the purpose of export.

The New York Zoological Society has made a proposal to the Ministry of Forests in Assam for an animal exchange to procure at least partial fulfillment of our goal of 2.4 specimens.

STATUS OF THE SPECIES IN THE WILD

The total population in the wild has remained relatively stable over the last 15 years with reductions in some areas being balanced by increases in others. Numbers are estimated at between 600–700 in eight sanctuaries in India and the Chitawan Sanctuary in Nepal. Limiting factors are habitat change and poaching.

The future of the species under optimal habitat conditions and reliable protection would be secure. Under existing conditions it is a particularly vulnerable and important endangered species. Its available low lying habitat subject to seasonal floods is being continually encroached upon and available high ground to escape the monsoon flooding is continually reduced in area and has undergone deterioration through over use. Any change in the conservation situation in India and Nepal could lead to immediate and drastic destruction in the rhino sanctuaries. Witness the destruction that occurred during and following the turmoil of the 1971 Indian and Pakistan conflict. Poachers were estimated to have destroyed 29 of the surviving 60 animals in India's Jaldapara Reserve near the border of Bangladesh.

An intensive continuing study of the behavior and ecology of this species is being conducted by Dr. Andrew Laurie in Nepal and India. This project which began in December 1972, is supported by the New York Zoological Society and is the first in-depth study of the species in the wild. Preliminary results have been of assistance in developing plans for the species at the Bronx Zoo.

STATUS OF THE SPECIES IN CAPTIVITY

Volume 13 of the International Zoo Yearbook lists 24/23 in 24 collections as of between February and June 1972. Of this number 10/10 have been born in captivity.

HISTORY OF THE SPECIES IN CAPTIVITY

The Great Indian Rhinoceros has been maintained in many zoological parks throughout the world, attaining longevities of as much as 47 years. However, the breeding of the species with the exception of the Basle Zoo in Switzerland had been from single pairs and has not been pursued on a long term. The Basle Zoo has achieved significant success with the species having produced twelve offspring. Nowhere have facilities been provided to develop and maintain an age structured population allowing for long term breeding through many generations. To our knowledge no second generation zoo born animals exist. A male born in Basle and a female born in Whipsnade, England did produce a stillborn fetus at the Milwaukee Zoo.

NEW YORK ZOOLOGICAL PARK FACILITIES

Construction begins in the spring 1974 on the exhibit and management facilities for the species. Indoor heated facilities will include 8 stalls each 12′ x 20′, 1 stall approximately 15′ x 20′, and 1 hexagonal breeding stall 46′ in diameter. Outdoor facilities will include 3 pens 25′ x 50′, a pen 30′ x 40′, and a pen about 50′ x 70′, and a 2 acre exhibit. See attached sketch.

Temporary facilities exist in the present Elephant House in the Bronx Zoo which are adequate for housing the initial group of Rhinoceroses and the new facilities will be ready well before breeding will occur. Construction is scheduled to be complete in 1976.

PURPOSE OF IMPORTATION

The New York Zoological Society seeks to establish a major propagating population of Indian Rhinoceroses as a contribution towards the long-term survival of the species

and as an educational exhibit in its forthcoming forty acre TROPICAL ASIA MAN AND WILDLIFE EXHIBIT. The Society seeks to employ Indian Rhinoceros displays and propagating facilities as a force to arouse interest in the plight of vanishing species and a means to raise its 2.5 million annual zoo-goers' environmental literacy.

Captive propagation plays an important role in the survival of some species of animals—the Pere David deer, Przewalskii horse, Formosan sika deer, and Wisent would all be extinct today if they had not been bred in captivity. As each year passes more and more species of wild animals become endangered. Some of those whose habitat is disappearing or that are under heavy hunting pressure will only be saved in captivity. Obviously not all endangered species can be saved from extinction through captive propagation. Some do not adapt well to captivity, and others are so scarce that we can no longer remove specimens from the wild populations without decreasing their chances for survival. For this reason, it is imperative that we obtain breeding nuclei of those rare or endangered species which do adapt to captivity before their numbers in the wild become so few as to prohibit their acquisition. And the breeding nuclei must be of sufficient size as to permit a long-term self-sustaining propagation program for the captive group similar to the breeding groups of cattle which sustain most beef ranches. We cannot maintain a single breeding pair of some endangered species with any real hope of propagating the species over a long period of time. This Adam-and-Eve approach to captive propagation of rare and endangered species was once the traditional approach, but has failed frequently when one of the breeding pair dies or becomes senile. What cattle ranch relies on a single pair of cows for its calf production?

There is yet another reason for starting with a nucleus breeding group rather than a single pair. A single pair obviously does not contain all genetic variation found within the wild populations. Therefore, starting with a single pair means throwing away a lot of the genetic material of the species. Since captive propagation of endangered species is meant to be a hedge against total extinction, it should incorporate as much genetic variation within the captive gene pool as possible. This means starting with a group of specimens.

If we hope to save wild species from extinction by captive breeding, we must be prepared to maintain a captive breeding group for all time (Pere David deer would become extinct quickly if zoos decided no longer to breed it), and without the luxury of later imports of wild-caught "new blood" (there are no wild Pere David deer). This can only be accomplished by developing self-sustaining captive groups with an age structure and sex ratio which approximates the condition in the wild. This is what we expect to accomplish with this group of 2/4 Indian rhinoceroses sought in this application.

While endangered, the Indian rhinoceroses has not yet become so scarce that importation of naturally orphaned specimens from the wild will threaten the survival of the wild populations.

There is reason to believe that this situation may not continue to be true in the future. If a captive population is to be acquired, it must be done now.

The nucleus group sought in this application can be maintained easily in the facilities about to be constructed in the New York Zoological Park. From this nucleus we expect to breed a large self-sustaining captive group of up to 10–15 specimens in our facilities, and an even larger group when the specimens in cooperating zoological institutions are considered. Our planned facilities are designed to permit future expansion if that is warranted. Such a large self-sustaining group will not only insure the survival of the species in the event that it becomes extinct in the wild, but also will be a source of supply for other zoos, thereby eliminating the necessity of later imports, should the species remain endangered but not disappear in the wild. Such a large group also could supply specimens for restocking suitable areas of habitat within the former natural range of the species in southern Asia, if that were desirable.

COOPERATIVE PROGRAMS

The staff of the New York Zoological Society is actively cooperating with other zoos in attempting to develop breeding programs for rare and endangered species. Several specimens including mountain gorilla, gerenuk, okapi, anoa, Congo buffalo, flat-headed cat, swamp monkey, wanderoo and others have been sent to various cooperating zoos. A total of 10 pairs of Mouse Deer have been sent to as many zoos in an effort to establish other breeding groups of this species, Comparable efforts have been characteristic of the Society's Department of Ornithology and Herpetology

Our staff will participate with the Indian Rhinoceros studbook and will cooperate in any management procedures on Indian Rhinoceros that might develop Discussion has been initiated for the development of cooperative breeding programs for this species with the Assam State Zoo, Gauhati, Assam, India and the National Zoo, Washington, D C.

SHIPPING ARRANGEMENTS

Every effort will be made to transport the animals as quickly and safely as possible. Air transport will be utilized if available. Final arrangements must await issuance of the permit. Details will be supplied then

LONG-TERM RESPONSIBILITY

The New York Zoological Society has a long-term commitment to wildlife conservation. The financial support of the New York Zoological Society is sufficient to assure the continuity of its conservation and propagation activities (see the attached Annual Report).

The New York Zoological Society guarantees that the propagation of the Indian Rhinoceros is a long-term commitment of its staff. Our husbandy and facilities will be updated as our knowledge of Indian Rhinoceros improves. Even so, if for some reason it became necessary to terminate our efforts, we would immediately make our Indian Rhinoceroses available to a zoological institution which would continue this program.

NEW YORK ZOOLOGICAL SOCIETY ANIMAL HUSBANDRY

The New York Zoological Park maintains high standards of animal nutrition and animal care. A female Indian Rhinoceros was kept at the New York Zoological Park from 1923 to 1962 or almost 39 years. Management procedures and diets at other institutions keeping and especially breeding this species have been investigated and every effort will be made to develop and maintain the best of nutrition. Facilities design and construction has taken into account behavioral attributes of this basically non-social animal. Wallowing and bathing facilities will be provided during hot weather when such activities occur in wild populations. All animals will have access to the large exhibit in compatible groups or singly in rotation. Animal maintenance will be under the direct care of men experienced with this and related species. The animals will be under the observation of the staff veterinarian and a regular parasite check will be made with treatment that may be indicated.

STAFF QUALIFICATIONS

The staff of the Department of Mammalogy of the New York Zoological Society directly responsible for the mammal collection consists of Curator (H. B. House), Associate Curator (J. G. Doherty), Animal Manager (J. A. Ruf), two assistant Animal Managers, (M. Rolla and M. J. Montana) and 87 Menagerie Keepers. The staff Veterinarian is E. P Dolensek and the pathologist is Dr. A. R. Belson. Curricula vitae for Curators House, Doherty and Dr. E. P. Dolensek and Dr. A. R. Belson are attached.

CERTIFICATION

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

H. B. HOUSE,
Curator of Mammals.

WILLIAM G. CONWAY,
General Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street. NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 8, 1974 will be considered.

Dated: June 3, 1974.

LYNN A. GREENWALT,
Director, Bureau of
Sport Fisheries and Wildlife.

[FR Doc.74–13054 Filed 6–6–74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant. The New York Zoological Society, 185th Street and Southern Boulevard. Bronx, New York 10460.

FEBRUARY 26, 1974

DIRECTOR,
Bureau of Sports Fisheries and Wildlife,
U.S. Department of the Interior,
Washington, D.C. 20240.

DEAR SIR: This is an application for the importation of two (2) male and four (4) female Thamin (*Cervus eldi thamin*) under provisions 17.12b of the Endangered Species Conservation Act, Title 50, Chapter 1, Part 17. To the best of our knowledge, no group with sound breeding potential is available for purchase in the United States.

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Applicant

The New York Zoological Society, 185th Street and Southern Boulevard, Bronx, New York 10460, Telephone (212) 933-1500, requests permission to import 2 male and 4 female Brow-antlered Deer or Thamin (*Cervus eldi thamin*).

History of Specimens

All animals were born in the Rangoon Zoo, Rangoon, Burma and have remained there to the present. Attached please find a statement of legal export.

Reason for Request

The New York Zoological Society seeks to establish a major propagating population of Thamin as a contribution towards the long-term survival of the species and as an educational exhibit in its forthcoming forty acre Tropical Asia Man and Wildlife Exhibit. The Society seeks to employ Thamin displays and propagating facilities as a force to arouse interest in the plight of vanishing species and a means to raise the environmental literacy of its 2.5 million zoo-goers.

New York Zoological Park Exhibit and Breeding Facilities

Temporary and acclimatization quarters, pending completion of the facilities in the new Tropical Asian exhibit complex in 1975, will be provided in the existing Zebra House at the New York Zoological Park. Facilities include 6 heated indoor stalls and an outdoor fenced area. Permanent quarters will consist of 2 large herd and 2 isolation indoor heated stalls for winter use, 2 non-exhibit herd pens and 2 non-exhibit isolation pens outdoors. The exhibit proper is 5.5 acres and consisting of both open meadow and forested areas. Attached please find a drawing of the management facilities for this species.

New York Zoological Park Thamin Husbandry Program and Staff Qualifications

The Thamin will be exhibited daily for 8–9 months each year, as weather permits. They will return to non-exhibit herd pens each evening and for 3–4 months of the year will remain here with free access to the heated stalls in cold weather. Isolation stalls and pens are available should they become necessary for male separation, animals undergoing therapy, weaning, crating or other. We expect to manage this fairly social species continuously in a herd situation, hence the large communal winter stalls (which, however, can be sub-divided). The diet will consist of hays and Purina Dairy and Heifer grain ration and hydroponically-grown grass with mineralized salt and water continuously available and pasture.

The animals will be subject to the procedures of the Society's Animal Health Department under Dr. Emil Dolensek, our resident veterinarian and Dr. Belson, pathologist and their consultants in various specialties. (See attached list). Each animal will be tuberculin-tested and given a complete blood chemistry "work-up" upon arrival. The Society's animal hospital has excellent facilities for pathology investigations and necropsies. Parasite counts will be continuously monitored and treated as circumstances indicate.

Thamin at the Bronx Zoo will receive direct care from keepers exceptionally experienced with a variety of hoofed animals, including several species of deer, under the supervision of Curator of Mammals, H. B. House and Associate Curator of Mammals, J. G. Doherty. The staff of the Department of Mammalogy has had a longstanding commitment to conservation and the captive breeding of endangered species as evidenced by long-term breeding programs for many species including the endangered Siberian tigers, snow leopards, Pere David deer and wisent. These programs are in the process of expansion as herds increase and other programs are being developed. The number of less endangered species exhibited is being reduced to accommodate the expansion of successful breeding programs for rare or vanishing species. The Society's total collection has been reduced from 1,100 species to 750 species in the past 6 years while the number of specimens has increased from 2,600 to 3,500. Curricula vitae of Curators of Mammalogy, H. B. House and J. G. Doherty, Veterinarians, Emil P. Dolensek and A. Belson are attached. A list of consultants in animal management and medicine is also attached.

History of the Species in Captivity

The species is not presently exhibited in the New York Zoological Park. The following excerpt from "Management of Wild Mammals in Captivity", by Lee S. Crandall, documents our experience with the species in the past and that of other zoos:

"Eld's deer has been shown in zoological gardens sparingly but rather widely over a considerable number of years, the Zoological Society of London having received its first specimen in 1867 (Flower, 1929). The only captive stock of consequence at the present time is the small herd in the Parc Zoologique du Bois de Vincennes, Paris. The original animals were brought from French Indochina just before World War II and presumably represent the eastern race, *Cervus e. siamensis*.

Our first specimens of Eld's deer, a male and two females of unknown origin, were obtained from William Jamrach, in London, and came to us in 1905, as the gift of William Rockefeller. A second pair, again of undetermined race, was purchased in 1928. A female offspring of the latter pair, born in 1930, lived until 1950 and was the survivor of the group, so that the species is no longer represented in our collection.

Eld's deer, in our experience, were more sensitive to cold than other members of *Cervus* and were provided with mildly heated shelters during the winter months, although they had free access to their runs at all times. They presented no feeding problems but were flighty and easily alarmed. I recall a young male that, startled by some unusual sight or sound, hurled himself completely through two wire fences—perhaps not as stout as they might have been—and was killed by impact against a third.

Blanford (1888–91) says that antlers are shed in June in Manipur but not until September in Lower Burma. The breeding season in Burma is from March to May, the young being born in October and November. Unfortunately, I have no notes on these periods here, though a rather extended rut is suggested by the distribution of twenty-five births here: September, four; October, two; December, four; January, nine; February, two; March, four. One pair of twins was included. Although most of these dates fall within the cold months, the rather delicate young survived well, since they usually were born in the heated shelters. One youngster, less fortunate, succumbed to a December reading of −2° F. (−18.8° C.). A terse note on its record card reads: "Carcass fed to thylacine"—a most unusual sequence, not likely to be repeated. The very short gestation period of 183 days given by both Asdell (1946) and Kenneth (1953) stems from Jennison (n.d.) and requires verification.

A female received by the Zoological Gardens of London on April 21, 1900, lived until October 19, 1913, or 13 years, 5 months, 28 days (Flower, 1931), while a specimen born at the Philadelphia Zoological Garden on July 7, 1918, and transferred to the National Zoological Park, lived there until October 21, 1936, or 18 years, 3 months, 14 days (Jones, 1958). A female received here on August 16, 1928, died on November 19, 1948, after 20 years, 3 months, 3 days, while a daughter of this animal, born here on January 7, 1930, lived until April 24, 1950, or 20 years, 3 months, 17 days." Since the publication of Mr. Crandall's book (1964) the species has been imported to the National Zoo where it is breeding and to the Brownsville, Texas Zoo. Curator H. B. House was in Rangoon, Burma in January 1973 and saw a number of specimens including nine young less than a month old in the Rangoon Zoological Gardens. All of the above imports into the United States have come from the same source from which we seek to import.

Abroad there are breeding groups of the species in Calcutta, and Delhi, India; Paris, France; East Berlin; West Berlin and Leipzig, Germany; as well as Rangoon, Burma. According to Volume 13, International Zoo Yearbook, between February and June 1972 there were 43/41/4 animals of which 24/24/4 have been bred in captivity in 9 collections.

Literature on the Species and Status in the Wild

There is little in the scientific literature on the species. Natural history notes, behavioral studies and population figures are sketchy and tentative. The Red Data Book, Volume I, 1972 ed., lists 2 of the three recognized subspecies as endangered excluding the Burmese form (*Cervus eldi thamin*) which we are applying to import. The accounts given for the endangered forms here give little recent concrete data. *DEER OF THE WORLD* by G. Kenneth Whitehead published in 1972 includes a brief account for the species giving some unqualified or unreferenced comments on natural history, distribution and populations. During the January visit of H. B. House to Burma he was assured by Colonel Sithu Hla Aung, Director General of Surveys and Chairman, Management Committee, Rangoon Zoological Gardens that the species was being effectively protected in Burma. No concrete data was presented. An unsubstantiated population figure of around 4,000 is given for Burma in Whitehead's book.

Cooperative Efforts

The staff of the New York Zoological Society is actively cooperating with other zoos in attempting to develop breeding programs for many species. Several specimens including mountain gorilla, gerenuk, okapi, anoa, Congo buffalo, flat-headed cat, swamp monkey, wanderoo and others have been sent to various cooperating zoos. A total of 10 pairs plus replacement individuals of Mouse Deer have been sent to as many zoos in an effort to establish other breeding groups of this species. Comparable efforts have been characteristic of the Society's Departments of Ornithology and Herpetology. We will participate in any authorized studbook that may be developed for the Thamin.

Shipping Arrangement

Shipment will be from Rangoon to Hamburg, Germany via Frankfurt by air. The animals will remain in USDA acceptable quarantine in Hamburg for a minimum of 60 days. They will travel by boat from Hamburg to New York and by truck to USDA Quarantine in Clifton, New Jersey under the supervision of a zoo keeper. Transfer from Clifton to the New York Zoological Park will be made by truck after a minimum of 60 days quarantine. Crates will allow for size and postural adjustments of the animals and

for proper cleaning, feeding and watering in transit.

Long-Term Responsibility

The New York Zoological Society has a long-term commitment to wildlife conservation. The financial support of the New York Zoological Society is sufficient to assure the continuity of its conservation and propagation activities (see the attached Annual Report).

The New York Zoological Society guarantees that the propagation of the thamin is a long-term commitment of its staff. Our husbandary and facilities will be updated as our knowledge of thamin improves. Even so, if for some reason it became necessary to terminate our efforts, we would immediately make our thamin available to a zoological institution which would continue this program.

Certification

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50 and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statements hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

H. B. House,
Curator of Mammals.

W. G. Conway,
General Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 8, 1974 will be considered.

Dated: June 3, 1974.

Lynn A. Greenwalt,
Director, Bureau of
Sport Fisheries and Wildlife.

[FR Doc.74-13056 Filed 6-6-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Western Game Breeders Society, Gerald D. Perkins, Secretary-Treasurer, 1535 Adobe Drive, Pacifica, California 94044.

Chief, Division of Law Enforcement,
U.S. Department of the Interior,
Fish and Wildlife Service,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C. 20240.

April 30, 1974.

Subject: Application of Western Game Breeders Society of America to import a pair of White Eared Pheasants from the Jersey Wildlife Preservation Trust. These are second generation stock avairy breed from 1969 imported birds.

Fees: Enclosed is money order payable to Bureau of Sport Fisheries and Wildlife for Importation or Entry as shown in § 13.11(d) for $10.00.

General Information: Applicant—Western Game Breeders Society, Gerald D. Perkins, Secretary-Treasurer, 1535 Adobe Drive, Pacifica, Ca. 94044. As these birds are 2nd and 3rd generation of avairy raised stock no restrictions of foreign countries are involved.

Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 30, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Effective date: Soon as possible, or June 1, 1974.

Gerald D. Perkins.

April 30, 1974.

Common and Scientific Name: Pheasant—White Eared Crossoptilon-Crossoptilon.

Number—Age and Sex: two birds of 1973 hatch—1 male, 1 female.

Origin: Jersey Wildlife Preservation Trust, Les Augres Manor, Jersey, Channel Islands, Mr. Gerald Durrell, Director. These birds have been declared surplus to the Trusts requirements. They also have a pair of scalped birds which we would like to have if they are still available as they are not fit for exhibition, but would suit our purpose of breeding. Their weight is approximately three (3) pounds apiece.

Justification: As the organization is dedicated to the preservation of all birds in their true form we feel that the importing of a pair of these endangered species would certainly enhance the chances of surviving by the maintaining of captive avairy stock throughout the world. All our members feel very strongly that we should take on this project and that what we are doing is very worthwhile and are sharing the financial aspect through our treasury. As we have imported a trio of Swinhoee Pheasants: Lophura Swinhoii from the Zurich Zoo in Switzerland 1971 we know and have complied with the requirements of keeping records and stud books up to date with our birds. Resume of the Society's designated breeder whom will be the breeder of these birds: See enclosed papers, documents and pictures regarding Mr. James Chamberlain, 4850 Alcorn Rd., Fallon, Nevada 89406.

Sincerely,

Gerald D. Perkins,
Secretary/Treasurer,
Western Game Breeders Society.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 8, 1974 will be considered.

Dated: June 3, 1974.

Lynn A. Greenwalt,
Director, Bureau of
Sport Fisheries and Wildlife.

[FR Doc.74-15057 Filed 6-6-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Charles Sivelle, 41 Westcliff Drive, Huntington Station, Huntington, Long Island, Dix Hills, New York 11746.

The Director,
Bureau of Sport Fisheries and Wildlife,
U.S. Department of the Interior,
Washington, D.C. 20240

Subject: FSF/LE—ENF 7-02 ES-Application 342.

Dear Sir: The undersigned, Charles Sivelle of 41 Westcliff Drive, Dix Hills, N.Y. 11746 (516-423-6146) has applied for an ES permit and is hereby submitting additional information as directed as of April 8, 1974.

The undersigned is an individual, born Sept. 24, 1918, is 5'11" tall, weighs 194 lbs., has brown hair, blue eyes and is a male.

He is a devoted pheasant fancier and has the most complete collection of pheasants in the world on his estate at the above address. His facilities consist of sixteen acres of land containing over 100 pens or individual aviaries of a minimum of 400 sq. feet each with heights of 3 to 9 ft. Besides the above are forty-two flights of 600 sq. ft. each with complete inner heated flights of 200 sq. ft. which are available for housing the birds to be imported. There is also available an orchard completely under wire of one acre with several heated shelters.

At present the undersigned has forty-one varieties of pheasants including Borneo Argus, Koklass, 3 varieties of peacock pheasants, 2 pr. Palawans, 3 pr. Germains and 3 pr. Greys, Borneo Crested and Crestless Firebacks, Bulwar's, Malayan Crested, 4 pair of Satyr Tragopans, 4 pair of Temminick Tragopans, 3 pair of Brown Eared, 2 pairs of Blue Eared and 2 pair of White Eared.

The 15 pair of palawan peacock pheasants (Polyplectron emphanum) one to two years of age, for which this permit is requested are being supplied by the Philippine Zoological Botanical Gardens and Aquarium per Osmundo Aguilar the director. These birds will either be brought in by Rev. Fr. Osmundo Aguilar himself or shipped direct from Queson City, Philippines. These birds were captive bred by the Philippine Zoological Botanical Gardens & Aquarium in their aviaries from wild caught stock. They are to be utilized to supply new blood for the present captive stock in America which is rather inbred at this time. Very few of these pheasants have been imported into the U.S.A. in the last three years. Other types of pheasants supplied by myself and several Zoos will be shipped to the Philippine Zoological Botanical Gardens & Aquarium in exchange for these pheasants.

At least three pair of these pheasants will be sent to the San Diego Zoo, two pair to the N.Y. Zoo and one pair to the National Zoo for propagation purposes. Those that are left will be retained by myself on my property for propagation purposes only.

The undersigned has successfully bred this specie of pheasant for many years and the introduction of new blood is essential. There are about forty pairs of this specie in private collections and in several Zoos at present in the United States and these were propagated primarily from a dozen pair of imported birds.

This importation will provide a positive deterrent to the possible extinction of this specie and at the same time provide the Philippine Islands with a source of other rare pheasants in turn aiding in the prevention of their extinction.

V 39 111 JUN 7 74 XUM

The undersigned's qualifications and previous experience in caring for and handling captive live wildlife are as follows:

(1) President of American Game Bird Breeder's Cooperative Federation, Re-elected 3 times.

(2) Director—American Pheasant and Waterfowl Society.

(3) Past President and Executive Secretary of Avicultural Society of Long Island.

(4) Recipient of "Outstanding Game Bird Propagation Awards" from the American Game Bird Breeders Cooperative Federation for past 3 years.

(5) "Avicultural Hall of Fame" award in 1969.

(6) "Outstanding Pheasant Breeder" of 1970 of American Pheasant and Waterfowl Society, also received same award in 1971 and 1972.

I have 17 years experience in pheasant propagation. Imported the Mikado Pheasant 7 years ago, the Hume Bar Tail pheasant 7 years ago, the Jima Copper Pheasant 5 years ago and have since raised and distributed over 200 Mikados, over 200 Bar-Tails, over 50 Jima Coppers, over 100 Brown Eared and over 50 Edwards and more than 200 Swinhoes—All on the Endangered Species list.

The undersigned has already been working with the N.Y. Zoo in establishing a cooperative breeding program and are at present establishing a studbook containing an up to date record of Palawan pheasants now being bred in the U.S.A.

If the above permit is forthcoming within thirty days Osmundo Aguilar of the Philippine Zoological Botanical Gardens & Aquarium will accompany the shipment into the U.S. at which time the birds will be quarantined on arrival at the port of New York. Space has been provided by the Clifton Station for this time.

After quarantine the birds will be paired off for propagation at the various Zoo's listed above and at the premises of the undersigned in avaries properly designed and already available to receive them.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in the application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Very truly yours,

CHARLES SIVELLE.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 8, 1974 will be considered.

Dated: June 3, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-13052 Filed 6-6-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Bobby Berosini, Bobby Berosini's Performing Orang-Utans, Star Route 4, Box 128, Reeds Spring, Missouri 65737.

APRIL 23, 1974.

Application for a permit to transport 3 Orangutans from State to State in the business of a Theatrical Performer.

(1) As above address.

(2) Individuals address as above. Born 10th Aug. 1946. Height 5'11", Weight 161 lbs. Brown Hair and Eyes. Male. Animal Trainer and Performer.

(3) Individual, address as above.

(4) Travelling from State to State. Home based at above address.

(5) Economic Hardship. My trade as an animal trainer and performer is my only livlihood and also that of my family, without the income to support myself and my family, I would be unable to pay my bills, feed my family and my animals. This is the only living I have ever been trained for.

(6) All 3 of my animals have been born in captivity, in America.

(7) I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statements hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

13.12.

(1) Orangutan, 2 Females 5 years and 3 years, 1 Male 7 years.

(3) Economic Hardship, as described in No. 5 above.

(4) Travelling from State to state. Home address as above. These animals whilst travelling are housed in individual cages in a custom 30' van made especially for these animals with their needs in mind.

(5) Animals born in captivity.

BOBBY BEROSINI.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than July 8, 1974 will be considered.

Dated: June 3, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-13053 Filed 6-6-74;8:45 am]

Geological Survey

MILL AND DEER CREEK BASINS, CALIF.

Power Site Cancellation 308

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 72, 182, and 446 are hereby canceled to the extent that they affect the following described land:

MOUNT DIABLO MERIDIAN

Power Site Classification 72 of June 3, 1924;

T. 26 N., R. 1 W.,
  Sec. 24, SE¼SE¼;
  Sec. 26, SE¼NE¼, SW¼NW¼, W½SW¼, and N½SE¼;
  Sec. 32, S½SW¼.
  Area—360 acres.

Power Site Classification 182 of May 26, 1927;

T. 25 N., R. 1 E.,
  Sec. 12, lot 5;
  Sec. 20, NW¼NE¼.
T. 26 N., R. 3 E.,
  Sec. 5, lot 3, SE¼NW¼, and E½SW¼;
  Sec. 7, E½SE¼.
T. 27 N., R. 3 E.,
  Sec. 26, N½NW¼;
  Sec. 34, N½NW¼.
T. 27 N., R. 4 E.,
  Sec. 1, lot 3 of NE¼ (now lot 6), lot 4 of NE¼ (now lot 5), E½ of lot 4 of NW¼, lots 7 and 8, SW¼, and W½SE¼;
  Sec. 2, S½S½ and NE¼SE¼;
  Sec. 9, NE¼SE¼ and S½SE¼;
  Sec. 10, S½NE¼ and S½;
  Sec. 11, N½NE¼, SW¼NE¼, W½, and NW¼SE¼;
  Sec. 12, N½NW¼;
  Sec. 15, N½NE¼ and NW¼;
  Sec. 16, N½, SW¼, and N½SE¼;
  Sec. 17, S½NE¼, S½SW¼, and SE¼;
  Sec. 20, N½NE¼, SW¼NE¼, NW¼, and NW¼SE¼.
T. 25 N., R. 1 W.,
  Sec. 13, lots 1 and 2, S½NW¼, N½SW¼, and unsurveyed SE¼ (now lots 3, 4, and N½SE¼);
  Sec. 23, lots 2, 3, 4, 6, and 7.
  Area—4,288 acres.

Power Site Classification 446 of November 29, 1965;

T. 28 N., R. 5 E.,
  Sec. 22, SW¼NW¼.
  Area—40 acres.

The effective date of this cancellation is September 30, 1974.

Dated: May 31, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-13078 Filed 6-6-74;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Citizens' Advisory Commission will be held at 1 p.m. on June 29, 1974 at the San Francisco Main Public Library Conference Room, corner of Larkin and McAllister Sts., San Francisco, California.

The purpose of the Golden Gate National Recreation Area Citizens' Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park System in Marin and San Francisco Counties.

The members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mr. Ernest C. Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mrs. Amy Meyer
Mr. John M. Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Wayburn

The main purposes of the meeting are to adopt by-laws for the Commission and to hear briefings by members of the Golden Gate National Recreation Area staff on the area's overall operations to date.

This meeting will be open to the public. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California, 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by July 15, 1974 in the office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: May 30, 1974.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

[FR Doc.74-13050 Filed 6-6-74;8:45 am]

National Park Service

MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 3:30 p.m., on Friday, 21 June, 1974, at Park Headquarters on Route 2A, Lincoln, Massachusetts.

The Commission was established by Pub. L. 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

Hon. F. Bradford Morse, Chairman, New York, New York.
Mr. James DeNormandie, Lincoln, Massachusetts.
Mr. Francis S. Moulton, Jr., Concord, Massachusetts.
Mr. Donald E. Nickerson, Lexington, Massachusetts.
Mrs. Katherine S. White, Lincoln, Massachusetts.

At this meeting, reports will be submitted by the Superintendent and Land Acquisition Officer on Park operations and land acquisition activities since the last Commission meeting. Also, a Bicentennial Report of the Minute Man Towns will be presented.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and it is expected that not more than 35 persons will be able to attend. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact David L. Moffitt, Superintendent, Minute Man National Historical Park, at 617-259-9240. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

JERRY D. WAGERS,
Regional Director.

[FR Doc.74-13086 Filed 6-6-74;8:45 am]

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICHIGAN

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of October 21, 1970 (84 Stat. 1075, 1077; (16 U.S.C. 460x; 460x-5)), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on July 12, 1974, in the Veterans of Foreign Wars, Kenneth C. Evans Post, 1144 Beulah Highway, Beulah, Michigan, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of potential wilderness comprising about 26,060 acres within the Sleeping Bear Dunes National Lakeshore, Michigan.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635, or from the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635, by July 10, 1974, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer at that address for inclusion in the official record which will be held open for written statements until August 12, 1974.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.

(2) Members of Congress.

(3) Members of the State Legislature.

(4) Official representative of the counties in which the proposed wilderness is located.

(5) Officials of other Federal agencies or public bodies.

(6) Organizations in alphabetical order.

(7) Individuals in alphabetical order.

(8) Others not giving advance notice, to the extent there is remaining time.

Dated: May 28, 1974.

RICHARD C. CURRY,
Associate Director, National Park Service.

[FR Doc.74-12934 Filed 6-6-74;8:45 am]

Bureau of Land Management

[ES 11765]

FLORIDA

Proposed Withdrawal and Reservation of Lands

MAY 30, 1974.

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, has filed application ES 11765 for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the Act of July 31, 1947

(61 Stat. 681 (30 U.S.C. 601–604)) of the lands described below, subject to valid existing rights:

TALLAHASSEE MERIDIAN

T. 31 S., R. 39 E.,
Sec. 9, Lot 9.

The area described contains 37.50 acres in Indian River County, Florida.

The applicant desires the use of the land as a part of the Pelican Island National Wildlife Refuge for the management of the endangered brown pelican and other colonial nesting birds and other wildlife.

On or before July 8, 1974 all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

LOWELL J. UDY,
Director,
Eastern States Office.

[FR Doc.74-13059 Filed 6-6-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEKALB, ILLINOIS

Designation as Inspection Point

Statement of considerations. The Illinois Department of Agriculture is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Illinois Department of Agriculture is now and has been providing official inspection service for many years at East St. Louis, Shawneetown, Fairfield, and Casey, Illinois, as designated inspection points. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Illinois Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Dekalb, Illinois, and has requested that its assignment be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Dekalb, Illinois, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the proposed request from the Illinois Department of Agriculture to add Dekalb, Illinois, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than July 8, 1974. All materials submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on June 3, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-13140 Filed 6-6-74;8:45 am]

Forest Service

INTERIM REVISION—FLATHEAD NATIONAL FOREST TEN-YEAR TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Interim Revision—Flathead National Forest Ten-Year Timber Management Plan, Forest Service Report Number USDA-FS-FES (Adm) 74-12.

The environmental statement concerns a proposed interim revision of the Flathead National Forest Ten-Year Timber Management Plan.

This final environmental statement was filed with CEQ on May 30, 1974.

Copies are available for inspection during regular working hours at the following locations.

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, MT 59801

USDA Forest Service
Flathead National Forest
290 North Main
Kalispell, MT 59901

A limited number of single copies are available upon request to Forest Supervisor Edsel L. Corpe, Flathead National Forest, 290 North Main, Kalispell, MT 59901.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region, Forest Service.

MAY 30, 1974.

[FR Doc.74-13077 Filed 6-6-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Change of Open Sessions of Meetings

In the FEDERAL REGISTER of May 29, 1974 (39 FR 18692), the Food and Drug Administration announced, pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; (5 U.S.C. App.)), public advisory committee meetings for the month of June and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the open sessions for the following committees are changed as set forth below:

For the Panel on Review of Topical Analgesics on June 10 and 11, the open session for public participation scheduled for 9 a.m. on June 10 is changed to 9 a.m. on June 11.

For the Panel on Review of Bacterial Vaccines and Bacterial Antigens on June 21 and 22, the open session for public participation scheduled for 9 a.m. on June 21 is changed to 11 a.m. on June 21.

Dated: June 3, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-13064 Filed 6-6-74;8:45 am]

Social and Rehabilitation Service

CUBAN REFUGEE PROGRAM

Phaseout of Federal Reimbursement to States

Notice is hereby given that the Social and Rehabilitation Service will reduce, beginning July 1, 1974, and will terminate, by July 1, 1977, Federal reimbursements to States under the Migration and

Refugee Assistance Act of 1962 (Pub. L. 87-510).

This action is based on the following considerations: (1) The emergency situation which led to the establishment of the Cuban Refugee Program and of the special reimbursements to States for assistance to needy refugees no longer exists. (2) The Cuban refugee airlift, which accounted for the major influx of Cuban refugees, terminated on April 6, 1973. (3) Approximately 80 percent of the Cuban refugees in the United States are fully self-supporting and making significant economic and tax contributions in the areas in which they live. (4) Through the program of Supplemental Security Income for the Aged, Blind, and Disabled (SSI), which began January 1, 1974, and which includes needy refugees, the Federal Government has assumed continuing responsibility for basic assistance to aged, blind, and disabled Cuban refugees.

As the special refugee funds are phased out, Federal matching will be provided to States for assistance to refugees who are eligible for the federally aided programs of Aid to Families with Dependent Children (AFDC) and Medical Assistance (Medicaid). The phaseout is gradual in that it requires States and local jurisdictions to begin to assume responsibility for only those refugee recipients who have been in the United States more than 5 years (the minimum time required to obtain citizenship) and provides a 3-year period prior to the final termination of the special Federal reimbursements.

A phaseout of Federal Cuban Refugee Program reimbursements to States was originally scheduled to begin July 1, 1973. A proposal to phase out was published in the FEDERAL REGISTER of April 10, 1973 (38 FR 9103), and, following careful consideration of comments received, a notice of phaseout was published in the FEDERAL REGISTER of June 27, 1973 (38 FR 16928). The phaseout was subsequently suspended until further notice (FEDERAL REGISTER of August 9, 1973; 38 FR 21517) in the light of Congressional action to continue the funding of the Cuban Refugee Program at a nonphaseout level. This suspension has been continued throughout fiscal year 1974, thus providing States with 1 additional year of Cuban Refugee Program reimbursements on the previous basis (except for the change effected by the start of the SSI program January 1, 1974).

The present phaseout plan for the Cuban Refugee Program is unchanged from the previous plan except for (1) the 1-year delay in the starting date and (2) technical revisions reflecting the fact that the SSI program is now in operation.

In view of the fact that the present plan contains no substantive changes, that opportunity for comment was provided prior to the 1973 notice of phaseout, that the proposed budget of the Cuban Refugee Program for fiscal year 1975 is based on the phaseout beginning July 1, 1974, and that the States need leadtime in order to identify refugee recipients over 5 years in the United States and to prepare to place them on the regular assistance programs, the Department has determined that publication of a proposed notice is unnecessary and that publication of a final notice is in the public interest.

Therefore the Department has determined that the phaseout plan shall be placed in effect as follows:

1. Effective July 1, 1974, Federal reimbursements to States for financial and medical assistance to needy Cuban refugees, from funds appropriated to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Pub. L. 87-510) relating to assistance to refugees in the United States (Cuban Refugee Program), shall be discontinued for cases in which the head of the case has lived in the United States for 5 years or longer, and thereafter at such time as the head of an assisted case has lived in the United States for 5 years, with the following exceptions: (a) In accordance with existing policy, no reimbursements are made for State supplemental payments under title XVI of the Social Security Act (Supplemental Security Income for the Aged, Blind, and Disabled) regardless of the length of time the head of the case has lived in the United States; and (b) reimbursements for financial and medical assistance to cases not eligible under title IV-A, XVI, or XIX of the Act shall be continued to any State in which persons born in Cuba comprised 3 percent or more of the total population of the State according to the 1970 census of population. Such reimbursement is subject to annual review and approval by the Department of Health, Education, and Welfare and in no event shall continue beyond June 30, 1977.

2. Effective July 1, 1977, all Federal reimbursements to States for financial and medical assistance to needy Cuban refugees, from funds appropriated as specified above, shall be terminated.

(Catalog of Federal Domestic Assistance, Program No. 13.762, Refugee Assistance—Cuban Refugees.)

Dated: June 3, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and
Rehabilitation Service.

[FR Doc.74-13081 Filed 6-6-74;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet Monday and Tuesday, June 17-18, 1974. On Monday and Tuesday the Committee will meet from 9 a.m. to 5 p.m. in Room 3173, HEW-North Building, 330 Independence Avenue, SW., Washington, D.C. The Committee will meet to finalize recommendations on their four priorities: Title IX of the Education Amendments of 1972, National Health Insurance relating to the health needs of women, Career Ladders for Women, and Social Security to be submitted to the Secretary late in June.

Persons wishing to submit written statements to the Committee, should send them to the Executive Secretary; Room 3062 North Building, Washington, D.C. 20201; phone: 202-245-8454 by June 12th. Members of the public are invited to attend the meeting.

Dated: May 14, 1974.

KAREN KEESLING,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.74-13107 Filed 6-6-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of P.L. 92-463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on July 9-10, 1974, beginning at 9 a.m., e.d.t., July 9 in Conference Room 9, FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. The following agenda items are scheduled for this meeting:

1. *Briefing*—MLS Economic Analysis.
2. *Briefing*—Status of Decision-Making Criteria and Plans.
3. *Briefing*—Status of Phase II Test Program.
4. *Discussion*—Small Community Services Systems.
5. *Briefing*—Status of Interim MLS.

All those interested in attending the meeting should contact Mr. Jules I. Kanter, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street, S.W., Washington, D.C. 20590. Telephone 202-426-3406. The meeting will be open to the public.

Issued in Washington, D.C. on May 28, 1974.

JULES I. KANTER,
Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.74-12773 Filed 6-6-74;8:45 am]

Coast Guard

[CGD 74-145]

PROVIDENCE RIVER, RHODE ISLAND

Public Hearing on Proposed Changes to Aids to Navigation

Notice is hereby given that a public hearing will be held by Commander, First

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Coast Guard District regarding proposed major changes in aids to navigation marking the navigation channels in the vicinity of Coddington Cove, Dyer Island and Quonset Pt. in the Providence River, Rhode Island. The hearing will be held on Wednesday, July 17, 1974 at 7 p.m. at the Quonset-Davisville Yacht Club, Construction Battalion Center, North Kingstown, Rhode Island 02854.

Specific details of the proposed changes in aids to navigation are contained in Local Notice to Mariners Number 8, dated February 20, 1974 and published by Commander, First Coast Guard District. Interested persons may obtain copies from the Coast Guard Marine Inspection Office, 104 John E. Fogarty Federal Building, Providence, Rhode Island 02903 or from Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

The hearing will be informal. It will be conducted by a representative of the Commander, First Coast Guard District, who will make an opening statement presenting a brief summary of the proposed changes. Interested persons will then have an opportunity to present their oral statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may submit written data, views, or arguments to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the subject, state his views on the effect the proposed changes will have on safety to navigation, commerce and the public interest, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District. Written comments may also be submitted at the public hearing.

(Sec. 1, 63 Stat. 500, 80 Stat. 937 (14 U.S.C. 91, 81, 49 U.S.C. 1655(b) (1)); 33 CFR 62.01-1, 62.05-1 49 CFR 1.46(b))

Dated: June 4, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-13049 Filed 6-6-74;8:45 am]

Federal Highway Administration

MASSACHUSETTS' PROPOSED ACTION PLAN

Highway Project Development

The Massachusetts Department of Public Works has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed action plan is available for public review at the following locations:

1. Massachusetts Department of Public Works, Mr. Robert T. Tierney, Chief Engineer, Department of Public Works, 4th Floor, 100 nashua Street, Boston, Massachusetts 02114.
2. District 1, Mr. Dean P. Amidon, District Highway Engineer, P.O. Box 1151, Pittsfield, Massachusetts 01201.
3. District 2, Mr. Francis J. Hoey, District Highway Engineer, 2 North King Street, Northampton, Massachusetts 01060.
4. District 3, Mr. John J. Lyons, District Highway Engineer, 403 Belmont Street, Worcester, Massachusetts 01604.
5. District 4, Mr. Charles Mistretta, District Highway Engineer, 519 Appleton Street, Arlington, Massachusetts 02174.
6. District 5, Mr. Jacob Berkover, District Highway Engineer, 485 Maple Street, P.O. Box 74, Danvers, Massachusetts 01923.
7. District 6, Mr. Joseph T. Cronin, District Highway Engineer, 1000 County Street, Taunton, Massachusetts 02780.
8. District 7, Mr. Raymond Kelleher, District Highway Engineer, 151 Pierce Street, Middleborough, Massachusetts 02346.
9. District 8, Mr. Charles K. Brown, District Highway Engineer, 400 "D" Street, South Boston, Massachusetts 02210.
10. Massachusetts Division Office, FHWA, JFK Federal Building, Government Center—Room 612, Boston, Massachusetts 02203.
11. FHWA Regional Office, Region 1, 4 Normanskill Boulevard, Delmar, New York 12054.
12. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400-7th Street, SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 12, 1974.

Issued on June 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-13048 Filed 6-6-74;8:45 am]

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On June 22-23, 1974, the Youths Highway Safety Advisory Committee will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street SW., Rooms 5332-5336, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9 a.m. to 5 p.m. on June 22, 1974 and from 9 a.m. to 12 noon on June 23, 1974. The agenda is as follows:

Briefing on School Bus Safety.
Briefing on Motorcycle Education.
Briefing on Anti-Skid Braking Systems.
Briefing on Research Safety Vehicle Program.
Reports on Resolutions.
Discussion on Proposed Resolutions.
Report on March Conference—Follow-up.
Regional Reports.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202—426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

Issued on June 3, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74-13051 Filed 6-6-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SAFETY FEATURES PROVIDED BY ARCHITECT-ENGINEERS

Notice of Meeting

JUNE 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Safety Features Provided by Architect-Engineers will hold a meeting on June 26 and 27, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss the role of the Architect-Engineer in nuclear plant design and the safety features that are provided by the Architect-Engineer as opposed to those provided by the nuclear steam system supplier.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JUNE 26, 1974, 9 A.M.-5 P.M.

Discussions with the Bechtel Corporation.

THURSDAY, JUNE 27, 1974, 9 A.M.-5 P.M.

Discussions with the Stone & Webster Engineering Corporation.

Representatives of the Architect-Engineers will make presentations on the role of the Architect-Engineer, standardization of plant design, interfaces with the nuclear steam system supplier, operating experience, and specific design features, and other items.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of, each day's public session, which will involve a discussion of its preliminary views, and

an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the Architect-Engineers to discuss privileged information relating to industrial security and specific plant design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of each day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 19, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on June 26 and 27, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 24, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after July 1, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after August 27, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-13282 Filed 6-6-74;10:07 am]

[Dockets Nos. PRM-70-3 and PRM-70-4]

GENERAL ELECTRIC CO. AND TEXAS NUCLEAR CORP.

Denial of Petitions

Please take notice that the Atomic Energy Commission has denied petitions for rule making submitted by General Electric Co., 175 Curtner Avenue, San Jose, California and Texas Nuclear Corporation, 9101 Research Blvd., Austin, Texas.

By letter dated May 8, 1973, General Electric Co. petitioned the Commission to amend its regulation 10 CFR Part 70 to authorize export under a general license of small amounts of special nuclear materials such as (a) not more than one gram of uranium-235 and uranium-233 in enriched uranium; (b) not more than one gram of plutonium in any physical or chemical form except metal; (c) not more than 5 g of plutonium in a sealed neutron source; and (d) not more than 0.5 g of plutonium in a heat source such as a pacemaker battery. A notice of filing of petition, Docket No. PRM-70-3, was published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14302).

By letter dated July 17, 1973, Texas Nuclear Corp. petitioned the Commission to amend its regulation 10 CFR Part 70 to authorize export under a general license of not more than 3 milligrams of contained plutonium-238 in a solid, encapsulated form as the component part of a small, portable instrument which uses the technique of X-ray fluorescence to perform quantitative elemental analysis. A notice of filing of petition, Docket No. PRM-70-4, was published in the FEDERAL REGISTER on August 16, 1973 (38 FR 22177).

The Atomic Energy Act of 1954, as amended, authorizes the Commission to issue licenses to export special nuclear material under the terms of an agreement for cooperation arranged pursuant to section 123 of the Act. All such agreements have limiting language as to type, amount, and end-use of the special nuclear material which may be exported. At present, such exports are dealt with by specific licenses that specify, on a case-by-case basis, the full name and address of the ultimate consignee, and of any intermediate consignee, and the type, amount, and end-use of the material which may be exported regardless of the amount of special nuclear material involved. In addition, section 123 of the Act requires that each agreement for cooperation contain (1) a guaranty by the cooperating party that security safeguards and standards as set forth therein will be maintained, (2) a guaranty that any material to be transferred thereunder will not be re-exported except as specified therein, and (3) a guaranty that the material to be transferred thereunder will not be used for any military purpose.

The Commission considers that these requirements cannot be met by the conditions of any general license that the Commission could issue for the export of special nuclear material. Accordingly, the Commission has denied the petitions on the grounds that the terms of agreements for cooperation, arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended, are not conducive to the issuance of a general license authorizing export of small quantities of special nuclear material.

Copies of the petitions for rule making and of the Commission's letters of denial are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

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Dated at Germantown, Maryland, this 3rd day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-13090 Filed 6-6-74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.77, "Assumptions Used for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors," identifies acceptable analytical methods and assumptions that may be used in evaluating the consequences of a rod ejection accident in uranium oxide-fueled pressurized water reactors.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and shutdown Power Systems at Multi-Unit Sites.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Stream Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heat-up and Cool-down Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Inservice Inspection and Testing of Steam Generators Tubing.
Component Design Criteria for Elevated Temperature Reactors.
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Code Case Acceptability for ASME Section III Materials.
Sumps for Emergency Core Cooling and Containment Spray Systems.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Termination of Nuclear Reactor Operating Licenses.
Preoperational Testing of Instrument Air Systems.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Design and Fabrication.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Self-Operated and Power Operated Safety-Related Valves Functional Specification.
Nuclear Power Plant Environmental Characteristics for Designated Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 30th day of May, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-13089 Filed 6-6-74;8:45 am]

[Dockets Nos. 50-445, 50-446]

TEXAS UTILITIES GENERATING CO.

Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed issuance of construction permits for the Texas Utilities Generating Company's Comanche Peak Electric Station, Units 1 and 2, to be located near Glen Rose, Texas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Somervell Public Library, On-the-Square, Glen Rose, Texas 76043. The Final Environmental Statement is also being made available at the North Central Texas Council of Governments, P.O. Box 5888, Arlington, Texas 76011 and the Division of Planning and Coordination, Office of the Governor, P.O. Box 12428 Capital Station, Austin, Texas 78711.

The notice of availability of the Draft Environmental Statement for the Comanche Peak Steam Electric Station, Units 1 and 2 with request for comments from interested persons was published in the FEDERAL REGISTER on February 21, 1974 (39 FR 6633). The comments received from Federal, State and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-13092 Filed 6-6-74;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC AND WISCONSIN MICHIGAN POWER CO.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 3 to Facility Operating License No. DPR-24 issued to Wisconsin Electric and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications to permit Cycle 3 operation at a reduced system pressure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act"), and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 1, 1974, (2) Amendment No. 3 to License No. DPR-24 and Change No. 8, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23rd day of May 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1 Directorate of Licensing.

[FR Doc.74-13091 Filed 6-6-74;8:45 am]

[Dockets Nos. 50-458 and 50-459]

GULF STATES UTILITIES CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed River Bend Station, Units 1 and 2, to be constructed by Gulf States Utilities Company to be located in West Feliciana Parish, Louisiana is available for inspection by the public in the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and in the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775. The Draft Statement is also being made available at the Commission on Intergovernmental Relations, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804 and the Florida District Clearinghouse, Capitol Regional Planning Commission, 101 St. Ferdinand Street, Suite 205, Baton Rouge, Louisiana 70801. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Gulf States Utilities Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 30, 1973 (38 FR 29910).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 29, 1974. When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 3rd day of June 1974.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Directorate of Licensing.

[FR Doc.74-13162 Filed 6-6-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24283 etc.; Order 74-6-18]

AIR CARRIER REORGANIZATION INVESTIGATION

Diversified Business Activities

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June, 1974.

On August 27, 1973, Administrative Law Judge E. Robert Seaver issued his decision in the above-entitled proceeding[1] wherein he found, interalia, that certificated, scheduled air carriers should be permitted to engage in diversified business activities so long as such activities are monitored by the Board under the comprehensive regulatory scheme[2] that he set forth in his decision.[3] Judge Seaver proposed that his suggested regulatory scheme be imposed by Board decision in this proceeding on all certificated, scheduled carriers without further rulemaking procedures. Subsequently, by Order 73-9-8, the Board took review of the decision on its own motion.

Disagreement with Judge Seaver's conclusion that diversification regulations of general applicability should be promulgated herein prompted American Airlines; Frontier Airlines, RKO General and the General Tire and Rubber Company jointly (hereafter referred to as "Frontier"); Hughes Airwest and Summa Corporation jointly (hereafter referred to as "Airwest"); Pan American World Airways; and Trans World Airlines to file motions with the Board that, in the main, sought either permission to intervene or an order of the Board indicating that the Investigation would not result in the imposition of a regulatory scheme of general applicability without further proceedings in which all interested parties could participate.[4] In gen-

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[1] Hereafter "the Investigation."

[2] Judge Seaver's proposal would apply to diversification whether by parent corporations of airlines, airline subsidiaries, or unincorporated divisions of airlines.

[3] Judge Seaver also recommended that Braniff's corporate reorganization be approved. By Order 73-11-8, the Board granted Braniff's motion to sever its corporate reorganization application from the Investigation and approved it on an interim basis, subject to certain conditions.

[4] The present parties to the Investigation are United, Braniff, Flying Tiger, National, the Department of Transportation, the Department of Justice, and the Bureau of Operating Rights.

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eral, the carriers argue that the Board order instituting the Investigation indicated that the proceeding was intended to encompass diversification questions only insofar as they are related to holding companies—not to airlines that diversified by means of other forms of corporate organizations. They assert that the imposition of the proposed regulatory scheme on nonparties would thus violate the notice provisions of the Administrative Procedure Act.[5] Several of the carriers request, alternatively, that the binding effect of a Board decision in the Investigation be limited to the existing parties. Frontier and Pan American urge that if the Board believes that regulations of general applicability are needed to control diversification, the adoption of such regulations should be accomplished via a rulemaking proceeding that could be instituted following completion of the Investigation.

The Bureau of Operating Rights filed an answer to the motions of Pan American, TWA and American in which it urges that we deny the carriers' intervention requests on the basis that the addition of new parties would expand the issues and delay a final decision in the proceeding. The Bureau urges us to institute a rulemaking proceeding subsequent to the Investigation in the event that we decide that diversification regulations of general applicability should be promulgated.

In response to Braniff's severance proposal and the motions of Pan American, American and TWA, United filed a motion to restructure proceeding and for other relief. Answers to United's motion have been filed by Pan American, American, Frontier, Braniff, Flying Tiger, the Department of Justice and the Bureau.[6]

United's restructure motion requests that the Investigation be changed from an adjudicatory proceeding into a rulemaking case. The carrier urges that the regulations proposed in Judge Seaver's decision should be published as proposed rules, and that, thereafter, all interested persons should be given an opportunity to submit comments both on the merits of the proposed rules and on the issue of whether the Federal Aviation Act gives the Board the power to adopt them. United's position is that this restructuring would avoid the need for two separate proceedings, would insure that any regulatory scheme regarding air carrier diversification would have uniform applicability, and would avoid the "exercise in frustration" that the Bureau proposes—i.e., a rulemaking proceeding whose outcome would be a foregone conclusion in view of the prior decision of the Board in this Investigation.

In an answer to United's motion, Flying Tiger submits that since it is the only air carrier whose diversified activities are currently subjected to a prior Board approval regime, any restructuring of the proceeding should be undertaken only if it is accompanied by relief for Flying Tiger from paragraph 3 of Order 70-6-119 that required Flying Tiger to obtain prior Board approval of certain transactions between the carrier and its subsidiaries and affiliates.[7] The answers of Frontier and Pan American take no position on the merits of United's proposal. American and DOJ filed answers in support of United's restructure motion.[8]

The Bureau filed an answer urging the Board to deny the restructure motion, stating that the proposal is fundamentally an attempt to retry the issues in the proceeding de novo—and, consequently, to delay, if not thwart altogether, the regulation of United's presently unregulated diversification activities. The Bureau again urges that the Board proceed to decision with respect to the carriers now parties to the Investigation, but that we hold a subsequent rulemaking proceeding before the promulgation of rules of general applicability.

Upon consideration of the aforementioned pleadings, we have determined to deny United's restructure motion and the substantive motions of the various other carriers who seek intervention, declaratory orders or other forms of relief. In addition, for the reasons discussed below, we have determined to limit the proceedings on review to consideration of the issues raised by air carrier diversification through the airline formed holding company form of organization.[9]

First, as indicated by our instituting order (Order 72-3-27) the primary impetus for this investigation was our concern for the "potential ramifications of the formation by air carriers of holding companies."[10] Similarly, the air carriers we named as parties are carriers which at the time of the order's issuance either had diversified through the holding company form of corporate organization (United and Flying Tiger) or which desired to form a holding company (Braniff), or which had been authorized by the Board to form a holding company (Airlift).

Second, the vast bulk of evidence adduced at the hearing concerns the diversification activities of air carrier formed holding companies.

Third, limiting the proceeding to diversification via airline formed holding companies will permit the proceeding to move more expeditiously. In addition, the experience the Board gains in this proceeding may well enable the Board to better shape any future proceeding covering diversification by other means—or, perhaps, to entirely avoid such a proceeding (if, for example, we were to determine in the Investigation that airline diversification does not warrant Board supervision or control).

In regard to United's claim that moving ahead with the Investigation as it is now structured could result in the imposition of requirements on Braniff, Flying Tiger and United that would place them at a disadvantage relative to other carriers, the parties herein will be free to argue this matter when they express their views to the Board on the nature of the action the Board should take herein. And we also disagree with United's contention that the adoption of a regulatory scheme on other carriers subsequent to the Investigation would be an "exercise in frustration." As touched on above, we have not, of course, made any final determination that additional controls or other requirements should be imposed on airline diversification activities, nor have we finally passed on whether diversification through airline formed holding companies presents greater potential danger for harm to the public interest than other forms of diversification (as Judge Seaver concluded), or, for that matter, whether it is less of a problem in that respect than other diversification approaches. Thus we cannot conclude that further proceedings concerning airline diversification (rulemaking or otherwise) will in fact be instituted after conclusion of this proceeding. In any event, we see no problem with first imposing appropriate requirements on the parties to the Investigation and thereafter imposing by regulation the same or similar requirements on other carriers. (See Southern Pacific-Santa Fe Air Freight Forwarder Case, Order 70-10-100, PSDR-31/EDR-204, 36 FR 12310, and ER-701/702 (Amdt. 11), ER-703 (Amdt. 2) and Reg. PS-48 (Amdt. 27), 36 FR 20157.)

Our ruling here largely moots the various pending petitions to intervene, which generally were based on the petitioners' concern that this proceeding would encompass diversification other than through airline formed holding companies. However, because of the apparently broad interest in this proceeding we will permit any interested person to submit a pleading in the nature of a brief amicus curiae to the Board on the matters at issue in the Investigation on or before the date briefs are due from the parties.[11] Such pleadings shall be limited to 25 pages. In addition any nonparty desiring to present oral argument may seek permission to do so by written request accompanying his brief.[12]

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[5] See 5 U.S.C. § 553(b).

[6] The answers of DOJ and the Bureau were attached to motions for leave to file late answers. We will grant the motions.

[7] By Order 74-5-90, the Board raised the amount upon which the intercompany transaction prior approval condition of Order 70-6-119 is triggered from $100,000 to $1 million.

[8] Braniff answered United's motion urging that, prior to or in connection with any action to restructure the proceeding, separate expedited action should be taken with respect to its corporate reorganization application. As noted, supra, the Board granted Braniff's request on an interim basis. Accordingly, we will dismiss as moot that part of United's motion that requests severance of Braniff's corporate reorganization application.

[9] Thus diversification through subsidiaries or divisions of airlines will not be here considered, nor the diversification that results from the acquisition of control of an airline by a nonairline company.

[10] Thus United's motion to restructure is to a large extent a wholly untimely petition for reconsideration of our instituting order.

[11] In addition to the matters at issue in this proceeding, the amicus briefs may discuss what further action the Board should take in respect to diversification activities conducted by airlines (or their affiliates) other than through airline formed holding companies.

Briefs shall be due not later than forty-five days from the date of adoption of this order. Oral argument will be heard at a time and place to be hereafter designated by the Chief Administrative Law Judge.

Accordingly, it is ordered: 1. That the motion of United Air Lines, Inc. to restructure proceeding and for other relief, except insofar as it requests severance of Braniff's corporate reorganization application which request be and it hereby is dismissed as moot, be and it hereby is denied;

2. That the motions of the Bureau of Operating Rights and the Department of Transportation for leave to file late-filed answers to United's motion to restructure proceeding be and they hereby are granted;

3. That the motion of Trans World Airlines, Inc. to file exceptions, and brief in support thereof, to the decision of Administrative Law Judge E. Robert Seaver and the motion of Trans World Airlines for leave to file a brief in support of its exceptions to such decision be and they hereby are denied;

4. That the motion of Frontier Airlines, Inc., RKO General Inc., and the General Tire and Rubber Company requesting (1) an order clarifying the scope of this proceeding or (2) leave to participate in oral argument be and it hereby is denied;

5. That the motion of Pan American World Airways, Inc. for leave to file otherwise unauthorized documents be and it hereby is granted to the extent the carrier requests leave to file an intervention petition, and that it be and hereby is denied to the extent the carrier requests leave to file exceptions to Judge Seaver's decision;

6. That the petition of Pan American World Airways for leave to intervene in this proceeding be and it hereby is denied;

7. That the motion of American Airlines, Inc. for leave to submit a brief and participate in oral argument be and it hereby is denied;

8. That the motion for leave to file an otherwise unauthorized document and statement of Hughes Airwest and Summa Corporation be and it hereby is granted;

9. That the request of Hughes Airwest and Summa Corporation that any regulations that may result from this proceeding should not apply to them be and it hereby is dismissed;

10. That any party to this proceeding may file a brief with the Board, and any interested person may file a pleading in the nature of a brief amicus curiae with the Board, within 45 days after the date of adoption of this order;

11. That any interested person who files a pleading in the nature of a brief amicus curiae and who desires to participate in oral argument should file a written request for permission to do so which request should accompany his brief and set forth (1) the nature of such person's interest in the proceeding; (2) the general nature of the issues such person intends to focus on at oral argument before the Board; and (3) a statement as to why such person's interest will not be adequately represented by the present parties; and

12. That copies of this Order shall be served on all parties to this proceeding and on all certificated air carriers.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13106 Filed 6-6-74;8:45 am]

[Docket No. 26724; Order 74-5-149]

AMERICAN AIRLINES, INC. ET AL.

Cancellation of Certain Military Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of May, 1974.

By tariff revisions which became effective on various dates in February, March, and April, 1974, American Airlines, Inc., (American), Delta Air Lines, Inc., (Delta), and Eastern Air Lines, Inc., (Eastern), established an expiration date of June 8, 1974 for all military standby fares and military reservation fares (reservation fares only for Delta) between San Juan, St. Croix, and St. Thomas, on the one hand, and the mainland United States, on the other. By subsequent revisions marked for effectiveness June 1, 1974, Delta (for standby fares only) and Pan American World Airways, Inc., (Pan American) also propose a June 8 expiration date for military fares in the same market. The carriers contend that the fares are no longer economically viable, particularly in light of recent capacity restraints in the market brought about in part by the current fuel shortage.

The Department of Defense (DOD) has filed a complaint requesting that the cancellations be suspended and/or investigated. In support of its complaint, DOD alleges that cancellation of the fares is without substantive justification, discriminatory, inconsistent with presently structured military furlough fares and rules, and adverse to the interest of the national defense. DOD asserts that 3,000 military personnel are stationed on the island of Puerto Rico, and that they rely solely on scheduled air service for leave travel to the U.S. mainland. Since government-sponsored "space available" travel under the auspices of the Military Airlift Command was terminated on July 1, 1973, DOD alleges that the proposed cancellation will impose undue financial hardship and deprivation on servicemen who desire to join their families in the U.S. Finally, DOD alleges that cancellation of the fares would be contrary to the Board's determination in Docket 26404, "Military Furlough Fares," where the Board allegedly "found lawful and required by national defense needs a military reservation fare in domestic service equivalent to 75 percent of normal fare."

Answers have been filed by American, Delta, Eastern and Pan American.

Upon consideration of all relevant matters, the Board has determined that the cancellation of military fares between the mainland United States, on the one hand, and San Juan, St. Croix, and St. Thomas, on the other, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that those cancellations not yet effective should be suspended pending investigation.

The Board does not consider that it would be consistent with its statutory responsibilities to permit, without an investigation and over the objections of DOD, the abrupt cancellation of all military fares in the mainland-Puerto Rico/Virgin Islands markets. This proposal by the carriers goes considerably beyond their earlier action in reducing the discount involved in such fares in the mainland domestic markets (Order 74-3-67, March 14, 1974). A further consideration is the fact that alternative forms of low-cost travel are available on the mainland, whereas air transportation is the only available means of travel in the mainland Puerto Rico/Virgin Islands markets. The proposed cancellation would effectively double the cost of travel home for many service personnel stationed in the islands, on top of earlier fare increases in these markets during the past several years. Military fares have been justified on national defense considerations which transcend the purely promotional considerations which are the basis for most other discount fares. For all these reasons, we believe that DOD should have an opportunity to substantiate in a hearing its contentions that the cancellation of military fares in overseas markets will cause undue hardship to service personnel, before such fares are permitted to be cancelled. Compare Orders 70-5-142, 70-11-93, 70-11-133, and 70-12-155.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof.

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendices A and B attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described

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[12] Such requests shall state (1) the nature of such person's interest in the proceeding, (2) the general nature of the issues such person intends to focus on at oral argument and (3) why such person's interest is not adequately represented by the parties to the Investigation.

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in Appendix B hereto are suspended and their use deferred to and including August 29, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 26724 is hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon the Department of Defense, American Airlines, Inc., Eastern Air Lines, Inc., Delta Air Lines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 244 ISSUED BY AMERICAN AIRLINES, INC.

The Expiration Date of June 8, 1974, shown in reference mark "a" in connection with the "M" and "YM" class fares on the following pages:

37th Revised Page 76
33rd Revised Pages 76–A and 76–B
47th Revised Pages 79 and 80
48rd Revised Page 83

TARIFF C.A.B. NO. 404 ISSUED BY INTERNATIONAL AIR TARIFFS, CORP., AGENT

On 33rd Revised Page 109 the encircled plus reference mark denoting the expiration date of June 8, 1974, at the bottom of the page.

TARIFF C.A.B. NO. 326, ISSUED BY EASTERN AIRLINES, INC.

On 13th Revised Page 20, and 8th Revised Pages 21 and 22 the the expiration date of June 8, 1974, shown in connection with Rule 9.

On 23rd Revised Page 105, the encircled plus reference mark shown in connection with section 5 Part A.

On 23rd Revised Page 106, the encircled plus reference mark shown in connection with section 5 Parts A and B.

TARIFF C.A.B. NO. 334 ISSUED BY INTERNATIONAL AIR TRAFFIC TARIFFS CORP., AGENT

On 39th Revised Page 3, the expiration date of June 8, 1974 shown in connection with Rule 5.

On 36th Revised Page 4, the expiration date of June 8, 1974, shown in connection with Rule 5.

On 53rd Revised Page 9, the encircled plus reference mark shown in connection with TABLE 3 and the explanation of such reference mark at the bottom of the page.

The provisions on 54th Revised Page 9 insofar as they would cancel by omission fares and provisions continued in effect as a result of the suspension of provisions on 53rd Revised Page 9 above.

TARIFF C.A.B. NO. 404, ISSUED BY INTERNATIONAL AIR TRAFFIC TARIFFS CORP., AGENT

On 11th Revised Page 108–B the encircled plus reference mark shown in connection with section 10 Part 1.

The provisions on 12th Revised Page 108–B, insofar as they would cancel by omission fares and provisions continued in effect as a result of the suspension of provisions on 11th Revised Page 108–B.

On 12th Revised Page 108–B, the increased fares in section 10 Part 2.

On 34th Revised Page 109, the encircled plus reference mark shown in connection with section 10 Part 3 and Part 4.

TARIFF C.A.B. NO. 244, ISSUED BY AMERICAN AIRLINES, INC.

14th Revised Page 24.
5th Revised Page 25.
26th Revised Page 70.

[FR Doc.74–13105 Filed 6–6–74;8:45 am]

[Docket No. 24875 etc.]

FRONTIER AIRLINES, INC.

Notice of Oral Argument

In the matter of Frontier Airlines, Inc., suspension or deletion of Paris, Texas, docket 24875; suspension, deletion, or redesignation of Muskogee, Oklahoma, docket 24659; suspension or deletion of McAlester, Oklahoma, docket 24991.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 19, 1974, at 2 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 3, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–13103 Filed 6–6–74;8:45 am]

[Docket No. 24961, etc.]

UNIVERSAL AIRLINES, INC. TRANSFER OF CERTIFICATES TO PHOENIX AIRLINE, INC.

Fitness Investigation; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 26, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 3, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–13104 Filed 6–6–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Production Engineering and Materiel Acquisition), Office, Assistant Secretary of Defense (Installations and Logistics), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13120 Filed 6–6–74;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Technical Director and Principal Assistant to the Deputy Assistant Secretary of Defense (Production Engineering and Materiel Acquisition), Office, Assistant Secretary of Defense (Installations and Logistics), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13121 Filed 6–6–74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Support Services, Division of Support Services; Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13122 Filed 6–6–74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

Notice of Hearings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Pub. L. 91–452, Part D, sec. 804–808 of the Organized Crime Control Act of 1970, will meet on June 26, 1974, at 10 a.m. in Room 155 Russell Senate Office Building, Washington, D.C., for the purpose of holding Hearings.

The purpose of the Hearings will be to enable the Commission to explore the

experiences of the Federal Bureau of Investigation and the Federal Communications Commission concerning their investigations and prosecution of gambling activities pursuant to those Federal statutes governing the prohibition and taxation of gambling activities. Representatives from these agencies will present statistical information relating to existing enforcement practices and in addition will offer testimony as to any recommendations they may have which in their opinion may serve to improve the effectiveness of the said existing practices.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested person or persons by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the Hearings at which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feels aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74–13098 Filed 6–6–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED

Environmental impact statements received by the Council on Environmental Quality from May 27 through May 31, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (July 22, 1974.)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Final

Red River Gorge, Daniel Boone National Forest, Wolfe and Powell Counties, Ky., May 29: The statement refers to a proposed ten year management plan for the Red River Gorge Unit, Stanton Ranger District, Daniel Boone National Forest. The unit contains 42,023 acres, 25,683 of which will be managed as a Geological Area and 16,360 of which will be managed for multiple use benefits, including timber management. Major impact will be reduction of timber use and big game species within the Geological Area, and impact on water quality, soil, and vegetative cover from timber harvest and road construction in the remaining areas (250 pages). Comments made by: DOI, USDA, EPA, state and local agencies, and concerned citizens (ELR Order No. 40891.)

East Bradfield Timber Sale, Tongass National Forest, May 27: The statement refers to the proposed timber sale of 80 million board feet of over-mature Sitka spruce and western hemlock from 2,076 acres. Removal will be on an even-aged management basis. The sale area is within the Tongass National Forest, on the mainland along the East Fork of the Bradfield River 38 miles southeast of Wrangell. Adverse impact would include the loss of wilderness character along part of the East Bradfield River. Comments made by: HUD, DOT, EPA, DOI, AHP, state agencies, and concerned citizens. (ELR Order No. 31845.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Sebree Plant Addition, Henderson and Webster Counties, Ky., May 28: Proposed is the granting of an insured loan to the Big Rivers Electric Corp., for the construction of a 66MW distillate fuel oil combustion turbine at the existing Sebree generating station. No additional transmission lines would be required. Adverse impact will include the release of nitrogen oxides, sulfur dioxide, and particulate matter (two volumes). (ELR Order No. 40880).

SOIL CONSERVATION SERVICE

Draft

Flat Rock Creek, Crawford County, Ark., May 29: Proposed is a watershed protection, flood prevention, and recreation project on Flat Rock Creek Watershed. Project measures will include land treatment, 4.2 miles of concrete lined channel, and 3.2 miles of debris-cleared channel. About 1,030 acres of flood plain land will be protected. Agricultural and forest productivition on 32 acres of grassland and 19 acres of woodland will be committed to project measures; one dwelling and one farm operation will be relocated (44 pages). (ELR Order No. 40901.)

Newman Lake Watershed, Spokane County, Wash., May 28: Proposed is a watershed protection, flood prevention, and fish and wildlife project in Spokane County. Project measure will include land treatment, 3.8 miles of channel work, a gated outlet structure with fish screens, and a water level control structure and stream gage. Flooding will be reduced on 1,030 acres of cropland and 50 acres of shoreline property. About 460 acres of Type 1 wetlands will be eliminated; 25.5 acres of land will be committed to project structures. (40 pages.) (ELR Order No. 40871.)

SOIL CONSERVATION SERVICE

Draft

Spring Canyon Watershed, Goshen County, Wyo., May 29: Proposed is a watershed protection and flood prevention project, which will involve the construction of a dam and reservoir, channel works, and land treatment measures. The action will result in the commitment of 100 acres of rangeland to structural measure; 75 acres of rangeland will be subject to a two year disruption of vegetative cover. (ELR Order No. 40900.)

Final

White Oak Creek Fish and Wildlife Plan, Ouachita and Nevada Counties, Ark., May 28: The statement refers to the proposed development of 3,455 acres as a public fish and wildlife area, in order to increase hunting activities. Development will include the creation of 1,100 acres of green tree reservoirs (Type 1 wetland); enhancing and preserving 600 acres of Type 6 and 7 wetland; managing 300 acres of pine hardwood and 1,455 acres of bottom land hardwood; and improving access and creating basic facilities. There will be increased vehicular traffic noise, and littering; wildlife habitat may be reduced. (53 pages.) Comments made by: COE, HEW, DOI, EPA, and state agencies. (ELR Order No. 40874.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Bon Secour River, Maintenance Dredging, Alabama, May 28: The statement refers to

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the continued operation and maintenance of an existing navigation channel from the Gulf Intracoastal Waterway through Bon Secour Bay and up Bon Secour River to a point about 600 feet above Oak Landing. Spoil from maintenance dredging will be pumped to diked land disposal sites. Adverse impacts are the destruction of benthic communities, displacement of wildlife, a temporary decrease in water quality, and a temporary increase in noise levels in the project area. (Mobile District) (35 pages.) (ELR Order No. 40869.)

Tensas Basin, Flood Control, Concordia County, La., May 28: The statement refers to the construction of a 4,000 cubic feet per second pumping plant, inlet and outlet channels, channel enlargement, a cutoff, and installation of four weirs in the lower 22 miles of Bayou Cocodrie, and the installation of water control levees and structures and public access facilities on the Red River Wildlife Management Area and Bayou Cocodrie. Adverse impacts include the clearing of bottomland hardwood forest, reduction of fish and wildlife habitat, physical alteration of lower 22 miles of Bayou Cocodrie, and some local air and noise pollution. (Vicksburg District) (60 pages.) (ELR Order No. 40873.)

Winter Harbor Small Boat Navigation Project, Hancock County, Maine, May 28: The statement refers to the navigation improvement in Inner Winter Harbor, Hancock County, consisting of dredging 6.5 acres of anchorage to a depth of 8 feet mean low water and disposal of 25,000 cu. yds. of spoil material. It is proposed to deposit the spoil in Winter Harbor Sound. Adverse impacts are those normally associated with dredging and spoil disposal. (Waltham District) (44 pages.) (ELR Order No. 40872.)

Rio Grande River, Santa Fe, Arroyo Mascaras, New Mexico, May 30: The project involves the construction of a dry flood control reservoir on the Santa Fe River; channelization of approximately 4,000 feet of Arroyo Mascaras, raise Apartment Drive bridge; and provide a new bridge at College St. in Santa Fe. Adverse impacts are: the alteration of 22 acres; turbidity in the river and two reservoirs would be evident until revegetation, and short-term air and noise pollution due to construction. (Albuquerque District.) (ELR Order No. 40904.)

Turtle Creek Local Protection Project, Canadian County, Okla., May 30: The project consists of channel improvement including realignment on Turtle Creek in Yukon, Canadian County. This project would provide 100-year frequency flood protection on about 600 acres of land. Adverse impacts include the use of 40 acres of land, and the removal of vegetation along portions of Turtle Creek. (Tulsa District) (59 pages.) (ELR Order No. 40907.)

Chehalis River Flood Control, Grays Harbor County, Wash., May 28: The proposed project consists of a levee system which would protect 1,288 acres of flood plain lands at the head of Grays Harbor. The project would remove some 20 acres of brush and trees which will have a negative effect on the wildlife of the area. There would also be adverse impacts normally associated with construction. (Seattle District) (44 pages.) (ELR Order No. 40876.)

Draft

Wailupe Stream Flood-Control, Oahu, Hawaii, May 29: Proposed is a flood control project on Wailupe Stream, Oahu. Project measures include an excavated outlet channel 200 feet seaward of the stream mouth; a 30 foot long rip-rap channel at the stream mouth; the concrete-lining of 8,650 ft. of channel; the excavation of a debris basin; and related work. The statement indicates only the temporary impacts of construction disruption that will occur. (Pacific Ocean Division) (27 pages.) (ELR Order No. 40898.)

Final

Hastings Local Flood Protection Works, Minnesota, May 31: The statement refers to a proposed local flood protection project on the Vermillion River at Hastings. Project measures would include a floodway, channel enlargement, levee extension, and the lowering of Peavy Mill Dam. Adverse impact would include the loss of 150 large trees and wildlife habitat, and the loss of the historic and aesthetic Peavy Dam and mill pond. (St. Paul District) (56 pages.) Comments made by: EPA, USDA, HUD, DOI, DOT, and state and local agencies. (ELR Order No. 40909.)

Biloxi Harbor Dredging, Mississippi, May 30: The project includes the continued maintenance of exisiting Federal channels; expansion of a segment of existing Federal channel to its currently authorized dimensions; and the transformation of existing channels which were constructed and maintained by local interests into a Federal project. Adverse impacts include the loss of bottom dwelling organisms, temporary increases in turbidity, temporary reduction in primary production, loss of phytoplankton, and the increasing of the level of certain dissolved pollutants by resuspending contaminated sedimentary material through dredging operations. (Mobile District.) Comments made by: EPA, DOC, DOI, HUD, DOT, USDA, state agencies, and concerned citizens. (ELR Order No. 40906.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Draft

American Fork Creek Project No. 696, Utah, May 28: Proposed is the relicensing of Utah Power and Light Co.'s American Creek Project, No. 696. The project includes a concrete overflow type diversion dam with flash boards, one 950 kW generating station, transmission lines, and related works. The project has a visual impact upon the Timpanogos Cave National Monument. (77 pages.) (ELR Order No. 40877.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Draft

Richmond Naval Air Station, Dade County, Fla., May 30: Proposed is the disposal of 1,042 acres of land at the former Naval Air Station. Approximately 1,010 acres will be assigned to BOR of DOI for subsequent conveyance to Dade County for recreational and zoological purposes; 32 acres will be assigned to HEW for conveyance to Dade County for use for a vocational school; 217.17 acres and 32 buildings will be retained by GSA for possible further Federal use. (A total of 205.41 acres have already been transferred to the Justice Department for a Federal Youth Center.) There will be adverse impacts from the various new uses; BOR and HEW will prepare impact statements on their proposals. (45 pages.) (ELR Order No. 40906.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–5980.

Final

Zia Urban Renewal, City of Gallup, McKinley County, N. Mex., May 29: The statement refers to the proposed approval of an amendment to the Zia Urban Renewal Project, in the City of Gallup. Project measures would include the construction and repair of public streets and sidewalks; drainage system improvements; acquisition and clearance of substandard buildings; and provision of housing for project relocatees. Adverse impacts will include the isolation of the project area from the main part of the City by the construction of an intown interstate bypass (I–40), and the increase of pressure for the closing of the Sunnyside Elementary School, due to its proximity to the highway. Comments made by: CEQ, USDA, COE, DOT, DOI, EPA, FPC, state, and local agencies and concerned citizens. (ELR Order No. 40888.)

St. Paul Development Project, Wise County, Va., May 28: The project is a redevelopment effort based upon the combined action of HUD, the Tennessee Valley Authority, the Virginia Department of Highways, and the Wise County Redevelopment and Housing Authority. The St. Paul Development Project will include flood control measures; the relocation of highways US 58A and State Route 63; commercial and industrial development; the provision of adequate utilities; and the renewal of housing. Impact of the redevelopment of St. Paul will include the displacements of families and businesses. Comments made by: EPA, DOI, COE, USDA, AHP, HEW. (ELR Order No. 40875.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

Coal Resources, Eastern Powder River, Campbell and Converse Counties, Wyo., May 30: The statement, which contains both site specific and regional analyses, discusses overall coal development on 4,978,560 acres of the Eastern Powder River Coal Basin. Elements of development include four individual coal development plans (for Atlantic-Richfield, Carter Oil, Kerr-McGee, and Wyodak Resources); and a new railroad between Douglas and Gillette. Development-related projects will include transmission line, coal gasification plants, water supply works, roadways, communications, and new residence and business communities. Federal agency involvements of the Interstate Commerce Commission, the U.S. Geological Survey, BLM, and the Forest Service are considered collectively by the statement. (ELR Order No. 40905.)

BUREAU OF OUTDOOR RECREATION

Final

Upper Iowa Scenic River Project, Winneshiek County, Iowa, May 28: The proposed action would initiate public acquisition of a land corridor along the Upper Iowa River. The ultimate length of the corridor will be 80 miles. The segment covered by the statement will be 28.7 river miles and 4,993.5 acres, to be acquired utilizing a 50 percent grant from the Federal Land and Water Conservation Fund. The project is intended to protect the free-flowing, scenic values of the Upper Iowa River, and to make the river available for public recreation use. Impact will include the acquisition of the land, in fee title; the possible impact of future, as yet unplanned, development; and that of the long-range acquisition of the entire 80 miles. Comments made by: HUD, EPA, USDA, DOT, DOI, state and local agencies, and concerned citizens. (ELR Order No. 40882.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Proposed White River National Fish Hatchery, Windsor County, Vt., May 28: Proposed is the construction of a fish hatchery near Bethel. The hatchery will provide for the propagation of Atlantic Salmon, in order to help restore the species to the Connecticut River Watershed. Construction activity may temporarily increase the silt load on White River; hatchery effluent may cause odors in the immediate vicinity of the effluent treatment plant (99 pages). (ELR Order No. 40881.)

NATIONAL PARK SERVICE

Draft

Development Concept, Grand Canyon Village, Arizona, May 28: Proposed is a Development Concept Plan for the Grand Canyon National Park; a land use plan; and plans for access and circulation, and development. The plan will result in increased carrying capacity for day use due to centralization of facilities and implementation of a mass-transit system. There will be some degradation of the historic environment due to possible relocation of historic structures to a proposed historic village (138 pages). (ELR Order No. 40883.)

Proposed Master Plan, Grand Canyon Complex, Arizona, May 29: Proposed is a master plan for the use, development, interpretation, and preservation of the Grand Canyon National Park. The park would be enlarged to encompass the "Grand Canyon" entity; Grand Canyon Village would be redeveloped for concentrated, heavy, day use; the majority of park lands would be managed as natural or wilderness areas (129 pages). (ELR Order No. 40894.)

Development Plans, Cowpens National Battlefield, Cherokee County, S.C., May 28: Proposed is a development concept plan for the Cowpens National Battlefield. The battlefield would be restored; visitor facilities would be increased; a road system, parking areas, a picnic area, foot trails, a visitor center, and related facilities would be constructed. Adverse impact will result from increased visitation (88 pages). (ELR Order No. 40885.)

Final

Natural Resources Manage. Plan, Hawaii Volcanoes National Park, Hawaii, May 28: Proposed is a composite plan of biological research and the propagation of rare and endangered plant species. The plan is intended to reintroduce rare plants into former range, protect rare endemic biota from depredation by feral goats and pigs, and reestablish and nurture remnants of endemic Hawaiian ecosystems (145 pages). Comments made by: USDA, DOI, DOT, state, and local agencies and concerned citizens. (ELR Order No. 40884.)

Draft

Wilderness Proposal, Sleeping Bear Dunes National Lake, Michigan, May 28: Proposed is the legislative designation of 26,050 acres of the Sleeping Bear Dunes National Lakeshore as potential wilderness. The land would include three tracts: North and South Manitou Islands, and one tract on the mainland. There would be some impact on visitor use, research programs, resource management, culture, and the economy (65 pages). (ELR Order No. 40878.)

STATE DEPARTMENT

Contact: Mr. Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Room 7819, Washington, D.C., 202–632–7964.

Draft

Third U.N. Law of the Seas Conference, May 29: The statement refers to the final negotiations within the United Nations with regard to an International Law of the Seas Treaty. Of particular concern is the orderly development and conservation of the hard mineral resources of the deep seabed beyond the limits of national jurisdiction. This document addresses these matters as a portion of the overall statement being developed by the Department of State. Immediate impacts are foreseen on the socio-economic levels of human affairs, and on some benthic animals; neither appears to be significant. (ELR Order No. 40903.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615–755–2002.

Final

Bellefonte Nuclear Plant, Jackson County, Ala., May 28: The project involved is a two-unit, 2,664 MW generator name plate rated nuclear power plant, which would be constructed on a 1,500 acre tract on a peninsula of the Tennessee River, at Guntersville Lake. The plant will utilize two natural draft towers for cooling. Excess heat will be discharged to Guntersville Lake; there will be releases of minute quantities of radioactivity to the air and water; land use at the site will be changed from agricultural to industrial (2 volumes). Comments made by: AEC, EPA, FPC, USDA, DOD, DOC, HEW, HUD, DOI, DOT, and state agencies. (ELR Order No. 40870.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 500, Melbourne, Brevard County, Fla., May 29: Proposed is the reconstruction of six miles of S.R. 500 from two to four lanes. Adverse impact will include the taking of additional right-of-way, and the displacement of people; noise levels will increase. A 4(f) statement will be filed for the encroachment upon Melbourne Country Club and Babcock Park (139 pages). (ELR Order No. 40890.)

U.S. 71, Clay and Dickinson Counties, Iowa, May 29: The statement refers to the construction of U.S. 71 from U.S. 18 near Spencer to an interchange with Iowa 32 in Dickinson County. Total project length will be 16 miles. Adverse impact will include the removal of from 800 to 1,100 acres of land from agricultural production, the loss of wildlife habitat, and the displacement of families and businesses. There will be increased levels of noise and air pollution (144 pages). (ELR Order No. 40889.)

Versailles-Lexington, Woodford and Fayette Counties, Ky., May 29: The project involves the rebuilding of the Versailles-Lexington Road. The total length of the four lane reconstruction will be eight miles. Adverse impacts are the relocation of families and businesses, the removal of trees, and the degradation of water quality during construction (86 pages). (ELR Order No. 40892.)

U.S. 23, Letcher County, Ky., May 29: The statement refers to the proposed construction of U.S. 23 beginning at the Kentucky-Virginia state line and extending 2.5 miles in a northerly direction to a junction with U.S. 119 northwest of Jenkins. There will be increased noise levels and a degradation of water quality in Elkhorn Lake (86 pages). (ELR Order No. 40893.)

New Hampshire Rte. 175, Woodstock, Grafton County, N.H., May 28: The statement refers to the proposed relocation of a 1.2 mile segment of New Hampshire Route 175 in the town of Woodstock. The new two lane facility will necessitate the acquisition of 2.5 acres of land. Other adverse impacts include increased traffic noise levels, temporarily increased siltation levels in the Pemigewasset River during construction, and the loss of wildlife habitat (67 pages). (ELR Order No. 40886.)

U.S. 431, Randolph and Cleburne Counties, Ala., May 29: The statement refers to the proposed improvement of U.S. 431 from Wedowee to near the south end of the Tallapoosa River Bridge. The length of the proposed project is about 16.7 miles. There are two alternative locations. Adverse impacts are the acquisition of several acres of land for right-of-way; the displacement of several families and one business; some erosion and water pollution; increases in air and noise pollution; and the destruction of some wildlife habitat (20 pages). (ELR Order No. 40896.)

FAS Route 1197, Bourbon County, Kans., May 29: The project involves the improvement of approximately 1.36 miles of FAS Route 1197, including a bridge and channel change. The use of 28 acres of land (mostly agricultural) will be necessary. There will be increased air and noise pollution during construction (18 pages). (ELR Order No. 40897.)

Route 50, Cole County, Mo., May 29: The statement refers to the proposed construction of Route 50 in Cole County. The 6 mile project consists of acquiring right-of-way for a 4 lane divided highway including a diamond, a modified diamond and a loop interchange. Adverse impacts are the use of 240 acres of land, and the removal of 7 houses, 1 commercial building, 1 trailer and 3 sheds (10 pages). (ELR Order No. 40902.)

Pedestrian Overpasses, Omaha, Douglas County, Nebr., May 29: The project involves the construction of pedestrian overpasses over two Omaha City streets. The overpasses will be located at Foutenelle Boulevard at Maple Street and Center Street at 32nd Avenue. Adverse impacts are the acquisition of right-of-way at the Center Street at 32nd Avenue location, and negative impacts normally associated with construction (23 pages). (ELR Order No. 40899.)

Final

I–65—County Road 17 Interchange, Shelby County, Ala., May 28: The statement refers to the construction of an interchange at I–65–2(31) and County Road 17. Land will be taken for right-of-way, and sixteen families will be displaced. The interchange is expected to spur regional and community growth (55 pages). Comments made by: HUD, EPA, HEW, USDA, DOT, and state agencies. (ELR Order No. 40879.)

TREASURY DEPARTMENT

Contact: Mr. Richard E. Slitor, Assistant Director, Office of Tax Analysis, Room 4205, Washington, D.C. 20220, 202–964–2797.

Final

New United States Mint, Denver, Colo., May 28: The statement refers to the proposed construction of a new United States Mint in Denver. The facility will include High-bay, one story buildings and multi-story support/administration buildings, parking areas, vehicle maneuvering areas, and landscaping. Total gross building space will be 700,000 sq. ft. Two sites are presently under consideration, the northwest corner of the Park Hill Golf Course in Denver; and the northwest corner of the Denver Federal Center in Lakewood. There will be construction disruption, and impact from vehicular traffic (144 pages). Comments made by: EPA, USDA, COE, HEW, HUD, DOI, DOT,

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GSA, state and local agencies, and concerned citizens. (ELR Order No. 40887.)

Gary L. Widman,
General Counsel.

[FR Doc.74–13097 Filed 6–6–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Reallocation of Ex-Quota Amounts

June 4, 1974.

On April 24, 1974, there was published in the Federal Register (39 FR 14537) a letter dated April 22, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs directing that five million square yards of ex-quota cotton fabrics, requested by the Government of Colombia pursuant to the U.S. Government's ad hoc offer of October 30, 1973, to its cotton textile bilateral agreement partners, be reallocated among Categories 5/6, 9, 16, 22/23, 26 (duck) and 26 (other than duck).

In a letter dated May 16, 1974, the Government of Colombia requested, and the United States Government has acceded to the request, that the aforementioned five million square yards again be reallocated among the indicated six categories, as follows:

Country	Category	Second reallocation of ex-quota amounts (square yards)
Colombia	5/6	160,000
	9	300,000
	16	50,000
	22/23	2,250,000
	26 (duck)	350,000
	26 (other than duck)	1,890,000

Accordingly, there is published below a letter of June 4, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs amending the directive of April 22, 1974.

Seth M. Bodner,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Commissioner of Customs,
Department of the Treasury
Washington, D.C. 20229

June 4, 1974.

Dear Mr. Commissioner:

This directive amends but does not cancel the directive issued to you on April 22, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, pursuant to the offer by the United States Government to all of its bilateral cotton textile agreement partners to export on a one-time basis additional quantities of cotton yarn and/or fabric.

In accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to reallocate the five million square yards of ex-quota cotton textile fabrics requested by the Government of Colombia among the following categories:

Category:	*Reallocation of Exquota amounts*
5–27 (as a group)—square yards	5,000,000
5/6 ...do	160,000
9 ...do	300,000
16 ...do	50,000
22/23 ...do	2,250,000
26 (duck)[1] ...do	350,000
26 (other than duck)[2] ...do	1,890,000

[1] The T.S.U.S.A. numbers for duck fabric are:

320.—01 through 04,06,08
321.—01 through 04,06,08
322.—01 through 04,06,08
326.—01 through 04,06,08
327.—01 through 04,06,08
328.—01 through 04,06,08

[2] All T.S.U.S.A. numbers in Category 26 other than those indicated in footnote 1.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Seth M. Bodner,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–13094 Filed 6–6–74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

BRISTOL OIL CORP.

Docking and Storage Facility Environmental Statement

The Delaware River Basin Commission, in compliance with the National Environmental Policy Act of 1969 (Pub. L. 91–190) requiring Federal agencies consider the probable environmental consequences of any major Federal action, has determined that for the following proposed action the Commission is the "lead agency" and will prepare an environmental impact statement as required by law. The determination is based upon an environmental assessment by Commission staff of the proposed action.

Bristol Oil Corporation proposes to construct a docking facility for berthing ocean going tankers, fuel storage terminal and a new chemical storage facility on Rohm and Haas property abutting the Delaware River at Otter Creek in Bristol Township, Bucks County, Pennsylvania. The docking facility is proposed to handle delivery from 37 tankers per year and 100 oil barges per year receiving fuel oil. The oil storage capacity proposed is 1,000,000 barrels of No. 6 and utility grade turbine fuel oil. The proposed chemical tanks will hold up to 6,000,000 gallons of methyl, methacrylate, ethyl acrylate, and butyl acrylate, all raw materials used by the existing Rohm and Haas plant. There is proposed a 15,000 foot long 10 inch pipe to carry No. 6 fuel to the Croyden electric generating station south of the site.

A draft environmental impact statement will be prepared and made available to the public for review and comment as soon as practicable. Notification of its availability will be via the Federal Register, local newspapers and normal Commission mailings.

The Commission would appreciate immediate knowledge of any other Federal agency presently engaged in the preparation of a statement on this proposed action or related action to avoid duplication.

A copy of the applicant's Environmental Report is available for use in the Commission's library by anyone interested in reviewing the project.

Those agencies, organizations and persons interested in receiving the draft environmental impact statement for this proposed action should advise the Commission's Environmental Unit.

Dated: June 7, 1974.

W. Brinton Whitall,
Secretary.

[FR Doc.74–13058 Filed 6–6–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ALTERNATIVE WASTE TREATMENT MANAGEMENT TECHNIQUES

Extension of Time for Comments

Pursuant to section 304(d)(2) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), the Environmental Protection Agency (EPA) gave notice on March 25, 1974 of the availability of a report entitled "Alternative Waste Management Techniques for Best Practicable Waste Treatment" which provided for public comment through May 9, 1974 (39 FR 11135). On May 2, 1974, the Environmental Protection Agency (EPA) gave notice of an extension of time for public comment through June 10, 1974 (39 FR 15351). It has been determined that a further extension of time for public comment is necessary.

Therefore, the last sentence of the March 25, 1974 notice (39 FR 11135), which reads "Comments may be submitted on or before June 10, 1974" (as revised on May 2, 1974) is hereby revised to read "Comments may be submitted on or before July 1, 1974."

James L. Agee,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–13147 Filed 6–6–74;8:45 am]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE OF THE SCIENCE ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9 a.m. on June 27, 1974 in Conference Room A (Room 1112), Crystal Mall Building No. 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be to consult the committee regarding (1) the determination and documentation of adverse effects on the public health and welfare of the following environmental pollutants: (a) Chromium, and (b) lead from stationary sources, and (2) on working guidelines for the preparation of summary evaluative reports on pollutants. The agenda will also include brief overview reports and discussions on (3) recent research findings on the health implications of airborn lead, (4) current regulations regarding the control of lead additives in gasoline and the air quality implications of these regulations, and (5) health implications of environmental controls and particularly the impact of mobile emissions controls.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number is (919) 549-8411, extension 2266.

Albert C. Trakowski, Jr.,
Acting Assistant Administrator for Research and Development.

June 3, 1974.

[FR Doc.74–13144 Filed 6–6–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71–7 and RP73–77]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

May 30, 1974.

Take notice that on May 21, 1974, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Third Revised Sheet No. 3–A and, in the alternative, Substitute Third Revised Sheet No. 3–A, superseding Second Revised Sheet No. 3–A.

Alabama-Tennessee states that the sole purpose of these revised tariff sheets is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of section 20 of the General Terms and Conditions of its tariff to reflect the increase of 4.04 cents per Mcf filed by its sole supplier Tennessee Gas Pipeline Company or, in the alternative, the alternative increase of 3.78 cents per Mcf also filed by Tennessee Gas Pipeline Company.

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74–13074 Filed 6–6–74;8:45 am]

[Docket No. CI74–612]

COLUMBIA GAS DEVELOPMENT CORP.

Notice of Application; Corrections

May 30, 1974.

In the notice of application pursuant to § 2.75 of the Commission's general policy and interpretations issued May 16, 1974 and published in the Federal Register May 23, 1974, 39 FR 18138, Page 18138, Paragraph 1, line 13, please change "257" to "267".

Kenneth F. Plumb,
Secretary.

[FR Doc.74–13070 Filed 6–6–74;8:45 am]

[Docket No. E–8744]

DELMARVA POWER & LIGHT CO.

Extension of Time for Filing

May 30, 1974.

On April 22, 1974, Delmarva Power & Light Company (Delmarva) tendered for filing a proposed change in rates to track the Delaware Five Percent Utilities Tax which became effective January 1, 1974. On May 15, 1974, City of Dover filed a petition to intervene, formal protest and request for suspension of filed tariffs.

On May 28, Delmarva filed a motion to extend the time for filing an answer to Dover's petition to intervene "15 days after the Commission has determined whether such Petition shall be accepted and an answer thereto required".

Upon consideration, notice is hereby given that Delmarva is granted 15 days from the date of issuance of this notice to file its answer to Dover's petition to intervene.

It is noted that the proper means to seek review of a Commission order acting upon Dover's petition to intervene is the filing of an application for rehearing pursuant to § 1.34 of the Commission's rules of practice and procedure.

Kenneth F. Plumb,
Secretary.

[FR Doc.74–13066 Filed 6–6–74;8:45 am]

[Docket No. CI74–651]

EMERALD PETROLEUM CORP. (OPERATOR), ET AL.

Notice of Application

May 30, 1974.

Take notice that on May 10, 1974, Emerald Petroleum Corporation (Operator), et al. (Applicant), P.O. Box 51325, Lafayette, Louisiana 70501, filed in Docket No. CI74–651 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale in interstate commerce to Southern Natural Gas Company (Southern) from the Bayou Pigeon Field, Iberia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 45,000 Mcf of gas per month to Southern from the subject acreage at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc.74–13075 Filed 6–6–74;8:45 am]

NATIONAL POWER SURVEY; EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting

Agenda for a meeting of the Executive Advisory Committee to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., June 13, 1974, 9:30 a.m., Hearing Room A.

1. Call to order and opening remarks by FPC Chairman John N. Nassikas.

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2. Objectives and purposes of meeting.
A. Comments by EAC Chairman Shearon Harris.
B. Review and comments on Technical Advisory Committee Reports:
TAC on Research & Development—Dr. Robert Bell.
TAC on Conservation of Energy—Dr. Bruce Netschert.
TAC on Power Supply—Mr. Maurice Hebb.
C. Other Business.
3. Adjournment.

This meeting is opened to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13072 Filed 6-6-74;8:45 am]

[Docket No. E-7690]

NEPOOL EXECUTIVE COMMITTEE

Filing Supplemental Agreement; Correction

MAY 30, 1974.

In the notice of filing supplemental agreement issued April 23, 1974 and published in the FEDERAL REGISTER May 1, 1974, 39 FR 15171, Paragraph 2 of the 17th, 18th, 19th and 20th lines, which read "agreement by Central Maine Power Company to offer participation in two designated generating units" is modified to read "agreements by Central Maine Power Company and New England Power Company, respectively, to offer participation in two designated generating units, respectively."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13069 Filed 6-6-74;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Extension of Time and Postponement of Hearing

MAY 30, 1974.

On May 24, 1974, The Rodman Corporation filed a motion to change the procedural dates fixed by the order issued May 15, 1974, in the above-designated matter. The motion states that all of the interveners and Staff Counsel concur in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Submission of evidence by Rodman and supporting interveners, June 21, 1974.
Submission of evidence by Staff, and opposing interveners, July 8, 1974.
Submission of rebuttal testimony and evidence, July 16, 1974.
Hearing, July 24, 1974 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13068 Filed 6-6-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Order Denying Application for Rehearing and Rejecting Revised Tariff Sheets

MAY 30, 1974.

On April 30, 1974, as supplemented on May 10, 1974, Tennessee Gas Pipeline Company filed an application for rehearing of the Commission's order of April 10, 1974, rejecting Tennessee's proposed research and development rate adjustment provision. Tennessee also submitted with its application for rehearing a revised R&D provision designed to overcome, in part, the Commission's objections to the originally-filed R&D provision.

In its order of April 10, 1974, the Commission found that Tennessee's proposed R&D provision did not comply with the requirements of Order No. 483 and the provisions of § 154.38(d)(5) of the regulations promulgated under Order 483, in the following three respects:

(1) The proposed R&D adjustment provision provided that all amounts received from others in payment for rights and benefits received from R&D expenditures in account 188 should be credited to account 188 "up to the amount of such expenditures previously charged thereto." The Commission rejected this proposed limitation on the credits to account 188.

(2) The Commission found that § 2.4 of Tennessee's proposed R&D adjustment provision was overly complex, unnecessary, and would result in the possible duplication of R&D expenditures to be recouped under other sections of the adjustment provision.

(3) The Commission found that Tennessee's proposed use of the rate of return claimed by Tennessee in any pending rate proceeding, subject to refund, in determining the rate effect of capitalized R&D expenditures, was contrary to the terms of Order No. 483.

In its revised R&D provision, Tennessee would eliminate the limitation set forth in item (1) above, and would clarify the language of § 2.4 of the adjustment provision. In all other respects the revised R&D provision is essentially identical to that originally filed.

In its application for rehearing Tennessee argues that the proposed amortization of capitalized R&D costs under § 2.4 is consistent with the Commission's governing Order No. 483. Tennessee further argues that a similar provision was approved by the Commission in a recent settlement order involving Northern Natural Gas Company.[1]

We fully agree with Tennessee that amortization of capitalized R&D costs should be and is permitted. However § 2.4 is not necessary for this purpose. Any rate adjustments required as a result of amortization of capitalized R&D costs may be made by Tennessee under § 2.3 of the adjustment provision. Section 2.3 contemplates rate adjustments based on R&D costs chargeable to operations. These costs include capitalized R&D costs being amortized. Reference is made to Commission Order No. 504 (Mimeo p. 67), which specifies that amortized amounts are charged to the "appropriate operating expense account". The amortized amounts are thereby charged to operations within the meaning of Order No. 483 (mimeo p. 21), and of § 2.3 of Tennessee's R&D rate adjustment provision. It follows that proposed § 2.4 is unnecessary and should be rejected, and that Tennessee's application for rehearing on this issue should be denied.

It is true that a rate adjustment provision for amortized R&D costs was approved in the Northern Natural settlement. However, the settlement terms did not provide for any rate adjustment to track R&D costs chargeable to operations. Under these circumstances, a separate provision for tracking amortized amounts was justified. It follows that the Northern Natural case is of no precedential value in this instance.

Tennessee further relies on Northern Natural in support of its request to use "the rate of return claimed in its filing in any pending rate proceeding", subject to refund, in determining the amount of return for capitalized R&D costs. Order 483 requires that the rate of return used shall be that "last allowed by the Commission * * *".

We do not think the Northern Natural case justifies approval of Tennessee's claimed rate of return provision. The settlement in Northern Natural was negotiated and submitted prior to the issuance of Order No. 483. Northern Natural's R&D tracker did not become a part of its FPC tariff, as contemplated by Order 483, and by Tennessee herein. One of the objectives of providing for automatic tariff-based rate adjustments is to eliminate the contingencies which normally attach to rate increase applications, whereby the proposed rates are permitted to go into effect subject to refund after final rate determination. For the above reasons, we decline to adopt the Northern Natural settlement as a precedent for judging the justness and reasonableness of tariff R&D rate adjustment provisions pursuant to Order 483.

For the reasons stated above, Tennessee's application for rehearing should be denied, and Tennessee's revised R&D rate adjustment provision, as supplemented, should be rejected.

The Commission orders. (A) Tennessee's application for rehearing of the Commission's order issued in this docket on April 10, 1974, is denied.

(B) Tennessee's revised R&D rate adjustment provision, as supplemented, is rejected.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13073 Filed 6-6-74;8:45 am]

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[1] Order issued January 4, 1974, in Northern Natural Gas Company, Docket No. RP71-107 (Phase II).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-34)]

NASA SPACE PROGRAM ADVISORY COUNCIL

Notice of Meeting

The NASA Space Program Advisory Council will meet on July 2 and 3, 1974, in Room 7002, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. The meeting is open to the public from 8:45 a.m. to 4:00 p.m. on July 2, 1974, and from 10:30 a.m. to Noon on July 3, 1974. The seating capacity of the room is about 40 persons, including Council members and other participants. Visitors will be requested to sign a visitor's register.

The NASA Space Program Advisory Council was established as an interdisciplinary group to advise NASA senior management with respect to the plans for, the work in progress on, and the accomplishments of NASA's space programs. The Council is concerned with the disciplines appropriate to Physical Sciences, Life Sciences, Space Applications, and Space Systems, as they bear on space programs. The Chairman of the Council is Dr. Frederick Seitz. There are currently twelve members on the Council and additional members on four committees which report to the Council. The following list sets forth the approved agenda and schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

ITEM, TIME, AND TOPIC

Tuesday, July 2

1. 8:45 a.m., *Chairman's opening remarks.* a. Membership of the Space Program Advisory Council has been enlarged to provide greater breadth of representation. The new members will be introduced.

b. The Chairman will brief the Council on the progress made in establishing a SPAC Subcommittee on Scientist-Astronauts and initiating the study on that subject.

2. 9 a.m., *NASA reorganization and FY 1976 budget preview.* The recent NASA Headquarters reorganization will be described for the information of the Council. The status of planning for the Fiscal Year 1976 NASA budget and the major issues likely to be faced will be presented.

3. 10 a.m., *Status of NASA's Long Range Planning.* A summary of the status of NASA's long range planning and possible future planning efforts will be presented to the Council.

4. 11 a.m., *Participation of Universities in NASA Program.* The Council will be briefed on the status of NASA/University Programs and on plans for future NASA support of relevant university research.

12 noon, *Lunch.*

5. 1:30 p.m., *Committee Chairmen's Reports.* Time is provided for the Chairman of the SPAC Committees to report on the activities of their respective committees.

6. 3 p.m., *Low Cost Systems Program Report.* The program of the Low Cost Systems Office, aimed at reducing significantly the cost of developing and operating space systems, will be described to the Council.

4 p.m., *Adjourn.*

Wednesday, July 3

7. 9 a.m., *Executive Session.* This executive session of the Council will involve a critique of NASA programs, their implementation, and overall NASA objectives, as they may be affected by the recent NASA reorganization. Discussion of these topics will require frequent references to and comment on the professional qualifications of individuals working on NASA programs. Because discussion of these matters may invade the personal privacy of the individuals involved, the session will be closed pursuant to 5 U.S.C. 552(b)(6).

8. 10:30 a.m., *Review of Space Shuttle and Spacelab Programs.* A review of the status of and continued planning for the Space Shuttle and Spacelab Programs will be provided to the Council.

Noon, *Adjourn.*

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JUNE 3, 1974.

[FR Doc.74-13062 Filed 6-6-74;8:45 am]

[74-35]

WAGE COMMITTEE

Notice of Meeting

Pursuant to the provisions of Section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee will be held on June 24, 1974.

The meeting will convene at 10 a.m. and will be held in Room 521M, 600 Independence Avenue, Washington, D.C. 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio Wage Area pursuant to Pub. L. 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses, and a proposed wage schedule derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463 and 5 U.S.C. 552(b)(4) the Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration, has determined that this meeting will be closed to the public.

Members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, Mail Stop 3-9, Lewis Research Center, National Aeronautics and Space Administration, 21000 Brookpark Road, Cleveland, OH 44135.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

MAY 31, 1974.

[FR Doc.74-13061 Filed 6-6-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE ADVISER AND INDUSTRY REPRESENTATIVES

Notice of Meeting

In order to improve channels of communication with members of the academic and industrial communities who are actively involved with science and technology, the Science Adviser and members of his Science and Technology Policy Office hold informal discussions from time to time and various representatives of these communities to discuss issues of mutual interest. While these ad hoc informal discussions with the Science Adviser are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-436), these sessions are believed to be of sufficient importance and interest to the general public to have them opened for public attendance and observation.

A meeting of various industry representatives with the Science Adviser and members of his Science and Technology Policy Office is scheduled to be held on Tuesday, June 18, 1974 in the Board Room of the National Science Foundation, Room 540, at 1800 G Street, NW., Washington, D.C. 20550. The meeting will begin at 9 a.m. and will conclude no later than 4 p.m. The subject matters for discussion include:

(1) Government policies with respect to IR&D (independent research and development) and B&P (bid and proposal).
(2) Potential barriers to industry exploitation of foreign markets such as patents, export controls and R&D cost recoupment.
(3) Industry-university relationships.

Members of the public are invited to observe this meeting. Space will be available on a first-come, first-served basis. Public participation is limited to questions or statements submitted to the Chairman in writing or to such oral presentations as the Chairman may permit within available time. Persons wishing to attend such meetings are requested to either write or phone Mr. James E. Carpenter, Science and Technology Policy Office, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/632-9495.

Dated: June 4, 1974.

H. GUYFORD STEVER,
Science Adviser.

[FR Doc.74-13123 Filed 6-6-74;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 3, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Market News Data—Use and Needs Questionnaire, Form GR 110, Single time, NRD/Lowry, Grain and feed merchants.

Agricultural Stabilization and Conservation Service: Hawaii-Sugarcane and Raw Sugar-Survey of Returns, Costs, Profits and Related Data, Form ------, Single time, Lowry, Sugarcane producers and processors.

Farmer Cooperative Service: Cooperative Reorganization Questionnaire Parts I and II, Form ------, Single time, Weiner, Management officials of farmer cooperatives.

Forest Service: Trail Use Compatibility in Ohio, Form ------, Single time, Planchon, Recreational trail users.

Identification of High Fire Risk Publics (San Bernardino National Forest), Form ------, Single time, Lowry, National forest users on the San Bernardino N.F.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
  Assessment of Expanded Function Dental Auxiliary Training Program, Form HRA BHRD 0603, Annual, HRD/Reese, Graduates of programs and program directors.
  Health Policy and Management—MPH Curriculum Study, Harvard School of Public Health, Form HRABHRD 0520, Occasional, HRD/Planchon, Alumni of school of Public Health; employers of graduates.

National Institute of Education: Alum Rock Spring Parent Survey, Form NIE 55, Single time, Planchon, Parents of voucher children in Alum Rock, Calif.

Social Security Administration: Overpayment Sampling Summarization Report, Form SSA 8961, Single time, Caywood, State welfare agencies.

U.S. CIVIL SERVICE COMMISSION

Geographic Availability for Nursing Assistant (Colorado), Form DE:X 236, Occasional, Caywood, Job applicants.

Indiana Community Executive Assistance Program, Form ------, Quarterly, Lowry, Retired Federal employees of Indiana.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: National Immunization Survey—Current Population Survey Supplement, Form CPS 1, Annual, Reese/Planchon, Households in U.S,

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Tin: Consumption and Stocks, Form 6-1132-AS, Annual, Weiner, Consumers of Pig Tin.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:
  Application for Tobacco Export Payment, Form CCC 424, Occasional, Evinger, Tobacco exporters.
  Application for Approval of Warehouse-Farmers Stock, Peanuts, Form CCC 1031, Annual, Evinger, Business firms.

Statistical Reporting Service: Corn, Sorghum Grain—Harvesting, Handling, and Drying Methods, Form ------, Annual, Evinger, General farm list.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research; Survey of Mortgage Lending Activity, Forms HUD 136, Monthly, Sunderhauf, Eleven mortgage lending groups.

U.S. CIVIL SERVICE COMMISSION

Job Qualifications Statement—Federal Employment; Short Form Blue Collar, Form SF 173, Occasional, Evinger, Applicants for blue collar positions.
Survey of Toll-Free Telephone Users; Form CSC 1074, Occasional, Evinger, Toll-free telephone users.

PHILLIP D. LARSON,
Budget and Management Officer.

[FR Doc.74-13245 Filed 6-6-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 4, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Evaluation of Particleboard Industry Raw Material Requirements and Product Demand, Form ------, Single time, Peterson, Particleboard manufacturers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Student Loan Notification, Form OE 1292, Single time, Sheftel, Institutions of Post-secondary education.

Health Resources Administration: A National Survey of Inactive Physicians, Form HRA 0520, Single time, Caywood, Inactive physicians under 50 yrs. of age.

DEPARTMENT OF THE INTERIOR

National Park Service: Floater Survey, Form ------, Single time, Planchon, Canoe floaters.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Quarterly Financial Report, Form OE 1227, Quarterly, Lowry, Institutions of higher education grantees.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: National Registry for Amniocentesis, Form NIH 1801-4, Occasional, Evinger (x).

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
  Peat, Form 6-1391-A, Annual, Evinger (x).
  Antimony Ore and Concentrate, Form 6-1015-A, Annual Evinger (x).
  Mercury, Form 6-1090-A, Annual, Evinger (x).
  Mercury, Form 6-1090-M, Monthly, Evinger (x).
  Manganese and Manganiferous Ores, Form 6-1085-A, Annual, Evinger (x).
  Iron Ore, Form 6-1066-A, Annual, Evinger (x).
  Blast Furnace and Steel Furnace Report, Form 6-1067-A, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-13244 Filed 6-6-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JUNE 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is

suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13109 Filed 6-6-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Suspension of Trading

JUNE 3, 1974.

In appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Franklin National Bank, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13110 Filed 6-6-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

JUNE 3, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of Franklin New York Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13111 Filed 6-6-74;8:45 am]

STRATTON GROUP, LTD.

[File No. 500-1]

Suspension of Trading

JUNE 3, 1974.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being trade otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 4, 1974 through June 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13108 Filed 6-6-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V (Rev. 1)]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30-V (37 FR 17607, as amended 38 FR 8022, and 38 FR 22832) is hereby revised in its entirety to reflect changes in position titles incident to organizational realignment actions in Region V.

Pursuant to authority delegated to Regional Directors by Delegation of Authority No. 30 (Revision 14), 37 FR 12651, as amended by 37 FR 14840, 37 FR 19405, 37 FR 21466, 37 FR 23594, 38 FR 32984, and 39 FR 1898, the following authority is hereby redelegated to positions within Region V as indicated herein:

PART I—FINANCING PROGRAM

SECTION A. *Loan Approval Authority*—1. *Small Business Act Section 7(a) Loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

a. Assistant Regional Director for Finance & Investment, $350,000.
b. District Directors, $350,000.
c. Assistant District Directors for Finance & Investment, $350,000.
d. Chief, Financing Division, $350,000.
e. Supervisory Loan Officers, $100,000.
f. Branch Managers, $100,000.

2. *Economic Opportunity (EO) Loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA share):

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Financing Division.
e. Branch Managers.

3. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount to approve such loans up to the following amounts (SBA share):

Not applicable.

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Assistant Regional Director for Finance & Investment, $1,000,000.
(2) District Directors, $350,000.
(3) Assistant District Directors for Finance & Investment, $350,000.
(4) Chief, Financing Division, $350,000.
(5) Branch Managers, $100,000.

4. *Handicapped Assistance Loans.* To approve or decline Handicapped Assistance Loans not exceeding following amounts (SBA share):

a. Assistant Regional Director for Finance & Investment, $350,000.
b. District Directors, $350,000.
c. Assistant District Directors for Finance & Investment, $350,000.
d. Chief, Financing Division, $350,000.
e. Supervisory Loan Officers, $100,000.
f. Branch Managers, $100,000.

SEC. B. *Other Financing Authority*—1. a. *Loan Participation Agreements.* To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loan participation agreements with banks:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Director for Finance & Investment.
(4) Chief, Financing Division.
(5) Supervisory Loan Officers.
(6) Branch Managers.

b. To enter into blanket loan guarantee agreements with banks:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Supervisory Loan Officers.
(6) Branch Managers.

2. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Financing Division.
e. Supervisory Loan Officers.
f. Branch Managers.

3. To cancel, reinstate, modify, and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer

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protection (meat, egg, poultry), occupational safety and health loans, coal mine health and safety loans, strategic arms limitation economic injury, and handicapped assistance loans:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, strategic arms limitation, economic injury, coal mine health and safety loans, and handicapped assistance loans:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, strategic arms limitation economic injury, occupational safety and health loans, and handicapped assistance loans personally approved under delegated authority:

(1) Chief, Financing Division.
(2) Supervisory Loan Officers.
(3) Branch Managers.

4. To approve minor modifications in fully undisbursed loan authorization;

a. District Loan Officers.
b. Branch Loan Officers.

5. a. To extend the disbursement period on all loan authorizations:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.
(6) Branch Managers.

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Branch Managers.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Financing Division.
e. Chief, Portfolio Management Division.
f. Branch Managers.

PART II—DISASTER PROGRAM

SECTION A. *Disaster Loan Authority.* 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans, in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Financing Division.
e. Branch Managers.
f. Disaster Branch Managers.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

Not applicable.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

a. Assistant Regional Director for Finance & Investment, $1,000,000.
b. District Directors, $500,000.
c. Assistant District Directors for Finance & Investment, $500,000.
d. Chief, Financing Division, $500,000.
e. Branch Managers, $500,000.
f. Disaster Branch Manager, $500,000.

4. To appoint as a processing representative any bank in the disaster area:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Branch Managers.

SEC. B. *Administrative Authority*—1. *Establishment and Closing of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

a. Assistant Regional Director for Administration.
b. District Directors.

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Regional Director for Administration.
(2) District Directors.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Regional Director for Administration.
(2) District Directors.
(3) Disaster Branch Managers.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A.—*Section 501 and 502 Loan Approval Authority.* 1. To approve or decline section 501 state development company loans:

a. Without dollar limitation:

Not applicable.

b. Up to the following amounts (SBA share): *Provided,* The official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance & Investment, $350,000.
(2) District Directors, $350,000.
(3) Assistant District Directors for Finance & Investment, $350,000.

2. To approve or decline section 502 local development company loans:

a. Up to the following amount (SBA share):

(1) Assistant Regional Director for Finance & Investment, $350,000.
(2) District Directors, $350,000.
(3) Assistant District Directors for Finance & Investment, $350,000.

b. Up to the following amount (SBA share) when project cost does not exceed $1,000,000. *Provided,* The official concurs in at least one prior recommendation:

Not applicable.

c. Up to the following amount (SBA share) when project cost does not to exceed $700,000: *Provided,* The official concurs in an least one prior recommendation:

Not applicable.

SEC. B. *Other 501 and 502 Authority.* 1. a. To extend the disbursement period

on sections 501 and 502 loan authorizations:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.
(6) Branch Managers.

b. To extend the disbursement period on fully undisbursed sections 501 and 502 loans:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Branch Managers.

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.

3. a. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.
(6) Branch Managers.

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division.
(6) Branch Managers.

4. To enter into section 502 loan participation agreements with banks:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Financing Division.
e. Branch Managers.

SEC. C. *Lease guarantee approval authority.* 1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

a. Assistant Regional Director for Finance & Investment, $1,000,000.
b. District Directors, $500,000.
c. Assistant District Directors for Finance & Investment, $500,000.
d. Regional Office Economic Development Specialist, $500,000.

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

a. Assistant Regional Director for Finance & Investment.
b. Regional Office Economic Development Specialist.

SEC. D. *Other lease guarantee authority.* 1. To issue and modify commitment letters:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Regional Office Economic Development Specialist.
e. Branch Managers.

SEC. E. *EDA Loan Disbursement Authority.* 1. To disburse approved EDA loans, as authorized:

Not applicable.

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A.—*Portfolio management, servicing, collections and liquidation authority.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, and all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, release (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans, and acquired property:

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Portfolio Management Division.
(5) Branch Managers, Springfield, Illinois; Milwaukee, Wisconsin; Cincinnati, Ohio.

b. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(1) Supervisory Loan Officers.
(2) Branch Manager, Marquette, Michigan.

c. Except: To compromise or sell any primary obligation or other evidence or indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan other than a disaster home loan and the cancellation of authority to liquidate any loan other than a disaster home loan.

Not applicable.

2. To contract for the services of fee appraisers, engineering, marketing and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Portfolio Management Division.
e. Branch Managers (except Marquette, Michigan).

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation, and acquired collateral, when and as authorized by EDA:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Portfolio Management Division.

SEC. B. *Portfolio management, servicing, collection and liquidation authority.* 1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, other than those accounts classified as "in liquidation," and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation,

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recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; and the approval of bank applications for use of liquidity privilege under the loan guaranty plan:

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate.

Not applicable.

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due to the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500:

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(a) District Loan Officers.
(b) Branch Loan Officers.

(2) Concerning all direct and participation loans:

Not applicable.

SEC. C.—*Lease guarantee administration and servicing authority.* 1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Assistant Regional Director for Finance & Investment.

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Directors.
(2) Assistant District Directors for Finance & Investment.
(3) Chief, Portfolio Management Division.

c. To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims:

(1) Branch Managers.

2. To take all actions necessary to mitigate losses from lease guarantees:

a. Assistant Regional Director for Finance & Investment.
b. District Directors.
c. Assistant District Directors for Finance & Investment.
d. Chief, Portfolio Management Division.
e. Branch Managers.

PART V—PROCUREMENT ASSISTANCE

SECTION A.—*Certificate of competency approval authority.* 1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following:

a. Assistant Regional Director for Procurement Assistance.

2. To deny an application for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Assistant Regional Director for Procurement Assistance.

SEC. B. *Section 8(a) contracting authority.* 1. To enter into contracts, on behalf of the Small Business Administration, with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

a. Assistant Regional Director for Procurement Assistance.

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

a. Assistant Regional Director for Procurement Assistance.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer:

a. Assistant Regional Director for Procurement Assistance.

PART VI—MANAGEMENT ASSISTANCE

SECTION A.—*Section 406 contract management authority.* 1. To take all necessary actions in connection with the administration and management of contracts, executed by the Associate Administrator for Financial Assistance under the authority granted in section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

a. Assistant Regional Director for Management Assistance

PART VII—LEGAL SERVICES

SECTION A.—*Authority to conduct litigation activities.* 1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(a) Regional Counsel.
(b) District Directors.
(c) Branch Managers (except Marquette, Michigan).

(2) Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small

Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(a) District Counsels.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation:

(1) District Attorneys.
(2) Branch Attorneys (except Marquette, Michigan).

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

a. Regional Counsel.
b. District Directors.
c. District Counsels.
d. District Attorneys.
e. Branch Managers (except Marquette, Michigan).
f. Branch Attorneys (except Marquette, Michigan).

SEC. B. *Loan closing authority.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

a. Regional Counsel.
b. District Directors.
c. District Counsels.
d. District Attorneys.
e. Branch Managers.
f. Branch Attorneys (except Marquette, Michigan).

2. To close and disburse approved SBA loans:

a. Regional Counsel.
b. District Directors.
c. District Counsels.
d. District Attorneys.
e. Branch Managers (except Marquette, Michigan).
f. Branch Attorneys (except Marquette, Michigan).

3. To close approved EDA loans, as authorized:

a. Regional Counsel.
b. District Directors.
c. District Counsels.
d. District Attorneys.
e. Branch Managers (except Marquette, Michigan).
f. Branch Attorneys (except Marquette, Michigan).

4. To approve, when requested, in advance of disbursement, conformed copies of notes, and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Counsel.
b. District Directors.
c. District Counsels.
d. District Attorneys.
e. Branch Managers (except Marquette, Michigan).
f. Branch Attorneys (except Marquette, Michigan).

PART VIII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A.—*Eligibility determinations.* 1. a. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under any program of the Agency:

(1) *Except.* The SBIC and Procurement Assistance programs:

(a) Assistant Regional Director for Finance & Investment.
(b) District Directors.
(c) Assistant District Directors for Finance & Investment.
(d) Chief, Financing Division.
(e) Branch Managers.

(2) *Except.* The SBIC and Community Economic Development programs:

Not applicable.

b. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency:

Not applicable.

c. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under the Management Assistance programs:

(1) Assistant Regional Director for Management Assistance.
(2) District Directors.
(3) Assistant District Directors for Management Assistance.
(4) Branch Managers.

SEC. B.—*Size determinations.* 1. a. To make initial size determinations within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions, as related to all agency Financial Assistance programs:

(1) Assistant Regional Director for Finance & Investment.
(2) District Directors.
(3) Assistant District Directors for Finance & Investment.
(4) Chief, Financing Division.
(5) Branch Managers.

b. To make initial size determinations within the meaning of the Small Business Size Standards Regulations, as amended, as related to all agency Procurement Assistance programs:

(1) Assistant Regional Director for Procurement Assistance.
(2) District Directors.
(3) Branch Managers.

c. To make initial size determinations within the meaning of the Small Business Size Standards Regulations, as amended, as related to all agency Management Assistance programs:

(1) Assistant Regional Director for Management Assistance.
(2) District Directors.
(3) Assistant District Directors for Management Assistance.
(4) Branch Managers.

PART IX—ADMINISTRATIVE

SECTION A.—*Authority to purchase, rent, or contract for equipment, services, and supplies.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases:

a. Assistant Regional Director for Administration.
b. Regional Office Services Manager.
c. District Directors.
d. District Administrative Officers.
e. Branch Managers (except Marquette, Michigan).

2. *To purchase office supplies and equipment,* including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257(a) and (b) of that chapter.

a. Assistant Regional Director for Administration.
b. Regional Office Services Manager.
c. District Directors.
d. District Administrative Officers.
e. Branch Manager, Springfield, Illinois.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

a. Assistant Regional Director for Administration.
b. Regional Office Services Manager.
c. District Directors.
d. District Administrative Officers.
e. Branch Managers.
f. Disaster Branch Managers.

SEC. B. 1. Use of the Seal of the Small Business Administration. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such materials to certify the nonexistence of records on file; and to

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cause the seal of the Small Business Administration to be affixed to all such certifications.

a. District Directors.
b. Branch Managers.

PART X—EXERCISE OF AUTHORITY BY OFFICIAL IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated; however, such authority may be exercised by an SBA employee designated as acting in that position.

PART XI—RESCISSION OF AUTHORITY

All authority previously delegated by the Administrator to specific positions in Region V is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof:

Effective dates: Regional Office, District Offices, and Branch Offices, except Madison District Office, October 28, 1973, Madison District Office—December 23, 1973.

Dated: May 2, 1974.

ROBERT A. DWYER,
Regional Director, Region V.

[FR Doc.74-13060 Filed 6-6-74;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on Drug Detection on June 11, 1974, at 9:30 a.m., in Conference Room 3104, the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. The principal purpose of the meeting is determination of future goals and procedures of the Center for Disease Control Urine Proficiency Testing System.

Any member of the public wishing to attend or participate should contact Ms. Mary Carol Newmann, on (202), 456-6276. If attendance is not possible, Ms. Newmann will receive written statements which will be read at the time and in the manner permitted by the Committee.

MARY CAROL NEWMANN.

[FR Doc.74-13246 Filed 6-6-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Authorizing Certificates

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers.

Anthracite Shirt Co., Shamokin, PA; 12-1-73 to 11-30-74. (Women's blouses and men's shirts)

Charles Meyers & Co., Belleville, IL; 11-28-73 to 11-27-74. (Men's pants)

Franklin Ferguson Co., Inc., Florala, AL; 12-19-73 to 12-18-74. (Men's and boys' shirts)

Freeland Shirt Co., Inc., Freeland, PA; 11-4-73 to 11-3-74. (Men's outerwear jackets and vests)

The Hercules Trouser Co., Inc., Hillsboro, OH; 12-1-73 to 11-30-74. (Men's and boys' pants)

The Hercules Trouser Co., Inc., Manchester, OH; 12-1-73 to 11-30-74. (Men's and boys' pants)

P. Jacobson and Sons, Inc., Middlesboro, KY; 11-12-73 to 11-11-74. (Men's shirts)

Lismore Mfg. Corp., Fall River, MA; 12-1-73 to 11-30-74. (Women's and children's woven underwear and sleepwear)

Monroe Industries, Inc., Tellico Plains, TN; 12-15-73 to 12-14-74. (Men's and boys' shirts)

Salant & Salant, Paris, TN; 11-26-73 to 11-25-74. (Men's and boys' shirts)

Steele Apparel Co., Inc., Steele, MO; 11-29-73 to 11-28-74. (Women's dresses)

Warsaw Mfg. Co., Kingstree, SC; 11-29-73 to 11-28-74. (Women's slacks)

The following plant expansion certificate was issued authorizing the number of learners indicated.

J'Nelle-Cater, Inc., Shaw, MS; 11-26-73 to 5-25-74. 30 learners. (Women's, misses' and juniors' blouses)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended.)

Jomac Products, Ind., Winnfield, LA; 11-21-73 to 5-20-74; 22 learners for plant expansion purposes. (Work gloves)

The following certificates were issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended).

Barad & Co., Rolla, MO; 12-17-73 to 12-16-74; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Women's sleepwear)

Lismore Mfg. Corp., Fall River, MA; 12-1-73 to 11-30-74; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes. Women's and children's knit underwear and sleepwear)

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

C. T. P. Division—General Cigar Co., Inc., Caguas, PR; 10-23-73 to 10-22-74; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour. (Tobacco)

R. B. Tobacco Corp., Caguas, PR; 10-27-73 to 10-26-74; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour. (Tobacco)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before June 24, 1974.

Signed at Washington, D.C. this 31st day of May 1974.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.74-13124 Filed 6-6-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 525]

ASSIGNMENT OF HEARINGS

JUNE 4, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 7, 1974.

CORRECTION

MC-F-11953, Carolina Freight Carriers, Corp.—Purchase—Deerfield, Motor Express, Inc., and MC-2253 Sub 60, Carolina Freight Carriers Corp., now assigned June 10, 1974, will be held in Room 1614, Court of Claims, 219 South Dearborn Street, Chicago, Ill., instead of June 3, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13136 Filed 6-6-74;8:45 am]

Office of Hearings

[Notice No. 524]

ASSIGNMENT OF HEARINGS

JUNE 4, 1974.

Cases assigned for hearings, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 7, 1974.

MC 112713 Sub-160, Yellow Freight System, Inc., now assigned July 8, 1974, at Madison, Wisconsin, is cancelled and the application is dismissed.

Finance Docket No. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick C. Dumaine and Dumaines; and Finance Docket No. 27621, Amoskeag Company—Control—Maine Central Railroad Company, now being assigned prehearing conference July 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99375 Sub 2, Sacramento Freight Lines, Inc., now being assigned hearing July 10, 1974 (2 days), in Room 13025, 450 Golden Gate Ave., San Francisco, Calif.

W-406 Sub 11, Ohio Barge Line, Inc., now assigned continued hearing June 6, 1974, at Washington, D.C., is postponed to July 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136384 Sub 7, Palmer Motor Express, Inc., now assigned July 8, 1974, at Atlanta, Ga., is postponed indefinitely.

MC-134401 Sub 6, Sherwood W. Hume, d.b.a. Hume Equipment Co., now assigned June 10, 1974, Washington, D.C., is postponed to July 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8266, Stanley S. Barstow, d.b.a. Barstow Transportation—Investigation and Revocation of Certificates—now assigned July 10, 1974, at Hartford, Conn., is cancelled and reassigned for hearing September 18, 1974, at Hartford, Conn., in Room 134, Federal Bldg., and Courthouse, 450 Main Street.

MC 138870 Sub 1, Mobile Truck Control, Inc., now assigned June 5, 1974, at Mobile, Ala., is postponed to June 6, 1974, at the Ramada Inn—Downtown I-10 Dauphin Island, Parkway, Mobile, Ala.

MC 9325 Sub-66, K Lines, Inc., now assigned July 8, 1974, at Olympia, Washington, is cancelled and reassigned for hearing on July 8, 1974 (1 week), in Room 103, Pioneer Courthouse, 555 Yamhill Street, Portland, Oregon.

MC 2229 Sub 179, Red Ball Motor Freight, Inc., now assigned July 8, 1974, at the Federal Courthouse, Room 595, 1927 Stout St., Denver, Colo.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13135 Filed 6-6-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 4, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 17, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2452 (Sub-No. E1), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cincinnati, Dayton, Greenville, Hamilton, and Middletown, Ohio, on the one hand, and, on the other, Davenport, Iowa. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC 2452 (Sub-No. E2), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Dayton, Ohio, on the one hand, and, on the other, De Kalb, Dixon, Freeport, La Salle, Rockford, and Rock Island, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC 2452 (Sub-No. E3), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60602. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Cincinnati, Ohio, on the one hand, and, on the other, De Kalb, Dixon, Freeport, La Salle, Rockford, Rock Island, and Waukegan, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC 2452 (Sub-No. E4), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hamilton, Ohio, on the one hand, and, on the other, De Kalb, Dixon, Freeport, La Salle, Rockford, and Rock Island, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-11727 (Sub-No. E2), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Orange County, New York, on the one hand, and, on the other, Providence, R.I., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven (except those in Fairfield County). The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC-11727 (Sub-No. E3), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular

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routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania east of the Susquehanna River. The purpose of this filing is to eliminate the gateway of points in Essex County, N.J.

No. MC–11727 (Sub-No. E4), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis H. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Orange County, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania located east of the Susquehanna River and south of U.S. Highway 22. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC–11727 (Sub-No. E5), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, points in that part of Pennsylvania east of the Susquehanna River located east of a line beginning at the New Jersey-Pennsylvania State line and extending along Pennsylvania Highway 32 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 212 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC–11727 (Sub-No. E6), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Highway, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of New York within 150 miles of Newark, N.J., on the one hand, and, on the other, points in that part of Pennsylvania within 25 miles of the City Hall of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 16682 (Sub-No. E4), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture and fixtures, uncrated*, between points in Arizona, California, Colorado, New Mexico, and Texas, on the one hand, and, on the other, points in Iowa and Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 16682 (Sub-No. E5), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commerical and institutional furniture, fixtures, and equipment*, (1) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, Delaware (except Wilmington), North Carolina, Ohio, South Carolina, Virginia (west of U.S. Highway 15), and West Virginia; (2) between points in Connecticut, Massachusetts, Rhode Island, and New York, on the one hand, and, on the other, points in North Carolina, Ohio, South Carolina, Virginia (west of U.S. Highway 15), and West Virginia; (3) between points in Maryland, New Jersey, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; (4) between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Ohio; (5) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, St. Louis, Mo., Covington, Ky., and points in Kentucky within 20 miles thereof, and points in Illinois, Indiana, and Michigan (on and south of Interstate Highway 94); and (6) between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, St. Louis, Mo., Covington, Ky., points in Kentucky within 20 miles thereof, and points in Illinois, Indiana, and Michigan (on and south of Interstate Highway 94). The purpose of this filing is to eliminate the gateways in (1), (2), (3), and (4) above of New York, N.Y.; and in (5) and (6) above of New York, N.Y., and points in Cuyahoga County, Ohio.

No. MC 16682 (Sub-No. E6), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Household goods*, as defined by the Commission, (1) between points in Connecticut and Massachusetts, those in Nassau, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y., and those in Bergen, Essex, and Hudson Counties, N.J., on the one hand, and, on the other, points in Delaware, the District of Columbia, Illinois, Indiana, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Virginia, and West Virginia; (2) between points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, and those in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in New Jersey and Pennsylvania; and (3) between points in Connecticut and Massachusetts, those in Albany, Columbia, Dutchess, Nassau, Orange, Putnam, Rensselaer, Rockland, Suffolk, and Westchester Counties, N.Y., and those in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateways in (1) above of New York, N.Y.; in (2) above of New York, N.Y.; and in (3) above of New York, N.Y.

No. MC 16682 (Sub-No. E7), filed May 15, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures*, (1) between points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; (2) between points in Delaware and Maryland (except to and from points in Kentucky and Ohio), on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; and (3) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateways in (1) above of Cuyahoga County, Ohio; in (2) above of Philadephia, Pa., and Cuyahoga County, Ohio; and in (3) above of New York, N.Y., and Cuyahoga County, Ohio.

No. MC–19227 (Sub-No. E2), filed May 13, 1974. Applicant: LEONARD BROS. TRUCKING, INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(A) (1) *Airplane parts and airplane supplies and equipment*, and (2) *guided missile parts and guided missile supplies and equipment*, (a) between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Lake Counties, Calif., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tennessee (east and south of Scott, Fentress, Overton, Jackson, Wilson, Rutherford, Maury, and Giles Counties); and (b) between points in Butte, Sierra, Yuba, Sutter, Nevada, Placer, El Dorado, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, Mariposa, San Joaquin, Stanislaus, Madera, Merced, and Fresno Coumties, Calif., on the one hand, and, on the other, points in Alabama, Georgia, and Tennessee (east and south of Pickett, Overton, Jackson, Smith, Williamson, Maury, and Lawrence Counties).

(B) (1) *Commodities* (except boats and oilfield equipment), the transportation of which because of their size or weight require the use of special handling or equipment, and (2) *self-propelled articles* (except oilfield equipment), each weighing 15,000 lbs, or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and, on the other, points in Arizona (east and south of Yuma, Yavapai, Coconino, Navajo, and Apache Counties), Arkansas, Kansas (south of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, and Linn Counties), Louisiana, Missouri (south of Bates, Henry, Benton, Camden, Miller, Maries, Gasconnade, Franklin, and Jefferson Counties), New Mexico, Oklahoma, and Texas; between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Sonoma, Yolo, El Dorado, Napa, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, San Joaquin, Marin, Contra Costa, San Mateo, Santa Cruz, Santa Clara, Merced, Stanislaus, Alameda, Mariposa, Madera, Fresno, San Benito, and Monterey Counties, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Kansas (except Cheyenne, Sherman, Wallace, and Greeley Counties), Louisiana, Missouri, New Mexico, Oklahoma, and Texas; between points in California (south of Monterey, Fresno, and Mono Counties), on the one hand, and, on the other, points in Arizona, Arkansas, Kansas (north and west of Hamilton, Kearny, Scott, Lane, Ness, Rush, Ellsworth, Saline, Dickinson, Geary, Wabaunsee, Shawnee, Jefferson, and Atchinson Counties), Louisiana, Missouri, New Mexico, and Texas.

(C) (1) *Commodities* (except boats and oil field equipment) the transportation of which because of their size or weight require the use of special equipment or handling, and (2) *self-propelled articles* (except oilfield equipment), each weighing 15,000 lbs. or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Texas (north of Parmer, Castro, Swicher, Briscoe, Hall, and Childress Counties), on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Clay, Tallapoosa, Elmore, Montgomery, Lowndes, Butler, Conecuh, and Escambia Counties), Georgia (east and south of Franklin, Banks, Hall, Forsyth, Cherokee, Bartow, Polk, and Haralson Counties), North Carolina (Rockingham, Guilford, Davidson, Rowan, Iredell, Lincoln, and Gaston Counties), South Carolina (east and south of Cherokee, Spartanburg, Greenville, and Anderson Counties), and Virginia (east and south of Stafford, Spotsylvania, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, and Pittsylvania Counties); between points in Texas (south of Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Kaufman, Van Zandt, Smith, Gregg, and Harrison Counties; north of Jeff Davis, Brewster, Terrell, Val Verde, Edwards, Kerr, Gillespie, Blanco, Hays, Caldwell, Bastrop, Fayette, Washington, Waller, Harris, Liberty, Hardin, and Orange Counties), on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Talladega, Shelby, Chilton, Autauga, Lowndes, Butler, and Covington Counties), Connecticut, Delaware, Georgia (south of Hart, Franklin, Banks, Hall, Forsyth, Cherokee, Bartow, and Floyd Counties), Maine, Maryland (east of Allegany County), Massachusetts, New Hampshire, New Jersey, New York (east and south of St. Lawrence, Herkimer, Oneida, Madison, Chenango, and Broome Counties), North Carolina (east and south of Surry, Yadkin, Iredell, Lincoln, and Gaston Counties), Pennsylvania (east and south of Susquehanna, Bradford, Tioga, Potter, Clinton, Centre, Mifflin, Huntington, and Bedford Counties), Rhode Island, South Carolina (east and south of Cherokee, Spartanburg, Greenville, and Anderson Counties), Vermont, Virginia (east and south of Highland, Bath, Alleghany, Craig, Roanoke, Floyd, and Caroll Counties), and the District of Columbia; between points and places in Texas (east of Fannin, Hunt, and Kaufman Counties; north of Henderson, Cherokee, Rusk and Panola Counties), on the one hand, and, on the other, points in Connecticut, Delaware, Georgia (east and south of Columbia, McDuffie, Jefferson, Johnson, Laurens, Wheeler, Jeff Davis, Coffee, Atkinson, and Clinch Counties), Maine, Maryland (east and south of Harford, Baltimore, Howard, and Prince Georges Counties), Massachusetts (east and south of Franklin, Hampshire, and Berkshire Counties), New Hampshire, New Jersey (east and south of Sussex and Warren Counties), New York (east and south of Columbia, Ulster, and Orange Counties), North Carolina (east and south of Person, Durham, Chatham, Lee, Moore and Richmond Counties), Pennsylvania (east and south of Northampton, Lehigh, Berks and Lancaster Counties), Rhode Island, South Carolina (east and south of Chesterfield, Kershaw, Fairfield, Newberry, Saluda and Edgefield Counties), and Virginia (east and south of Fairfax, Prince William, Stafford, Spotsylvania, Louisa, Goochland, Cumberland, Prince Edward, Charlotte, and Halifax Counties).

The purpose of this filing is to eliminate the gateways of (1) points in Florida, for (A) and (C) above, and (2) points in Arizona, within 25 miles of Yuma, including Yuma, and points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagon, Crockett, and Val Verde Counties, Tex., for (B) above.

No. MC–29643 (Sub-No. E1), filed May 1, 1974. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, N.Y. 13662. Applicant's representative: Francis E. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *General commodities* (except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Middlesex, Morris, Cape May, Ocean, Atlantic, Burlington, Salem, and Mercer Counties, N.J., to points in Essex, Clinton, Jefferson, Lewis, and Hamilton Counties, N.Y., and Franklin and Orleans Counties, Vt., from points in Bronx, Kings, New York, Queens, and Richmond Counties, N.Y., and Essex County, N.J., to points in Franklin County, Vt.

(2) *Cheese* (except in bulk), from points in Essex and Clinton Counties, N.Y., to points in Allegheny, Monroe, Dauphin, Luzerne, Lehigh, Northampton, Berks, and Philadelphia Counties, Pa., Bronx, Kings, New York, Queens, and Richmond Counties, N.Y., Essex County, N.Y., and Fairfield County, Conn. from points in Franklin, Orleans, Washington, and Chittenden Counties, Vt., to points in Allegheny, Monroe, Dauphin, Luzerne, Lehigh, Northampton, Berks, and Philadelphia Counties, Pa.

(3) *Cheese, and supplies & equipment* used in the manufacture of cheese (except commodities in bulk), from points in Franklin County, N.Y., to points in Aroostook, Penobscot, Kennebec, and Cumberland Counties, Me., from points in Essex County, N.Y., to points in Aroostook, Penobscot, and Kennebec Counties, Me., from points in Jefferson,

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Oswego, Erie, Oneida, Chautauqua, Onondaga, Broome, Steuben, and Rochester Counties, N.Y., to points in Coos, Merrimack, Hillsborough, and Rockingham Counties, N.H., Aroostook, Penobscot, Kennebec, and Cumberland Counties, Me., and Caledonia, Chittenden, and Washington Counties, Vt., from points in Schuylkill County, Pa., to points in Aroostook County, Me., from points in Allegany County, Md., to points in Coos County, N.H., and Aroostook and Penobscot County, Me., from points in Washington County, Md., to points in Chittenden County, Vt., Coos County, N.H., and Aroostook County, Me.

(4) *Paper*, from points in Clinton and Essex Counties, N.Y., Chittenden, Franklin, Washington, and Caledonia Counties, Vt., and Coos County, N.H., to points in Allegheny County, Pa.

(5) *Aluminum and aluminum products*, between points in Berks, Schuylkill, Lehigh, Luzerne, Lackawanna, Dauphin, York, Lancaster, Philadelphia, and Monroe Counties, Pa., Washington, Allegany, Baltimore, and Wicomico Counties, Md., and Seaford, New Castle, and Kent Counties, Del., on the one hand, and, on the other, points in Clinton and Essex Counties, N.Y., and Franklin and Orleans Counties, Vt., between points in Oswega, Jefferson, Monroe, Steuben, Chautauqua, and Erie Counties, N.Y., on the one hand, and, on the other, points in Chittenden, Washington, Franklin, Caledonia, and Orleans Counties, Vt., and Coos and Grafton Counties, N.H. (except from Baltimore, Md., to St. Johnsbury, Vt.).

(6) *Commodities used in the manufacture, packing and shipping of aluminum and aluminum products*, between points in Berks, Schuylkill, Lehigh, Luzerne, Lackawanna, Dauphin, York, Lancaster, Philadelphia, and Monroe Counties, Pa., Washington, Allegany, Baltimore, and Wicomico Counties, Md., Seaford, New Castle, nad Kent Counties, Del., on the one hand, and, on the other, points in Clinton and Essex Counties, N.Y., Franklin and Orleans Counties, Vt. (except from Baltimore, Md., to St. Johnsbury, Vt.), between points in Oswego, Jefferson, Monroe, Steuben, Chautauqua, and Erie Counties, N.Y., on the one hand, and, on the other, points in Chittenden, Washington, Franklin, Caledonia, and Orleans Counties, Vt., and Coos and Grafton Counties, N.H. The purpose of this filing is to eliminate the gateways of: in (1) above, Paul Smith, Merrill, Brier Hill, Gouverneur, Fine, and Gale, N.Y., in (2) above, Piercefield, N.Y., in (3) above, Lawrenceville and Piercefield, N.Y., in (4) above, Piercefield, N.Y., in (5) above, Massena, N.Y., and in (6) above, Massena, N.Y.

No. MC 44053 (Sub-No. E1), filed May 9, 1974. Applicant: TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., P.O. Box 16091, San Antonio, Tex. 78246. Applicant's representative: Wendell F. Chandler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (a) between points in Wyoming, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 82, points in Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence west along U.S. Highway 82 to Tuscaloosa, thence along Interstate Highway 20 to the Alabama-Georgia State line, points in Georgia on and south of Interstate Highway 20, and points in Florida;

(b) Between points in Moffat, Routt, Jackson, Larimer, Weld, Boulder, Grand, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Adams, Arapahoe, Elbert, Douglas, El Paso, Teller, Park, Lake, Pilkin, Mesa, Delta, Gunnison, Chaffee, Fremont, Pueblo, Custer, Saguache, Ouray, Montrose, San Miguel, Dolores, San Juan, Hinsdale, Mineral, Del Norte, Alamosa, Huerfano, Las Animas, Costilla, Covejos, Archuleta, La Plata, and Montezuma Counties, Colo., on the one hand, and, on the other, points in Warren, Hinds, Madison, Attala, Choctaw, Oktibbeha, Clay, Monroe, Lowndes, Noxubee, Winston, Kemper, Neshoba, Leake, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Claiborne, Jefferson, Adams, Wilkinson, Amite, Franklin, Lincoln, Pike, Lawrence, Jefferson Davis, Covington, Jones, Wayne, Greene, Perry, Forrest, Lamar, Marion, Pearl River, Stone, George, Jackson, Harrison, and Hancock Counties, Miss., points in Pickins, Tuscaloosa, Jefferson, Saint Clair, Etowah, Cherokee, Cleburne, Calhoun, Talladega, Randolph, Clay, Shelby, Chambers, Tallapoosa, Coosa, Chilton, Bibb, Sumter, Greene, Hale, Perry, Lee, Elmore, Autauga, Dallas, Marengo, Choctaw, Russell, Macon, Montgomery, Lowndes, Wilcox, Barbour, Bullock, Pike, Crenshaw, Butler, Monroe, Clarke, Washington, Conecuh, Mobile, Baldwin, Escambia, Covington, Coffee, Dale, Henry, Houston, and Geneva Counties, Ala., points in Floyd, Bartow, Cherokee, Forsyth, Hall, Bank, Franklin, Hart, Elbert, Madison, Jackson, Barrow, Gwinnett, Fulton, Cobb, Paulding, Polk, Haralson, Carroll, Douglas, College Park, Dekalb, Rockdale, Walton, Oconee, Oglethorpe, Wilkes, Lincoln, Columbia, McDuffie, Warren, Taliaferro, Greene, Morgan, Hancock, Putman, Jasper, Henry, Newton, Clayton, Fayette, Coweta, Heard, Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Glasscock, Jefferson, Richmond, Burke, Screven, Jenkins, Emanual, Johnson, Wilkinson, Twiggs, Bibb, Crawford, Upson, Talbot, Harris, Muscogee, Chattahoochee, Marion, Taylor, Peach, Houston, Bleckley, Laurens, Treutlen, Candler, Bullock, Effingham, Chatham, Bryan, Liberty, Long, Evans, Tattnall, Toombs, Montgomery, Wheeler, Telfair, Dodge, Pulaski, Wilcox, Dooly, Crisp, Macon, Sumter, Webster, Stewart, Quitman, Clay, Randolph, Terrell, Lee, Worth, Turner, Ben Hill, Irwin, Coffee, Jeff Davis, Appling, Wayne, McIntosh, Glynn, Brantly, Pierce, Bacon, Ware, Atkinson, Berrien, Tift, Dougherty, Calhoun, Early, Miller, Seminole, Baker, Decatur, Mitchell, Grady, Colquitt, Thomas, Cook, Brooks, Lowndes, Lanier, Clinch, Echols, Charlton, and Camden Counties, Ga., and points in Florida;

(c) Between points in San Juan, Sandoval, Los Alamos, Santa Fe, San Miguel, Quay, McKinley, Valencia, Bernalillo, Torrance, Guadalupe, Curry, Roosevelt, De Baca, Lincoln, Socorro, Catron, Grant, Sierra, Otero, Chaves, Lea, Eddy, Dona Ana, Luna, and Hidalgo Counties, N. Mex., on the one hand, and, on the other, Sabine, Natchitoches, Winn, Caldwell, Franklin, Madison, Tensas, Catahoula, La Salle, Grant, Rapides, Vernon, Beauregard, Allen, Evangeline, St. Landry, Avoyelles, Concordia, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, St. Bernard, Plaque-Mines, Jefferson, St. Charles, St. John the Baptist, St. James, Livingston, East Baton Rouge, West Baton Rouge, Ascension, Assumption, Lafourche, Terrebonne, St. Mary, Iberia, St. Martin, Lafayette, Vermilion, Acadia, Jefferson Davis, Calcasieu, and Cameron Counties, La., points in Warren, Hinds, Madison, Attala, Choctaw, Oktibbeha, Lowndes, Noxubee, Winston, Kemper, Neshoba, Leake, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Claiborne, Jefferson, Adams, Wilkinson, Amite, Franklin, Lincoln, Pike, Lawrence, Jefferson Davis, Covington, Jones, Wayne, Greene, Perry, Forrest, Lamar, Marion, Pearl River, Stone, George, Jackson, Harrison, and Hancock Counties, Miss., points in Pickins, Tuscaloosa, Jefferson, Blount, De Kalb, Saint Clair, Etowah, Cherokee, Cleburne, Calhoun, Talladega, Randolph, Clay, Shelby, Chambers, Tallapoosa, Coosa, Chilton, Bibb, Sumter, Greene, Hale, Perry, Lee, Elmore, Autauga, Dallas, Marengo, Choctaw, Russell, Macon, Montgomery, Lowndes, Wilcox, Barbour, Bullock, Pike, Crenshaw, Butler, Monroe, Clarke, Washington, Conecuh, Mobile, Baldwin, Escambia, Covington, Coffee, Dale, Henry, Houston, and Geneva Counties, Ala., points in Georgia and points in Florida;

(d) Between points in Washington, Riley, Geary, Morris, Chase, Butler, Cowley, Republic, Clay, Cloud, Ottawa, Dickinson, Saline, Marion, McPherson, Harvey, Sedgwick, Sumner, Harper, Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell, Jewell, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Comanche, Kiowa, Edwards, Pawnee, Rush, Ellis, Rooks, Phillips, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Meade, Gray, Lane, Gove, Sheridan, Decatur, Rawlins, Thomas, Logan, Scott, Finney, Haskell, Seward, Stevens, Grant, Kearny, Wichita, Cheyenne, Sherman, Wallace, Greely, Hamilton, Stanton, and Morton Counties, Kans., on the one hand, and, on the other, points in Florida; (e) between points in Grant, Garfield, Logan, Oklahoma, Pottawatomie, Pontotoc, Johnston,

Marshall, Love, Carter, Murray, Garvin, McClain, Canadian, Kingfisher, Alfalfa, Major, Blaine, Caddo, Grady, Stephens, Jefferson, Cotton, Comanche, Tillman, Kiowa, Washita, Custer, Dewey, Woodward, Woods, Harper, Ellis, Roger Mills, Beckman, Greer, Harmon, Jackson, Beaver, Texas and Cimarron Counties, Okla., on the one hand, and on the other, points in Clay, Randolph, Terrell, Lee, Worth, Turner, Ben Hill, Coffee, Jeff Davis, Appling, Tattnall, Evans, Bryan, Liberty, Long, Wayne, McIntosh, Glynn, Camden, Brantley, Charlton, Pierce, Bacon, Ware, Atkinson, Clinch, Echols, Lowndes, Berrien, Cook, Brooks, Tift, Colquitt, Thomas, Grady, Mitchell, Dougherty, Calhoun, Early, Baker, Miller, Seminole, and Decater Counties, Ga., points in Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, Ala., and points in Florida;

(f) Between points in Wyoming, on the one hand and, on the other, points in Louisiana; (g) between points in Kansas, on the one hand, and, on the other, points in Louisiana; (h) between points in Kansas, on, south, and east of a line beginning at the Colorado-Kansas State line, thence east along U.S. Highway 50 to Garden City, thence along U.S. Highway 156 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to Salina, thence north along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in New Mexico; (i) between points in Texas, on the one hand, and, on the other, points in Kentucky, North Carolina, and Virginia; and (j) between points in Texas on and west of Interstate Highway 35, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of points in *Orange and Jefferson Counties, Tex.*, for (a), (b), (c), (d), and (e) above; *points in Texas*, for (f), (g) and (h) above; and *points in Missouri* for (i) and (j) above.

No. MC–64651 (Sub-No. E2), filed May 12, 1974. Applicant: STAR TRANSPORT CO., INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, Providence, R.I., to points in that part of New York within 150 miles of Newark, N.J., and east of a line beginning at the New York-Pennsylvania State line, and extending north along New York Highway 17 to Owego, thence along New York Highway 96 to its intersection with New York Highway 96B, thence along New York Highway 96B to Ithaca, thence along New York Highway 96 to Ovid, and thence along New York Highway 96A to its intersection with New York Highway 5, points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn. The purpose of this filing is to eliminate the gateways of points in Cumberland and Salem Counties, N.J.

No. MC 106001 (Sub-No. E1), filed May 10, 1974. Applicant: DENNIS TRUCKING CO., INC., 2519 Morris Street, Philadelphia, Pa. 19145. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Brick* and *terra cotta*, (1) From points in New Jersey to points in Maryland (except those west of Interstate Highway 81); (2) from points in New York on and south of a line beginning at the New York-Pennsylvania State line at Hancock, N.Y., thence over New York Highway 17 to junction New York Highway 30, thence over New York Highway 30 to junction New York Highway 28, thence over New York Highway 28 to Kingston, N.Y., thence over New York Highway 308 to junction New York Highway 199, and thence over New York Highway 199 to the New York-Connecticut State line, including points on the indicated portions of the highways specified, to points in Maryland (except those west of Interstate Highway 81); (3) from points in Pennsylvania bounded by a line beginning at the Pennsylvania-Delaware State line, and extending over U.S. Highway 202 to junction Pennsylvania Turnpike Northeast Extension, thence north along that Extension to junction Interstate Highway 81, and thence over Interstate Highway 81 to the Pennsylvania-New York State line, thence east along that line to the Delaware River, thence south along that River to the Pennsylvania-Delaware State line, and thence west along that line to point of beginning, including points on the indicated portions of the highways specified, to points in Maryland (except those west of Interstate Highway 83 from the Maryland-Pennsylvania State line to junction U.S. Highway 1, and thence over U.S. Highway 1 to the District of Columbia boundary); (4) from points in New Jersey to points in Delaware;

(5) From points in New York on and south of a line beginning at the New York-Pennsylvania State line at Waverly, N.Y., thence over New York Highway 17 to junction New York Highway 30, and thence over New York Highway 30 to junction New York Highway 28, thence over New York Highway 28 to Kingston, thence over New York Highway 308 to junction New York Highway 199, and thence over New York Highway 199 to the New York-Connecticut State line including points on the indicated portions of the highways specified (except points on Long Island east of New York Highway 114), to points in Delaware; (6) from points in Pennsylvania on, east, and south of a line beginning at the Pennsylvania-New York State line at Sayre, thence south over U.S. Highway 220 to junction U.S. Highway 6, thence west over U.S. Highway 6 to junction Pennsylvania Highway 14, thence south over Pennsylvania Highway 14 to junction U.S. Highway 15, thence south over U.S. Highway 15 to junction U.S. Highway 11, thence east over U.S. Highway 11 to junction Pennsylvania Highway 61, thence east over Pennsylvania Highway 61 to Pottsville, thence south over Pennsylvania Highway 61 to junction Pennsylvania Highway 443, thence east over Pennsylvania Highway 443 to junction U.S. Highway 309, thence east over U.S. Highway 309 to junction Pennsylvania Highway 100, thence south over Pennsylvania Highway 100 to junction U.S. Highway 202, thence south over U.S. Highway 202 to the Pennsylvania-Delaware State line, thence east along that line to the Delaware River, thence north along that river to the Pennsylvania-New York State line, and thence west along that line to point of beginning, including points on the indicated portions of the Highways specified, to points in Delaware; (7) from points in New York as described in (5) above, to points in New Jersey on and south of New Jersey Highway 33;

(8) From points in Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Maryland State line and extending north over U.S. Highway 522 to Selinsgrove, thence south over Pennsylvania Highway 61 to Reading, thence over U.S. Highway 422 to Norristown, thence over U.S. Highway 202 to junction U.S. Highway 611, thence south over U.S. Highway 611 to Interstate Highway 276, and thence over Interstate Highway 276 to the Delaware River, including points on the indicated portions of the highways specified, to points in New Jersey; (9) from points in Delaware to points in New Jersey; (10) from points in Maryland (except points west of Interstate Highway 81) to points in New Jersey; (11) from points in New Jersey on and south of New Jersey Highway 33 to points in New York as described in (5) above; (12) from points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending north over Pennsylvania Highway 10 to Reading, and thence over U.S. Highway 422 to Norristown, thence over U.S. Highway 202 to the junction of U.S. Highway 611, thence south over U.S. Highway 611 to Interstate Highway 276, and thence over Interstate Highway 276 to the Delaware River to points in New York described in (2) above; (13) from points in Delaware to points in New York described in (5) above; (14) from points in Maryland (except points west of Interstate Highway 81) to points in New York as described in (2) above; (15) from points in New Jersey to points in Pennsylvania

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as described in (8) above; (16) from points in New York as described in (2) above, to points in Pennsylvania as described in (12) above; (17) from points in Delaware to points in Pennsylvania as described in (6) above; and (18) from points in Maryland (except points west of Interstate Highway 81) to points in Pennsylvania as described in (3) above.

B. *Gypsum products,* (1) from points in New Jersey to the District of Columbia, Alexandria, Va., and points in Arlington, Fairfax, and Prince William Counties, Va.; (2) from points in New York as described in A(5) above, to points in the destination territory described immediately above; and (3) from points in Pennsylvania as described in A(3) above, to points in the destination territory described immediately above. *Empty containers and pallets* used in the transportation of gypsum products, from the destination points described immediately above, to points in the origin territories described above. C. *Building material and equipment, contractors' equipment, iron and steel, and machinery,* requiring specialized handling or rigging, because of size or weight, (1) between points in Delaware, on the one hand, and, on the other, points in New Jersey; (2) between points in Delaware, on the one hand, and, on the other, points in New York as described in A(5) above; (3) between points in Delaware, on the one hand, and, on the other, points in Pennsylvania as described in A(6) above;

(4) Between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in Pennsylvania on, east, and south of a line beginning at the Pennsylvania-New York State line at Sayre, Pa., thence south over U.S. Highway 220 to junction U.S. Highway 6, thence west over U.S. Highway 6 to junction Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Pennsylvania Highway 64, thence over Pennsylvania Highway 64 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 28, thence south over Pennsylvania Highway 28 to State College, Pa., thence east over U.S. Highway 323 to junction U.S. Highway 522, and thence over U.S. Highway 522 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified;

(5) Between points in that part of New Jersey (except those specified immediately above) south and east of a line beginning at junction New Jersey Highway 33 and U.S. Highway 130, thence north over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and thence east over U.S. Highway 1 to Jersey City, N.J., on the one hand, and, on the other, points in Pennsylvania as described in A(8) above; (6) between points in Maryland on and east of Interstate Highway 81, on the one hand, and, on the other, points in New York as described in A(2) above; (7) between points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending over Interstate Highway 83 to junction U.S. Highway 1, and thence over U.S. Highway 1 to the District of Columbia boundary, on the one hand, and, on the other, points in Pennsylvania as described in A(3) above; and (8) between points in Maryland on and east of Interstate Highway 81, on the one hand, and, on the other, points in New Jersey.

D. *Building material and equipment, contractors' equipment, iron and steel, and machinery,* requiring specialized handling or rigging, because of size or weight, between points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending over Interstate Highway 83 to junction U.S. Highway 1, and thence over U.S. Highway 1 to the District of Columbia boundary, on the one hand, and, on the other, points in Delaware on and east of U.S. Highway 202 from the Delaware-Pennsylvania State line to Wilmington, Del. (but not including Wilmington). The purpose of this filing is to eliminate the gateways of *Philadelphia and Marcus Hook, Pa.*

No. MC–107295 (Sub-No. E1), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mortar cement,* and *carpet and linoleum paste cement* (except in bulk), from the plant and warehouse facilities of C. E. Kaiser Company at Houston, Tex., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio.

No. MC 107295 (Sub-No. E6), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Steel doors, steel door frames,* and *steel window frames,* from Brooklyn, N.Y., to points in Florida, Georgia, South Carolina, and that part of North Carolina in, west, and south of Vance, Franklin, Wake, Johnston, Sampson, and Pender Counties (Harrisonburg, Va.*); and (B) *steel door and window frames,* from Brooklyn, N.Y., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington (Sedalia, Mo.*). The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC 107295 (Sub-No. E7), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefinished plywood paneling* and *particleboard,* from Memphis, Tenn., (1) to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (Truman, Ark.*); (2) to points in Connecticut, Delaware, Maine, New Jersey, New York, Rhode Island, and Vermont (Paris, Ill.*); and (3) to points in that part of West Virginia in and north of Cabell, Kanawha, Nicholas, Webster, and Pocahontas Counties (Franklin, Ohio*). The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC 108340 (Sub-No. E1), filed May 11, 1974. Applicant: HANEY TRUCK LINE, P.O. Box 485, Forest Grove, Oreg. 71116. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Survey stakes,* between points in Washington, on the one hand, and, on the other, points in Yamhill and Marion Counties, Oreg.; (2) *paper products,* between Longview, Wash., on the one hand, and, on the other, points in Yamhill and Marion Counties, Oreg.; (3) *livestock,* between points in Washington, on the one hand, and, on the other, points in Yamhill and Marion Counties, Oreg.; (4) *lumber and lumber mill products* (except commodities in bulk), between points in Washington, on the one hand, and, on the other, points in Marion and Yamhill Counties, Oreg.; (5) *sawdust wallboard,* between points in Washington and Idaho, on the one hand, and, on the other, points in Yamhill and Marion Counties, Oreg.; (6) *nursery stock,* and *farm, agricultural, and horticultural products* (except commodities in bulk), between points in Marion County, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountains;

(7) *Canned goods, frozen fruits and vegetables, cement products, clay products, and brick* (except commodities requiring special equipment), from points in Marion County, Oreg., to points in Washington west of the summit of the Cascade Mountains; (8) *fruit and vegetables* (except commodities in bulk), from points in Yakima County, Wash., to points in Yamhill and Marion Counties, Oreg.; (9) *empty fruit and vegetable containers,* from points in Yamhill and Marion Counties, Oreg., to points in Yakima County, Wash.; (10) *cement,* in bags, from Seattle, Wash., to points in Marion and Yamhill Counties, Oreg.; (11) *sugar,* in bags and in tote bins, from Toppenish, Wash., to points in Yamhill and Marion Counties, Oreg.; (12) *pipe, culvert, and guard rails,* from Portland, Oreg., to points in that portion of California in and north of Mendocino, Lake, Colusa, Sutter, and Placer Counties; and (13) *paper and paper articles,* (a) from points in Yamhill and Marion Counties, Oreg., to points in Washington; and (b) from Seattle, Wash., to points in Yamhill and Marion Counties, Oreg. The purpose of this filing is to eliminate the gateways of (A) *Tigard, Oreg.,* for (1), (3), (4), (5), (6), (7), (8), (9) and (10) above; (B) *Tigard and Hillsboro, Oreg.,* for (2) and (13)(b) above; (C) *Sherwood and Tigard, Oreg.,* for (11) above; (D) *Hillsboro, Oreg.,* for (12) above; and (E) *Beaverton and Tigard, Oreg.,* for (13)(a) above.

No. MC–110525 (Sub-No. E269), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Maryland to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E270), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Idaho. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E275), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Kentucky. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E276), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Maryland to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E290), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in Maryland to points in Ohio. The purpose of this filing is to eliminate the gateways of Morgantown and Moundsville, W. Va.

No. MC–110525 (Sub-No. E291), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Oklahoma. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E292), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Oregon. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E294), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in Maryland to points in South Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E306), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Massachusetts to points in Colorado. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E308), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Kentucky to points in Vermont. The purpose of this filing is to eliminate the gateways of Clairton, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. 310), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Massachusetts, to points in Florida. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC–110525 (Sub-No. E311), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Massachusetts to points in Georgia. The purpose of this filing is to eliminate the gateways of Newark, N.J., and points in North Carolina.

No. MC–110525 (Sub-No. E312), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Massachusetts, to points in Idaho. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E313), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Massachusetts, to points in Illinois. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–110525 (Sub-No. E314), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Massachusetts, to points in Indiana. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E315), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The*

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Maxwell Co., Extension-Addyston, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Iowa. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Natrium, W. Va.

No. MC–110525 (Sub-No. E316), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Kansas. The purpose of this filing is to eliminate the gateways of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–112822 (Sub-No. E17), filed April 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on, north, and west of a line beginning at the California-Nevada State line and extending along California Highway 190 to junction U.S. Highway 395, thence south along U.S. Highway 395 to junction California Highway 74, thence along California Highway 74 to the Pacific Ocean, to points in Illinois, Indiana, Michigan, North Dakota, Ohio, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC–112822 (Sub-No. E22), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from the facilities of Gulf Oil Company and Atlantic-Richfield Company at or near Houston, Tex., and the facilities of Gulf Oil Company and Texaco, Inc., at or near Beaumont, Tex., to points in that part of California on, north, and west of a line beginning at the California-Nevada State line and extending along U.S. Highway 66 to Barstow, thence sought along Interstate Highway 15 to junction California Highway 74, thence along California Highway 74 to Pacific Ocean. The purpose of this filing is to eliminate the gateway of Enid, Okla.

No. MC–113843 (Sub-No. E10), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich.

No. MC–113843 (Sub-No. E15), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E16), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E17), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E18), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E19), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Ohio. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E32), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods*, from points in Connecticut to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E33), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E34), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E37), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–114019 (Sub-No. E14), filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil*, in containers, as dealt in by wholesale food business houses between Franklin, Pa., on the one hand, and, on the other, points in Wisconsin and Iowa, restricted to the transportation of shipments moving from, to, or between refineries or distribution centers of petroleum products. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E15) filed May 1, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy industrial chemicals* (not including drugs, medicines, and toilet preparations) as is dealt in by wholesale food business houses, from points in Wisconsin and Iowa to Cleveland, Ohio and points in Wayne County, Mich., restricted to the transportation of shipments moving from, to, or between heavy industrial chemical manufacturing plants (except drugs, medicines, and toilet preparation plants or warehouses or other facilities of such plants). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E58), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* from Springfield, Ky., to points in Wisconsin, and (2) *Dairy products* (other than frozen), from Springfield, Ky., to Denver, Colo., points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, points in Missouri on and west of U.S. Highway 65, points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City. The purpose of this filing is to eliminate the gateway of Chicago or Effington, Ill.

No. MC–114019 (Sub-No. E59), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen when transported in the same vehicles with frozen foods*, in vehicles equipped with mechanical refrigeration, (a) from points in the Lower Peninsula of Michigan to points in Iowa, Nebraska, South Dakota, and North Dakota; (b) from points in the Upper Peninsula of Michigan to points in Kentucky and West Virginia. Restricted in (a) and (b) above to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purposes of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E60), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, covers, caps, and accessories for glass containers and paper cartons*, from Nashville, Tenn. and Bowling Green, Ky., to points in Minnesota, North Dakota, South Dakota, and points in that part of Nebraska north and west of a line beginning at the junction of the Iowa-Nebraska State line and U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line, and points in Iowa on and north of Iowa Highway 92, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Streator, Ill.

No. MC–114019 (Sub-No. E61), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods* (other than frozen), from points in the Lower Peninsula of Michigan to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City, restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E63), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Madison, Wis., to points in Missouri, Kansas, and those points in Nebraska, on, south, and west of Nebraska Highway 92 from the Iowa-Nebraska State Line to its junction with Nebraska Highway 2, thence on Nebraska Highway 2 from said junction to its junction with U.S. Highway 83, thence on U.S. Highway 83 from said junction to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of Monmouth, Ill.

No. MC 114019 (Sub-No. E70), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel* (except commodities requiring special equipment), from Monroe, Mich., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsdor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania; and (2) *Iron and steel articles*, from Monroe, Mich., to Hagerstown and Frederick, Md., and the District of Columbia. The authority described in (1) and (2) above, restricted to the transportation of shipments moving from, to, or between iron and steel wire products, or fencing material and supply manufacturing plants, warehouses, or other facilities of such plants. The purpose of this filing is to eliminate the gateways of Toledo or East Liverpool, Ohio.

No. MC 114019 (Sub-No. E71), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils*, and *edible oil products*, in containers, in vehicles equipped with mechanical refrigeration, and related advertising matters, in mixed loads with the above specified commodities, from Nashville, Tenn., and Bowling Green, Ky., to points in Connecticut, Maine (except points in Aroostook, Ponobscot, Piscataquis, and Waldo Counties), Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Pennsylvania, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateways of Jeffersonville, Ind., and Columbus, Ohio.

No. MC–114045 (Sub-No. E118), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Wapakoneta, Ohio, to points in Idaho, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Hillsboro, Hutchinson, or Wichita, Kans.

No. MC–114045 (Sub-No. E121), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except commodities in bulk, frozen foods, meats, meat products and meat byproducts, dairy products, uncooked bakery goods, yeast, and salad dressing), from

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Vineland, N.J., to points in Missouri (except St. Louis, Mo., and points in its commercial zone). The purpose of this filing is to eliminate the gateway of Austin, Ind.

No. MC–114045 (Sub-No. E122), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats* (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Colorado, Idaho, Nevada, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC–114045 (Sub-No. E123), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Downingtown, Pa. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products and prepared bakery products ingredients* (other than frozen and other than those in bulk, in tank vehicles equipped with mechanical refrigeration), from the plant site and warehouse facilities utilized by the Pillsbury Company at Cincinnati, Ohio, to points in New Mexco, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Seelyville, Ind.

No. MC–114552 (Sub-No. E1), filed April 25, 1974. Applicant: SENN TRUCKING CO., 919 Eighteenth St. NW., Washington, D.C. 20006. Applicant's representative: William P. Jackson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from points in Louisiana, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (2) from points in Louisiana on and south of U.S. Highway 84, to points in Ohio on and east of Interstate Highway 77; (3) from points in Manatee County, Fla., to points in Delaware, Illinois, Indiana, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columba; (4) from the plant sites of Holly Hill Lumber Company, at or near Walterboro, S.C., to points in Illinois and Texas; (5) from the plant site of Ply-Gem Corporation in Queens County, N.Y., to points in Arkansas, Oklahoma, and Texas; and (6) from the plant site of Sumter Plywood Corporation near Livingston, Ala., to points in Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia east of U.S. Highway 21, West Virginia on and east of Interstate Highway 77, and the District of Columbia. The purpose of this filing is to eliminate the gateways of: (A) Charlotte, N.C., or the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., for (1) above; (B) the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., for (2) above; (C) the plant site of Sumter Plywood Corporation near Livingston, Ala., or points in Greenwood County, S.C., or the plant sites of Holly Hill Lumber Company at or near Walterboro, S.C., or the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., for (3) above; (D) Charlotte, N.C., for (4) above; (E) points in Greenwood County, S.C., for (5) above.

No. MC 123048 (Sub-No. E44), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Front end loaders*, from Minneapolis, Minn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Massachusetts, Maryland, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Virginia, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC 123048 (Sub-No. E49), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manure spreaders*, from Vinton, Iowa, to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC 123048 (Sub-No. E52), filed May 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manure spreaders*, from Dubuque, Iowa to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC–129282 (Sub-No. E2), filed May 20, 1974. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies dealt in by malt beverage distributors*, from Memphis, Tenn., to points in that part of Texas on and south of a line beginning at Corpus Christi, Tex. and extending along Texas Highway 44 to junction Interstate Highway 35, thence south along Interstate Highway 35 to the U.S.-Mexico International boundary line at Laredo, Tex. The purpose of this filing is to eliminate the gateway of New Orleans, La.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13126 Filed 6–6–74;8:45 am]

[Notice No. 97]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 27, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75166. By order of June 3, 1974, the Motor Carrier Board approved the transfer to Lakelawn Transport Corp., Syracuse, N.Y., of the operating rights in Certificate No. MC–4426 issued April 23, 1974 to Syracuse Rigging Company, Inc., Syracuse, N.Y., authorizing the transportation of machinery, telephone and telegraph equipment, and contractors equipment between Syracuse, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and New York. Herbert M. Canter, 201 East Jefferson St., Syracuse, N.Y. 13202, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13731 Filed 6–6–74;8:45 am]

[Notice No. 96]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75200. By application filed May 30, 1974, WESTERN TRANSPORT CRANE & RIGGING, Route 9, Grant Creek Rd., Missoula, MT 59801, seeks temporary authority to lease the operating rights of ELKINS TRANSPORT SERVICE, INC., North 620 Freya St., Spokane, WA 99202, under section 210a(b). The transfer to WESTERN TRANSPORT CRANE & RIGGING, of the operating rights of ELKINS TRANSPORT SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13130 Filed 6–6–74;8:45 am]

[Notice No. 98]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75047. By application filed May 31, 1974, W–P TRUCK LINES, INC., Third Avenue at Grant St., Pittsburgh, PA 15219, seeks temporary authority to lease the operating rights of DOROTHY H. LOUGHMAN, doing business as WAYNESBURG-PITTSBURG LOCAL EXPRESS, R.D. #4, Waynesburg, PA 15370, under section 210a(b). The transfer to W–P TRUCK LINES, INC., of the operating rights of DOROTHY H. LOUGHMAN, doing business as WAYNESBURG-PITTSBURG LOCAL EXPRESS, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13132 Filed 6–6–74;8:45 am]

[Notice No. 99]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75198. By application filed May 29, 1974, LOUIS SZEPESI, doing business as STRATFORD FREIGHT COMPANY, 1010 Woodend Rd., Stratford, CT 06497, seeks temporary authority to lease the operating rights of SOFIELD TRANSFER CO., INC., by HOWARD S. GREENBERG, TRUSTEE IN BANKRUPTCY, 744 Broad St., Newark, NJ 07102, under section 210a(b). The transfer to LOUIS SZEPESI, doing business as STRATFORD FREIGHT COMPANY, of the operating rights of SOFIELD TRANSFER CO., INC., by HOWARD S. GREENBERG, TRUSTEE IN BANKRUPTCY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13133 Filed 6–6–74;8:45 am]

[Notice No. 79]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 3, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 139805 (Sub-No. 1 TA), filed May 24, 1974. Applicant: CEPHAS BROTHERS TRANSPORT, LTD., P.O. Box 184 B, Limestone Road, Hockessin, Del. 19707. Applicant's representative: Francis P. Desmond, 115 E. 5th Street, Chester, Pa. 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers and textile materials and products*, together with *spools, bobbins, beams, and containers* normally used to transport such products, under a continuing contract with E. I. DuPont de Nemours and Company, between DuPont Company plants and facilities at Chattanooga and North Chattanooga, Tenn., on the one hand, and, on the other, points in Berks, Bucks, Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Montour, Monroe, Northampton, Northumberland, Schuylkill, and Wyoming Counties, Pa., for 180 days. SUPPORTING SHIPPER: E. I. DuPont de Nemours and Company, 10th & Market Streets, Wilmington, Del. 19898. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 139715 TA (Correction), filed April 18, 1974, published in the FEDERAL REGISTER issue of May 6, 1974, and republished as corrected this issue. Applicant: WAYNE HINCHLIFFE, Rte. 1, Box 161, Dayton, Wash. 99328. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, (A) from points in Umatilla and Morrow Counties, Oreg. and Lewiston, Idaho, to Dayton, Wash.; (2) *machinery consisting of bean pickers, farm tractors and pick-up trucks*, (A) from points in Walla Walla and Columbia Counties, Wash., to points in Umatilla and Morrow Counties, Oreg.; (B) from points in Umatilla and Morrow Counties, Oreg., to points in Franklin County, Wash.; (C) from points in Franklin County, Wash., to points in Idaho; and (D) from points in Kootenai and Twin Falls Counties, Idaho, to points in Columbia and Walla Walla Counties, Wash.; and (3) *irrigation pipe and equipment*, (A) between Lewiston, Idaho and Portland, Oreg., on the one hand, and, on the other, points in Walla Walla County, Wash., for 180 days. SUPPORTING SHIPPERS: Columbia Cut Stock, Inc., 618 West Main, Dayton, Wash. 99328; K2H Farms, Incorporated, Star Route, Prescott, Wash. 99348; and Green Giant Co., Box 26, Dayton, Wash. 99328. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operation, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 139819 TA, filed May 20, 1974. Applicant: CONTRACT TRANSIT COMPANY, a Corporation, Route 3, Box 133, Muskogee, Okla. 74401. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heating and air conditioning equipment*; (2) *metal furniture and fixtures*; and (3) *parts, materials, and equipment* used in the manufacture of the products in (1) and (2) above, between the plantsite of Stephens Manufacturing Co., Inc., at or near Muskogee, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Stephens Manufacturing Co., Inc., James F. Perkins, Pres., P.O. Box 1308, Muskogee, Okla. 74401. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old P.O. Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 139820 TA, filed May 20, 1974. Applicant: WALTER F. HUTFILZ AND JAMES A. HUTFILZ, doing business as WALTER F. HUTFILZ TRUCKING, 2850 Bay Road, Saginaw, Mich. 48604.

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Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crushed, ground or pulverized, in bulk, in dump vehicles, from the plantsite of the United States Gypsum Company at or near Alabaster, Mich., to the plantsite of the Medusa Cement Company at or near Sylvania, Ohio, for 180 days. SUPPORTING SHIPPER: United States Gypsum Company, Industrial & Specialty Products Groups, 101 South Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139821 TA filed May 21, 1974. Applicant: HAUGEN TRANSIT, INC., Route 2A, Madelia, Minn. 56062. Applicant's representative: James H. Malecki, 1 South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients and bentonite*, (A) from Mankato, Minn., to Wausau, Kiel, Columbus, Wild Rose, Antigo, Galesville, Dodgeville, West Salem, Marshfield, Seneca, Kieler, Madison, Spring Green, Plain, West Bend, Wautoma, Colfax, Benait, Saulk City, Friendship, Coloma, Watertown, Platteville, Chaseburg, Alam Center, Reedsburg, Hillsboro, Westby, Turtle Lake, Ladysmith, Menomonie, Milltown, Withee, Cuba City, Sparta, Star Prairie, Fall River, Barron, Mondovi, Mt. Vernon, New Richmond, Marathon, Middleton, Osceola, Ashland, Deer Park, Weyauwega, Campbellsport, Waupaca, Durand, Augusta, and Amery, Wis.; Mason City and Estherville, Iowa; Minot, N. Dak.; and Sioux Falls, S. Dak., and (B) from Belle Fourche, Huron, and Mitchell, S. Dak.; West Fargo and Mandan, N. Dak.; Green Bay, Chippewa Falls, Madison, White Hall, Onalaska, and Eau Claire, Wis.; and Green, Alta Vista, and LaMars, Iowa, to Minneapolis-St. Paul, Minn., for 180 days. SUPPORTING SHIPPERS: Wellen and Company, Inc., 6700 France Ave. So., Minneapolis, Minn. and Honeymead Products Company, 720 Minneopa Road, Mankato, Minn. 56001. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 74–13134 Filed 6–6–74;8:45 am]

[Ex Parte No. 305]

NATIONWIDE INCREASE OF TEN PERCENT IN FREIGHT RATES AND CHARGES, 1974

JUNE 4, 1974.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3rd day of June, 1974.

It appearing, that on May 6, 1974, most of the nation's railroads,[1] and certain connecting water and motor carriers having joint rates with said railroads, filed schedules of a nationwide general increase of 10 percent in freight rates and charges[2] under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission Order No. 74–3440, of May 3, 1974, said tariff schedules having been filed subject to possible investigation and suspension and bearing an effective date of June 5, 1974;

It further appearing, that by petition and verified statements dated April 22, 1974, as supplemented May 7, 1974, the carriers requested the issuance of orders granting relief from outstanding orders entered by the Commission, relief from section 4 of the Act, and all other relief necessary to permit the proposed general increase to become effective, subject to the condition that refund be made in the event that any increase (including interim increases) resulting from the application of the tariff exceeded the increases subsequently approved or prescribed by the Commission;

It further appearing, that interested parties were permitted to file protests and requests for suspension of the tariff schedules and verified statements in opposition on or before May 24, 1974, and the railroads were permitted to file replies on or before May 29, 1974;

It further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in the protests, verified statements and replies recognizes that the nation's railroads are in need of additional freight revenues to offset recently incurred costs of materials, other than fuel, and to provide an improved level of earnings; that the Commission also recognizes that without the additional revenues to be derived from increased freight rates and charges, the earnings of the nation's railroads would be insufficient to enable them under honest, economical and efficient management to provide adequate and efficient railroad transportation services consistent with the public interest and the national transportation policy;

It further appearing, that the Commission, having reviewed the evidence and arguments of the parties, is convinced that the service provided by the nation's railroads is less than adequate and is in danger of further deterioration detrimental to the public interest, that in order to improve service the railroads must generate additional revenues, and that the increases proposed would, if permitted to become effective, generate additional revenues sufficient to enable the carriers to prevent further deterioration and improve service. However, if the schedules were permitted to become effective as filed and without conditions designed to promote service improvements, the increases proposed would be unjust and unreasonable and contrary to the dictates of the national transportation policy;

And it further appearing, that, insofar as increases are hereinafter authorized, said increases will not have a significant adverse effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; therefore;

It is ordered, That the operation of the schedules specified below be, and it is hereby, suspended and that the use thereof in interstate and foreign commerce be deferred to and including January 4, 1975, unless otherwise ordered by this Commission;

Tariff of Increased Rates and Charges X–305, issued jointly by the Western Trunk Line Committee, Agent, its ICC No. A–4931, and other designated agents:

In Tariff X–305:
On Pages 66 to 73, Table 5;
On pages 74 to 81, Table 10;
On pages 82 to 85, Table 10–G;
In Tariff X–305 and Supplement 1:
All reference to Tables 5, 10 or 10–G wherever such reference appears therein;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, all the said schedules to be subject to a refund provision as contained in the suspended tariff;

It is further ordered, That the carriers which are parties to this proceeding be, and they are hereby, authorized to cancel the suspended tariff on one day's notice;

It is further ordered, That in the event that the carriers which are parties to this proceeding elect to cancel the suspended tariff, then the carriers which are parties to this proceeding be, and they are hereby authorized to establish upon not less than 15 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act, an increase in rates and charges not to exceed those set forth in the cancelled tariff (to be designated X–305A) except that, in view of the pendency of Ex Parte No. 295 (Sub-No. 1), Increased Freight Rates and Charges, 1973—Recyclable Materials, the said increase is not authorized on the commodities described in paragraph (m) of the general exceptions to tariff No. X–295–A; and subject to maximum no higher than specified in the suspended tariff of increased rates and charges, X–305, effective June 5, 1974, or in connecting link supplements proposed to be made subject to said tariff, X–305, and in no event to produce greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X–305; the master tariff authorized herein shall republish those provisions not suspended by this order, including tables 3 and 3–G and related provisions, provided that the tables are updated to include surcharge increase that became applicable June 1, 1974, and shall provide for cancellation of Tariff of Increased Rates and Charges X–305, Western Trunk Line Committee, Agent, ICC A–4931, and other designated agents; and subject to the following conditions:

1. On or before August 19, 1974, each carrier shall provide this Commission (a) with an estimate of the costs of deferred plant and equipment maintenance[3] as of June 30, 1974; number and percent of bad order cars by type; and miles of track by class on which slow orders were in effect. The estimate of deferred maintenance should be classified to show amounts for equipment by type of cars, locomotives plant, including yard and running track, and other similar classes of property and facilities; (b) with a report of the annual maintenance and capital expenditures for the years 1971–1973, inclusive, and the 1st and 2nd quarters of 1974. A report of estimated maintenance and capital investments shall be provided for the 3rd and 4th quarters of 1974 and the first two quarters of 1975.
2. All railroads shall maintain a monthly record of the increased freight revenues derived from the increases by months. The increased freight revenues may be estimated if the procedure for the estimations is explained.
3. Revenues generated by the increases should be expended for capital improvements and deferred maintenance of plant and equipment and the amount needed for increased material and supply cost, other than fuel. A record of such expenditures shall be maintained on a monthly basis.
4. At the end of the 3rd, 6th, and 9th months following the effective date of the increases, each carrier shall provide this Commission with an estimate of the freight revenues generated by the increases. Additionally, each carrier shall report the amount of expenditures made for deferred maintenance of plant and equipment, e.g., by type of car, track, cross ties, etc., as well as amounts expended for capital improvements by type of project. Furthermore, each carrier shall report the amount of unexpended funds derived from the authorized increases and how those funds are to be expended.
5. The schedules containing the increases authorized herein shall expire with June 30, 1975, unless otherwise ordered by this Commission. The Commission in authorizing increased rates and charges on interstate traffic herein is mindful and deeply concerned with the inadequacy of the services provided shippers by the respondent railroads. The Commission is cognizant that during the time rail service deteriorated, rail rates have had to be increased as a result of inflation to cover increased wage, fuel material, and interest costs as well as rising payroll taxes.

The Commission has been and continues to be concerned with the low level of earnings by the railroad industry which has contributed to the deferral of maintenance of plant and equipment, the postponement of capital improvements, and the depletion of the industry's net working capital. These factors in combination have caused a serious deterioration of rail service and increased expenses due to slow orders, car shortages, derailments, and shortages of locomotives.

The Commission has previously expressed its dissatisfaction with the evidence introduced by the respondents in general revenue proceedings. In the subject proceeding, the evidence introduced by the railroads is far from satisfactory, especially, for example, the respondents' failure to identify and quantify the costs of deferred maintenance.

Our responsibilities under the Act, inter alia, section 15a(2), require that we give consideration to "the need, in the public interest of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management to provide such service." (Emphasis supplied) Accordingly, as previously indicated, the Commission intends that revenues generated by increases authorized herein, over and above the amount needed for increased material and supply costs, other than fuel, will be used by the respondents exclusively for reducing deferred maintenance of plant and equipment and delayed capital improvements in order that rail service to the shippers will be improved. The Commission expects that the authorized increases will enable the respondents' to expend substantially more for maintenance and capital improvements than in recent years and will evaluate respondents' compliance with this directive. Respondents' failure to apply the increased revenues as heretofore specified will result in the cancellation of these authorized increases. The Commission will determine whether cancellation should be ordered after evaluation of each of the reports required by the conditions set forth in subparagraph 4, of the second ordering paragraph hereof. In any event, on or before June 30, 1975, the Commission will determine whether the increase so authorized should be allowed to expire or be made permanent.

It is further ordered, That in making effective any increases in rates and charges herein authorized, the carriers which are parties to this proceeding be, and they are hereby, required to maintain and preserve all existing port relationships (including those involving Great Lakes and Pacific Coast ports) duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice;

It is further ordered, That copies of any tariff filed hereunder shall be transmitted by first-class mail to all parties at the same time as the official filing at the Commission;

And it is further ordered, That all outstanding orders of the Commission be, and they are hereby, modified to permit the increases authorized herein to become effective.

FOURTH SECTION ORDER NO. 20457

It appearing, that carriers parties to the proceeding applied for relief from the provisions of section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4:

It is ordered, That carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the Act;

It is further ordered, That parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short-haul provisions of section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

It is further ordered, That in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedule containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20;

And it is further ordered, That the fourth section relief granted herein shall expire with June 30, 1975.

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[1] Only the Long Island Rail Road did not join in the petition.

[2] Certain exceptions were made to the increase.

[3] The railroad management decision or determination to expend these revenues largely on long deferred maintenance or other capital improvements has been made. See the verified statements of the Chief Executive Officers or Operating Officers of the 17 representative railroads, which statements are a matter of record herein.

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AMENDMENT TO SPECIAL PERMISSION NO. 74-3440, AUTHORIZING CERTAIN DEPARTURES FROM THE COMMISSION'S PUBLISHED TARIFF REGULATIONS

It is ordered, That Special Permission No. 74-3440, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order, subject to the terms, conditions and limitations provided therein.

By the Commission. (Commissioners O'Neal and Clapp dissenting; Vice Chairman MacFarland not participating.)

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13129 Filed 6-6-74;8:45 am]

[Ex Parte No. 293 (Sub No. 1]

NORTHEASTERN RAILROAD INVESTIGATION, RAIL SERVICES PLANNING OFFICE HEARINGS

Public Hearing

JUNE 3, 1974.

Present: George M. Chandler, Director, Rail Services Planning Office, to whom the above-entitled proceeding has been referred pursuant to section 205 of the Regional Rail Reorganization Act of 1973.

Pursuant to section 205(d)(1) of the Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct a hearing beginning July 10, 1974 and ending on July 12, 1974 in White River Junction, Vermont at the American Legion Hall, 35 South Main Street, White River Junction, Vermont.

The hearing will commence at 9:30 a.m. on each day. An evening session, commencing at 7 p.m., will be held on the first day. Additional sessions, based upon need, may be held at the discretion of the presiding officer.

Persons interested in speaking at the hearing should contact Carol Perry, 87 State Street, Room 303, P.O. Box 548, Montpelier, Vermont 05602. Telephone: (802) 223-6001.

The following uniform rules, procedures and practices for the hearings are established:

(1) All oral presentation will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits by no later than July 12, 1974. All written materials for the record must be on 8½" x 11" paper and submitted in 6 copies.

(2) Persons requesting an appearance time will be asked: their name, address, telephone number, for whom they work, whether they are representing a group, to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested, an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(3) The proceeding is legislative, not judicial in nature. It is designed to elicit as many public views as possible on present and future rail service needs in the region. Witnesses will not be required to testify under oath and there will be no cross-examination or rebuttal testimony. Only questions from the presiding officer and the representatives of the Office of Public Counsel will be permitted.

(4) One purpose of the hearings is to inform the public of the pendency of the statutory restructuring plan, and of the opportunities for public participation. Therefore, the usual Interstate Commerce Commission limitations on radio and television news coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment does not disturb the orderly conduct of the proceeding. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(5) Written testimony or correspondence which is not submitted at the hearing should be mailed, identified as White River Junction hearing, directly to:

Rail Services Planning Office
1900 L Street, NW.
Washington, D.C. 20036
(202) 254-3900

It is further ordered that notice of this order shall be given to the general public by depositing a copy thereof in Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

Issued in Washington, D.C., this 31st day of May, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13127 Filed 6-6-74;8:45 am]

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federal register

FRIDAY, JUNE 7, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 111

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

FEDERAL ENERGY OFFICE

■

REFINERS' BUY-SELL LIST

Crude Oil Allocation

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FEDERAL ENERGY OFFICE

REFINERS' BUY-SELL LIST

Crude Oil Allocation

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11748, 38 FR 33575, and in accordance with the provisions of 10 CFR 211.65(e), the notice specified in § 211.65 (e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the first allocation quarter (June 1–August 31, 1974) of FEO's revised crude oil allocation program which was published on May 14, 1974 (39 FR 17288).

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller, and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers. The quantity of crude oil that each refiner-seller is obligated to sell includes unsold amounts, if any, of such refiner-seller from the allocation period February through April 1974, as required by § 211.65(d)(3). This quantity also reflects the adjustments provided for by § 211.65 (d)(2). Similarly, the quantity of crude oil that each refiner-buyer is eligible to purchase has been adjusted pursuant to § 211.65(c) (3) and (4).

The buy-sell list is applicable for the period June 1 to August 31, 1974. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65 (a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEO to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEO may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEO, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEO with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell transactions.
2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.
3. Names and locations of all refiner-sellers from whom crude oil has been sought under this program and the volume and specification of the crude oil sought from each.
4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchasing crude oil, with particular respect to manner or time of deliveries and price.
5. The response of each refiner-seller to whom a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.
6. Such other pertinent information as FEO may request.

When a refiner-seller is directed by FEO to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEO shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under this program to FEO on Form 903 (rev.), which will be issued in the near future.

Refiners wishing to include new refining capacity, as defined in 10 CFR 211.62, in the allocation quarter commencing September 1, 1974, must apply to the FEO for certification of that capacity no later than July 3, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager (Crude Oil, Refinery Mix, and Petrochemical Feedstocks), P.O. Box 2885, Washington, D.C. 20013.

Issued in Washington, D.C., June 5, 1974.

JOHN C. SAWHILL,
Administrator,
Federal Energy Office.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period June 1, 1974 through August 31, 1974, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY OFFICE

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD JUNE–AUGUST 1974

Sales

	Share	Barrels
Amoco Oil Co	0.098	6,581,938
Atlantic Richfield	.072	4,379,529
Cities Service Oil	.023	2,308,873
Continental Oil Co	.034	3,262,319
Exxon Corp	.111	7,316,177
Getty Oil—Eastern Op	.020	2,487,652
Gulf Oil Corp	.086	8,332,117
Marathon Oil Co	.021	883,611
Mobil Oil Corp	.088	8,164,139
Phillips Petroleum	.039	4,101,469
Shell Oil Co	.104	11,574,440
Socal/Chevron	.095	5,116,337
Sun Oil Co	.052	4,430,369
Texaco, Inc	.107	5,544,424
Union Oil Co. of California	.043	4,823,422
Total sales		79,306,816

FEDERAL ENERGY OFFICE

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD JUNE–AUGUST 1974

Purchases

	Barrels
Allied Materials Co	136,102
Amerada Hess Corp	5,877,902
American Petrofina	1,988,625
Apco Oil Corp	000
Arizona Fuels Corp	966,250
Ashland Oil, Inc	5,357,625
Bay Refining	12,859
Bayou State Oil Corp	32,000
Beacon Oil Co	000
C & H Refining	27,000
Calumet Industries	10,850
Canal Refining Co	000
Caribou Four Corners	000
Champlin Petroleum	1,758,811
Charter Oil Co	965,000
Claiborne Gas Co	000
Clark Oil & Refining	192,849
Coastal States Gas	5,095,500
Commonwealth Oil Refining	3,786,750
Cra-Farmland Ind, Inc	1,711,750
Cross Oil & Refining-Ark	000
Crown Central Petro	1,276,000
Crown Refining Co	792,500
Crystal Oil Refining	512,899
Crystal Refining Co	295,957
Delta Refining Co	1,481,821
Diamond Shamrock Corp	000
Dingman Oil & Refining Co	000
Dorchester Gas	000
Eddy Refining Co	000
Edgington Oil Co	131,303
Edgington Oxnard Refining	9,000
Evangeline Refining	80,000
Famariss Oil Corp	943,514
Farmers Union Exchange	1,203,970
Fletcher Oil and Refining	203,657
Flint Chemical Corp	000
Gary Operating Co	270,012
Gladieux Refinery	52,000
Golden Eagle Refining Co	587,250
Good Hope Refineries	123,000
Guam Oil & Refining	24,500
Hiri	861,715
Howell Corp	1,299,875
Hunt Oil Co	000
Husky Oil Co	1,734,000
Indiana Farm Bureau	367,000
Kentucky Oil-Refining Co	000
Kerr McGee Corp	1,543,250
Koch Refining Co	471,284
La Gloria Oil-Gas Co	587,000
Lakeside Refining Co	53,000
Laketon Asphalt Refining	82,000
Little America Refining	403,500
Lunday Thagrad Oil	4,507
MacMillan Refining Oil Co	000
Marion Corp	000
Mid America Refining	7,360
Mid-Tex Refinery	238,000
Midland Coop, Inc	602,774
Mohawk Petroleum Co	229,377
Monsanto Co	327,000
Morrison Petroleum	000
Mountaineer Refinery	3,700
Murphy Oil Corp	2,701,866
National Coop Refining	947,401
National Oil Recovery	233,000
Navajo Refining Co	211,947
Newhall Refining Co	373,486
North American Petro	92,493
Northland Oil & Refining	388,000
Oil Shale Corp	1,177,208
OKC Corp	000
Oriental Refining Co	000
Pasco, Inc	000
Pennzoil Co	108,000
Pioneer Refining	35,000
Plateau, Inc	000
Powerine Oil Co	1,014,588
Pride Refining, Inc	807,526
Quaker State Oil Refining	000
Road Oil Sales, Inc	9,655
Rock Island Refining	20,066
Sage Creek Refining Co	32,000
San Joaquin Refining	788,983
Seminole Asphalt Refining	259,500
Somerset Refinery	000
Sound Refining, Inc	14,625
South Hampton	151,000
Southland Oil Co	250,246
Southwestern Refining	000
Standard Oil of Ohio	13,984,915
Sunland Refining Co	624,750
Tenneco Oil Co	1,836,881
Tesoro Petroleum Co	471,957
Texas Asphalt & Refining	345,000
Texas City Refining	3,662,125
Texas Fuel & Asphalt	91,594
The Refinery Corp	388,610
Thriftway Co	000
Thunderbird Resource	252,016
Tonkawa Refining Co	52,991
Total Leonard, Inc	336,500
Union Texas Petro	000
United Refining Co	806,497
United States Oil Refining Co	371,214
Vickers Petroleum Co	621,500
Vulcan Asphalt Refining	231,250
Warrior Asphalt Corp	132,750
West Coast Oil Co	105,750
Winston Refining Co	000
Wireback Oil Co	7,788
Witco Chemical Corp	347,061
Wood County Refining	31,767
Yetter Oil Co	1,000
Young Refining Corp	263,698
Total Purchases	79,306,802

[FR Doc.74-13271 Filed 6-5-74;4:34 pm]

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federal register

FRIDAY, JUNE 7, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 109

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and Supersedeas Decision, Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure theron prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Kentucky	AQ–4122

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama, AQ–4095	Mar. 29, 1974.
Delaware, AQ–2122	May 24, 1974.
Florida, AQ–4099	Apr. 12, 1974.
Indiana, AQ–3139	Mar. 22, 1974.
Iowa, AP–215	Aug. 11, 1972.
Louisiana:	
AQ–90	Mar. 29, 1974.
AQ–99	Apr. 19, 1974.
Massachusetts, AQ–3172; AQ–3173; AQ–3174; AQ–3175; AQ–3176; AQ–3177; AQ–3178; AQ–3179	May 10, 1974.
New Jersey:	
AQ–2095; AQ–2096; AQ–2097	Apr. 12, 1974.
AQ–2106	Apr. 26, 1974.
AQ–2119	May 10, 1974.
New Mexico, AQ–82	Mar. 8, 1974.
Oklahoma, AQ–109	May 17, 1974.
Rhode Island, AQ–3121	Mar. 1, 1974.
Tennessee, AQ–4098	Apr. 12, 1974.
Texas:	
AQ–69	Dec. 28, 1973.
AQ–73	Jan. 11, 1974.
AQ–75	Feb. 2, 1974.
AQ–97; AQ–105	May 10, 1974.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The number of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Florida, AQ–4056(AQ–4121)	Jan. 25, 1974.
Mississippi, AQ–4048(AQ–4120)	Dec. 28, 1973.
New York, AP–486(AQ–2126)	Mar. 9, 1973.

Signed at Washington, D.C., this 31st day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4122
COUNTY: Daviess
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

30-KY-1-A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Boilermakers	$8.10		.70		
Bricklayers	7.60				
Carpenters	7.49	.30	.30		
Cement Masons	5.53				
Electricians	8.08	.25	1%		1/8 of 1%
Glaziers	7.915	.26	.20		.01
Ironworkers:					
Structural, Ornamental & Reinforcing	8.40	.40	.50		
Laborers:					
Laborers	4.47				
Mason Tenders	5.60	.25	.25		
Millwrights	7.75	.30	.30		
Painters, brush	4.00				
Plasterers	5.50				
Plumbers	7.85	.25	.25		.05
Roofers	7.20	.15	.15		
Sheet Metal Workers	7.70	.25	.25		
Steamfitters	7.85	.25	.25		
Tile Setters	5.85				
Truck Drivers	2.50				
Power Equipment Operators:					
Air Compressors	7.45	.25	.25		
Backhoe	7.45	.25	.25		
Cranes, Derricks, Draglines	7.45	.25	.25		
Hoists, 1 & 2 drums	7.45	.25	.25		

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MODIFICATIONS P. 1

DECISION #AQ-4095 - Mod. #3
(39 FR 11817 - March 29, 1974)
Jefferson County, Alabama

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Painters:					
Brush	$7.05		.35		
Structural steel and spray	7.55		.35		
Paperhangers	7.20		.35		

MATTE SHEET 2

DECISION #AQ-2,122 - Mod. #1
(39 FR 16412 - May 24, 1974)
Statewide Delaware

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Change:						
Truck Drivers: Building Construction						
Dumps (single axle), dumpsters, escort & pilot vehicles, flat-body material trucks (straight job), fork lifts, form trucks, greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers	$6.53	.4425	.425	d		
A-frame, agitator or mixers, asphalt distributor, dispatcher, low boys, semi-trailers, tandems & batch trucks, truck mechanics second class	6.68	.4425	.425	d		
Euclid type or similar off-highway equipment (where not self-loaded), off-highway tandem back-dump, specialized earth moving equipment, truck mechanic first class, twin engine equipment & double-hitched equipment (where not self-loaded)	6.78	.4425	.425	d		

MODIFICATIONS P. 2
MATTE SHEET 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2,122 (cont'd)						
Truck Drivers: Heavy & Highway Construction:						
Dump trucks (single axle), dumpsters, escort & pilot vehicles, flatbody material trucks (straight jobs), greasers, material checkers and receivers, panel trucks, pick-ups, (rubber-tired towing or pushing flatbody vehicles), tiremen & truck mechanic helpers, truck helpers	$5.68	.4425	.425	d		
A-frame, agitator or mixers, asphalt distributors, dispatcher, low-boys, semi-trailers, tandems & batch trucks, truck mechanics second class	5.83	.4425	.425	d		
Euclid type or similar off-highway equipment (where not self-loaded), specialized earth moving equipment, truck mechanics first class, twin engine equipment & double-hitched equipment (where not self-loaded)	5.93	.4425	.425	d		
Sprinkler fitters	9.45	.50	.70		.08	
Omit:						
Heading "Power Equipment Operators Highway Construction" (39 FR 18414)						
Add:						
Heading "Power Equipment Operators Building and Heavy Construction"						

DECISION #AQ-4099 - Mod. #1
(39 FR 13423 - April 12, 1974)
Hillsborough County, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$7.77	.35	.35		.06
Plasterers	7.56	.30	.50		.05

MODIFICATIONS P. 3

DECISION #AQ-3139 - Mod. #2
(39 FR 11026 - March 22, 1974)
Adams, Allen, DeKalb, Elkhart, Huntingdon, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben & Whitley Counties, Indiana

OMIT:
Laborers Schedule (Sewer & Tunnel) of the Original Decision & Mod. #1

ADD:
Laborers Schedules (Sewer & Tunnel)

INDIANA-5-LABORERS-T&S

REMAINDER OF HIGHWAY ZONE #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: SEWER & TUNNEL:						
TOP LABORERS	$5.39	.18	.25		.07	
WELL POINT LEAD MAN	5.42	.18	.25		.07	
JACKHAMMER & AIR TOOL OPRS.	5.47	.18	.25		.07	
BOTTOM MAN	5.52	.18	.25		.07	
PIPELAYER	5.67	.18	.25		.07	
FREE AIR TUNNEL & CAISSON WORK:						
MINERS OR HEADER MEN	6.15	.18	.25		.07	
MUCKERS & TUNNEL LABORERS	5.65	.18	.25		.07	
BOTTOM MEN & CONCRETE MEN	6.15	.18	.25		.07	
TOPMEN	5.45	.18	.25		.07	

MODIFICATIONS P. 4 INDIANA-6-LAB-1

LABORERS: SEWER & TUNNEL - STARKE CO.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP A						
Building & Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers & cleaners, roofers' helpers, railroad laborer, masonary wall washers (interior & exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 inches, mason tender	$6.65	.35	.35		.07	
GROUP B						
Waterproofing, handling of cresote lumber or like treated material (excluding railroad material), asphalt rakers & lutemen, kettlemen, air tool operators, jackmen & sheeting men working in ditches 6 feet in depth or deeper, assembly of unicreto pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic & non-metallic), motor driven wheelbarrows & concrete buggies, hyster operators, pumpcrete assembler, conveyor assemblers, core drill opr., cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine & winch operator, water main & cable ducking (mettallic & non-metallic)	6.85	.35	.35		.07	
GROUP C						
Plaster Tenders, Mortar Mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason tenders	6.95	.35	.35		.07	
GROUP D						
Dynamite Men	7.65	.35	.35		.07	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-215 - Mod. #3 (37 FR 16266 - August 11, 1972) Polk County (except City of Des Moines & abutting municipalities), Iowa					
Change Mod. #1 (39 FR 18406 - May 24, 1974) to Read Mod. #2					
DECISION [illegible] - Mod. #3 (39 FR 11792 - March 29, 1974) Statewide Louisiana					
Change:					
Bricklayers & stonemasons:					
Zone 7	$7.45	.30	.30		
Zone 10	8.00				
Carpenters:					
Zone 7	6.40				
Piledrivermen:					
Zone 5	6.90				
Electricians:					
Zone 7:					
Electricians	7.95	.45	1%		1%
Cable splicers	8.45	.45	1%		1%
Painters:					
Zone 6:					
Brush	5.75				
DECISION #AQ-99 - Mod. #2 (39 FR 14131 - April 19, 1974) Statewide Louisiana					
Change:					
Asbestos workers:					
Zone 1	8.145	.325	.30		.04
Zone 2	7.98	.30	.51		.025
Bricklayers & stonemasons:					
Zone 7	7.45	.30	.30		
Zone 10	8.00				
Carpenters:					
Zone 7	6.40				
Millwrights:					
Zone 5	7.15				
Piledrivermen:					
Zone 5	6.90				
Cement masons:					
Zone 7	6.60				
Electricians:					
Zone 7:					
Electricians	7.95	.45	1%		1%
Cable splicers	8.45	.45	1%		1%

MODIFICATIONS P. 6

DECISION #AQ-99 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Glaziers:					
Zone 5	$6.30				
Laborers:					
Zone 2:					
Group 1	4.15	.15			.05
Group 2	4.35	.15			.05
Zone 9:					
Group 1	4.03	.15	.10		.05
Group 2	4.13	.15	.10		.05
Group 3	4.28	.15	.10		.05
Marble setters:					
Zone 3	8.00				
Painters:					
Zone 6:					
Group 1	5.75				
Group 2	5.75				
Group 3	6.10				
Group 4	6.60				
Plumbers & pipefitters:					
Zone 5	7.34		.30	.55	.06

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3172 - Mod #1 (39 FR 17026- May 10, 1974) Bristol County, Massachusetts					
Change:					
Bricklayers; Cement masons; Plasterers; & Stonemasons:					
Easton, N.Easton, & S.Easton	$8.85	.75	1.05		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N.Dartmouth, & S. Dartmouth, Somerset, Swansea, & Westport	9.25	.80	.60		.05
Remainder of County	9.30	.75	.60		.05
Sheet metal workers:					
Remainder of County	9.23	.61	.55		.04
Sprinkler fitters	9.48	.50	.70		.08
DECISION #AQ-3173 - Mod #1 (39 FR 17030- May 10, 1974) Essex County, Massachusetts					
Change:					
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swamscott, & Topsfield	9.61	.39	.65		.05
Remainder of County	9.50	.55	.60		.05
Sheet metal workers	9.23	.61	.55		.04
Sprinkler fitters	9.48	.50	.70		.08

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AQ-3174 - Mod #1 (39FR 17035- May 10, 1974) Hampden County, Massachusetts					
Add:					
Marble, Mosaic, & Terrazzo Workers' Helpers:	$ 8.00				
Change:					
Asbestos Workers:	8.45	.44	.45		.01
Laborers (Building): Entire Co.					
Laborers, Wreckers, Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers, Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser Beam ops, concrete pump ops, & wagon drill ops, mason tenders, mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers & Curb setters	7.30	.40	.40		.05
Blasters & Powdermen	7.55	.40	.40		.05
Open air caisson; Cylindrical work & boring crew:					
Bottom man:	7.55	.40	.40		.05
Top man:	6.80	.40	.40		.05
Test boring:					
Driller:	7.67	.40	.40		.05
Helper:	6.92	.40	.40		.05
Sprinkler fitters	9.46	.50	.70		.08

MODIFICATIONS P. 9

MASS-2-PEO-1-T 1 of 2

DECISION # AQ-3174 -Mod #1, P.2

CHANGE: BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Cradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.80	.45	.70	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.60	.45	.70	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-under 10 ton.	8.10	.45	.70	a	.05	

MODIFICATIONS P. 10

MASS-2-PEO-1-T 2 of 2

DECISION # AQ-3174- Mod #1, P.3

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$7.49	.45	.70	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	7.08	.45	.70	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.42	.45	.70	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

MODIFICATIONS P. 11

MASS-2-PEO-2-3-K 1-2

DECISION # AQ-3174- Mod #1, P.4

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$ 8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

DECISION # AQ-3174 - Mod #1, P. 5

MODIFICATIONS P. 12

MASS-2-PEO-2-3-K 2-2

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

MODIFICATIONS P. 13

DECISION # AQ-3175 - Mod#1
(39 FR 17039- May 10, 1974)
Middlesex County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons:					
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell. N.Acton, Pepperell, Shirley, S.Acton, Tewksbury, Townsend, Tyngsboro, W.Acton, Westford, & Wilmington	$9.45	.60	.60		.05
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	9.65	.50	.50		.05
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Somerville	9.35	.60	.70		.05
Reading, N.Reading, & Wakefield	9.61	.39	.65		.05
Sheet Metal Workers	9.23	.61	.55		.04
Sprinkler fitters	9.48	.50	.70		.08

DECISION #AQ-3176 - Mod #1
(39 FR 17045- May 10, 1974)
Norfolk County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons; Plasterers					
Avon, Holbrook, Randolph, & Stoughton	8.85	.75	1.05		.05
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	9.30	.75	.60		.05
Braintree, Cohasset, N.Weymouth, Quincy, S. Weymouth, & Weymouth	9.40	.65	.60		.05
Bricklayers; Stonemasons					
Brookline, & Milton	9.35	.60	.70		.05
Sheet Metal Workers	9.23	.61	.55		.04
Sprinkler fitters	9.48	.50	.70		.08

MODIFICATIONS P. 14

DECISION #AQ-3177 - Mod #1
(39 FR 17048- May 10, 1974)
Plymouth County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Cement masons; & Stonemasons:					
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Plympton, Rockland, W.Bridewater & Whitman	$8.85	.75	1.05		.05
Bricklayers; Cement mason; Plasterers; & Stonemasons:					
Hingham, Hull, Scituate, & the Islands of Quincy Bay	9.40	.65	.60		.05
Lakeville	9.30	.75	.60		.05
Marion, Mattapoisett, Rochester, & Wareham	9.25	.80	.60		.05
Sheet metal workers:					
Remainder of County	9.23	.61	.55		.04
Sprinkler fitters	9.48	.50	.70		.08

DECISION #AQ-3178 - Mod #1
(39 FR 17052- May 10, 1974)
Suffolk County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	9.08	.50	10%		.01
Bricklayers; Stonemasons	9.35	.60	.70		.05
Glaziers	8.85	.35	.46		.02

DECISION #AQ-3179- Mod #1
(39 FR 17056- May 10, 1974)
Worcester County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Cement masons, Plasterers; & Stonemasons:					
Ashburnham, Athol, E.Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominister, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	9.45	.60	.60		.05
Remainder of County	9.00	.70	.60		.02
Sprinkler fitters	9.48	.50	.70		.08

MODIFICATIONS P. 15

DECISION #AQ-2,095 - Mod. #2
(39 FR 13472 - April 12, 1974)
Passaic County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasterers, and stone masons	$9.40	.65	.74		.02	
Carpenters and insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Lead burners	9.25	.35		c	.01	
Marble setters	7.80	.78	.94			
Marble setters helpers	7.33	.74	.88			
Plumbers	8.95	.475	1.16	1.00	.04	
Sheet metal workers	9.14	4%+.055	4%+.055	8%	.01	
Soft floor layers	8.63	6%	5%	4%		
Steamfitters	8.95	.475	1.16	1.00	.04	
Terrazzo workers	8.70	1.23	1.26			
Terrazzo workers helpers	7.43	.925	.475			
Terrazzo workers machine operators	7.68	.925	.475			
Tile setters	8.10	.60	1.50			

MODIFICATIONS P. 16

DECISION #AQ-2,095 (cont'd)

N.J.-2-LAB-2-3-F 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
HEAVY AND HIGHWAY CONSTRUCTION					
Laborers:					
Blasters	$7.90	.41	.64	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a	
Timberman	7.50	.41	.64	a	
Form setter	7.45	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a	
Wagon drill op. and drill master	7.35	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a	
Signal man	7.05	.41	.64	a	
Wrapping and coating of all pipe	6.85	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a	
Rakers and tampers on cold patch work	6.80	.41	.64	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

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MODIFICATIONS P. 17

DECISION #AQ-2,095 (cont'd) N.J.-2-LAB-2-3-F 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION #AQ-2,096 - Mod. #1
(39 FR 13476 - April 12, 1974)
Monmouth County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasterers, and stone masons	$10.00		.40			
Carpenters and insulators	9.73	6%	6%		.02	
Millwrights	9.98	6%	6%		.02	
Laborers, Building:						
Remainder of County:						
Laborers	7.10	.50	.45			
Jackhammerman	7.35	.50	.45			
Lead burner	9.25	.35		c	.01	
Marble setters	7.80	.78	.94			
Marble setters helpers	7.33	.74	.88			
Plumbers and steamfitters						
Asbury Park area	10.45	5%	.75		.05	
Red Bank area	9.56	.41	.60	1.00	.20	
Roofers:						
Remainder of County:						
Slate & tile	9.67	.50	.325			
Slate & tile helpers	8.50	.50	.325			
Soft floor layers	8.63	6%	5%	4%		
Sprinkler fitters:						
Remainder of County	9.85	.50	.70		.08	

MODIFICATIONS P. 18

DECISION #AQ-2,096 (cont'd) N.J.-2-LAB-2-3-F 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
Change: HEAVY AND HIGHWAY CONSTRUCTION				
Laborers:				
Blasters	$7.90	.41	.64	a
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a
Timberman	7.50	.41	.64	a
Form setter	7.45	.41	.64	a
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a
Wagon drill op. and drill master	7.35	.41	.64	a
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a
Signal man	7.05	.41	.64	a
Wrapping and coating of all pipe	6.85	.41	.64	a
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a
Rakers and tampers on cold patch work	6.80	.41	.64	a
FREE AIR TUNNEL WORK				
Blaster	8.27	.41	.64	a
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a

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DECISION #AQ-2,096 (cont'd) N.J.-2-LAB-2-3-F 2 of 2

MODIFICATIONS P. 19

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
Change:					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

MODIFICATIONS P. 20

DECISION #AQ-2,097 - Mod. #1
(39 FR 13485 - April 12, 1974)
Cumberland County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters, insulator, soft floor layers and millwrights	$10.00	.30	6%		.02	
Lead burners	9.25	.35		c	.01	
Line Construction:						
Lineman & pipe type cable:						
Lineman & cable splicers	9.10	.25	.30+1%			
Line truck driver	7.09	.25	.30+1%			
Hole digging equipment	9.10	.25	.30+1%			
Groundman	6.56	.25	.30+1%			
Plumbers	9.79	.39	.39		.025	
Sheet metal workers	8.95	.40	.50		.02	
Sprinkler fitters	9.85	.50	.70		.08	
Steam fitters	9.79	.39	.39		.025	

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DECISION #AQ-2,097 (cont'd) MODIFICATIONS P. 21

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Change:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Ap
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form setters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layors, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippors, brake men, derail men, cable man, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrote workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

DECISION #AQ-2,097 (cont'd) MODIFICATIONS P. 22

NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.0
Rakers and screed board man	6.60	.41	.64	a	.0
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

MODIFICATIONS P.23

DECISION #AQ-2,106 - Mod. #1
(39 FR 14880 - April 26, 1974)
Ocean County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers, cement masons, plasterers & stone masons	$10.00		.40			
Carpenters and insulators	9.73	6%	6%		.02	
Laborers, Building:						
Remainder of County:						
Laborers	7.10	.50	.45			
Jackhammerman	7.35	.50	.45			
Lead burners	9.25	.35		c	.01	
Millwrights	9.98	6%	6%		.02	
Plumbers & steamfitters:						
Whiting to Keswick Grove to Barnegat Pines to Barnegat Light and all areas inclusive south thereof	9.79	.39	.39		.025	
Remainder of County	10.45	5%	.75		.05	
Roofers:						
County line southward to Cassville, Lakehurst, Whiting, Wheatland and Cedar Bridge inclusive:						
Slate and tile	9.67	.50	.325			
Slate and tile holpers	8.50	.50	.325			
Sheet metal workers	8.71	.52	.45	.70	.02	
Soft floor layers	8.63	6%	5%	4%		
Sprinkler fitters	9.85	.50	.70		.08	

DECISION #AQ-2,106 (cont'd) MODIFICATIONS P. 24

NJ-1-LAB-2-3-D 1

Change:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	A
Laborers:					
Blasters	$7.40	.41	.64	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.41	.64	a	
Timberman	7.05	.41	.64	a	
Form sotters	7.10	.41	.64	a	
Grademan	7.10	.41	.64	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.41	.64	a	
Wagon drill op., & drill masters	6.90	.41	.64	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.41	.64	a	
Signal man	6.60	.41	.64	a	
Wrapping and coating of all pipe	6.50	.41	.64	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.41	.64	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.41	.64	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.41	.64	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a	

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DECISION #AQ-2,106 (cont'd)

MODIFICATIONS P. 25

NJ-1-LAB-2-3-D 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J. 4-LAB-5-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers, Asphalt					
Street:					
Head raker	$6.75	.41	.64	a	.05
Rakers and screed board man	6.60	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.35	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.60	.41	.64	a	.05
Feeders and dust men	6.35	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorian Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day: F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

MODIFICATIONS P. 26

DECISION #AQ-2,119 - Mod. #1
(39 FR 15989 - May 10, 1974)
Union County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Bricklayers, cement masons, plasters and stonemasons:						
Elizabeth, Linden, Roselle, Roselle Park and Winfield	$ 9.25	.75	.70		.02	
Sumit, Springfield, Union, New Providence, Murray Hill and Berkely Heights	9.25	.75	.70		.02	
Remainder of County	9.25	.75	.70		.02	
Carpenters and insulators	9.73	6%	6%		.02	
Electricians						
Remainder of County	11.25	5%	3%		.02	
Laborers, Building:						
Remainder of County:						
Laborers, air tool op., masons tenders, mortar mixers, plasterers tenders	6.95	.60	.50			
Lead burners	9.25	.35		e	.01	
Marble setters helpers	7.33	.74	.88			
Millwrights	9.98	6%	6%		.02	
Roofers:						
Remainder of County						
Slate, tile and asbestos	9.05	.30	.20			
Slate, tile and asbestos helpers	7.95	.30	.20			
Soft floor layers	8.63	6%	5%	4%		

DECISION #AQ-2,119 (cont'd)

MODIFICATIONS P. 27

N.J.-2-LAB-2-3-F 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
Change: HEAVY AND HIGHWAY CONSTRUCTION				
Laborers:				
Blasters	$7.90	.41	.64	a
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.41	.64	a
Timberman	7.50	.41	.64	a
Form setter	7.45	.41	.64	a
Sewer pipe, laser men, conduit and duct line layers	7.25	.41	.64	a
Wagon drill op. and drill master	7.35	.41	.64	a
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.41	.64	a
Jackhammer, chipping hammer, pavement breaker, power buggy, concreto cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.41	.64	a
Signal man	7.05	.41	.64	a
Wrapping and coating of all pipe	6.85	.41	.64	a
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.41	.64	a
Rakers and tampers on cold patch work	6.80	.41	.64	a
FREE AIR TUNNEL WORK				
Blaster	8.27	.41	.64	a
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	..41	.64	a
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.41	.64	a
All others (including powder watchmen, change house attendants, top laborers)	7.20	.41	.64	a

DECISION #AQ-2,119 (cont'd)

MODIFICATIONS P. 28

N.J.-2-LAB-2-3-F 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F: Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION #AQ-82 - Mod. #4
(39 FR 9398 - March 8, 1974)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
General Building, Heavy Engineering and Residential Construction (Dwelling houses and apartments over two stories in height)						
LABORERS:						
Powdermen and blasterers	$5.575	.30	.20			

DECISION #AQ-109 - Mod. #2
(39 FR 17673 - May 17, 1974)
Statewide, Oklahoma (except the city of Muskogee)

ADD:
Seminole County to Zone 3

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MODIFICATIONS P. 29

DECISION #AQ-3121 - Mod. #2
(39 FR 6163 - March 1, 1974)
Washington County, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ADD:						
Carpenters, Residential	$6.77	.50	.35		.05	

DECISION #AQ-4098 - Mod. #1
(39 FR 13503 - April 12, 1974)
Davidson County, Tennessee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers	$7.60				
Cement masons	5.84	.25			
Elevator constructors' helpers	70%JR	.395	.26	2-½%+a+b	.02
Painters, brush	6.50		.40		.05
Roofers, composition	6.00	.25	.20	c	
Power equipment operators:					
Air compressor	5.88	.25	.25		
Bulldozers	6.80	.25	.25		
Cranes	6.80	.25	.25		
Fork lift	6.80	.25	.25		
Front end loaders	6.80	.25	.25		
Gradall	6.80	.25	.25		
Hoist	6.34	.25	.25		
Oilers	5.51	.25	.25		
Traxavator	6.80	.25	.25		

Add:
Footnote:
c. 3 paid holidays: C, D, & F.

MODIFICATIONS P. 30

DECISION #AQ-69 - Mod. #4
(38 FR 35582 - December 28, 1973)
Lubbock County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Building Construction:					
Asbestos workers	$7.45	.35	.30		.02

DECISION #AQ-73 - Mod. #4
(39 FR 1720 - January 11, 1974)
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Building Construction:					
Asbestos workers	7.98	.30	.51		.025
Carpenters:					
Carpenters: Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.81	.30	.30		.02
Power saw operators: Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.935	.30	.30		.02
Millwrights: Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.44	.30			.02
Cement masons: Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.545	.25	.45		

MODIFICATIONS P. 31

DECISION #AQ-73 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cement masons (Cont'd): Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	$7.485	.40	.35		.01
Ironworkers	7.125	.55	.60		.03
Laborers:					
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:					
All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; cleaning & clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling & laying): Carpenter tender	5.27	.275	.30		.02

MODIFICATIONS P. 32

DECISION #AQ-73 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (cont'd):					
All power tool & equipment operators (gas, electric or air); cutting torches man; concrete grademen; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants	$5.42	.275	.30		.02
Concrete & clay pipe (handling & laying); tile marble terrazzo helpers, mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to 4"; cement mason tenders; mortar mixers; hod carriers; dry mixers, kettle & pot men; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpiles, screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6' & cleaning out drill piers	5.52	.275	.30		.02

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DECISION #AO-73 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Cont'd):					
Sand blaster, blaster powderman; Gunite worker; gunite nozzle man, gunite worker, gunite nozzleman & terrazzo grinder	$5.45	.275	.20		.02
Lathers:					
Grayson, Collin, Dallas, Denton, Ellis, Hunt, Kaufman & Rockwall Counties	6.03	.20		.50	.04
Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.43	.30			.04
Plasterers:					
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.885	.35		.50	.03
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.755				.01
Power Equipment Operators:					
Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties:					
Oiler-Fireman	6.265	.30	.50		.10
Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bob-cat type equipment	7.05	.30	.50		.10

DECISION #AO-73 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Ford tractor or like with any attachment (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes-power operated to 100 feet; Fordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving mixers (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressor, 3; Air compressors & 1 pump; Pump, 3 or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic	$7.03	.30	.50		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-75 - Mod. #3 (39 FR 4384 - February 2, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Building Construction:					
Asbestos workers	$7.45	.35	.30		.02
DECISION #AO-97 - Mod. #1 (39 FR 16981 - May 10, 1974) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Asbestos workers:					
Bosque, Hill & McLennan Counties	7.98	.30	.51		.025
DECISION #AO-105 - Mod. #1 (39 FR 17082 - May 10, 1974) Jefferson & Orange Counties, Texas					
Change:					
Asbestos workers (Orange Co.)	8.145	.325	.30		.04

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: See below
DECISION NUMBER: AQ-4121
DATE: Date of Publication
Supersedes Decision No. AQ-4056 dated January 25, 1974 in 38 FR 3390
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction.

5-Florida-1 (SP)-D

*COUNTIES: Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.77	.35	.35	.75	.06
Boilermakers, blacksmiths	7.13	.40	.70		.01
Bricklayers:					
Bricklayers	6.26	.35	.25		
Blocklayers	6.26	.35	.25		
Cement Masons	6.26	.35	.25		
Masonry cutting or grinding machines	6.26	.35	.25		
Plasterers & manhole bricklayers	6.26	.35	.25		
Terrazzo workers	6.26	.35	.25		
Tile setters	6.26	.35	.25		
Carpenters:					
Carpenters, gypsum dry wall hangers	7.10	.35	.25		.05
Millwrights	7.50	.45	.45		.04
Piledrivermen	7.35	.35	.25		.05
Saw operator (radial)	7.35	.35	.25		.05
Soft floor layers	7.10	.35	.25		.05
Electricians:					
Base Zone (Within 40 mi. of the Union Office (215 Ridgewood Ave., Daytona Beach)					
Electricians	8.22	.25	1%		1%
Cable splicers	8.47	.25	1%		1%
Zone 1 (Beyond 40 mi. from the Union Office					
Electricians	8.67	.25	1%		1%
Cable Splicers	8.92	.25	1%		1%
Ironworkers:					
Structural, finishers, burners, rodmen, welders, riggers, machinery movers	6.80	.35	.25	.43	.01
Sheeters	6.80	.35	.25	.43	.01
Laborers:					
Common laborers	4.50	.20	.30		.01
Hod carriers	4.55	.20	.30		.01
Kettlemen	4.65	.20	.30		.01
Mason tenders	4.65	.20	.30		.01
Mortar mixers	4.65	.20	.30		.01
Pipelayers (conc. & clay)	4.65	.20	.30		.01
Plasterers' tenders	4.55	.20	.30		.01
Nozzlemen (handling the nozzle of cement gun)	5.32	.20	.30		.01
Well point and dewatering	4.65	.20	.30		.01
Air tool op. (vibrator)	4.65	.20	.30		.01
Powdermen	4.65	.20	.30		.01
Paving form setters	4.65	.20	.30		.01
Curb & gutter form setters	4.65	.20	.30		.01
Sidewalk	4.65	.20	.30		.01
Concrete workers	4.65	.20	.20		.01

AQ-4121 P. 2

5-Florida-1 (SP)-D (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$7.61	.25	1%		½ of 1%
Cable splicer	7.76	.25	1%		½ of 1%
Cable splicer's helper	7.61	.75	1%		½ of 1%
Class "A" operators	7.61	.25	1%		½ of 1%
Class "B" operators	5.33	.25	1%		½ of 1%
Groundman over 1 year	4.01	.25	1%		½ of 1%
Groundman under 1 year	3.39	.25	1%		½ of 1%
Painters:					
Commercial Repainting:					
Brush and roller	5.80		.20		.05
Sandblasting	6.30		.20		.05
Spray	6.60		.20		.05
All other painting:					
Brush and roller	6.20		.20		.05
Spray	6.90		.20		.05
Sandblasting	6.90		.20		.05
Hand drywall taping and finishing	6.20		.20		.05
Drywall work using Ames tools or automatic tapers	6.90		.20		.05
Gloves and mittens	6.90		.20		.05
Paperhanging	6.90		.20		.05
Steam cleaning or power driven tools	6.90		.20		.05
Grouting or caulking	6.20		.20		.05
Hot or cold tar materials, bitumastic, martite, flame mastic or any similar materials	6.90		.20		.05
Asphalt excluding asphalt base aluminum and varnish	6.90		.20		.05
Plumbers & pipefitters	7.40	.25	.35		.05
Roofers:					
Roofers	4.85	.10	.05		
Helpers and tile tenders	2.75	.10	.05		
Kettlemen	3.40	.10	.05		
Sheet metal workers	7.69	.30	.25		.03
Sprinkler fitters	8.71	.40	.60		.10

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

AQ-4121 P. 3

Florida-5-PEO (SP)-A (1-1)

Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.51	.35	.30		.05
GROUP II	7.26	.35	.30		.05
GROUP III	6.34	.35	.30		.05
GROUP IV	6.41	.35	.30		.05
GROUP V	6.05	.35	.30		.05
GROUP VI	5.40	.35	.30		.05

GROUP I: Cranes, hydraulic or derrick on structural or reinforcing iron

GROUP II: Crane or derrick, clam shell, dragline, piledriver operator (including auger & boring machine op. for drilling in piling), backhoe (including hydraulic), hydraulic crane, gradeall, shovel, motor patrol, mechanic heavy equipment, side boom cat & multi-drum hoist

GROUP III: Bulldozer & trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pump crete & front end loader

GROUP IV: Winch truck, concrete/asphalt paver, fork lift, locomotive engineer, boring machine, well drilling machine & mobile cleaning plant

GROUP V: Tractor, well point pump & installation man, firemen, lubrication engineer equipment greaser & air compressor

GROUP VI: Motor boat, oiler, mechanic helper, pumpman (other than well point), roller (steel & rubber tires) self-powered, conveyor, welding machine (three or more combustion engines & Pulver mixer)

AQ-4121 P. 4

5 - Florida TD (SP) (1-1)

Truck Drivers	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I	$4.40					
GROUP II	$4.50					
GROUP III	$4.60					
GROUP IV	$4.65					
GROUP V	$5.00					
GROUP VI	$5.10					

GROUP I: Buses, jeeps, station wagons, pilot or escort cars, trucks up to 6 cu. yds. or 2-ton capacity, water trucks (single axle), dumpmen & tire repairmen

GROUP II: Dump trucks 6 cu. yds. to 13 cu. yds. capacity, transit mix trucks (single axle), 3 axle trucks

GROUP III: Dump trucks 13 cu. yds. capacity, truck mechanic helper

GROUP IV: Ashpalt distributor trucks, lumber carriers & similar type equipment, lift gate trucks, transit mix trucks (tandem axle), dump trucks 16 cu. yds. or more, fuel & grease trucks, and 4-axle trucks

GROUP V: A-frame trucks, boom trucks, gin pole trucks, winch trucks (when used for hauling material & equipment), trucks with 5-axle or more, fork lift trucks

GROUP VI: Euclids, euclid water truck, caterpillars, or similar off highway earth moving equipment (not self-loaded), truck mechanic

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SUPERSEDEAS DECISION

STATE: MISSISSIPPI
COUNTY: SEE BELOW
DECISION NUMBER: AQ-4120
DATE: DATE OF PUBLICATION
SUPERSEDES DECISION No. AQ-4048 dated December 28, 1973 in 38 FR 35573
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES Hinds, Rankin, Madison, Yazoo, Simpson, Copiah, Leake, Scott & Smith	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Conditioning Mechanic	$3.75				
Dry Wall Finishers	3.68				
Dry Wall Hangers	3.39				
Bricklayers	5.90				
Form Setters	2.79				
Carpenters	4.14				
Cement Masons	4.00				
Electricians	4.10				
Ironworkers	3.62				
Laborers:					
Unskilled	2.60				
Mortar Mixers	2.88				
Pipelayers (Concrete, Clay)	3.00				
Painters	3.91				
Plumbers & Pipefitters	5.42				
Roofers	5.50				
Kettlemen	4.55				
Sheet Metal Workers	3.58				
Stonemasons	3.28				
Pump Operators	3.00				
Tile Setters	3.75				
Welder	4.18				
Power Equipment Operators:					
Rollers	2.85				
Asphalt Spreaders	2.95				
Backhoes	3.00				
Bulldozers	3.25				
Concrete Pumps	5.60				
Draglines	5.85	.55			
Front End Loaders	5.85	.55			
Mechanics	6.10	.55			
Motor Graders	4.29				
Scrapers	4.33				
Tractors	3.38				
Trenching Machines	3.00				

SUPERSEDEAS DECISION

STATE : NEW YORK
COUNTY: Steuben
DECISION NO: AQ-2,126
DATE: Date of Publication

Supersedes Decision No. AP-486 dated March 9, 1973 in 38 FR 6516
DESCRIPTION OF WORK: Building (including residential), heavy and highway construction.

51-NY-1-2-3-X 1 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.53	.73	.30		.02	
Boilermakers	9.05	.50	.75		.01	
Bricklayers, cement masons, marble setters, plasterers, terrazzo workers, and tile setters:						
Townships of Wayne, Bradford, Campbell Hornby, Erwin, Corning, Caton, Lindley, Tuscaroa, Thurston, Addison and the eastern portion of Bath Township, Rathbone and Borden	8.35		.50			
Bricklayers, cement masons, marble setters, plasterers, stone masons, and tile setters:						
Remainder of County	7.80	.45	.50	f		
Carpenters:						
Pleasent Valley to Rhoims, Tyrone, Watkins Glen and Prattsburg Twp.						
Building:						
Carpenters and soft floor layers	8.06	.65	1.00		.005	
Core drillers, piledriverman, timberman and millwrights	8.16	.65	1.00		.005	
Heavy and Highway:						
Carpenters and piledrivermen	6.97	.65	1.00		.025	
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, Avoca Cohocton, Canisteo, Dansville, Howard, Greenwood, West Union:						
Building:						
Carpenters and soft floor layers	7.42	.40	.79		.05	
Piledriverman and millwrights	7.67	.40	.79		.05	
Heavy and Highway: Carpenters	7.47	.40	.75		.025	
Remainder of County:						
Building, heavy and highway:						
Carpenters and soft floor layers	7.32	.40	.79		.02	
Millwrights and piledriverman	7.57	.40	.79		.02	
Cement masons, heavy and highway:						
Township of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, and Addison and Eastern portion of Bath Township, Rathbone & Borden	8.20		.30			
Remainder of County	7.75	.25	.50			

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51-NY-1-2-3-X 2 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians	$ 8.50	.25	1%+.50	g	.05	
Glaziers	6.48	.35	.30		.01	
Ironworkers, structural, ornamental and reinforcing:						
Wayland Township, and Chocton, Atlantic and S. Dansville	8.84	.52	.57			
Remainder of County	8.20	.45	.40			
Laborers, Building:						
Laborers	5.65	.30	.25			
Mortar mixers, hand and machine for 3 or more men, jackhammer operator, pavement breakers, pipe layers, over 6", gin buggy work on swing scaffold, concrete vibrator, chain saw operator, and all other gas, electric air tools	5.85	.30	.25			
Lathers	8.33		.20		.01	
Lead burners	8.75	.30		a	.01	
Line Construction:						
Linemen	9.33	.50	1%+.40	b	3/8%	
Cable splicer	10.08	.50	1%+.40	b	3/8%	
Groundman digging machine operator	8.80	.50	1%+.40	b	3/6%	
Groundman mobile equipment operator	8.30	.50	1%+.40	b	3/8%	
Groundman truck driver and mechanic	7.90	.50	1%+.40	b	3/8%	
Groundman dynamite man	8.30	.50	1%+.40	b	3/8%	
Painters:						
Townships of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:						
Painters	5.30	.25	.25			
Swing scaffold or boatswain chair, and bridges	5.65	.25	.25			
Structural Steel: Under 35'	5.65	.25	.25			
Over 35'	6.00	.25	.25			
Spray	6.00	.25	.25			
Remainder of County:						
Brush	6.19	.975	.30		.05	
Spray, bosun chair, sandblasting, swing stage	6.44	.975	.30		.05	
Steel	6.69	.975	.30		.05	
Bridges	7.67	.975	.30		.05	

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AQ-2,126 P. 3

51-NY-1-2-3-X 3 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Plumbers and Steamfitters:						
Hornell and vicinity	$ 7.32	.30	.20	.25+c	.03	
Towns of Corning, Addison, Cameron, Mills, Hornby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford and part of Wayne and Reuka, Urbana, Bath, including the Veterans Facility, Hammondsport and Pultney	7.69	.31	.45		.05	
Roofers	8.00	.44	.59			
Sheet Metal workers	8.23	5%	.60			
Sprinkler fitters	9.45	.50	.70		.08	
Truck Drivers, Building:						
Wayland Township	7.67	.30	.25	h		
Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Hornby, Bradford, and Wayne Townships	5.40	e	.20	d		
Remainder of County	6.98	.45	.30	i		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

b. Holidays: A through F, Washington's Birthday, and Election Day for President of the United States and Election of Governor of New York State, providing employee works the day before and the day after the holiday.

c. Paid holidays: A through F; and two hours off with pay on Election Day.

d. Paid holidays: A through F.

e. Employer contributes $2.40 per day to Health and Welfare Fund.

AQ-2,126 P. 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

51-NY-1-2-3-X 4 of 4

f. Holidays; A through F; providing employee works the working day before and after the holiday.

g. Four hours off with pay at Christmas providing the employee has worked the first four hours.

h. Paid Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

i. Paid Holidays: A through F, and Veteran's Day.

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NEW YORK-25-PEO-1 f 1 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
CRANES:						
121 ft. & under	$ 9.57	.40	.70	a	.10	
Between 121 - 151 ft.	9.85	.40	.70	a	.10	
Between 151 - 201 ft.	10.12	.40	.70	a	.10	
Between 201 - 251 ft.	10.40	.40	.70	a	.10	
Between 251 - 301 ft.	10.95	.40	.70	a	.10	
Between 301 - 351 ft.	11.51	.40	.70	a	.10	
Between 351 - 401 ft.	12.05	.40	.70	a	.10	
Between 401 - 451 ft.	12.61	.40	.70	a	.10	
Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),	9.57	.40	.70	a	.10	
"A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity; or three (3) or less with more than 1200 c.f.m., but not to exceed 2000 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less). (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all						

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NEW YORK-25-PEO-1 f 2 of 2

BUILDING CONSTRUCTION (Cont'd) POWER EQUIPMENT OPERATORS (CRANES):	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,	9.38	.40	.70	a	.10	
Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 2 or less not to exceed 1200 c.f.m. combined capacity Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers	8.245	.40	.70	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

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AC-2,126 P. 7

N.Y. 13-LAB-2-3- A

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
LABORERS:						
Laborers and drill helpers	$6.46	.35	.35	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete boatmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, ball float, tamper pipelayers	6.66	.35	.35	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.86	.35	.35	a		
Plasterers, form setters, stone or granite curb setters	7.06	.35	.35	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

AC-2,126 P. 8

HEAVY AND HIGHWAY CONSTRUCTION

NY-23-PEO-2-3-H 1 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
POWER EQUIPMENT OPERATORS:						
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums piledriver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$8.15	.70	.40	a	.10	
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.85	.70	.40	a	.10	
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

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HEAVY AND HIGHWAY CONSTRUCTION

NY-23-PEO-2-3-H 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	7.35	.70	.40	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.70	.70	.40	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

AQ-2,126 P. 10

N.Y. 1-TD-2-3 - C

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.46	.45	.40	a		
Tandems and batch trucks, mechanics dispatcher	6.51	.45	.40	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.56	.45	.40	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.71	.45	.40	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.86	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF MAY 3, 1974

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(S)—Streets
(W&S)—Water and Sewer Lines

Signed at Washington, D.C., this 31st day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
AUTAUGA COUNTY
Decision #AQ-4088 (Hw)(Excluding
Airport Construction)
39 FR 10085 - 3/15/74
(D) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
Decision #AQ-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
(Hw) - See Autauga County
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16350 - 8/20/71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CALHOUN COUNTY
(Hw) - See Autauga County
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
(Hw) - See Autauga County
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULIMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County

ALABAMA (Cont'd)

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AQ-4095 (B)
39 FR 11817 - 3/29/74
Mod. #1 - 39 FR 14843 - 4/26/74
(D) - See Statewide
(R) - See Blount County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - Sea Autauga County
LEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - Sea Autauga County
MACON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MADISON COUNTY
(D) - See Statewide
(Hw) - See Colbert County
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARION COUNTY
(D) - Sea Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AQ-4096 (B)
39 FR 11819 - 3/29/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 14843 - 4/26/74
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (R)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Baldwin County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Colbert County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RUSSELL COUNTY
(D) - See Statewide
(H) - See Autauga County
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
(R) - See Blount County
SHELBY COUNTY
(Hw) - See Calhoun County
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
TALLADEGA COUNTY
(D) - Sea Statewide
(Hw) - See Calhoun County
(R) - Sae Blount County
TALLAPOOSA COUNTY
(D) - Sea Statewide
(Hw) - See Autauga County
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WALKER COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, Hw, H, D)
38 FR 13127 - 5/18/73
Mod. #1 - 38 FR 24487 - 9/7/73
Mod. #2 - 38 FR 27706 - 10/5/73
Mod. #3 - 39 FR 4264 - 2/1/74
Decision #AP-903 (R)
38 FR 13133 - 5/18/73
Mod. #1 - 38 FR 24487 - 9/7/73
Mod. #2 - 38 FR 27706 - 10/5/73
Mod. #3 - 39 FR 4265 - 2/1/74

ARIZONA

STATEWIDE
Decision #AQ-1085 (B,H,Hw)
39 FR 5952 - 2/15/74
Mod. #1 - 39 FR 12582 - 4/5/74
Mod. #2 - 39 FR 15602 - 5/3/74
APACHE COUNTY
Decision #AQ-1086 (R)
(Navajo and Hopi Indian
Reservations Only)
39 FR 6987 - 2/22/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewida
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1073 (R)
39 FR 4288 - 2/1/74
Mod. #1 - 39 FR 15602 - 5/3/74
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1074 (R)
39 FR 4295 - 2/1/74
Mod. #1 - 39 FR 12582 - 4/5/74
Mod. #2 - 39 FR 15602 - 5/3/74
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AQ-89 (Construction,
Alteration, and/or repair of
streets, highways, runways,
and Water & Sewer Utilities)
39 FR 11822 - 3/29/74
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(H,Hw) - See Statewide
(D)- See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GROSS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

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ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide'
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AQ-95 (B)
39 FR 15613 - 5/3/74
Decision #AP-356 (R)
37 FR 23469 - 11/3/72.
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-2 (B)
38 FR 18330 - 7/13/73
Mod. #1 - 38 FR 23643 - 8/31/73
Mod. #2 - 38 FR 29132 - 10/19/73
Mod. #3 - 38 FR 31753 - 11/16/73
Mod. #4 - 39 FR 3373 - 1/25/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AQ-1088 (B,H,Hw,D)
39 FR 8103 - 3/1/74
Mod. #1 - 39 FR 10998 - 3/22/74
Mod. #2 - 39 FR 14844 - 4/26/74
Decision #AQ-1087 (R)
39 FR 7021 - 2/22/74
Mod. #1 - 39 FR 10998 - 3/22/74
Mod. #2 - 39 FR 14844 - 4/26/74
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALVARAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1094 (B,H,Hw,D)
39 FR 11004 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Decision #AQ-1095 (R)
39 FR 11013 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1092 (B,H,Hw,D)
39 FR 10086 - 3/15/74

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AQ-1093 (R)
39 FR 10092 - 3/15/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County

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CALIFORNIA (Cont'd)

TULARE COUNTY
(B,H,Hw,D) - See Alamada County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperiel County
YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - Soe Alameda County

COLORADO

STATEWIDE
Decision #AQ-1013 (Hw)
38 FR 22328 - 8/17/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AQ-1097 (B,H)
39 FR 13413 - 4/12/74
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AQ-1012 (B,H)
38 FR 22322 - 8/17/73
Mod. #1 - 38 FR 31097 - 11/9/73
Mod. #2 - 38 FR 32333 - 11/73/73
Mod. #3 - 38 FR 35141 - 12-21-73
Mod. #4 - 39 FR 11811 - 3/29/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AQ-1062 (B,H)
38 FR 33881 - 12/7/73
Mod. #1 - 38 FR 35141 - 12-21-73
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINSDALE COUNTY

(Hw) - See Statewide
HEURFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AQ-1063 (B,H)
38 FR 33888 - 12/7/73
Mod. #1 - 39 FR 35141 - 12/21/73
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AQ-3149 (B,H,Hw,R)
39 FR 11021 - 3/22/74
Mod. #1 - 39 FR 15604 - 5/3/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3035 (R)
38 FR 31088 - 11/9/73
Mod. #1 - 38 FR 34571 - 12/14/73
Mod. #2 - 39 FR 4270 - 2/1/74
HARTFORD COUNTY
Decision #AQ-3166 (B,H,Hw)
39 FR 15616 - 5/3/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AQ-3167 (B,H,Hw,R)
39 FR 15621 - 5/3/74
MIDDLESEX COUNTY
Decision #AQ-3097 (B,H,Hw)
39 FR 5962 - 2/15/74
Mod. #1 - 39 FR 15603 - 5/3/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AQ-3098 (B,H,Hw)
39 FR 5966 - 2/15/74
Mod. #1 - 39 FR 15603 - 5/3/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AQ-3168 (B,H,Hw,R)
39 FR 15626 - 5/3/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AQ-3169 (B,H,Hw)
39 FR 15630 - 5/3/74
WINDHAM COUNTY
Decision #AQ-3170 (B,H,Hw,R)
39 FR 15634 - 5/3/74

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-2029 (B,H,Hw)
38 FR 31774 - 11/16/73
Mod. #1 - 38 FR 35570 - 12/28/73
Mod. #2 - 39 FR 3373 - 1/25/74
Mod. #3 - 39 FR 10074 - 3/15/74
Mod. #4 - 39 FR 13410 - 4/12/74
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AQ-4070 (B)
39 FR 5971 - 2/15/74
Mod. #1 - 39 FR 9344 - 3/8/74
Mod. #2 - 39 FR 12583 - 4/5/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AQ-4107 (B)
39 FR 15638 - 5/3/74
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #AQ-4056 - (B,H,Hw)
39 FR 3390 - 1/25/74
Mod. #1 - 39 FR 4271 - 2/1/74
Mod. #2 - 39 FR 5047 - 2/8/74
Decision #AQ-4067 (D)
39 FR 5069 - 2/8/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (B)
39 FR 10091 - 3/22/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County

FLORIDA (cont'd)

DADE COUNTY
Decision #AQ-4033 (B)
38 FR 31778 - 11/16/73
Mod. #1 - 39 FR 5948 - 2/15/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AQ-4071 (B)
39 FR 5973 - 2/15/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AQ-4040 (R)
38 FR 34565 - 12/14/73
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D)-See Brevard County
(Hw)-See Citrus County
HIGHLANDS COUNTY
(Hw) - See De Soto County

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FLORIDA (cont'd)

HILLSBOROUGH COUNTY
 Decision #AQ-4099 (B)
  39 FR 13423 - 4/12/74
 Decision #AQ-4018 (Hw)
  38 FR 27703 - 10/5/73
 (D) - See Brevard County
 (Hw) - See DeSoto County (Remainder of Co.)
HOLMES COUNTY
 (Hw) - See Bay County
INDIAN RIVER COUNTY
 (D) - See Brevard County
 (Hw) - See Brevard County
JACKSON COUNTY
 (Hw) - See Bay County
JEFFERSON COUNTY
 (D) - See Bay County
 (R) - See Gadsden County
 (Hw) - See Bay County
LAFAYETTE COUNTY
 (Hw) - See Alachua County
LAKE COUNTY
 Decision #AP-181 (R)
  38 FR 11261 - 5/4/73
   Mod. #1 - 39 FR 15604 - 5/3/74
 (Hw) - See Brevard County (Remainder of Co.)
LEE COUNTY
 (D) - See Brevard County
 (Hw) - See Charlotte County
LEON COUNTY
 Decision #AQ-4050 (B)
  39 FR 1689 - 1/11/74
   Mod. #1 - 39 FR 12583 - 4/5/74
 (Hw) - See Bay County
 (R) - See Gadsden County
LEVY COUNTY
 (D) - See Brevard County
 (Hw) - See Citrus County
LIBERTY COUNTY
 (Hw) - See Bay County
MADISON COUNTY
 (R) - See Gadsden County
 (Hw) - See Alachua County
MANATEE COUNTY
 (D) - See Brevard County
 (Hw) - See Hillsborough County
MARION COUNTY
 (Hw) - See Citrus County
MARTIN COUNTY
 Decision #AQ-4092 (B)
  39 FR 10993 - 3/22/74
 (D) - See Brevard County
 (Hw) - See Broward County
MONROE COUNTY
 (D) - See Brevard County
 (Hw) - See Broward County
NASSAU COUNTY
 (D) - See Brevard County
 (Hw) - See Baker County

FLORIDA (cont'd)

OKALOOSA COUNTY
 (B) - See Escambia County
 (D) - See Bay County
 (Hw) - See Escambia County
 Decision #AP-180 (R)
  38 FR 11260 - 5/4/74
   Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
 (Hw) - See DeSoto County
ORANGE COUNTY
 Decision #AQ-4053 (B)
  39 FR 3384 - 1/25/74
   Mod. #1 - 39 FR 5948 - 2/15/74
 (Hw) - See Brevard Co. (Remainder of C
 (R) - See Lake County
OSCEOLA COUNTY
 (Hw) - See Brevard Co. (Remainder of Co
 (R) - See Lake County
PALM BEACH COUNTY
 (D) - See Brevard County
 (B) - See Martin County
 (Hw) - See Broward County
PASCO COUNTY
 (D) - See Brevard County
 (Hw) - See Hillsborough County
PINELLAS COUNTY
 Decision #AQ-4100 (B)
  39 FR 13425 - 4/12/74
 Decision #AP-182 (R)
  38 FR 11261 - 5/4/73
 (D) - See Brevard County
 (Hw) - See Hillsborough County
POLK COUNTY
 (Hw) - See DeSoto County
 (R) - See Hardee County
PUTNAM COUNTY
 (Hw) - See Baker County
ST. JOHNS COUNTY
 (D) - See Brevard County
 (Hw) - See Baker County
ST. LUCIE COUNTY
 (D) - See Brevard County
 (Hw) - See Broward County
SANTA ROSA COUNTY
 (B) - See Escambia County:
 (D) - See Bay County
 (Hw) - See Escambia County
 (R) - See Okaloosa County
SARASOTA COUNTY
 (D) - See Brevard County
 (Hw) - See Hillsborough County
SEMINOLE COUNTY
 (Hw) - See Brevard Co. (Remainder of
 (R) - See Lake County
SUMTER COUNTY
 (Hw) - See Citrus County
SUWANNEE COUNTY
 (Hw) - See Alachua County

FLORIDA (Cont'd)

TAYLOR COUNTY
 (D) - See Brevard County
 (R) - See Gadsden County
 (Hw) - See Alachua County
UNION COUNTY
 (Hw) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy,
 Kennedy Space Flight Center &
 Patrick Air Force Base only)
 (B,H,Hw) - See Brevard County
 (D) - See Brevard County
 (Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
 (D) - See Bay County
 (Hw) - See Bay County
WALTON COUNTY
 (B) - See Escambia County
 (D) - See Bay County
 (Hw) - See Bay County
 (R) - See Okaloosa County
WASHINGTON COUNTY
 (Hw) - See Bay County

GEORGIA

APPLING COUNTY
 Decision #AQ-4104 (Hw)
  39 FR 15640 - 5/3/74
ATKINSON COUNTY
 (Hw) - See Appling County
BACON COUNTY
 (Hw) - See Appling County
BAKER COUNTY
 Decision #AQ-4089 (R)
  39 FR 10067 - 3/15/74
 (Hw) - See Appling County
BALDWIN COUNTY
 (Hw) - See Appling County
BANKS COUNTY
 (Hw) - See Appling County
BARROW COUNTY
 Decision #AQ-4108 (R)
  39 FR 14841 - 4/26/74
 (Hw) - See Banks County
BARTOW COUNTY
 (Hw) - See Banks County
BEN HILL COUNTY
 (Hw) - See Appling County
BERRIEN COUNTY
 (Hw) - See Appling County
BIBB COUNTY
 (Hw) - See Baldwin County
BLECKLEY COUNTY
 (Hw) - See Appling County
BRANTLEY COUNTY
 (Hw) - See Appling County
BROOKS COUNTY
 (Hw) - See Appling County
BRYAN COUNTY
 (Hw) - See Appling County
 Decision #AQ-4059 (D)
  39 FR 3395 - 1/25/74
BULLOCH COUNTY
 (Hw) - See Appling County
BURKE COUNTY
 Decision #AQ-4085 (R)
  39 FR 9333 - 3/8/74
 (Hw) - See Baldwin County
BUTTS COUNTY
 (Hw) - See Baldwin County
CALHOUN COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
CAMDEN COUNTY
 (D) - See Bryan County
 (Hw) - See Appling County
CANDLER COUNTY
 (Hw) - See Appling County
CARROLL COUNTY
 (Hw) - See Baldwin County

GEORGIA (Cont'd)

CATOOSA COUNTY
 (Hw) - See Banks County
CHARLTON COUNTY
 (Hw) - See Appling
CHATHAM COUNTY
 Decision #AQ-4069 (H,Hw)
  39 FR 5979 - 2/15/74
   Mod. #1 - 39 FR 9345 - 3/8/74
   Mod. #2 - 39 FR 15605 - 5/3/74
 Decision #AQ-4058 (R)
  39 FR 3394 - 1/25/74
 (D) - See Bryan County
CHATTAHOOCHEE COUNTY
 Decision #AQ-4086 (R)
  39 FR 9334 - 3/8/74
 (Hw) - See Baldwin County
CHATTOOGA COUNTY
 (Hw) - See Banks County
CHEROKEE COUNTY
 (Hw) - See Banks County
CLARKE COUNTY
 (Hw) - See Baldwin County
 (R) - See Barrow County
CLAY COUNTY
 (R) - See Baker County
 (Hw) - See Appling County
CLAYTON COUNTY
 (Hw) - See Appling County
CLINCH COUNTY
 (Hw) - See Appling County
COBB COUNTY
 (B,H,Hw) - See Fulton County
 (R) - See Fulton County
COFFEE COUNTY
 (Hw) - See Appling County
COLQUITT COUNTY
 (Hw) - See Appling County
COLUMBIA COUNTY
 (R) - See Burke County
 (Hw) - See Baldwin County
COOK COUNTY
 (Hw) - See Appling County
COWETA COUNTY
 (Hw) - See Baldwin County
CRAWFORD COUNTY
 (Hw) - See Baldwin County
CRISP COUNTY
 (Hw) - See Baldwin County
DADE COUNTY
 (Hw) - See Banks County
DAWSON COUNTY
 (Hw) - See Banks County
DECATUR COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
DEKALB COUNTY
 (B,H,Hw) - See Fulton County
 (R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
 (Hw) - See Appling County
DOOLY COUNTY
 (Hw) - See Baldwin County
DOUGHERTY COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
DOUGLAS COUNTY
 (Hw) - See Banks County
EARLY COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
ECHOLS COUNTY
 (Hw) - See Appling County
EFFINGHAM COUNTY
 (Hw) - See Appling County
ELBERT COUNTY
 (Hw) - See Banks County
 (R) - See Barrow County
EMANUEL COUNTY
 (Hw) - See Baldwin County
EVANS COUNTY
 (Hw) - See Appling County
FANNIN COUNTY
 (Hw) - See Banks County
FAYETTE COUNTY
 (Hw) - See Baldwin County
FLOYD COUNTY
 (Hw) - See Banks County
FORSYTH COUNTY
 (Hw) - See Banks County
FRANKLIN COUNTY
 (Hw) - See Banks County
FULTON COUNTY
 Decision #AQ-4068 (B,H,Hw)
  39 FR 5975 - 2/15/74
   Mod. #1 - 39 FR 9344 - 3/8/74
   Mod. #2 - 39 FR 11814 - 3/29/74
   Mod. #3 - 39 FR 15605 - 5/3/74
 Decision #AQ-4052 (R)
  39 FR 2328 - 1/18/74
GILMER COUNTY
 (Hw) - See Banks County
GLASCOCK COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County
GLYNN COUNTY
 (D) - See Bryan County
 (Hw) - See Appling County
GORDON COUNTY
 (Hw) - See Banks County
GRADY COUNTY
 (Hw) - See Appling COunty
 (R) - See Baker County'
GREENE COUNTY
 (Hw) - See Appling County
 (R) - See Barrow County

GEORGIA (Cont'd)

GWINNETT COUNTY
 (Hw) - See Banks County
HABERSHAM COUNTY
 (Hw) - See Banks County
HALL COUNTY
 (Hw) - See Banks County
HANCOCK COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County
HARALSON COUNTY
 (Hw) - See Banks County
HARRIS COUNTY
 (Hw) - See Baldwin County
 (R) - See Chattahoochee County
HART COUNTY
 (Hw) - See Banks County
 (R) - See Barrow County
HEARD COUNTY
 (Hw) - See Baldwin County
HENRY COUNTY
 (Hw) - See Clayton County
HOUSTON COUNTY
 (Hw)-See Baldwin County
IRWIN COUNTY
 (Hw) - See Appling County
JACKSON COUNTY
 (Hw) - See Banks County
 (R) - See Barrow County
JASPER COUNTY
 (Hw) - See Baldwin County
JEFF DAVIS COUNTY
 (Hw) - See Appling County
JEFFERSON COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County
JENKINS COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County'
JOHNSON COUNTY
 (Hw) - See Baldwin County
JONES OCUNTY
 (Hw) - See Baldwin County
LAMAR COUNTY
 (Hw) - See Baldwin County
LANIER COUNTY
 (Hw) - See Appling County
LAURENS COUNTY
 (Hw) - See Appling County
LEE COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
LIBERTY COUNTY
 (D) - See Bryan County
 (Hw) - See Bryan County
LINCOLN COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County
LONG COUNTY
 (Hw) - See Appling County

GEORGIA (Cont'd)

LOWNDES COUNTY
 (Hw) - See Appling County
LUMPKIN COUNTY
 (Hw) - See Banks County
MCDUFFIE COUNTY
 (Hw) - See Baldwin County
 (R) - See Burke County
McINTOSH COUNTY
 (D) - See Bryan County
 (Hw) - See Appling County
MACON COUNTY
 (Hw) - See Baldwin County
 (R) - See Chattahoochee County
MADISON COUNTY
 (Hw) - See Banks County
 (R) - See Barrow County
MARION COUNTY
 (Hw) - See Baldwin County
 (R) - See Chattahoochee County
MERIWETHER COUNTY
 (Hw) - See Baldwin County
 (R) - See Chattahoochee County
MILLER COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
MITCHELL COUNTY
 (Hw) - See Appling County
 (R) - See Baker County
MONROE COUNTY
 (Hw) - See Baldwin County
MONTGOMERY COUNTY
 (Hw) - See Appling County
MORGAN COUNTY
 (Hw) - See Baldwin County
 (R) - See Barrow County
MURRAY COUNTY
 (Hw) - See Banks County
MUSCOGEE COUNTY
 (Hw) - See Baldwin County
 (R) - See Chattahoochee County
NEWTON COUNTY
 (Hw) - See Baldwin County
 (R) - See Barrow County
OCONEE COUNTY
 (Hw) - See Baldwin County
 (R) - See Barrow County
OGLETHORPE COUNTY
 (Hw) - See Baldwin County
 (R) - See Barrow County
PAULDING COUNTY
 (Hw) - See Banks County
PEACH COUNTY
 (Hw) - See Baldwin County
PICKENS COUNTY
 (Hw) - See Banks County
PIERCE COUNTY
 (Hw) - See Appling County
PIKE COUNTY
 (Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
(R) - See Baker County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
(R) - See Baker County
RICHMOND COUNTY
Decision #AQ-4106 (B)
39 FR 15601 - 5/3/74
(Hw) - See Baldwin County
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County
TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
(R) - See Barron County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 33 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks county
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

GUAM

GUAM
Decision #AQ-1034 (B,R,H,Hw)
38 FR 25848 - 9/14/73

HAWAII

STATEWIDE
Decision #AQ-1096 (B,H,Hw,D,R)
39 FR 14124 - 4/19/74

IDAHO

STATEWIDE
Decision #AQ-1054 (B,H,Hw)
38 FR 31119 - 11/9/73
Mod. #1 - 38 FR 33878 - 12/7/73
Mod. #2 - 39 FR 4271 - 2/1/74
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODLING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AQ-3090 (H,Hw)
39 FR 5112 - 2/8/74
Mod. #1 - 39 FR 14846 - 4/26/74
ALEXANDER COUNTY
Decision #AQ-3093 (H,Hw)
39 FR 5127 - 2/8/74
Mod. #1 - 39 FR 14847 - 4/26/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AQ-3092 (H,Hw)
39 FR 5122 - 2/8/74
Mod. #1 - 39 FR 9346 - 3/8/74
Mod. #2 - 39 FR 14847 - 4/26/74
BOONE COUNTY
Decision #AQ-3086 (H,Hw)
39 FR 5037 - 2/8/74
Mod. #1 - 39 FR 12584 - 4/5/74
Mod. #2 - 39 FR 14845 - 4/26/74
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AQ-3087 (H,Hw)
39 FR 5094 - 2/8/74
Mod. #1 - 39 FR 12584 - 4/5/74
Mod. #2 - 39 FR 14845 - 4/26/74
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AQ-3161 (B)
39 FR 14358 - 4/26/74
Decision #AQ-3089 (H,Hw)
39 FR 5108 - 2/8/74
Mod. #1 - 39 FR 14846 - 4/26/74
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AQ-3091 (H,Hw)
39 FR 5117 - 2/8/74
Mod. #1 - 39 FR 14847 - 4/26/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AQ-3151 (B,H,Hw,R)
39 FR 13427 - 4/12/74

ILLINOIS

COOK COUNTY (Cont'd)
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AQ-3152 (B,R)
39 FR 13431 - 4/12/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3088 (H,Hw)
39 FR 5102 - 2/8/74
Mod. #1 - 39 FR 14846 - 4/26/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
None.

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AQ-3153 (B,R)
39 FR 13433 - 4/12/74
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AQ-3154 (B,R)
39 FR 13435 - 4/12/74
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
McCLEAN COUNTY
None
MACON COUNTY
(H,Hw) - See Champaign County
MAUCOPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AQ-3155 (B,R)
39 FR 13437 - 4/12/74
(H,Hw) - See Bond County

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ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AQ-3156 (B,R,D)
39 FR 13441 - 4/12/74
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexaoder County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AQ-3162 (B)
39 FR 14861 - 4/26/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AQ-3157 (B,R)
39 FR 13446 - 4/12/74
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AQ-3158 (B,R)
39 FR 13450 - 4/12/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AQ-3163 (B)
39 FR 14864 - 4/26/74
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - Sea Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AQ-3159 (B,R)
39 FR 13453 - 4/12/74
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AQ-3164 (B)
39 FR 14868 - 4/26/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AQ-3165 (B)
39 FR 14871 - 4/26/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AQ-3139 (H,Hw)
39 FR 11026 - 3/22/74
ALLEN COUNTY
Decision #AQ-3125 (B)
39 FR 12593 - 4/5/74
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AQ-3126 (B)
39 FR 12596 - 4/5/74
Decision #AQ-3143 (H,Hw)
39 FR 11048 - 3/22/74
BENTON COUNTY
Decision #AQ-3127 (B)
39 FR 12599 - 4/5/74
Decision #AQ-3140 (H,Hw)
39 FR 11032 - 3/22/74
BLACKFORD COUNTY
Decision #AQ-3141 (H,Hw)
39 FR 11038 - 3/22/74
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/73
Decision #AQ-3142 (H,Hw)
39 FR 11043 - 3/22/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Beoton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
Decision #AQ-3144 (H,Hw)
39 FR 11054 - 3/22/74
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AQ-3128 (B)
39 FR 12603 - 4/5/74
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AQ-3129 (B)
39 FR 12606 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomaw County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AQ-3130 (B)
39 FR 12609 - 4/5/74
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County

INDIANA (Cont'd)

JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AQ-3131 (B,H,Hw)
39 FR 12612 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
LAPORTE COUNTY
Decision #AQ-3132 (B,H,Hw)
39 FR 12617 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AQ-3133 (B)
39 FR 12622 - 4/5/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - Sea Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AQ-3134 (B)
39 FR 12625 - 4/5/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AQ-3135 (B,H,Hw)
39 FR 12626 - 4/5/74
Mod. #1 - 39 FR 15606 - 5/3/74
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H.Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AQ-3136 (B,H,Hw)
39 FR 12633 - 4/5/74
Mod. #1 - 39 FR 15606 - 5/3/74
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Bartholomew County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - Sea Blackford County
VANDERBURGH COUNTY
Decision #AQ-3137 (B)
39 FR 12638 - 4/5/74
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VICO COUNTY
Decision #AQ-3138 (B)
39 FR 12641 - 4/5/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - Sea Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AQ-17 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 21078 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31754 - 11/16/73
Mod. #5 - 39 FR 10074 - 3/15/74
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H,Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (City of Mason City and abutting municipalities)
Decision #AQ-101 (B,H,Hw)
39 FR 13456 - 4/12/74
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

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IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AQ-12 (B,H,Hw)
38 FR 21059 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31754 - 11/16/73
Mod. #6 - 39 FR 11814 - 3/29/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AQ-16 (B,H,Hw)
38 FR 21074 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31097 - 11/9/73
Mod. #5 - 39 FR 11814 - 3/29/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AQ-13 (B,H,Hw)
38 FR 21062 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
Mod. #4 - 39 FR 14848 - 4/26/74
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AQ-20 (B,H,Hw)
38 FR 22861 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
Mod. #4 - 39 FR 14848 - 4/26/74
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AQ-19 (B,H,Hw)
38 FR 22857 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
Mod. #4 - 39 FR 14848 - 4/26/74
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AQ-15 (B,H,Hw)
38 FR 21070 - 8/3/73
Mod. #1 - 38 FR 22848 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B,H,Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AQ-3 (B,H,Hw)
38 FR 19641 - 7/20/73
Mod. #1 - 38 FR 26544 - 9/21/73
Mod. #2 - 38 FR 29144 - 10/19/73
Mod. #3 - 38 FR 30313 - 11/2/73
Mod. #4 - 39 FR 11814 - 3/29/74
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AQ-14 (B,H,Hw)
38 FR 21066 - 8/3/73
Mod. #1 - 38 FR 22847 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
TAMA COUNTY
None
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge and abutting municipalities)
Decision #AQ-102 (B,H,Hw)
39 FR 13460 - 4/12/74

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AQ-11 (B)
38 FR 21055 - 8/3/73
Mod. #1 - 38 FR 22845 - 8/24/73
Mod. #2 - 38 FR 23653 - 8/31/73
Mod. #3 - 38 FR 26544 - 9/21/73
Mod. #4 - 38 FR 29144 - 10/19/73
Mod. #5 - 38 FR 31097 - 11/9/73
Mod. #6 - 39 FR 11814 - 3/29/74
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUQUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73
Mod. #4-38 FR 20164 - 7/27/73
Mod. #5-38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Decision #AQ-62 (R)
38 FR 32368 - 11/23/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(H,Hw) - See Allen County
LOGAN COUNTY
(Hw) - See BArber County

KANSAS (Cont'd)

LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) - See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw) - See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) - See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
(Hw) - See Douglas County
Decision #AQ-33 (R)
38 FR 27172 - 9/28/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AQ-4075 (H,Hw)
39 FR 5983 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74
ALLEN COUNTY
Decision #AQ-4084 (H,Hw)
39 FR 8118 - 3/1/74
Mod. #1 - 39 FR 14849 - 4/26/74
ANDERSON COUNTY
Decision #AQ-4063 (H,Hw)
39 FR 4301 - 2/1/74
Mod. #1 - 39 FR 7016 - 2/22/74
Mod. #2 - 39 FR 14848 - 4/26/74
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AQ-4013 (B)
38 FR 27175 - 9/28/73
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Mod. #2 - 39 FR 1189 - 1/4/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AQ-4020 (B)
38 FR 28516 - 10/12/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
GALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AQ-4021 (B)
38 FR 28519 - 10/12/73
Mod. #1 - 39 FR 10075 - 3/15/74
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AQ-4093 (B)
39 FR 10994 - 3/22/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AQ-4102 (B)
39 FR 14128 - 4/19/74
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
Mod. #1 - 39 FR 14848 - 4/26/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AQ-4023 (B)
38 FR 28525 - 10/12/73
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
 (H,Hw) - See Anderson County
 (R) - See Breckinridge County
NICHOLAS COUNTY
 (H,Hw) - See Anderson County
OHIO COUNTY
 (H,Hw) - See Allen County
OLDHAM COUNTY
 (H,Hw) - See Anderson County
 (R) - See Breckinridge County
 (D) - See Boone County
OWEN COUNTY
 (H,Hw) - See Anderson County
OWSLEY COUNTY
 (H,Hw) - See Adair County
PENDLETON COUNTY
 (H,Hw) - See Anderson County
 (D) - See Boone County
PERRY COUNTY
 (H,Hw) - See Breathitt County
PIKE COUNTY
 (H,Hw) - See Breathitt County
POWELL COUNTY
 (H,Hw) - See Adair County
PULASKI COUNTY
 (H,Hw) - See Adair County
ROBERTSON COUNTY
 (H,Hw) - See Anderson County
ROCKCASTLE COUNTY
 (H,Hw) - See Adair County
ROWAN COUNTY
 (H,Hw) - See Anderson County
RUSSELL COUNTY
 (H,Hw) - See Adair County
SCOTT COUNTY
 (H,Hw) - See Anderson County
 (R) - See Bath County
SHELBY COUNTY
 (H,Hw) - See Anderson County
 (R) - See Breckinridge County

KENTUCKY (Cont'd)

SIMPSON COUNTY
 (H,Hw) - See Allen County
SPENCER COUNTY
 (H,Hw) - See Anderson County
 (R) - See Breckinridge County
TAYLOR COUNTY
 (H,Hw) - See Allen County
TODD COUNTY
 (H,Hw) - See Allen County
TRIGG COUNTY
 (H,Hw) - See Allen County
TRIMBLE COUNTY
 (H,Hw) - See Anderson County
 (D) - See Boone County
UNION COUNTY
 (H,Hw) - See Allen County
 (D) - See Boone County
WARREN COUNTY
 Decision #AQ-4024 (B,H,Hw)
 38 FR 28527 - 10/12/73
WASHINGTON COUNTY
 (H,Hw) - See Anderson County
 (R) - See Breckinridge County
WAYNE COUNTY
 (H,Hw) - See Adair County
WEBSTER COUNTY
 (H,Hw) - See Allen County
WHITLEY COUNTY
 (H,Hw) - See Adair County
WOLFE COUNTY
 (H,Hw) - See Adair County
WOODFORD COUNTY
 (H,Hw) - See Anderson County
 (R) - See Bath County

LOUISIANA

STATEWIDE
 Decision #AQ-4002 (D)
 38 FR 21037 - 8/3/73
 Mod. #1 - 39 FR 4264 - 2/1/74
 Mod. #2 - 39 FR 15603 - 5/3/74
 Decision #AQ-90 (Hw, Roads, Streets, Parking Area)(Except those with a building contract)
 39 FR 11792 - 3/29/74
 Mod. #1 - 39 FR 14120 - 4/19/74
 Decision #AQ-99 (B)
 39 FR 14131 - 4/19/74
 Mod. #1 - 39 FR 15606 - 5/3/74
ACADIA PARISH
 (D) - See Statewide
 (Hw) - See Statewide
 Decision #AP-1107 (F)
 38 FR 17358 - 6/29/73
 Mod. #1 - 39 FR 15602 - 5/3/74
 (B) - See Statewide
ALLEN PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ASCENSION PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ASSUMPTION PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
AVOYELLES PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
BEAUREGARD PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
BIENVILLE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
BOSSIER PARISH
 (B,R) - See Statewide
 (D) - See Statewide
 (F) - See Acadia Parish
 (Hw) - See Statewide
CADDO PARISH
 (D) - See Statewide
 (B,R) - See Statewide
 (Hw) - See Statewide
CALCASIEU PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (Hw) - See Statewide
 (B,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
CAMERON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
CATAHOULA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
CLAIBORNE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
CONCORDIA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
DE SOTO PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
 (D) - See Statewide
 (B) - See Statewide
 (Hw) - See Statewide
EAST CARROLL PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
EAST FELICIANA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
EVANGELINE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
FRANKLIN PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
GRANT PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
IBERIA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
IBERVILLE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide

LOUISIANA (Cont'd)

JACKSON COUNTY
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
JEFFERSON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
JEFFERSON DAVIS PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
LAFAYETTE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
LAFOURCHE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
LA SALLE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
LINCOLN PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
LIVINGSTON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
MADISON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
MOREHOUSE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
NATCHITOCHES PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ORLEANS PARISH
 (D) - See Statewide
 (B) - See Statewide
 (Hw) - See Statewide
OUACHITA PARISH
 (D) - See Statewide
 Decision #AP-317 (R)
 37 FR 17305 - 8/25/72
 (B)(Hw) - See Statewide
PLAQUEMINES PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide

LOUISIANA (Cont'd)

POINTE COUPEE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
RAPIDES PARISH
 (D) - See Statewide
 (B) - See Statewide
 (Hw) - See Statewide
RED RIVER PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
RICHLAND PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
SABINE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. BERNARD PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. CHARLES PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. HELENA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. JAMES PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. LANDRY PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. MARTIN PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. MARY PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
ST. TAMMANY PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide

LOUISIANA (Cont'd)

TANGIPAHOA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
TENSAS PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
TERREBONE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
UNION PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
VERMILLION PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
VERNON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WASHINGTON PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WEBSTER PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WEST CARROLL PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WEST FELICIANA PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide
WINN PARISH
 (D) - See Statewide
 (F) - See Acadia Parish
 (B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
 None
AROOSTOOK COUNTY
 None
CUMBERLAND COUNTY
 Decision #AP-803 (D)
 38 FR 10580 - 4/27/73
FRANKLIN COUNTY
 None
HANCOCK COUNTY
 (D) - See Cumberland County
KENNEBEC COUNTY
 None
KNOX COUNTY
 (D) - See Cumberland County
LINCOLN COUNTY
 (D) - See Cumberland County
OXFORD COUNTY
 None
PENOBSCOT COUNTY
 None
PISCATAQUIS COUNTY
 None
SAGADAHOC COUNTY
 (D) - See Cumberland County
SOMERSET COUNTY
 None
WALDO COUNTY
 (D) - See Cumberland County
WASHINGTON COUNTY
 (D) - See Cumberland County
YORK COUNTY
 (D) - See Cumberland County

V 39 111 JUN 7 74 XUM

MARYLAND

ALLEGANY COUNTY
 None
ANNE ARUNDEL COUNTY
 Decision #AQ-2039 (D)
  39 FR 3395 - 1/25/74
 Decision #AQ-2101 (B,H,Hw)
  39 FR 14150 - 4/19/74
   Mod. #1 - 39 FR 15606 - 5/3/74
BALTIMORE CITY & BALTIMORE COUNTY
 Decision #AQ-2100 (B,H)
  39 FR 14148 - 4/19/74
   Mod. #1 - 39 FR 15606 - 5/3/74
 Decision #AQ-2072 (R)
  39 FR 8122 - 3/1/74
 Decision #AP-803 (D)
  38 FR 10580 - 4/27/73
CALVERT COUNTY
 (D) - See Anne Arundel County
CAROLINE COUNTY
 None
CARROLL COUNTY
 None
CECIL COUNTY
 (R) - See Baltimore County
CHARLES COUNTY
 (D) - See Anne Arundel County
DORCHESTER COUNTY
 (D) - See Anne Arundel County
FREDERICK COUNTY
 Decision #AQ-2076 (R)
  39 FR 10069 - 3/15/74
GARRETT COUNTY
 None
HARFORD COUNTY
 (R) - See Baltimore County
 (D) - See Anne Arundel County
HOWARD COUNTY
 (R) - See Baltimore County
KENT COUNTY
 (D) - See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
 Decision #AQ-2111 (B)
  39 FR 15641 - 5/3/74
 Decision #AP-450 (R)
  37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
 (B)-See Montgomery County
 (R) - See Montgomery County
 (D) - See Anne Arundel County
QUEEN ANNES COUNTY
 (D) - See Anne Arundel County
ST. MARYS COUNTY
 (D) - See Anne Arundel County
SOMERSET COUNTY
 (D) - See Anne Arundel County
TALBOT COUNTY
 (D) - See Anne Arundel County
WASHINGTON COUNTY
 None
WICOMICO COUNTY
 Decision #AQ-2075 (R)
  39 FR 10068 - 3/15/74
   Mod. #1 - 39 FR 14849 - 4/26/74
 (D) - See Anne Arundel County
WORCESTER COUNTY
 (D) - See Baltimore County

MASSACHUSETTS

BARNSTABLE COUNTY
 Decision AQ-3038 (B,H,Hw, & Marine)
  38 FR 32352 - 11/23/73
   Mod. #1 - 38 FR 34572 - 12/14/73
   Mod. #2 - 39 FR 1191 - 1/4/74
   Mod. #3 - 39 FR 2325 - 1/18/74
   Mod. #4 - 39 FR 4275 - 2/1/74
 Decision #AP-803 - (D)
  38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
 None
BRISTOL COUNTY
 Decision AQ-3039 (B,H,Hw, & Marine)
  38 FR 32356 - 11/23/73
   Mod. #1 - 38 FR 34572 - 12/14/73
   Mod. #2 - 39 FR 1191 - 1/4/74
   Mod. #3 - 39 FR 2325 - 1/18/74
   Mod. #4 - 39 FR 4275 - 2/1/74
 Decision #AQ-3071 (R)
  38 FR 34566 - 12/14/73
 (D) - See Barnstable County
DUKES COUNTY
 (D) - See Barnstable County
ESSEX COUNTY
 Decision AQ-3040 (B,H,Hw & Marine)
  38 FR 32361 - 11/23/73
   Mod. #1 - 38 FR 34572 - 12/14/73
   Mod. #2 - 39 FR 1191 - 1/4/74
   Mod. #3 - 39 FR 2325 - 1/18/74
   Mod. #4 - 39 FR 4276 - 2/1/74
 (D) - See Barnstable County
FRANKLIN COUNTY
 None
HAMPDEN COUNTY
 Decision #AQ-3031 (B,H,Hw)
  38 FR 30357 - 11/2/73
   Mod. #1 - 38 FR 33205 - 11/30/73
   Mod. #2 - 39 FR 1192 - 1/4/74
   Mod. #3 - 39 FR 4274 - 2/1/74
 Decision #AQ-3032 (R)
  38 FR 30361 - 11/2/73
   Mod. #1 - 38 FR 33205 - 11/30/73
   Mod. #2 - 39 FR 4274 - 2/1/74
HAMPSHIRE COUNTY
 None
MIDDLESEX COUNTY
 Decision AQ-3041 (B,H,Hw & Marine)
  38 FR 32366 - 11/23/73
   Mod. #1 - 38 FR 34572 - 12/14/73
   Mod. #2 - 39 FR 1192 - 1/4/74
   Mod. #3 - 39 FR 2375 - 1/18/74
   Mod. #4 - 39 FR 4274 - 2/1/74
 (D) - See Barnstable County
 Decision AQ-3042 (R)
  38 FR 32372 - 11/23/73

MASSACHUSETTS (CONT'D)

MIDDLESEX COUNTY (CONT'D)
 Decision #AQ-3042 (R)
  Mod. #1 - 38 FR 34573 - 12/14/73
  Mod. #2 - 39 FR 1193 - 1/4/74
  Mod. #3 - 39 FR 2325 - 1/18/74
  Mod. #4 - 39 FR 4277 - 2/1/74
NANTUCKET COUNTY
 (D) - See Barnstable County
NORFOLK COUNTY
 Decision AQ-3043 (B,H,Hw)
  38 FR 32376 - 11/23/73
   Mod. #1 - 38 FR 34573 - 12/14/73
   Mod. #2 - 39 FR 1194 - 1/4/74
   Mod. #3 - 39 FR 2326 - 1/18/74
   Mod. #4 - 39 FR 4277 - 2/1/74
 Decision AQ-3044 (R)
  38 FR 32380 - 11/23/73
   Mod. #1 - 38 FR 34573 - 12/14/73
   Mod. #2 - 39 FR 1190 - 1/4/74
   Mod. #3 - 39 FR 2326 - 1/18/74
   Mod. #4 - 39 FR 4278 - 2/1/74
 (D) - See Barnstable County
PLYMOUTH COUNTY
 Decision #AQ-3083 (B,H,Hw)
  39 FR 4323 - 2/1/74
 Decision #AQ-3084 (R)
  39 FR 4327 - 2/1/74
 (D) - See Barnstable County
SUFFOLK COUNTY
 Decision AQ-3045 (B,H,Hw,Marine & D)
  38 FR 32383 - 11/23/73
   Mod. #1 - 38 FR 34574 - 12/14/73
   Mod. #2 - 39 FR 1191 - 1/4/74
   Mod. #3 - 39 FR 2326 - 1/18/74
   Mod. #4 - 39 FR 4278 - 2/1/74
 Decision #AQ-3072 (R)
  39 FR 1195 - 1/4/74
   Mod. #1 - 39 FR 4278 - 2/1/74
WORCESTER COUNTY
 Decision #AQ-3160 (B,H,Hw)
  39 FR 12645 - 4/5/74

MICHIGAN

ALCONA COUNTY
 Decision #AQ-3095 (D)
  39 FR 5982 - 2/15/74
 Decision #AP-78 (Highway, Bridge,
 Airport & Sewer Cons, excl. of Bldgs.)
  37 FR 28377 - 12/22/72
   Mod. #1 - 38 FR 936 - 1/5/73
   Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
 (Hw) (D) - See Alcona County
ALLEGAN COUNTY
 Decision #AQ-3049 (B,H)
  38 FR 35145 - 12/21/73
   Mod. #1 - 39 FR 5063 - 2/8/74
   Mod. #2 - 39 FR 9347 - 3/8/74
   Mod. #3 - 39 FR 12585 - 4/5/74
 Decision #AM-398 (R)
  36 FR 15891 - 8/18/71
 Decision #AP-77 (Highway, Bridge,
 Airport & Sewer Cons, excl. of Bldg.)
  37 FR 28374 - 12/22/72
   Mod. #1 - 38 FR 4629 - 2/16/73
   Mod. #2 - 38 FR 21012 - 8/3/73
 (D) - See Alcona County
ALPENA COUNTY
 Decision #AQ-3050 (B,H)
  39 FR 4330 - 2/1/74
 (Hw,D) - See Alcona County
ANTRIM COUNTY
 (Hw,D) - See Alcona County
ARENAC COUNTY
 (Hw,D) - See Alcona County
BARAGA COUNTY
 Decision #AQ-3051 (B,H)
  38 FR 35149 - 12/21/73
   Mod. #1 - 39 FR 5063 - 2/8/74
 (Hw,D) - See Alcona County
BARRY COUNTY
 (Hw) - See Allegan County
BAY COUNTY
 (D) - See Alcona County
 (Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
 (D) - See Alcona County
 (Hw) - See Alcona County
BERRIEN COUNTY
 Decision #AQ-3052 (B,H)
  39 FR 1691 - 1/11/74
   Mod. #1 - 39 FR 9348 - 3/8/74
   MOd. #2 - 39 FR 12585 - 4/5/74
 Decision #AM-399 (R)
  36 FR 15892 - 8/18/71
 (D) - See Alcona County
 (Hw) - See Allegan County
BRANCH COUNTY
 Decision #AM-401 (R)
  36 FR 15894 - 8/18/71
 (Hw) - See Allegan County
CALHOUN COUNTY
 Decision #AQ-3053 (B,H)
  38 FR 35152 - 12/21/73
   Mod. #1 - 39 FR 5064 - 2/8/74
   Mod. #2 - 39 FR 9348 - 3/8/74
   Mod. #3 - 39 FR 12586 - 4/5/74
 Decision #AM-400 (R)
  36 FR 15892 - 8/18/71
 (Hw) - See Allegan County
CASS COUNTY
 (Hw) - See Allegan County
 (R) - See Branch County
CHARLEVOIX COUNTY
 Decision #AQ-3054 (B,H)
  38 FR 35155 - 12/21/73
   Mod. #1 - 39 FR 5948 - 2/15/74
 (Hw,D) - See Alcona County
CHEBOYGAN COUNTY
 (Hw,D) - See Alcona County
CHIPPEWA COUNTY
 Decision #AQ-3055 (B,H)
  39 FR 1695 - 1/11/74
   Mod. #1 - 39 FR 9349 - 3/8/74
 (Hw,D) - See Alcona County
CLARE COUNTY
 (Hw) - See Alcona County
CLINTON COUNTY
 (Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
 (Hw) - See Alcona County
DELTA COUNTY
 (Hw,D) - See Alcona County
DICKINSON COUNTY
 (Hw) - See Alcona County
EATON COUNTY
 Decision #AM-8041 (R)
  36 FR 24027 - 12/17/71
 (Hw) - See Allegan County
EMMET COUNTY
 Decision #AQ-3056 (B,H)
  39 FR 4334 - 2/1/74
 (Hw,D) - See Alcona County
GENESEE COUNTY
 Decision #AQ-3057 (B,H)
  39 FR 4338 - 2/1/74
 Decision AP-76 (Highway, Bridge,
  Airport & Sewer Cons., excl. of Bldg.)
  37 FR 28372 - 12/22/72
   Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
 (Hw) - See Alcona County
GOGEBIC COUNTY
 Decision #AQ-3058 (B,H)
  38 FR 35159 - 12/21/73
   Mod. #1 - 39 FR 5949 - 2/15/74
   Mod. #2 - 39 FR 12586 - 4/5/74
 (Hw,D) - See Alcona County
GRAND TRAVERSE COUNTY
 Decision #AQ-3059 (B,H)
  39 FR 1698 - 1/11/74
 (Hw,D) - See Alcona County
GRATIOT COUNTY
 (Hw) - See Allegan County
HILLSDALE COUNTY
 (Hw) - See Allegan County
HOUGHTON COUNTY
 (B,H) - See Baraga County
 (Hw,D) - See Alcona County
HURON COUNTY
 Decision #AQ-3060 (B,H)
  38 FR 35162 - 12/21/73
   Mod. #1 - 39 FR 12587 - 4/5/74
 (D) - See Alcona County
 (Hw) - See Allegan County
INGHAM COUNTY
 Decision #AQ-3061 (B,H)
  38 FR 35166 - 12/21/73
   Mod. #1 - 39 FR 5064 - 2/8/74
 (Hw) - See Allegan County
 (R) - See Eaton County

MICHIGAN (Cont'd)

IONIA COUNTY
 (Hw) - See Allegan County
IOSCO COUNTY
 (D,Hw) - See Alcona County
IRON COUNTY
 (Hw) - See Alcona County
ISABELLA COUNTY
 (Hw) - See Alcona County
JACKSON COUNTY
 (Hw) - See Allegan County
KALAMAZOO COUNTY
 Decision #AQ-3062 (B,H)
  38 FR 35170 - 12/21/73
   Mod. #1 - 39 FR 5065 - 2/8/74
   Mod. #2 - 39 FR 9349 - 3/8/74
   Mod. #3 - 39 FR 12586 - 4/5/74
 (Hw) - See Allegan County
 (R) - See Branch County
KALKASKA COUNTY
 (Hw) - See Alcona County
KENT COUNTY
 Decision #AP-23 (B,H)
  37 FR 20443 - 9/29/72
   Mod. #1 - 38 FR 22704 - 10/20/72
 Decision #AM-402 (R)
  36 FR 15895 - 8/18/71
 (Hw) - See Allegan County
KEWEENAW COUNTY
 (B,H) - See Baraga County
 (Hw) - See Alcona County
LAKE COUNTY
 (Hw) - See Alcona County
LAPEER COUNTY
 (Hw) - See Allegan County
LEELANAU COUNTY
 (B,H) - See Grand Traverse County
 (Hw) - See Alcona County
LENAWEE COUNTY
 (Hw) - See Allegan County
LIVINGSTON COUNTY
 (Hw) - See Allegan County
LUCE COUNTY
 (Hw,D) - See Alcona County
MACKINAC COUNTY
 (B,H) - See Chippewa County
 (Hw) - See Alcona County
MACOMB COUNTY
 Decision #AQ-3123 (B,H,R)
  39 FR 14153 - 4/19/74
 (D) - See Alcona County
 (Hw) - See Genessee County

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MICHIGAN (CONT'D)

MANISTEE COUNTY
(Hw,D) - See Alcona County
MARQUETTE COUNTY
Decision #AQ-3122 (F,H)
39 FR 9359 - 3/8/74
(Hw,D) - See Alcona County
MASON COUNTY
Decision #AQ-3064 (B,H)
39 FR 1704 - 1/11/74
Mod. #1 - 39 FR 13410 - 4/12/74
(Hw,D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AQ-3056 (E,H)
38 FR 35178 - 12/21/73
Mod. #1 - 39 FR 5066 - 2/8/74
Mod. #2 - 39 FR 9350 - 3/8/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (Cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AQ-3065 (B,H)
38 FR 35174 - 12/21/73
Mod. #1 - 39 FR 5065 - 2/8/74
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AQ-3067 (B,H)
39 FR 4342 - 2/1/74
Mod. #1 - 39 FR 12587 - 4/5/74
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AQ-3068 (B,H)
39 FR 4346 - 2/1/74
Mod. #1 - 39 FR 12588 - 4/5/74
(Hw) - See Genessee County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AQ-3099 (B,R)
39 FR 7039 - 2/22/74
Decision #AQ-3103 (H,Hw)
39 FR 9362 - 3/8/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
None
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
Decision #AQ-3100 (B,R)
39 FR 7043 - 2/22/74
(H,Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 9335 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
Decision #AQ-3101 (B,R)
39 FR 7047 - 2/22/74
(H,Hw) - See Anoka County

MINNESOTTA (Cont'd)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver County
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
None
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
None
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
RED LAKE COUNTY
None

MINNESOTA (Cont'd)

REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
Decision #AQ-3102 (B,R)
39 FR 7051 - 2/22/74
Mod. #1 - 39 FR 15607 - 5/3/74
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Carver County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
ADAMS COUNTY
Decision #AQ-4109 (H,Hw)
39 FR 15643 - 5/3/74
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ATTALA COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
BOLIVAR COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CLAIBORNE COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (cont'd)

CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinda County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
GEORGE COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
HARRISON COUNTY
Decision #AQ-4110 (B,H,Hw,W&S)
39 FR 15644 - 5/3/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F) - See Statewide

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MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AQ-4111 (B)
39 FR 15647 - 5/3/74
Decision #AQ-4048 (R)
38 FR 35573 - 12/28/73
(D,F) - See Statewide
(Hw) - See Claiborne County
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LOUNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PEARL RIVER COUNTY
(B,H) - See Hinds County
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PRENTISS COUNTY
(D) - See Statewide
(P) - See Statewide
(H,Hw) - See Adams County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
RANKIN COUNTY
(D) - See Statewide
(P) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WARREN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County

MISSOURI

ADAIR COUNTY
Decision #AQ-85 (H,Hw)
39 FR 9371 - 3/8/74
Mod. #1 - 39 FR 11815 - 3/29/74
Mod. #2 - 39 FR 15607 - 5/3/74
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
AUDRAIN COUNTY
(H,Hw) - See Adair County
BARRY COUNTY
(H,Hw) - See Adair County
BARTON COUNTY
(H,Hw) - See Adair County
BATES COUNTY
(H,Hw) - See Adair County
BENTON COUNTY
(H,Hw) - See Adair County
BOLLINGER COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUTLER COUNTY
(H,Hw) - See Adair County
CALDWELL COUNTY
(H,Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CAMDEN COUNTY
(H,Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CARTER COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

CASS COUNTY
Decision #AQ-44 (H,Hw)
38 FR 31780 - 11/16/73
Decision AQ-62 (R)
38 FR 32388 - 11/23/73
CEDAR COUNTY
(H,Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(H,Hw) - See Adair County
CLAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
CLINTON COUNTY
(H,Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CRAWFORD COUNTY
(H,Hw) - See Adair County
DADE COUNTY
(H,Hw) - See Adair County
DALLAS COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Adair County
DE KALB COUNTY
(H,Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GENTRY COUNTY
(H,Hw) - See Adair County
GREENE COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Adair County
HENRY COUNTY
(H,Hw) - See Adair County
HICKORY COUNTY
(H,Hw) - See Adair County
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Adair County
JOHNSON COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LACLEDE COUNTY
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAURENCE COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Adair County
LINCOLN COUNTY
(H,Hw) - See Adair County
LINN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Adair County
MC DONALD COUNTY
None
MACON COUNTY
(H,Hw) - See Adair County
MADISON COUNTY
(H,Hw) - See Adair County
MARIES COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Adair County
MILLER COUNTY
(H,Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MORGAN COUNTY
(H,Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(H,Hw) - See Adair County
NODAWAY COUNTY
(H,Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
OZARK COUNTY
(Hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
PETTIS COUNTY
(H,Hw) - See Adair County
PHELPS COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(H,Hw) - See Adair County
PLATTE COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Adair County
PUTNAM COUNTY
(H,Hw) - See Adair County
RALLS COUNTY
(H,Hw) - See Adair County
RANDOLPH COUNTY
(H,Hw) - See Adair County
RAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AQ-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AQ-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
ST. CLAIR COUNTY
(H,Hw) - See Adair County
ST. FRANCOIS COUNTY
(H,Hw) - See Adair County
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
SCHUYLER COUNTY
(H,Hw) - See Adair County
SCOTLAND COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(H,Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Adair County
SULLIVAN COUNTY
(H,Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(H,Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
WASHINGTON COUNTY
(H,Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(H,Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AQ-1071 (B)
39 FR 3399 - 1/25/74
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 9351 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
Decision #AQ-1070 (H,Hw)
39 FR 2329 - 1/18/74
Mod. #1 - 39 FR 4280 - 2/1/74
Mod. #2 - 39 FR 9350 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AQ-1076 (R)
39 FR 4361 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 9351 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEERLODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1075 (R)
39 FR 4354 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74
(R) - See Silverbow County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw)- See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOURLA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Beaverhead County
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #AQ-80 (Hw)
39 FR 5990 - 2/15/74
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(B) - See Cedar County
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(B) - See Banner County
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision AQ-63 (B,H,Hw)
38 FR 33895 - 12/7/73
Mod. #1 - 38 FR 35570 - 12/28/73
Decision #AQ-25 (R)
38 FR 24540 - 9/7/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 33879 - 12/7/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Admas County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Admas County
GRANT COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
Decision #AQ-24 - (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AQ-65 (B)
38 FR 34597 - 12/14/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(D) - See Neemahn County
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County
(B) - See Banner County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams Couhty
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AQ-1080 (B,H,Hw)
39 FR 5131 - 2/8/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AQ-1081 (R) (Excluding the Nevada Test Site)
39 FR 5992 - 2/15/74
(B,H,Hw) - See Statewide
Decision #AQ-1083 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
39 FR 6001 - 2/15/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide

NEVADA (Cont'd.)

LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AQ-1082 (R)
39 FR 5996 - 2/15/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AQ-3147 (B,H,Hw,R & Marine)
39 FR 13464 - 4/12/74
MERRIMACK COUNTY
Decision #AQ-3145 (B,H,Hw, & Marine)
39 FR 13401 - 4/12/74
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3148 (B,H,Hw,R & Marine)
39 FR 13468 - 4/12/74
STRAFFORD COUNTY
Decision #AQ-3146 (B,H,Hw, & Marine)
39 FR 13405 - 4/12/74
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AQ-2094 (B,H,Hw)
39 FR 12657 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AQ-2105 (B,H,Hw)
39 FR 14873 - 4/26/74
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AQ-2098 (B,H,Hw)
39 FR 13491 - 4/12/74
Mod. #1 - 39 FR 14851 - 4/26/74
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AQ-2093 (B,H,Hw)
39 FR 12651 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AQ-2097 (B,H,Hw)
39 FR 13485 - 4/12/74
(D) - See Atlantic County
ESSEX COUNTY
Decision #AQ-2102 (B,H,Hw)
39 FR 14161 - 4/19/74
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AQ-2090 (B,H,Hw)
39 FR 11823 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AQ-2104 (B,H,Hw)
39 FR 14168 - 4/19/74
(D) - See Atlantic County
MIDDLESEX COUNTY
Decision #AQ-2115 (B,H,Hw)
39 FR 15661 - 5/3/74
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AQ-2096 (B,H,Hw)
39 FR 13478 - 4/12/74
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
Decision #AQ-2113 (B,H,Hw)
39 FR 15654 - 5/3/74
(D) - See Atlantic County
OCEAN COUNTY
Decision #AQ-2106 (B,H,Hw)
39 FR 14880 - 4/26/74
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AQ-2095 (B,H,Hw,R)
39 FR 13472 - 4/12/74
Mod. #1 - 39 FR 14850 - 4/26/74
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AQ-2091 (B,H,Hw)
39 FR 11830 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AP-846 (B,H,Hw)
38 FR 15333 - 6/8/73
Mod. #1 - 38 FR 31766 - 11/16/73
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Decision #AQ-82 (Building & Heavy Engineering Construction
39 FR 9398 - 3/8/74
Mod. #1 - 39 FR 10999 - 3/22/74
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
DE BACA COUNTY
(B,He,S,Hw,U,LE) - See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
MORA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

OTERO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

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NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18819 - 7/13/73
Mod. #3 - 38 FR 21016 - 8/3/73
Mod. #4 - 38 FR 26549 - 9/21/73
Mod. #5 - 39 FR 4280 - 2/1/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AQ-2107 (B,H,Hw)
39 FR 14887 - 4/26/74
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Mod. #4 - 38 FR 22854 - 8/24/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
38 FR 4169 - 2/9/73
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
Mod. #3 - 38 FR 21022 - 8/3/73
Mod. #4 - 38 FR 22854 - 8/24/73
Mod. #5 - 38 FR 24491 - 9/7/73
Mod. #6 - 39 FR 4280 - 2/1/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None

NEW YORK (Cont'd)

COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision AQ-2028 (B,H,Hw)
36 FR 31135 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 18820 - 7/13/73
Mod. #3 - 38 FR 22854 - 8/24/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 38 FR 21023 - 8/3/73
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None

NEW YORK (Cont'd)

LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AQ-2037 (B,H,Hw)
38 FR 35188 - 12/21/73
Mod. #1 - 39 FR 15609 - 5/3/74
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AQ-2001 (B,H,Hw)
38 FR 18845 - 7/13/73
Mod. #1 - 38 FR 24491 - 9/7/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AQ-2048 (B,H,Hw)
39 FR 4368 - 2/1/74
(D) - See Cayuga County
ONIEDA COUNTY
Decision #AP-844 (B,H,Hw)
38 FR 15341 - 6/8/73
Mod. #1 - 38 FR 18822 - 7/13/73
Mod. #2 - 38 FR 21026 - 8/3/73
Mod. #3 - 38 FR 29149 - 10/19/73
Mod. #4 - 38 FR 35571 - 12/28/73
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
Mod. #1 - 38 FR 18821 - 7/13/73
Mod. #2 - 38 FR 21025 - 8/3/73
Mod. #3 - 38 FR 29148 - 10/19/73
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15346 - 6/8/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County

NEW YORK (Cont'd)

ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AP-860 (B,H,Hw)
38 FR 18160 - 7/6/73
Mod. #1 - 38 FR 21030 - 8/3/73
Mod. #2 - 38 FR 22854 - 8/24/73
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AQ-2114 (B,H,Hw)
39 FR 15673 - 5/3/74
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
Mod. #1 - 38 FR 20184 - 7/27/73
SUFFOLK COUNTY
Decision #AQ-2112 (B,H,Hw)
39 FR 15669 - 5/3/74
(D) - See Bronx County
SULLIVAN COUNTY
None

NEW YORK (cont'd)

TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AQ-2041 (B,H,Hw)
39 FR 3421 - 1/25/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AQ-4064 (H,Hw)
39 FR 4371 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15609 - 5/3/74
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #AQ-4087 (R)
39 FR 9337 - 3/8/74
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County.
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
MCDOWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

NASH COUNTY
(Sewer & Water, H,Hw) - See STatewide
NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMILICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
PORT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) ,- See Alamance County
RICHMOND COUNTY
(Sewer & Water. H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Cumberland County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water, H,Hw) -- See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
WILKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 18849 - 7/13/73
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision AQ-1066 (B)
38 FR 33899 - 12/7/73
Mod. #1 - 39 FR 12589 - 4/5/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-585 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None

OHIO (CONT'D.)

CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9356 - 3/8/74
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 22319 - 8/17/73
Mod. #3 - 38 FR 27716 - 10/5/73
Mod. #4 - 38 FR 31100 - 11/9/73
DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY"
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9355 - 3/8/74
(D) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D) - See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30336 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9356 - 3/8/74
Decision #AM-422 (R)
36 FR 15965 - 8/16/71
Mod. #1 - 37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None

OHIO (Cont'd)

HAMILTON COUNTY
Decision #AQ-3022 (B,H,Hw)
38 FR 27726 - 10/5/73
Mod. #1 - 38 FR 30340 - 11/2/73
Mod. #2 - 38 FR 31101 - 11/9/73
Mod. #3 - 39 FR 9356 - 3/8/74
(D) - See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D) - See Adams County
LICKING COUNTY
Decision #AP-675 (B,Hw,H)
38 FR 14017 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 30336 - 11/2/73
Mod. #5 - 39 FR 9356 - 3/8/74
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AQ-3036 (B,H,Hw)
38 FR 31142 - 11/9/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AP-687 (R)
38 FR 13903 - 5/25/73
Mod. #1 - 38 FR 22319 - 8/17/73
Mod. #2 - 38 FR 27716 - 10/5/73
Mod. #3 - 38 FR 31100 - 11/9/73
Mod. #4 - 38 FR 35572 - 12/28/73

OHIO (Cont'd)

MAHONING COUNTY (Cont'd)
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30337 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 38 FR 35571 - 12/28/73.
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D) - See Adams County
MERCER COUNTY
None
MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D) - See ADams County
MONTGOMERY COUNTY
(B,H,Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30338 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 39 FR 9356 - 3/8/74
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B,H,Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AQ-3118 (B,H,Hw)
39 FR 7057 - 2/22/74
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D) - See Adams County
SENECA COUNTY
NOne
SHELBY COUNTY
None
STARKE COUNTY
Decision #AQ-3037 (B,H,Hw)
38 FR 31147 - 11/9/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27715 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
Mod. #5 - 38 FR 30339 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9356 - 3/8/74
TRUMBULL COUNTY
Decision #AQ-3082 (R)
39 FR 4375 - 2/1/74
Decision #AQ-3081 (B,H,Hw)
39 FR 4372 - 2/1/74
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D) - See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
Mod. #1 - 39 FR 15609 - 5/3/74
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
Mod. #1 - 39 FR 15610 - 5/3/74
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16763 - 8/25/71
Mod. #1 - 39 FR 15609 - 5/3/74
BEAVER COUNTY
(Hw) - See Alfalfa County
BECKHAM COUNTY
Decision #AM-3606 (Hw)
36 FR 16764 - 8/25/71
Mod. #1 - 39 FR 15609 - 5/3/74
BLAINE COUNTY
(Hw) - See Beckham County
BRYAN COUNTY
(Hw) - See Atoka County
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM-3609 (Hw)
36 FR 16767 - 8/25/71
Mod. #1 - 39 FR 15610 - 5/3/74
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(Hw) - See Caddo County
CHEROKEE COUNTY
(Hw) - See Adair County
CHOCTAW COUNTY
(Hw) - See Atoka County
CIMARRON COUNTY
(Hw) - See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16762 - 8/25/71
Mod. #1 - 39 FR 15609 - 5/3/74
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw) - See Cleveland County
COMANCHE COUNTY
(Hw) - See Caddo County
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
COTTON COUNTY
(Hw) - See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/71
Mod. #1 - 15610 - 5/3/74

OKLAHOMA (cont'd)

CREEK COUNTY
(Hw) - See Canadian County
CUSTER COUNTY
(Hw) - See Beckham County
DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw) - See Beckham County
ELLIS COUNTY
(Hw) - See Alfalfa County
GARFIELD COUNTY
(Hw) - See Canadian County
GARVIN COUNTY
(Hw) - See Cleveland County
GRADY COUNTY
(Hw) - See Caddo County
GRANT COUNTY
(Hw) - See Canadian County
GREER COUNTY
(Hw) - See Beckham County
HARMON COUNTY
(Hw) - See Beckham County
HARPER COUNTY
(Hw) - See Alfalfa County
HASKELL COUNTY
(Hw) - See Adair County
HUGHES COUNTY
(Hw) - See Cleveland County
JACKSON COUNTY
(Hw) - See Beckham County
JEFFERSON COUNTY
(Hw) - See Caddo County
JOHNSTON COUNTY
(Hw) - See Cleveland County
KAY COUNTY
(Hw) - See Canadian County
KINGFISHER COUNTY
(Hw) - See Canadian County
KIOWA COUNTY
(Hw) - See Beckham County
LATIMER COUNTY
(Hw) - See Atoka County
LEFLORE COUNTY
(Hw) - See Atoka County
LINCOLN COUNTY
(Hw) - See Canadian County
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw) - See Canadian County
LOVE COUNTY
(Hw) - See Caddo County
McCLAIN COUNTY
(Hw) - See Cleveland County
McCURTAIN COUNTY
(Hw) - See Atoka County

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw) - See Adair County
MAJOR COUNTY
(Hw) - See Alfalfa County
MARSHALL COUNTY
(Hw) - See Atoka County
MAYES COUNTY
(Hw) - See Craig County
MURRAY COUNTY
(Hw) - See Cleveland County
MUSKOGEE COUNTY
(Hw) - See Adair County
NOBLE COUNTY
(Hw) - See Canadian County
NOWATA COUNTY
(Hw) - See Craig County
OKFUSKEE COUNTY
(Hw) - See Cleveland County
OKLAHOMA COUNTY
Decision #AQ-22 (B)
38 FR 23735 - 8/31/73
Mod. #1 - 38 FR 277166 - 9/28/73
Mod. #2 - 38 FR 29150 - 10/19/73
Mod. #3 - 38 FR 33211 - 11/30/73
Mod. #4 - 38 FR 34575 - 12/14/73
Mod. #5 - 39 FR 10078 - 3/15/74
Mod. #6 - 39 FR 11000 - 3/22/74
Decision #AM-3,612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799-12/29/72
Mod. #2-38 FR 4078-2/9/73
OKMULGEE COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AQ-64 (B)
38 FR 33904 - 12/7/73
Mod. #1 - 38 FR 35572 - 12/28/73
Mod. #2 - 39 FR 9357 - 3/8/74
Mod. #3 - 39 FR 10078 - 3/15/74
Mod. #4 - 39 FR 11815 - 3/29/74
Mod. #5 - 39 FR 14120 - 4/19/74
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Mod. #2-39 FR 15610 - 5/3/74
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adair County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AQ-1079 (B,H,Hw,D)
39 FR 5152 - 2/8/74
Mod. #1 - 39 FR 12589 - 4/5/74
Mod. #2 - 39 FR 14120 - 4/19/74
Mod. #3 - 39 FR 14852 - 4/26/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AQ-1100 (R)
39 FR 14891 - 4/26/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD COUNTY
(Hw,H,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas Co.
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(D,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

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PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
33 FR 6622 - 3/9/73
Mod. #1 - 38 FR 18826 - 7/13/73
Mod. #2 - 39 FR 10079 - 3/15/74
Decision #AQ-2042 (B)
39 FR 5044 - 2/8/74
Mod. #1 - 39 FR 14121 - 4/19/74
ALLEGHENY COUNTY
Decision #AQ-2065 (B)
39 FR 6022 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
Mod. #3 - 39 FR 14122 - 4/19/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Decision #AQ-2082 (B)
39 FR 12574 - 4/5/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Decision #AQ-2057 (B)
39 FR 5943 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Decision #AQ-2064 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
BERKS COUNTY
Decision #AQ-2025 (B)
38 FR [illegible] - 10/19/73
Mod. #1 - 39 FR 1688 - 1/11/74
Mod. #2 - 39 FR 5067 - 2/8/74
(Hw) - See Adams County
Decision #AQ-2033 (B)
39 FR 12578 - 4/5/74
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AQ-2015 (R)
38 FR 22353 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
Decision #AQ-2011 (H,Hw)
38 FR 22341 - 8/17/73
Mod. #1 - 39 FR 11000 - 3/22/74
BUTLER COUNTY
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd)

CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AQ-2078 (B)
39 FR 11800 - 3/29/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County.
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AQ-2053 (B)
39 FR 5159 - 2/8/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(Hw) - See Adams County
DAUPHIN COUNTY
(Hw) - See Adams County
(B) - See Cumberland County
DELAWARE COUNTY
Decision #AQ-2014 (B)
38 FR 22350 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Mod. #2 - 38 FR 33800 - 12/7/73
Mod. #3 - 39 FR 5067 - 2/8/74
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AQ-2067 (B)
39 FR 6030 - 2/15/74
(H,Hw) - See Butler County
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AQ-2071 (B)
39 FR 9416 - 3/8/74
Mod. #1 - 39 FR 13411 - 4/12/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County

PENNSYLVANIA (Cont'd)

GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AQ-2045 (B)
39 FR 5934 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
LACKAWANNA COUNTY
Decision #AQ-2092 (B)
39 FR 13499 - 4/12/74
LANCASTER COUNTY
Decision #AQ-2055 (B)
39 FR 5940 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AQ-2068 (B)
39 FR 6034 - 2/15/74
(H,Hw) - See Butler County
39 FR 6034 - 2/15/74
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AQ-2099 (B)
39 FR 14375 - 4/19/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AQ-2069 (B)
39 FR 6038 - 2/15/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 14122 - 4/19/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AQ-2066 (B)
39 FR 6026 - 2/15/74
Mod. #1 - 39 FR 13411 - 4/12/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(Hw, H) - See Adams County

PENNSYLVANIA (Cont'd)

MONTGOMERY COUNTY
Decision #AQ-2013 (B)
38 FR 22347 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AQ-2044 (B)
39 FR 7014 - 2/22/74
Mod. #1 - 39 FR 10079 - 3/15/74
(H,Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
(B) - See Cumberland County
PHILADELPHIA COUNTY
Decision #AQ-2012 (B)
38 FR 22344 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
Mod. #2 - 39 FR 5067 - 2/8/74
Decision #AP-803 (D)
38 FR 10580 - 4/27/72
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5933 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

WASHINGTON COUNTY
Decision #AQ-2064 (B)
39 FR 6018 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AQ-2063 (B)
39 FR 6044 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams County (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw, & Marine) - See Providence Co.
KENT COUNTY
(B,H,Hw, & Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AQ-3120 (B,H,Hw,R,&Marine)
39 FR 8133 - 3/1/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AQ-3119 (B,H,Hw,R & Marine)
39 FR 8129 - 3/1/74
Mod. #1 - 39 FR 12589 - 4/5/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AQ-3121 (B,H,Hw,R & Marine)
39 FR 8138 - 3/1/74
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AQ-4065 (H,Hw)
39 FR 4381 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15610 - 5/3/74
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ=2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
CALHOUN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AQ-1084 (H)
39 FR 5162 - 2/8/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Statewide
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide

DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY

(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AQ-1090 (B,H)
39 FR 8144 - 3/1/74
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
Decision #AQ-1089 (B,H)
39 FR 8142 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B,H) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw)- See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASPABOUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(H) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
Decision #AQ-4049 (Hw)
39 FR 1712 - 1/11/74
Mod. #1 - 39 FR 3373 - 1/25/74
ANDERSON COUNTY
Decision #AQ-4011 (B)
38 FR 26589 - 9/21/73
Mod. #1 - 38 FR 34577 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
Mod. #4 - 39 FR 14122 - 4/19/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide
COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AQ-4098 (B)
39 FR 13502 - 4/12/74
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AQ-4015 (B,H)
38 FR 27734 - 10/5/73
Mod. #1 - 38 FR 34578 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
Mod. #4 - 39 FR 14122 - 4/19/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEZ (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AQ-4014 (B)
38 FR 27731 - 10/5/73
Mod. #1 - 38 FR 34577 - 12/14/73
Mod. #2 - 39 FR 2326 - 1/18/74
Mod. #3 - 39 FR 11815 - 3/29/74
Mod. #4 - 39 FR 14122 - 4/19/74
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewise
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(P) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

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TENNESSEE (Cont'd)

MARSHALL COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
MAURY COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
MEIGS COUNTY
 (F) - See Statewide
 (Hw) - Statewide
MONROE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
MONTGOMERY COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
MOORE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
MORGAN COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
OBION COUNTY
 (D) - See Carroll County
 (F) - See Statewide
 (Hw) - See Statewide
OVERTON COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
FENTRESS COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
PERRY COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
PICKETT COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
POLK COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
PUTNAM COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
RHEA COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
ROANE COUNTY
 (B) - See Anderson County
 (F) - See Statewide
 (Hw) - See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
RUTHERFORD COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
SCOTT COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
SEQUATCHIE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
SEVIER COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
SHELBY COUNTY
 Decision #AQ-4016 (B,H,Utility)
  38 FR 27737 - 10/5/73
   Mod. #1 - 38 FR 34578 - 12/14/73
   Mod. #2 - 39 FR 4282 - 2/1/74
   Mod. #3 - 39 FR 11815 - 3/29/74
   Mod. #4 - 39 FR 14122 - 4/19/74
 Decision #AP-152 (R)
  38 FR 4176 - 2/9/73
 (D) - See Carroll County
 (Hw) - See Statewide
SMITH COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
STEWART COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
SULLIVAN COUNTY
 Decision #AM-8623 (B)
  37 FR 12013 - 6/16/72
   Mod. #1 - 37 FR 23065 - 10/27/72
   Mod. #2 - 39 FR 11815 - 3/29/74
 Decision #AQ-4062 (R)
  39 FR 3427 - 1/25/74
 (F) - See Statewide
 (Hw) - See Statewide
SUMNER COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
TIPTON COUNTY
 (D) - See Carroll County
 (F) - See Statewide
 (hw) - See Statewide

TENNESSEE (cont'd)

TROUSDALE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
UNICOI COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
UNION COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
VAN BUREN COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
WARREN COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
WASHINGTON COUNTY
 Decision #AP-100 (B)
  37 FR 13419 - 7/7/72
   Mod. #1 - 37 FR 17316 - 3/25/72
   Mod. #2 - 37 FR 22708 - 10/20/72
 Decision #AQ-4059 (R)
  39 FR 3426 - 1/25/74
 (F) - See Statewide
 (Hw) - See Statewide
WAYNE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
WEAKLEY COUNTY
 (D) - See Carroll County
 (F) - See Statewide
WHITE COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
WILLIAMSON COUNTY
 (F) - See Statewide
 (Hw) - See Statewide
 (R) - See Cheatham County
WILSON COUNTY
 (R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth
 Regional Airport)
 Decision #AQ-100 (Streets, Highways,
  Runways, Water & Sewer Lines and
  Paving & Utilities Incidental to
  General Building Construction)
 39 FR 12663 - 4/5/74
  Mod. #1 - 39 FR 14857 - 4/26/74
  Mod. #2 - 39 FR 15611 - 5/3/74
ANDERSON COUNTY
 (H,Hw) - See Statewide
ANDREWS COUNTY
 (H,Hw) - See Statewide
ANGELINA COUNTY
 (H,Hw) - See Statewide
ARANSAS COUNTY
 (H,Hw) - See Statewide
 Decision #AQ-4002 (D)
  38 FR 21037 - 8/3/73
   Mod. #1 - 39 FR 4264 - 2/1/74
   Mod. #2 - 39 FR 15603 - 5/3/74
ARCHER COUNTY
 (H,Hw) - See Statewide
ARMSTRONG COUNTY
 Decision #AQ-75 (B)
  39 FR 4384 - 2/1/74
   Mod. #1 - 39 FR 7018 - 2/22/74
   Mod. #2 - 39 FR 12591 - 4/5/74
 (H,Hw) - See Statewide

 Decision #AQ-92 (R)
  39 FR 15677 - 5/3/74
ATASCOSA COUNTY
 (H,Hw) - See Statewide
AUSTIN COUNTY
 (H,Hw) - See Statewide
BAILEY COUNTY
 (H,Hw) - See Statewide
 Decision #AP-352 (R)
  37 FR 21786 - 10/13/72
BANDERA COUNTY
 (H,Hw) - See Statewide
BASTROP COUNTY
 (H,Hw) - See Statewide
 Decision #AM-7705 (R)
  36 FR 22117 - 11/19/71
BAYLOR COUNTY
 (H,Hw) - See Statewide
BEE COUNTY
 (H,Hw) - See Statewide
BELL COUNTY
 (H,Hw) - See Statewide
BEXAR COUNTY
 Decision #AQ-74 (B)
  39 FR 4382 - 2/1/74
   Mod. #1 - 39 FR 12591 (4/5/74
 (H,Hw) - See Statewide
 Decision #AQ-103 (R)
  39 FR 13503 - 4/12/74

TEXAS (Cont'd)

BLANCO COUNTY
 (H,Hw) - See Statewide
 (R) - See Bastrop County
BORDEN COUNTY
 (H,Hw) - See Statewide
BOSQUE COUNTY
 (H,Hw) - See Statewide
BOWIE COUNTY
 (H,Hw) - See Statewide
BRAZORIA COUNTY
 (H,Hw) - See Statewide
 Decision #AM-7488 (R)
  36 FR 21737 - 11/12/71
   Mod. #1 - 37 FR 10695 - 5/26/72
 (D) - See Aransas County
BRAZOS COUNTY
 (H,Hw) - See Statewide
BREWSTER COUNTY
 (H,Hw) - See Statewide
BRISCOE COUNTY
 (H,Hw) - See Statewide
BROOKS COUNTY
 (H,Hw) - See Statewide
BROWN COUNTY
 (H,Hw) - See Statewide
BURLESON COUNTY
 (H,Hw) - See Statewide
BURNETT COUNTY
 (H,Hw) - See Statewide
CALDWELL COUNTY
 (H,Hw) - See Statewide
 (R) - See Bastrop County
CALHOUN COUNTY
 (H,Hw) - See Statewide
 (D) - See Aransas County
CALLAHAN COUNTY
 (H,Hw) - See Statewide
CAMERON COUNTY
 Decision #AQ-68 (B)
  38 FR 35580 - 12/28/73
   Mod. #1 - 39 FR 4282 - 2/1/74
   Mod. #2 - 39 FR 10080 - 3/15/74
   Mod. #3 - 39 FR 12590 - 4/5/74
   Mod. #4 - 39 FR 15611 - 5/3/74
 (D) - See Aransas County
 (H,Hw) - See Statewide
 Decision #AQ-104 (R)
  39 FR 13505 - 4/12/74
   Mod. #1 - 39 FR 15611 - 5/3/74
CAMP COUNTY
 (H,Hw) - See Statewide
CARSON COUNTY
 (B) - See Armstrong County
 (H,Hw) - See Statewide
 (R) - See Armstrong County

TEXAS (Cont'd)

CASS COUNTY
 (H,Hw) - See Statewide
CASTRO COUNTY
 (B) - See Armstrong County
 (H,Hw) - See Statewide
 (R) - See Armstrong County
CHAMBERS COUNTY
 (H,Hw) - See Statewide
 (D) - See Aransas County
CHEROKEE COUNTY
 (H,Hw) - See Statewide
CHILDRESS COUNTY
 (B) - See Armstrong County
 (H,Hw) - See Statewide
 (R) - See Armstrong County
CLAY COUNTY
 (H,Hw) - See STatewide
COCHRAN COUNTY
 (H,Hw) - See Statewide
 (R) - See Bailey County
COKE COUNTY
 (H,Hw) - See Statewide
COLEMAN COUNTY
 (H,Hw) - See Statewide
COLLIN COUNTY
 Decision #AQ-73 (B-excluding Dallas-
  Fort Worth Regional Airport)
  39 FR 1720 - 1/11/74
   Mod. #1 - 39 FR 4283 - 2/1/74
   Mod. #2 - 39 FR 10082 - 3/15/74
   Mod. #3 - 39 FR 12591 - 4/5/74
 Decision #AQ-87 (R)
  39 FR 10106 - 3/15/74
 (H,Hw) - See Statewide
COLLINGSWORTH COUNTY
 (B) - See Armstrong County
 (H,Hw) - See Statewide
 (R) - See Armstrong County
COLORADO COUNTY
 (H,Hw) - See Statewide
COMAL COUNTY
 (H,Hw) - See Statewide
COMANCHE COUNTY
 (H,Hw) - See Statewide
CONCHO COUNTY
 (H,Hw) - See Statewide
COOKE COUNTY
 (H,Hw) - See Statewide
CORYELL COUNTY
 (H,Hw) - See Statewide
COTTLE COUNTY
 (H,Hw) - See Statewide
CRANE COUNTY
 (H,Hw) - See Statewide
 Decision #AP-347 (R)
  37 FR 20499 - 9/29/72

TEXAS (Cont'd)

CROCKETT COUNTY
 (H,Hw) - See Statewide
CROSBY COUNTY
 (R) - See Bailey County
 (H,Hw) - See Statewide
CULBERSON COUNTY
 (H,Hw) - See Statewide
DALLAM COUNTY
 (R) (B) - See Armstrong County
 (H,Hw) - See Statewide
DALLAS COUNTY
 (R) (B) - See Collin County
 (H,Hw) - See Statewide
DAWSON COUNTY
 (H,Hw) - See Statewide
DEAF SMITH COUNTY
 (R) (B) - See Armstrong County
 (H,Hw) - See Statewide
DELTA COUNTY
 (H,Hw) - See Statewide
DENTON COUNTY
 (R) (B) - See Collin County
 (H,Hw) - See Statewide
DE WITT COUNTY
 (H,Hw) - See Statewide
DICKENS COUNTY
 (H,Hw) - See Statewide
DIMMIT COUNTY
 (H,Hw) - See Statewide
DONLEY COUNTY
 (R) (B) - See Armstrong County
 (H,Hw) - See Statewide
DUVAL COUNTY
 (H,Hw) - See Statewide
EASTLAND COUNTY
 (H,Hw) - See Statewide
ECTOR COUNTY
 (H,Hw) - See Statewide
 (R) - See Crane County
EDWARDS COUNTY
 (H,Hw) - See Statewide
ELLIS COUNTY
 (B&R) - See Collin County
 (H,Hw) - See Statewide
EL PASO COUNTY
 Decision #AQ-71 (B)
  39 FR 1716 - 1/11/74
   Mod. #1 - 39 FR 10080 - 3/15/74
   Mod. #2 - 39 FR 12590 - 4/5/74
 (H,Hw) - See Statewide
ERATH COUNTY
 (H,Hw) - See Statewide

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TEXAS (Cont'd)

- FALLS COUNTY
  - (H,Hw) - See Statewide
- FANNIN COUNTY
  - (H,Hw) - See Statewide
- FAYETTE COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Bastrop County
- FISHER COUNTY
  - (H,Hw) - See Statewide
- FLOYD COUNTY
  - (R) - See Bailey County
  - (H,Hw) - See Statewide
- FOARD COUNTY
  - (H,Hw) - See Statewide
- FORT BEND COUNTY
  - (R) - See Brazoria County
  - (H,Hw) - See Statewide
- FRANKLIN COUNTY
  - (H,Hw) - See Statewide
- FREESTONE COUNTY
  - (H,Hw) - See Statewide
- FRIO COUNTY
  - (H,Hw) - See Statewide
- GAINES COUNTY
  - (H,Hw) - See Statewide
- GALVESTON COUNTY
  - Decision #AQ-66 (B)
    - 38 FR 35574 - 12/28/73
      - Mod. #1 - 39 FR 4282 - 2/1/74
      - Mod. #2 - 39 FR 10080 - 3/15/74
      - Mod. #3 - 39 FR 12590 - 4/5/74
      - Mod. #4 - 39 FR 14857 - 4/26/74
  - (H,Hw) - See Statewide
  - Decision #AP-348 (R)
    - 37 FR 20501 - 9/29/72
  - (D) - See Aransas County
- GARZA COUNTY
  - (R) - See BAiley County
  - (H,Hw) - See Statewide
- GILLESPIE COUNTY
  - (H,Hw) - See Statewide
- GLASSCOCK COUNTY
  - (H,Hw) - See Statewide
- GOLIAD COUNTY
  - (H,Hw) - See Statewide
- GONZALES COUNTY
  - (H,Hw) - See Statewide
- GRAY COUNTY
  - (R&B) - See Armstrong County
  - (H,Hw) - See Statewide
- GRAYSON COUNTY
  - (B) - See Collin County
  - (H,Hw) - See Statewide
- GREGG COUNTY
  - (H,Hw) - See Statewide
- GRIMES COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- GUADALUPE COUNTY
  - (H,Hw) - See Statewide
- HALE COUNTY
  - (R) - See BAiley County
  - (H,Hw) - See Statewide
- HALL COUNTY
  - (H,Hw) - See Statewide
- HAMILTON COUNTY
  - (H,Hw) - See Statewide
- HANSFORD COUNTY
  - (R&B) - See Armstrong County
  - (H,Hw) - See Statewide
- HARDEMAN COUNTY
  - (H,Hw) - See Statewide
- HARDIN COUNTY
  - (H,Hw) - See Statewide
- HARRIS COUNTY
  - Decision #AQ-67 (B)
    - 38 FR 35577 - 12/28/73
      - Mod. #1 - 39 FR 4282 - 2/1/74
      - Mod. #2 - 39 FR 7018 - 2/22/74
      - Mod. #3 - 39 FR 10080 - 3/15/74
      - Mod. #4 - 39 FR 12590 - 4/5/74
      - Mod. #5 - 39 FR 14857 - 4/26/74
  - (R) - See Brazoria County
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- HARRISON COUNTY
  - (H,Hw) - See Statewide
- HARTLEY COUNTY
  - (R&B) - See Armstrong County
  - (H,Hw) - See Statewide
- HASKELL COUNTY
  - (H,Hw) - See Statewide
- HAYS COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Bastrop County
- HEMPHILL COUNTY
  - (R&B) - See Armstrong County
  - (H,Hw) - See Statewide
- HENDERSON COUNTY
  - (H,Hw) - See Statewide
- HIDALGO COUNTY
  - (R&B) - See Cameron County
  - (H,Hw) - See Statewide
- HILL COUNTY
  - (H,Hw) - See Statewide
- HOCKLEY COUNTY
  - (P) - See BAiley County
  - (H,Hw) - See Statewide
- HOOD COUNTY
  - (B) - See Collin County
  - Decision #AP-301 (P)
    - 37 FR 15232 - 7/28/72
      - Mod. #1 - 37 FR 20395 - 9/29/72
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- HOPKINS COUNTY
  - (H,Hw) - See Statewide
- HOUSTON COUNTY
  - (H,Hw) - See Statewide
- HOWARD COUNTY
  - (H,Hw) - See Statewide
- HUDSPETH COUNTY
  - (H,Hw) - See Statewide
- HUNT COUNTY
  - (R)(B) - See Collin County
  - (H,Hw) - See Statewide
- HUTCHINSON COUNTY
  - (R)(B) - See Armstrong County
  - (H,Hw) - See Statewide
- IRION COUNTY
  - (H,Hw) - See Statewide
- JACK COUNTY
  - (H,Hw) - See Statewide
- JACKSON COUNTY
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- JASPER COUNTY
  - (H,Hw) - See Statewide
- JEFF DAVIS COUNTY
  - (H,Hw) - See Statewide
- JEFFERSON COUNTY
  - Decision #AQ-41 (B)
    - 38 FR 29786 - 10/26/73
      - Mod. #1 - 38 FR 31102 - 11/9/73
      - Mod. #2 - 38 FR 31771 - 11/16/73
      - Mod. #3 - 38 FR 34578 - 12/14/73
      - Mod. #4 - 39 FR 4282 - 2/1/74
      - Mod. #5 - 39 FR 10080 - 3/15/74
  - (Hw) - See Statewide
  - Decision #AQ-40 (R)
    - 38 FR 29784 - 10/26/73
      - Mod. #1 - 38 FR 31102 - 11/9/73
      - Mod. #2 - 38 FR 31771 - 11/16/73
      - Mod. #3 - 38 FR 34578 - 12/14/73
      - Mod. #4 - 39 FR 4282 - 2/1/74
      - Mod. #5 - 39 FR 10080 - 3/15/74
  - (D) - See Aransas County
- JIM HOGG COUNTY
  - (H,Hw) - See Statewide
- JIM WELLS COUNTY
  - (H,Hw) - See Statewide
- JOHNSON COUNTY
  - (B) - See Collin County
  - (H,Hw) - See Statewide
  - (R) - See Hood County

TEXAS (Cont'd)

- JONES COUNTY
  - (H,Hw) - See Statewide
- KARNES COUNTY
  - (H,Hw) - See Statewide
- KAUFMAN COUNTY
  - (R&B) - See Collin County
  - (H,Hw) - See Statewide
- KENDALL COUNTY
  - (H,Hw) - See Statewide
- KENEDY COUNTY
  - (H,Hw) - See Statewide
  - (D) - See Aransas County
- KENT COUNTY
  - (H,Hw) - See Statewide
- KERR COUNTY
  - (H,Hw) - See Statewide
- KIMBLE COUNTY
  - (H,Hw) - See Statewide
- KING COUNTY
  - (H,Hw) - See Statewide
- KINNEY COUNTY
  - (H,Hw) - See Statewide
- KLEBERG COUNTY
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- KNOX COUNTY
  - (H,Hw) - See Statewide
- LAMAR COUNTY
  - (H,Hw) - See Statewide
- LAMB COUNTY
  - (R) - See BAiley County
  - (H,Hw) - See Statewide
- LAMPASAS COUNTY
  - (H,Hw) - See Statewide
- LA SALLE COUNTY
  - (H,Hw) - See Statewide
- LAVACA COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- LEE COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Bastrop County
- LEON COUNTY
  - (H,Hw) - See Statewide
- LIBERTY COUNTY
  - (H,Hw) - See Statewide
- LIMESTONE COUNTY
  - (H,Hw) - See Statewide
- LIPSCOMB COUNTY
  - (H,Hw) - See Statewide
  - (B)(R) - See Armstrong County
- LIVE OAK COUNTY
  - (H,Hw) - See Statewide
- LLANO COUNTY
  - (H,Hw) - See Statewide
- LOVING COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Crane County
- LUBBOCK COUNTY
  - Decision #AQ-69 (B)
    - 38 FR 35582 - 12/28/73
      - Mod. #1 - 39 FR 7018 - 2/22/74
      - Mod. #2 - 39 FR 12590 - 4/5/74
  - (R) - See Bailey County
  - (H,Hw) - See Statewide
- LYNN COUNTY
  - (R) - See Bailey County
  - (H,Hw) - See Statewide
- McCULLOCH COUNTY
  - (H,Hw) - See Statewide
- McLENNAN COUNTY
  - (H,Hw) - See Statewide
- McMULLEN COUNTY
  - (H,Hw) - See Statewide
- MADISON COUNTY
  - (H,Hw) - See Statewide
- MARION COUNTY
  - (H,Hw) - See Statewide
- MARTIN COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- MASON COUNTY
  - (H,Hw) - See Statewide
- MATAGORDA COUNTY
  - (R) - See Brazoria County
  - (H,Hw) - See Statewide
  - (D) - See Aransas County
- MAVERICK COUNTY
  - (H,Hw) - See Statewide
- MEDINA COUNTY
  - (H,Hw) - See Statewide
- MENARD COUNTY
  - (H,Hw) - See Statewide
- MIDLAND COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Crane County
- MILAM COUNTY
  - (H,Hw) - See Statewide
- MILLS COUNTY
  - (H,Hw) - See Statewide
- MITCHELL COUNTY
  - (H,Hw) - See Statewide
- MONTAGUE COUNTY
  - (H,Hw) - See Statewide
- MONTGOMERY COUNTY
  - (R) - See Brazoria County
  - (H,Hw) - See Statewide
- MOORE COUNTY
  - (R)(B) - See Armstrong County
  - (H,Hw) - See Statewide
- MORRIS COUNTY
  - (H,Hw) - See Statewide
- MOTLEY COUNTY
  - (H,Hw) - See Statewide
- NACOGDOCHES COUNTY
  - (H,Hw) - See Statewide
- NAVARRO COUNTY
  - (H,Hw) - See Statewide
- NEWTON COUNTY
  - (H,Hw) - See Statewide
- NOLAN COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- NUECES COUNTY
  - Decision #AQ-78 (B)
    - 39 FR 4388 - 2/1/74
      - Mod. #1 - 39 FR 12591 - 4/5/74
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- OCHILTREE COUNTY
  - (R) (B) - See Armstrong County
  - (H,Hw) - See Statewide
- OLDHAM COUNTY
  - (R)(B) - See Armstrong County
  - (H,Hw) - See Statewide
- ORANGE COUNTY
  - (R)(B) - See Jefferson County
  - (Hw) - See Statewide
  - (D) - See Aransas County
- PALO PINTO COUNTY
  - (B) - See Collin County
  - (H,Hw) - See Statewide
  - (R) - See Hood County
- PANOLA COUNTY
  - (H,Hw) - See Statewide
- PARKER COUNTY
  - (B) - See Collin County
  - (H,Hw) - See Statewide
  - (R) - See Hood County
- PARMER COUNTY
  - (H,Hw) - See Statewide
- PECOS COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Crane County
- POLK COUNTY
  - (H,Hw) - See Statewide
- POTTER COUNTY
  - (H,Hw) - See Statewide
  - (B) (R) - See Armstrong County
- PRESIDIO COUNTY
  - (H,Hw) - See Statewide
- RAINS COUNTY
  - (H,Hw) - See Statewide
- RANDALL COUNTY
  - (H,Hw) - See Statewide
  - (B)(R) - See Armstrong County
- REAGAN COUNTY
  - (H,Hw) - See Statewide
- REAL COUNTY
  - (H,Hw) - See Statewide
- RED RIVER COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

- REEVES COUNTY
  - (H,Hw) - See Statewide
  - (R) - See Crane County
- REFUGIO COUNTY
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- ROBERTS COUNTY
  - (H,Hw) - See Statewide
  - (B) (R) - See Armstrong County
- ROBERTSON COUNTY
  - (H,Hw) - See Statewide
- ROCKWALL COUNTY
  - (R)(B) - See Collin County
  - (H,Hw) - See Statewide
- RUNNELS COUNTY
  - (H,Hw) - See Statewide
- RUSK COUNTY
  - (H,Hw) - See Statewide
- SABINE COUNTY
  - (H,Hw) - See Statewide
- SAN AUGUSTINE COUNTY
  - (H,Hw) - See Statewide
- SAN JACINTO COUNTY
  - (H,Hw) - See Statewide
- SAN PATRICIO COUNTY
  - (D) - See Aransas County
  - (H,Hw) - See Statewide
- SAN SABA COUNTY
  - (H,Hw) - See STatewide
- SCHLEICHER COUNTY
  - (H,Hw) - See Statewide
- SCURRY COUNTY
  - (H,Hw) - See Statewide
- SHACKELFORD COUNTY
  - (H,Hw) - See Statewide
- SHELBY COUNTY
  - (H,Hw) - See Statewide
- SHERMAN COUNTY
  - (H,Hw) - See Statewide
  - (B)(R) - See Armstrong County
- SMITH COUNTY
  - (H,Hw) - See Statewide
- SOMERVELL COUNTY
  - (H,Hw) - See Statewide
- STARR COUNTY
  - (H,Hw) - See Statewide
  - (B)(R) - See Cameron County
- STEPHENS COUNTY
  - (H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AQ-70 (B)
39 FR 1713 - 1/11/74
Mod. #1 - 39 FR 4283 - 2/1/74
Mod. #2 - 39 FR 10080 - 3/15/74
Mod. #3 - 39 FR 11816 - 3/29/74
Mod. #4 - 39 FR 12590 - 4/5/74
(R) - See Baatrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Baatrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(H,Hw) - See Statewide
ZAVALA COUNTY
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AQ-1101 (B,H,Hw)
39 FR 15679 - 5/3/74
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE OCUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3085 (Hw)
39 FR 4391 - 2/1/74
Mod. #1 - 39 FR 7019 - 2/22/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73.
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
ALBERMAPLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AQ-2111 (B)
39 FR 15641 - 5/3/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AQ-2108 (Hw)
39 FR 15686 - 5/3/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTECOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AQ-2109 (B)
39 FR 15687 - 5/3/74
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARK COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #AQ-2024 (B)
38 FR 29195 - 10/19/73
Mod. #1 - 38 FR 35143 - 12/21/73
Mod. #2 - 38 FR 35572 - 12/28/73
Mod. #3 - 39 FR 3373 - 1/25/74
Mod. #4 - 39 FR 15611 - 5/3/74
(Hw) - See Amelia County

VIRGINIA (Cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Allegheny County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Allegheny County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Carolina County
STAUNTON CITY
(Hw) - See Allegheny County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #AQ-2074 (B,H,S&W)
39 FR 9341 - 3/8/74
Mod. #1 - 39 FR 13412 - 4/12/74
Mod. #2   39 FR 14857 - 4/25/74
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AQ-1098 (B,H,Hw,D)
39 FR 14892 - 4/26/74
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #AQ-1077 (R)
39 FR 4393 - 2/1/74
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUTNY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AQ-2110 (B,Hw,W&S)
39 FR 15589 - 5/3/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74

WEST VIRGINIA

STATEWIDE
Decision #AQ-2086 (H,Hw)
39 FR 11838 - 3/29/74
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AQ-2087 (B)
39 FR 11843 - 3/29/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AQ-2088 (B)
39 FR 11845 - 3/29/74
(H,Hw) - See Statewide
Decision #AQ-2089 (R)
39 FR 11847 - 3/29/74
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONONGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide

V 39 111 JUN 7 74 XUM

WEST VIRGINIA (Cont'd.)

PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
Decision #AQ-2051 (B)
39 FR 10072 - 3/15/74
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

ADAMS COUNTY
Decision #AP-72 (Hw)
37 FR 26273 - 12/8/72
Mod. #1-38 FR 2019 - 1/9/73
Mod. #2-38 FR 12524 - 5/11/73
ASHLAND COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Decision #AP-70 (Hw)
37 FR 26269 - 12/8/72
Mod. #1-38 FR 2018 - 1/19/73
Mod. #2-38 FR 12523 - 5/11/73
BARRON COUNTY
Decision #AP-71 (Hw)
37 FR 26271 - 12/8/72
Mod. #1-38 FR 2018-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
BROWN COUNTY
Decision #AQ-3106 (B,H,Hw)
39 FR 7064 - 2/22/74
(D) - See Ashland County
BUFFALO COUNTY
(Hw) - See Barron County
BURNETT COUNTY
(Hw) - See Ashland County
CALUMET COUNTY
Decision #AP-74 (Hw)
37 FR 26277 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CHIPPEWA COUNTY
(Hw) - See Barron County
CLARK COUNTY
(Hw) - See Barron County
COLUMBIA COUNTY
Decision #AP-73 (Hw)
37 FR 26275 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CRAWFORD COUNTY
(Hw) - See Columbia County
DANE COUNTY
Decision #AQ-3107 (B,H,Hw,R)
39 FR 7069 - 2/22/74
DODGE COUNTY
(Hw) - See Columbia County
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Calumet County

WISCONSIN (Cont'd)

DOUGLAS COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
DUNN COUNTY
(Hw) - See Barron County
EAU CLAIRE COUNTY
Decision #AQ-3108 (B,H,Hw)
39 FR 7073 - 2/22/74
FLORENCE COUNTY
(Hw) - See Calumet County
FOND DU LAC COUNTY
Decision #AP-75 (Hw)
37 FR 26279 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
FOREST COUNTY
(Hw) - See Ashland County
GRANT COUNTY
(Hw) - See Columbia County
GREEN COUNTY
(Hw) - See Columbia County
GREEN LAKE COUNTY
(Hw) - See Adams County
IOWA COUNTY
(Hw) - See Columbia County
IRON COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
JACKSON COUNTY
(Hw) - See Columbia County
JEFFERSON COUNTY
(Hw) - See Columbia County
JUNEAU COUNTY
Decision #AQ-3109 (B,H,Hw)
39 FR 7077 - 2/22/74
KENOSHA COUNTY
Decision #AQ-3110 (B,H,Hw)
39 FR 7082 - 2/22/74
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
LA CROSSE COUNTY
Decision #AQ-3111 (B,H,Hw,R)
39 FR 7086 - 2/22/74
LA FAYETTE COUNTY
(Hw) - See Columbia County
LANGLADE COUNTY
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Ashland County
MANITOWOC COUNTY
(D) - See Ashland County
(Hw) - See Calumet County

WISCONSIN (Cont'd.)

MARATHON COUNTY
Decision #AQ-3112 (B,H,Hw)
39 FR 7091 - 2/22/74
MARINETTE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARQUETTE COUNTY
(Hw) - See Adams County
MENOMINEE COUNTY
(Hw) - See Adams County
MILWAUKEE COUNTY
Decision #AQ-3113 (B,H,Hw,R)
39 FR 7095 - 2/22/74
(D) - See Ashland County
MONROE COUNTY
(Hw) - See Columbia County
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
ONEIDA COUNTY
(Hw) - See Ashland County
OUTAGAMIE COUNTY
(Hw) - See Calumet County
OZAUKEE COUNTY
(B,H,Hw) - See Milwaukee County
(D) - See Ashland County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
PEPIN COUNTY
(Hw) - See Barron County
PIERCE COUNTY
(Hw) - See Barron County
POLK COUNTY
Decision #AQ-3114 (B,H,Hw)
39 FR 7100 - 2/22/74
PORTAGE COUNTY
(Hw) - See Adams County
PRICE COUNTY
(Hw) - See Ashland County
RACINE COUNTY
Decision #AQ-3115 (B,H,Hw)
39 FR 7104 - 2/22/74
(D) - See Ashland County
RICHLAND COUNTY
(Hw) - See Columbia County
ROCK COUNTY
Decision #AQ-3116 (B,H,Hw)
39 FR 7108 - 2/22/74
RUSK COUNTY
(Hw) - See AShland County
SAINT CROIX COUNTY
(Hw) - See Barron County
SAUK COUNTY
(Hw) - See Columbia County

WISCONSIN (Cont'd)

SAWYER COUNTY
(Hw) - See Ashland County
SHAWANO COUNTY
(Hw) - See Adams County
SHEBOYGAN COUNTY
(D) - See Ashland County
(Hw) - See Fond du Lac County
TAYLOR COUNTY
(Hw) - See Ashland County
TREMPEALEAU COUNTY
(Hw) - See Barron County
VERNON COUNTY
(Hw) - See Columbia County
VILAS COUNTY
(Hw) - See Ashland County
WALWORTH COUNTY
(Hw) - See Fond du Lac County
WASHBURN COUNTY
(Hw) - See Ashland County
WASHINGTON COUNTY
(B,H,Hw) - See Milwaukee County
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MONDAY, JUNE 10, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 112
Pages 20357–20463

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federal register

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

FEDERAL GRADING AND INSPECTION SERVICES

Certain Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), the regulations governing the voluntary inspection and grading of egg products (7 CFR Part 55), the regulations governing the grading of shell eggs and U.S. standards, grades, and weight classes for shell eggs (7 CFR Part 56), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70), as set forth below:

STATEMENT OF CONSIDERATIONS

The amendments increase the hourly rate for voluntary grading and inspection service performed on a nonresident basis from $9.20 to $12, and increase the hourly rate for such service performed on Saturdays, Sundays, or legal holidays from $11.40 to $15 per hour. In addition, the fees for laboratory services for individual laboratory tests are increased in accordance with the new hourly rates based on the time required to perform such services plus 10 percent to cover the costs of reagents, breakage, and equipment depreciation.

The increases in fees are necessary to cover the higher costs of performing voluntary grading and inspection services. The existing hourly rates of $9.20 for regular work, and $11.40 for work performed on Saturdays, Sundays, or legal holidays became effective on July 1, 1970. Since that time the salaries of Government employees have increased about 25 percent. There have also been increases in other costs such as fringe benefits, supplies, travel, etc. In addition, a new cost factor of rent has been added. Effective July 1, 1974, the Department will be charged rent for the space it occupies.

The hourly rate to be charged for any laboratory analyses not covered by an individual test or for other applicable services performed in the laboratory has been increased from $11.40 to $13.20. The cost of rendering laboratory service has increased proportionately with the cost of providing other services on a nonresident basis. Laboratory fees also have not been adjusted since July 1, 1970.

Several other minor changes have been made solely for the sake of clarity.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. In § 54.101, paragraphs (b) and (c) are amended to read:

§ 54.101 On a fee basis.

* * * * *

(b) Fees for grading service will be based on the time required to perform such service for class, quality, quantity (weight test), or condition of ready-to-cook product. The hourly charge shall be $12 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $15 per hour. Information on legal holidays is available from the Supervisor.

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

2. In § 55.510, paragraphs (b) and (c) are amended to read:

§ 55.510 Fees and charges for services other than on a continuous resident basis.

* * * * *

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $12 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $15 per hour. Information on legal holidays is available from the Supervisor.

* * * * *

3. Section 55.550 is amended to read:

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 55.530.

	Fee
Solids	$6.60
Fat	13.20
Bacteriological plate count	6.60
Bacteriological direct count	6.60
Coliforms	9.90
E. Coli (presumptive)	9.90
Yeast and mold count	6.60
Sugar	16.50
Salt	16.50
Color:	
NEPA	9.90
B-Carotene	13.20
Whipping test	6.60
Whipping test plus bleeding	9.90
Fat film test	16.50
Oxygen	9.90
Glucose:	
Quantitative	13.20
Qualitative	9.90
Palatability and odor:	
First sample	6.60
Each additional sample	3.30
Staphylococcus	19.80
Salmonella: [1]	
Step 1	13.20
Step 2	6.60
Step 3	13.20

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; step 2—growth and testing through triple-sugar-iron and lysine iron agars; step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $13.20.

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

4. In § 56.46, paragraphs (b) and (c) are amended to read:

§ 56.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $12, and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $15 per hour. Information on legal holidays is available from the Supervisor.

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PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

5. In § 70.131, paragraphs (b) and (c) are amended to read:

§ 70.131 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether live, dressed, or ready-to-cook poultry is involved. The hourly charge shall be $12.00, and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $15.00 per hour. Information on legal holidays is available from the Supervisor.

* * * * *

Legislation requires that the fees and charges for grading and inspection services under the Agricultural Marketing Act of 1946, as amended, (7 U.S.C. 1621 et seq.) shall be reasonable and shall, as nearly as possible, cover the cost of such service.

The facts upon which the determinations are based as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rulemaking would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 5th day of June, 1974, to become effective July 1, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-13263 Filed 6-7-74;8:45 a.m.]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg 467, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 31–June 6, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 467 (39 FR 19219). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until July 10, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.767 (Valencia Orange Regulation 467 (39 FR 19219)) are hereby amended to read as follows:

"(i) District 1: 494,000 cartons;
"(ii) District 2: 378,000 cartons;
"(iii) District 3: 178,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: June 5, 1974.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13262 Filed 6-7-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Bagging and Bale Tie Specifications

On May 17, 1973, Commodity Credit Corporation published in the FEDERAL REGISTER (38 FR 12927) a notice that the regulations issued by Commodity Credit Corporation, published as the Specifications for Bagging and Bale Ties Used in Wrapping Cotton in 37 FR 3742, as amended, were being reviewed to determine whether, beginning with the 1974 crop of cotton, the regulations should be continued, modified, or rescinded. Most responses recommended continuation of the specifications with appropriate modifications. After consideration of all responses and recommendations of the Cotton Industry Bale Packaging Committee, it has been determined that detailed specifications should be continued for the 1974 crop of cotton and augmented to include other types of bagging, bale ties, and test methods. Accordingly, the Specifications for Bagging and Bale Ties Used in Wrapping Cotton published in 37 FR 3742, as amended, are hereby revised to read as shown below.

The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable.

Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended (15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1444, 1421).

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the bagging and bale tie specifications applicable to wrapping 1974 crop cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing program of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council will be exempt from the provisions of this subpart.

§ 1427.1902 Specifications for bale ties and buckles.

(a) *Conventional hot rolled steel ties and buckles.* The total weight of bale ties and buckles to tie each bale of cotton shall be not less than 8½ pounds. Each bale of cotton must have not less than (1) six ties for flat bales (bales having densities less than 23 pounds per cubic foot), (2) eight ties for standard density bales (bales having densities of at least 23 but less than 28 pounds per cubic foot), or (3) eight ties for universal density bales (bales having densities of 28 pounds or higher per cubic foot) and have not had side pressure applied.

(b) *Cold rolled high tensile steel strapping*—(1) *For use on flat bales and standard and universal density bales compressed at a warehouse.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds, and minimum joint efficiency of 85 percent or 2,040 pounds. There shall be a minimum of six ties per bale for flat bales and a minimum of eight ties per bale for standard density bales, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton, and minimum breaking strength of 3,200 pounds with minimum joint efficiency of 85 percent or 2,720 pounds for gin standard density bales or 4,000 pounds with minimum joint efficiency of 85 percent or 3,400 pounds for gin universal density bales. There shall be a minimum of eight ties per bale, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(c) *Wire ties.* All wire ties must be coated with a rust inhibitor.

(1) *For use on flat bales.* The ties shall be 9-gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The breaking strength, including joint, must not be less than 2,100 pounds. There shall be a minimum of six ties per bale and a minimum weight of 4 pounds per bale.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be 9-gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The breaking strength of the wire must not be less than 3,400 pounds with the joint placed on top of the bale. If the joint is placed on the side of the bale, the breaking strength of the wire must not be less than 3,400 pounds with a joint efficiency of not less than 90 percent or 3,200 pounds with a joint efficiency of not less than 95 percent. There must be a minimum of eight ties per bale and a minimum weight of 4 pounds per bale.

(3) *For use on standard and universal density bales compressed at a warehouse.* The ties shall be 10-gauge or 0.135 inch diameter wire with a plus or minus tolerance of 1 percent. The breaking strength of wire must not be less than 2,850 pounds with the joint placed on top of the bale. If the joint is placed on the side of the bale, the breaking strength of the wire must not be less than 2,850 pounds with a joint efficiency of 90 percent. The elongation of the wire shall not exceed 4 percent in 10 inches. There must be a minimum of eight ties per bale and a minimum weight of 3 pounds per bale. Wire ties meeting the requirements of paragraph 2 of this section may also be used on standard and universal density bales compressed at a warehouse.

(d) If the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless:

(1) If the bale is stored at a warehouse which has compress facilities or arrangements, either (i) the producer has prepaid the charge for furnishing new bale ties (separately or as a part of warehouse receiving charges), or (ii) such charge is included in the warehouse receiving charge and noted on the warehouse receipt (in which case such receiving charges will be deducted from the loan proceeds).

(2) If the bale is stored at any other warehouse and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed, and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales.* Each one-half pattern (panel) of new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used to wrap gin standard density or gin universal density bales must not be less than 96 inches or more than 102 inches in length and must not be less than 40 inches or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging, and must weigh not less than 7½ and not more than 8¾ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain): *Provided,* That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than 8¾ and not more than 11¼ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Salvage jute (burlap) bagging used to wrap flat bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜ inch stitching.

(d) *Salvage jute (burlap) bagging used to wrap gin standard density and gin universal density bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap gin standard density or gin universal density bales must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 7½ and not more than 11¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and

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no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be made with strong thread with not larger than ⅜ inch stitching.

(e) *Cotton bagging used to wrap flat bales.* Cotton bagging may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Each one-half pattern of cotton bagging must not be less than 108 inches or more than 112 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging and must weigh not less than 2½ pounds per pattern at 8.5 percent moisture content (not moisture regain).

(f) *Cotton bagging used to wrap gin standard density or gin universal density bales.* Each one-half pattern of cotton bagging used to wrap gin standard density or gin universal density bales must not be less than 100 inches or more than 104 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (piled or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns, (plied or single) per 12 inches of bagging, and must weigh not less than 2¼ pounds per pattern (two panels) at 8.5 percent moisture content (not moisture regain).

(g) *Polyethylene used to wrap gin standard and gin universal density bales*—(1) *General requirements*—(i) *Density.* Low density virgin polyethylene.

(ii) *Gauge.* The gauge shall be not less than 8 mil.

(iii) *Tensile strength.* For machine (length) direction, not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(iv) *Elongation.* For both machine (length) and transverse (cross) direction, not less than 400 percent.

(v) *Impact resistance.* Not less than 450 grams.

(vi) *Slip characteristics.* Bagging must be low slip (coefficient of friction not less than .50) with no anti-block or slip additive included.

(vii) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a sheet or bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus or minus 3 percent from the nominal yield.

(viii) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag or sheet on head of bale and heat welded to the cover or some other suitable reinforcing material must be bonded to the bag or sheet.

(ix) *Tare weight.* Tare weight shall be not less than 2 pounds per pattern or shrink-pack bag.

(x) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(2) *Additional requirements for polyethylene sheets.* Each sheet used to wrap gin standard density bales shall be not less than 100 inches in length by 46 inches in width. Each sheet used to wrap gin universal density bales shall be not less than 94 inches in length by 42 inches in width when used on 54 inch by 20 inch presses and not less than 90 inches in length by 44 inches in width when used on 50 inch by 20 inch presses. Guide marks shall be imprinted on sheets in order that press may be dressed properly.

(3) *Additional requirements for polyethylene shrink-pack bags.* Only gussetted bags shall be used. Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses. The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

(h) *Polyethylene scrim-laminate sheet panels used to wrap gin universal and gin standard density bales.* (1) *Polyethylene.* A sheet of not less than 2.5 mil low density virgin polyethylene shall be laminated on each side of a polyester scrim (total of not less than 5 mils polyethylene). The polyethylene must be low slip (coefficient of friction not less than .50) with no anti-block or slip additive included.

(2) *Polyester scrim.* The polyester scrim must be made from 1,000 denier polyester yarn with not less than 3 ends per inch in machine (length) direction and not less than 2 ends per inch in transverse (cross) direction.

(3) *Dimensions.* Each sheet used to wrap gin standard bales shall be not less than 100 inches in length by 46 inches in width. Each sheet used to wrap gin universal bales shall be not less than 94 inches in length by 42 inches in width for 54 inch by 20 inch presses, and not less than 90 inches in length by 44 inches in width for 50 inch by 20 inch presses. Guide marks shall be imprinted on sheets in order that press may be dressed properly.

(4) *Weight.* Tare weight shall be not less than 2 pounds per pattern.

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1974 crop of cotton meets the above specifications. Except for polyethylene shrink-pack bags, each sample of bagging selected for testing will consist of one-half pattern.

(a) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length measured. Measure both selvages for jute panels and for polyethylene sheets and shrink-pack bags, and polyethylene scrim-laminate sheets, measure the length of each side. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(b) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements rounded to the nearest inch, will be the width. Jute measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(c) *Warp yarn count.* For new jute and cotton bagging, the number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging.

(d) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute and cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

(e) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. For jute bagging calculate weight on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging calculate

weight on basis of 8.5 percent moisture content (not moisture regain).

(f) *Measurement for polyethylene sheets and polyethylene shrink-pack bags.* The gauge and gauge tolerance shall be tested in accordance with A.S.T.M. D–374. The tensile strength and elongation shall be tested in accordance with A.S.T.M. D–882–67. Impact resistance shall be tested in accordance with A.S.T.M. Method B 1709–67. Slip characteristics shall be tested in accordance with A.S.T.M. D–1894. Calculate ratio of machine direction shrink to transverse direction shrink in accordance with A.S.T.M. D–2732.

(g) *Polyester scrim-laminate.* To determine the number of yarn ends in the machine (length) direction of the sample, count the number of yarns in the width of the sample and divide by the width in inches. Round the result to the nearest whole number. To determine the number of yarn ends per inch in the transverse (cross) direction, count the number of yarns over a measured length of 36 inches on the sample and divide by 36. Round to the nearest whole number.

(h) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles nceessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint efficiency tests will be made only when determined to be necessary.

Effective date. This subpart is effective for all loans made on the 1974 crop of cotton.

Signed at Washington, D.C., on June 4, 1974.

Kenneth E. Frick,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74–13266 Filed 6–7–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Designation of Attorneys

Part 1807 of Title 7, Code of Federal Regulations (31 FR 14123), is amended by revising § 1807.1(e) to remove the requirement that the State Director must obtain the advice and concurrence of the Office of the General Counsel regarding professional qualifications before designating an attorney.

This revision is being published without notice of proposed rulemaking. It is an amendment of a rule of agency procedure of an internal nature, and therefore it is unnecessary to comply with public participation requirements prescribed by 5 U.S.C. 553.

As amended, § 1807.1(e) is revised to read as follows:

§ 1807.1 General.

* * * * *

(e) *Designation of Attorneys.* The State Director will designate attorneys in each county or area in which it is possible to have them furnish all of the legal services required of such attorneys by this Part. The State Director at his discretion may consult with the Office of the General Counsel, as to the professional qualifications of a proposed designated attorney. Only in a rare case will there be less than two attorneys designated in a county.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850)

Effective Date: This amendment is effective on June 10, 1974.

Dated: May 31, 1974.

Arthur C. Harman, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74–13174 Filed 6–7–74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Authority To Issue and Cancel Orders To Show Cause; Authority To Issue Warrants of Arrest

Reference is made to the Notice of Proposed Rule Making which was published in the Federal Register on May 2, 1974 (39 FR 15283) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to 8 CFR 242.1, 242.2, and 242.7, pertaining to the authority of Service officers to issue warrants of arrest and to issue and cancel orders to show cause.

No representations were received concerning the proposed rules of May 2, 1974. No change has been made in the proposed rules. The proposed rules, as set forth below, are hereby adopted:

1. In § 242.1(a), the existing third sentence is amended. As amended, § 242.1(a) reads as follows:

§ 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the issuance and service of an order to show cause by the Service. In the proceeding the alien shall be known as the respondent. Orders to show cause may be issued by district directors, acting district directors, deputy district directors, assistant district directors for investigations, and officers in charge at Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Harlingen, Tex.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; San Diego, Calif.; Salt Lake City, Utah; St. Louis, Mo.; Spokane, Wash.

2. Section 242.2 is amended in the following respects: in paragraph (a), the existing second, third, seventh, eighth, and ninth sentences are amended; in paragraph (b), the ninth and tenth sentences are amended; in paragraph (c), the first sentence is amended; and paragraph (d) is amended. As amended, §§ 242.2 (a), (b), (c), and (d) read as follows:

§ 242.2 Apprehension, custody, and detention.

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest. However, such warrant may be issued by no one other than a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), and then only whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation. When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which the may be released. A respondent on whom a warrant of arrest has been served may apply to the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), for release or for amelioration of the conditions under which he may be released. The district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), when serving the warrant of arrest and when determining any application pertaining thereto, shall furnish the respondent with a notice of decision, which may be on Form I–286, indicating whether custody will be continued or

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terminated, specifying the conditions, if any, under which release is permitted, and advising the respondent appropriately whether he may apply to a special inquiry officer pursuant to paragraph (b) of this section for release or modification of the conditions of release or whether he may appeal to the Board. A direct appeal to the Board from a determination by a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), shall not be allowed except as authorized by paragraph (b) of this section.

(b) *Authority of special inquiry officers; appeals.* After an initial determination pursuant to paragraph (a) of this section, and at any time before a deportation order becomes administratively final, upon application by the respondent for release from custody or for amelioration of the conditions under which he may be released, a special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. Application for the exercise of such authority may be made to any available special inquiry officer who is stationed at the Service office which has administrative jurisdiction over the proceeding under the order to show cause or who conducts hearings there. If no such special inquiry officer is available, application may be made to any available special inquiry officer stationed in the region wherein said Service office is located. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I–342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. After a deportation order becomes administratively final, the respondent may appeal directly to the Board from a determination by the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), except that no appeal shall be allowed when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is served upon the respondent and the Service. Upon the filing of a notice of appeal, the district director shall immediately transmit to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation.

(c) *Revocation.* When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and cancelled. The provisions of paragraph (b) of this section shall govern availability to the respondent of recourse to other administrative authority for release from custody.

(d) *Supervision.* Until an alien against whom a final order of deportation has been outstanding for more than six months is deported, he shall be subject to supervision by a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), and required to comply with the provisions of section 242(d) of the Act relating to his availability for deportation.

3. In § 242.7, the first sentence is amended. As amended, § 242.7 reads as follows:

§ 242.7 Cancellation of proceedings.

If an order to show cause has been issued, and district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) may cancel the order to show cause or, prior to the actual commencement of the hearing under a served order to show cause, terminate proceedings thereunder, if in either case he is satisfied that the respondent is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or is not in the United States, or that the proceeding was improvidently begun; or after actual commencement of hearing such officer may move that the case be dismissed for any of the foregoing reasons or that the case be remanded to his jurisdiction on the ground that it has come to his attention that there are involved the foreign relations of the United States which require further consideration. Cancellation of an order to show cause or termination of proceedings or remand of a case pursuant to the foregoing shall be without prejudice to the alien or the Service. If an order to show cause has been cancelled or proceedings have been terminated pursuant to this section, any outstanding warrant of arrest shall also be cancelled. A special inquiry officer may, in his discretion, terminate deportation proceedings to permit respondent to proceed to a final hearing on a pending application or petition for naturalization when the respondent has established prima facie eligibility for naturalization and the case involves exceptionally appealing or humanitarian factors; in every other case, the deportation hearing shall be completed as promptly as possible notwithstanding the pendency of an application for naturalization during any stage of the proceedings. (Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

The basis and purpose of the above-prescribed regulations are to empower assistant district directors for investigations to issue and cancel orders to show cause and to empower assistant district directors for investigations and certain specified officers in charge to issue warrants of arrest.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 242.1, 242.2, and 242.7, which concern solely an internal reallocation of delegated authority, relate to agency management.

Effective date. This order shall become effective on the June 10, 1974.

Dated: June 4, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74–13187 Filed 6–7–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 113—STANDARD REQUIREMENTS

Correction

In FR Doc. 74–10880, appearing at page 16866 in the issue of Friday, May 10, 1974 the following changes should be made:

1. In the second line of § 113.102(c)(4), the word "section" should read "second".

2. In the fourth line of § 113.38(a), the word "does" should read "dose".

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Jar Closure Requirements

Statement of Considerations: On July 23, 1973, there was published in the FEDERAL REGISTER (38 FR 19690), in accordance with the administrative procedure provisions in 5 U.S.C. 553, and pursuant to the authority in the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, a notice of proposed rulemaking to add a new § 317.19 to the meat inspection regulations and a new § 381.14 to the poultry products inspection regulations to prevent the accumulation of filth and insects around the inside of the lid of containers of meat and poultry products. Opportunity for the presentation of views on the proposal was given until October 1, 1973.

Eight comments were received, five from consumers, and one each from a trade association, a State Department of Agriculture, and a Federal agency. Six of the comments were in favor of the regulation, one was against, and one noncommittal. Two of the eight also suggested that the effective date be postponed to allow time for transition to new style closures. One of the eight suggested the regulation be made to apply only to vacuum-packed food products because it is the breaking of the vacuum that causes the contamination to be pushed into the jar.

After consideration of all the comments, the Animal and Plant Health Inspection Service believes that the interests of the consumer will be served best by adopting the amendment with modifications as discussed hereinafter.

Consumer complaints recorded before publication of the proposal referred exclusively to vacuum-packed product. Therefore, the suggestion to adopt a regulation only for containers of vacuum-packed product seems reasonable. Further, it appears unnecessary to specify means to eliminate the annular space between the edge of the lid's rim and the container itself. The purpose of this amendment is to prohibit such spaces or seal such spaces in containers to prevent the accumulation of filth and insects inside of the lids of containers and thereby prevent the products in the containers from becoming adulterated. The proposal has been changed to clarify this purpose. It is noted that the container industry has recently made considerable progress in redesigning and producing closures to conform to the proposed requirements. However, this is a large volume industry and it is unreasonable to require overnight conversion. Therefore, it seems appropriate to accept the suggestions for delaying the effective date. After an evaluation of available data concerning industry problems in implementing this requirement, the Department has provided a period of 18 months for conversion.

Accordingly, the regulations in Parts 317 and 381 of this title are amended as follows:

1. The regulations in Part 317 are amended by adding a new § 317.19 to read as follows and the Table of Contents to Part 317 is amended to reflect the new section heading:

§ 317.19 Jar closures requirements.

Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

2. The regulations in Part 381 are amended by adding a new § 381.143 to read as follows and the Table of Contents to Part 381 is amended to reflect the new section heading:

§ 381.143 Jar closures requirements.

Vacuum packed containers sealed with quick-twist, screw-on, or snap-on lids (or closures) shall not have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself or shall have such space sealed in a manner that will make it inaccessible to filth and insects.

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); Sec. 14, 71 Stat. 441, as amended, (21 U.S.C. 463); 37 FR 28464–28477)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure concerning these amendments are impracticable and unnecessary.

The foregoing amendments shall become effective December 10, 1975.

Done at Washington, D.C., on June 3, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–13085 Filed 6–7–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–GL–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On April 11, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 13170) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–214 in part to extend from Richmond, Ind., via the South Solon, Ohio, INT to the INT of V–5 airway and the 274° radial of Zanesville, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

In V–214 "INT Richmond 090° and Rosewood, Ohio, 202° radials. From INT Appleton, Ohio," is deleted and "INT Richmond 097° and Appleton, Ohio, 236° radials; INT Appleton," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on June 3, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–13155 Filed 6–7–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–165]

PART 159—LIQUIDATION OF DUTIES

Die Presses From Italy

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of die presses from Italy.

In the FEDERAL REGISTER of December 5, 1973 (38 FR 33502), the Commissioner of Customs announced that information had been received in proper form pursuant to section 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which appeared to indicate that certain payments or bestowals made by the Government of Italy on the exportation from Italy of die presses constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

After consideration of all information received, the United States Customs Service is satisfied that exports of die

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presses from Italy are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that die presses imported directly or indirectly from Italy, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants, under the information presently available, has been ascertained and determined or estimated to be 15.74 Lire per kilogram, unless satisfactory evidence is provided with respect to any particular importation that a lesser amount is involved. In view of fluctuations in the amount of the bounties or grants, additional declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of die presses from Italy may be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption of such dutiable die presses imported directly or indirectly from Italy which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable die presses and parts thereof imported directly or indirectly from Italy which benefit from these bounties or grants and are subject to the order shall be suspended pending further declaration of the net amount of the bounties or grants paid. A deposit of the estimated countervailing duty, in the appropriate amount, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such die presses.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f) is amended by inserting after the last entry for Italy the words "die presses" in the column "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759 (19 U.S.C. 66, 1303, 1624))

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: June 5, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13247 Filed 6-7-74;8:45 am]

[T.D. 74-166]

PART 153—ANTIDUMPING

Picker Sticks From Mexico

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that picker sticks from Mexico are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of February 7, 1974 (39 FR 4789).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on May 6, 1974, it notified the Secretary of the Treasury that an industry in the United States is being injured or is likely to be injured by reason of the importation of picker sticks from Mexico that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of May 10, 1974 (39 FR 16939).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to picker sticks from Mexico.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise, Country and T.D.

Picker sticks, Mexico, 74-166.

(Cecs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173))

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13372 Filed 6-7-74;8:57 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytocin Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-822V) filed by Forbes Laboratories, 402 West Lakeside St., Madison, WI 53715, proposing safe and effective use of oxytocin injection, veterinary for treatment of horses, cows, sows, ewes, dogs, and cats. The application is approved.

To facilitate referencing, Forbes Laboratories is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. In Part 135 by adding new code No. 103 to § 135.501(c), as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c)

Code No.	*Firm name and address*
* * *	* * *
103	Forbes Laboratories, 402 West Lakeside St., Madison, WI 53715.

2. In Part 135b by revising § 135b.64(b) to read as follows:

§ 135b.64 Oxytocin injection, veterinary.

* * * * *

(b) *Sponsor.* See code Nos. 075, 080, 095, and 103 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective June 10, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 4, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-13190 Filed 6-7-74;8:45 am]

PART 148i—NEOMYCIN SULFATE

Neomycin Sulfate-Polymyxin B Sulfate Ophthalmic Ointment and Solution

Correction

In FR Doc. 74-10303, appearing at page 15753 in the issue for Monday, May 6, 1974, in the effective date paragraph at the end of the document, the date "May 1974" should be changed to read "May 6, 1974".

[Docket No. FDC-D-628]

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Measles Virus Vaccine, Inactivated

In the FEDERAL REGISTER of April 5, 1973 (38 FR 8666), the Commissioner of Food and Drugs proposed that the standards for Measles Virus Vaccine, Inactivated §§ 630.40 through 630.45 (21 CFR 630.40 through 630.45) be deleted from the regulations principally because product licenses for inactivated measles virus vaccine were revoked, without prejudice, at the request of manufacturers in light of information which indicated that certain untoward and unpredicted reactions occurred in children who had received the product and were subsequently exposed to live measles virus.

Interested persons were given 30 days to file a written appearance electing whether or not to avail themselves of an opportunity for a hearing to show why the biological products regulations should not be so amended. No written appearances were received. Accordingly, the Commissioner concludes that the proposed deletion of the standards for Measles Virus Vaccine, Inactivated should be adopted without change.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 610 and 630 are amended as follows:

§ 610.53 [Amended]

1. In § 610.53 *Dating period for specific products* by deleting the listing for "Measles Virus Vaccine, Inactivated."

§§ 630.40–630.45 [Deleted]

2. In Part 630 by deleting Subpart E—Measles Virus Vaccine, Inactivated, containing §§ 630.40 *Measles Virus Vaccine, Inactivated,* 630.41 *General requirements,* 630.42 *Manufacture of Measles Virus Vaccine, Inactivated,* 630.43 *Test for safety,* 630.44 *Potency test,* and 630.45 *Equivalent methods,* and reserving it for future use.

Effective date. This order shall be effective June 10, 1974.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: June 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13189 Filed 6-7-74;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Cabinet X-Ray Systems

Correction

In FR Doc. 74-8290, appearing at page 12985 in the issue for Wednesday, April 10, 1974, in the paragraph following preambular paragraph "10", in the fourth line, the reference to "§ 1020(b)(3)" should be changed to read "§ 1020.40(b)(3)".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 633—REQUIRED CONTRACT PROVISIONS

Federal-Aid Construction Contracts (Other Than Appalachian Contracts)

A Federal-aid to highways directive of long standing (PPM 40-4) has set forth the provisions which must be included in Federal-aid construction contracts for projects in order that such projects would be eligible for Federal aid pursuant to Title 23, United States Code. The directive has been revised for addition to the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose an obligation on States which must be complied with to obtain Federal assistance, those portions are hereby published.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

Issued on June 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 633 is added to read as follows:

Subpart A—Federal-Aid Construction Contracts (Other Than Appalachian Contracts)

Sec.
633.101 Purpose.
633.102 Applicability.
633.103 Payrolls, weekly statements, and labor summaries.
633.104 Subletting or assigning the contract.
633.105 Notice to prospective Federal-aid construction contractors.
633.106 Termination of contract.
633.107 Implementation of the Clean Air Act.
Appendix A—Required Contract Provisions, Federal-Aid Construction Contracts.
Appendix B—Notices to Prospective Federal-Aid Construction Contractors.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b)(35).

§ 633.101 Purpose.

The purpose of the regulations in this subpart is to prescribe, for Federal-aid construction contracts, required contract provisions covering employment, record of materials and supplies, subletting or assigning the contract, safety, false statements concerning highway projects, termination of contract, and the Clean Air Act, and to prescribe Federal-aid proposal notices relative to nonsegregated facilities and implementation of the Clean Air Act.

§ 633.102 Applicability.

Form PR-1273 "Required Contract Provisions, Federal-Aid Construction Contracts" (Appendix A) shall be made a part of, and incorporated in, each highway construction contract that involves the expenditure of Federal funds (other than direct Federal, Certification Acceptance, and Appalachian construction contracts).

§ 633.103 Payrolls, Weekly Statements, and Labor Summaries.

For all projects, copies of payrolls and weekly statements with respect to the wages paid during the preceding weekly payroll period, filed with the State as set forth in the Required Contract Provisions for the project, are to be retained by the State highway department for the period set forth in Appendix A to 23 CFR Part 17 with respect to the particular project, for review as needed by the Federal Highway Administration, the Department of Labor, the General Accounting Office, or other agencies at any time during such period.

§ 633.104 Subletting or Assigning the Contract.

The subcontracting limitations set forth in 23 CFR 1.21(a) are included in Appendix A. Exceptions to such limitations to permit a greater precentage of work to be subcontracted may be authorized as provided in 23 CFR 1.21(b). The State may require a contractor to perform with his own organization a percentage of work greater than 50 percent if it so desires.

§ 633.105 Notices to Prospective Federal-Aid Construction Contractors (Appendix B).

The State highway department shall include the notices concerning "Certification of Nonsegregated Facilities" and "Implementation of Clean Air Act", set forth in Appendix B, in all future bidding proposals for Federal-aid highway construction projects.

§ 633.106 Termination of Contract.

All contracts exceeding $2,500 shall contain suitable provisions for termination by the State, including the manner by which the termination will be effected and the basis for settlement. In addition,

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such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

§ 633.107 Implementation of the Clean Air Act.

Pursuant to regulations of the United States Environmental Protection Agency (40 CFR Part 15) implementing requirements with respect to the Clean Air Act are included in Appendix A.

Effective date: This subpart shall become effective on June 6, 1974.

APPENDIX A

REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS

(Exclusive of certification acceptance and Appalachian contracts)

I. Application.
II. Equal opportunity.
III. Nonsegregated facilities.
IV. Payment of predetermined minimum wages.
V. Statements and payrolls.
VI. Record of materials, supplies and labor.
VII. Subletting or assigning the contract.
VIII. Safety; accident prevention.
IX. False statements concerning highway projects.
X. Implemention of Clean Air Act.

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5.6(b): Section I, paragraph 2; Section IV, paragraphs 1, 2, 3, 5 and 7; Section V, paragraphs 1, 5a, 5b, and 5d.

II. EQUAL OPPORTUNITY

1. *Selection of labor.* During the performance of this contract, the contractor shall not discriminate against labor from any other State, possession or territory of the United States.

2. *Employment practices.* During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selections for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractors commitments under this section II–2 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be de- access to his books, records and accounts by tracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section II–2 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

3. *Selection of subcontractors, procurement of materials, and leasing of equipment.* During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

a. Compliance With Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurments of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

c. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or

(2) cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions: The contractor shall include the provision of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State highway department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

III. NONSEGREGATED FACILITIES

(Applicable to Federal-aid construction contracts and related subcontracts exceeding

$10,000 which are not exempt from the Equal Opportunity clause.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGES

1. *General.* All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR, Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. *Classification.* a. The State highway department contracting officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. *Payment of fringe benefits.* a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. *Payment of excess wages.* While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. *Apprentices and trainees (programs of department of labor).* a. Apprentices, under programs approved by the U.S. Department of Labor, will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subparagraph b. of this paragraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway department contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

b. Trainees: Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training.

6. *Apprentices and trainees (programs of Department of Transportation).* Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of Section IV, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

8. *Violation: liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in paragraph 7, the contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of the clause set forth in paragraph 7, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. *Withholding for unpaid wages.* The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers, mechanics, (including apprentices and trainees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the

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work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

10. *Withholding for liquidated damage.* The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in the clause set forth in paragraph 8.

V. STATEMENTS AND PAYROLLS

1. *Compliance with Copeland Regulations (29 CFR, Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. *Weekly statement.* Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, (including apprentices and trainees described in Section IV, paragraphs 5 and 6, and watchmen and guards) engaged on work covered by the Copeland Regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontractors must use the certification set forth on U.S. Department of Labor Form WH-348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH-347, or on any form with identical wording.

3. *Final labor summary.* The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating, for the completed project, the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR-47 together with the data required in Section VI, hereof, relative to materials and supplies. The provisions of this paragraph are not applicable to contracts for secondary highways or contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

4. *Final certificate.* Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

* * * * *

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classifications set forth in the contract or training program provisions applicable to the wage rate paid.

Signature and title ------------------------

* * * * *

5. *Payrolls and payroll records.* a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section ;1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

c. The payrolls shall contain the following information:

(1) The employee's full name, address and social security number. The employee's full and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

(2) The employee's classification.

(3) Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

(4) The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

(5) The itemized deductions made and

(6) The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classification set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by Section V, paragraph 2, and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to Section IV, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

j. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VI. RECORD OF MATERIALS, SUPPLIES AND LABOR

1. The provisions in this section are applicable to all contracts except contracts for secondary highways and contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

2. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR-47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in Section V, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR-47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

3. The contractor shall become familiar with the list of specific materials and supplies contained in Form PR-47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR-47 with attendance explanations.

4. Where subcontractors are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owned or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirement set forth in paragraph 2 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 2 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any Items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State highway department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign, or otherwise dispose of any portion of the contract shall be in writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

VIII. SAFETY; ACCIDENT PREVENTION

In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, Section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than $10,000 or imprisoned not more than five years, or both."

X. IMPLEMENTATION OF CLEAN AIR ACT

1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), Executive Order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities Pursuant to 40 CFR, 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act, as amended, relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph X in every nonexempt subcontract, and further agrees to take such action as the Government may direct as a means of enforcing such requirements.

APPENDIX B

FEDERAL-AID PROPOSAL NOTICES

NOTICES TO PROSPECTIVE FEDERAL-AID CONSTRUCTION CONTRACTORS

I. Certification of Nonsegregated Facilities

(a) A Certification of Nonsegregated Facilities, as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities (is included in the proposal and must be submitted prior to the award of a Federal-aid highway construction contract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause).

(b) Bidders are cautioned as follows: By signing this bid, the bidder will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this proposal. This certification provides that the bidder does not maintain or provide for his employees facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the bidder will not maintain such segregated facilities.

(c) Bidders receiving Federal-aid highway construction contract awards exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

"NOTICE TO PROSPECTIVE SUBCONTRACTORS AND MATERIAL SUPPLIERS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES"

"(a) A Certification of Nonsegregated Facilities as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, which is included in the proposal, or attached hereto, must be submitted by each subcontractor and material supplier prior to the award of the subcontract or consummation of a material supply agreement if such subcontract or agreement exceeds $10,000 and is not exempt from the provisions of the Equal Opportunity clause.

"(b) Subcontractors and material suppliers are cautioned as follows: By signing the subcontract or entering into a material supply agreement, the subcontractor or material supplier will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in the subcontract or material supply agreement. This certification provides that the subcontractor or material supplier does not maintain or provide for his employees facilities which are segregated on the basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the subcontractor or material supplier will not maintain such segregated facilities.

"(c) Subcontractors or material suppliers receiving subcontract awards or material supply agreements exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice

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to prospective subcontractors for construction contracts and material suppliers were the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause."

II. Implementation of Clean Air Act

(a) By signing this bid, the bidder will be deemed to have stipulated as follows:

(1) That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), Executive order 11738, and regulations in implementation thereof (40 CFR Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

(2) That the State highway department shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

[FR Doc.74-13177 Filed 6-7-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-124R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Basin Point, Potts Harbor, Maine

Correction

In FR Doc. 74-7283, appearing at page 11543 of the issue of March 29, 1974, the last digit of the longitude reading in the eighth line of § 110.5(c-1) on page 11544 should read "9".

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Admission of Certain Veterans to Private and Public Hospitals

On page 10918 of the FEDERAL REGISTER of March 22, 1974, there was published a notice of proposed regulatory development to add paragraph (j) to § 17.50b to provide that care in private and public hospitals may be authorized for any disability of a veteran who has a total disability permanent in nature resulting from a service-connected disability. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One letter was received. The correspondent wanted to expand the authority in the proposed regulation and extend authority for care in private and public hospitals to all veterans rated at 80 percent, or more, service connected. The correspondent was advised that section 612(f)(2) of title 38, United States Code provides for the furnishing of outpatient care, not hospitalization of any medical condition of a veteran who is rated 80 percent, or more, service connected.

This proposed regulation is hereby adopted without change as set forth below.

Effective date. This VA Regulation is effective June 4, 1974.

Approved: June 4, 1974.

By direction of the Administrator:

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

In § 17.50b, the period at the end of paragraph (i) is changed to ", or" and a new paragraph (j) is added to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

* * * * *

(j) *For any disability of a veteran totally and permanently disabled from a service-connected disability.* The veteran has a total disability permanent in nature resulting from a service-connected disability and has been medically determined to require hospital care or medical services for a non-service-connected condition.

[FR Doc.74-13248 Filed 6-7-74;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

PART 3002—ORGANIZATION

Change in Office Hours of the Docket Section

JUNE 4, 1974.

The Postal Rate Commission has decided to change the closing time of its Docket Section from 5:15 p.m. to 5 p.m. Accordingly, effective immediately, § 3002.2(e) of the Code of Federal Regulations is changed to read as follows:

§ 3002.2(e) Hours.

The offices of the Commission will be open from 8 a.m. to 4:30 p.m. with the Docket Section open from 8 a.m. to 5 p.m. of each day except Saturdays, Sundays, and holidays, unless otherwise directed by Executive Order or officially declared, with appropriate notice.

By the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-13153 Filed 6-7-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURE COMMODITIES

Benomyl

Correction

In FR Doc. 74-10810, appearing at page 16888 in the issue of Friday, May 10, 1974, the first paragraph numbered "3" should be numbered "2". In addition, the text of this paragraph should read as set forth below.

"2. Established tolerances for residues in meat and milk are adequate to cover residues resulting from the proposed and established uses and § 180.6(a)(1) applies for milk and § 180.6(a)(2) applies for meat. Residues from the proposed use are not expected in eggs and poultry."

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Correction

In FR Doc. 74-5591 appearing at page 9612 in the issue for Tuesday, March 12, 1974, the chart at the end of § 415.152 should be transferred to the end of § 415.153 and the chart now appearing at the end of § 415.153 should be moved to the end of § 415.152.

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5422; Arizona 7977]

ARIZONA

Establishment of Village Site for the Yavapai-Apache Indians

By virtue of the authority contained in the Act of October 6, 1972 (PL 92-470, 86 Stat. 783), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The land described below is hereby held in trust by the United States as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 10 E.,
Sec. 9, a parcel of land in the SE¼, now surveyed on the ground and described as Tract 37, in accordance with the supplemental plat to be approved, containing 85 acres.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 31, 1974.

[FR Doc.74-13182 Filed 6-7-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-544]

PART 0—COMMISSION ORGANIZATION

Monitoring Facilities at Santa Ana, Calif.

In the matter of amendment of § 0.121(c) of the Commission's rules to delete listings of monitoring stations at Santa Ana, California, and Spokane, Washington.

1. As of July 1, 1974, the Commission will close its monitoring facilities located at Santa Ana, California, and Spokane, Washington. *Accordingly, it is ordered,* That, § 0.121(c) of the rules is amended by deleting therefrom the references to Federal Communications Commission monitoring station locations at Post Office Box 5126, Santa Ana, California, 92704 and Post Office Box 191, Spokane, Washington, 99210, effective July 1, 1974.

2. As these amendments relate to internal Agency organization, prior notice, procedural and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: May 29, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13200 Filed 6-7-74;8:45 am]

PART 73—RADIO BROADCAST SERVICES

Editorial Changes

In the matter of amendment of § 73.698, Table I of the Commission's rules and regulations to effect editorial changes therein.

1. Table I as contained in § 73.698 of the Commission's rules contains intermittent errors in the conversation of seconds to decimal parts of a degree. This Order is issued to correct those errors.

2. Authority for the amendment contained herein is set out in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553 do not apply.

3. *It is ordered,* effective June 14, 1974, that § 73.698 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

Adopted: May 30, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 73.698, Table I, is amended to read as follows:

§ 73.698 Tables.

TABLE I.—MINUTES TO DECIMAL PARTS OF A DEGREE

Minutes	*Degrees*	*Minutes*	*Degrees*
1	0.01667	31	0.51667
2	.03333	32	.53333
3	.05	33	.55
4	.06667	34	.56667
5	.08333	35	.58333
6	.10	36	.60
7	.11667	37	.61667
8	.13333	38	.63333
9	.15	39	.65
10	.16667	40	.66667
11	.18333	41	.68333
12	.20	42	.70
13	.21667	43	.71667
14	.23333	44	.73333
15	.25	45	.75
16	.26667	46	.76667
17	.28333	47	.78333
18	.30	48	.80
19	.31667	49	.81667
20	.33333	50	.83333
21	.35	51	.85
22	.36667	52	.86667
23	.38333	53	.88333
24	.40	54	.90
25	.41667	55	.91667
26	.43333	56	.93333
27	.45	57	.95
28	.46667	58	.96667
29	.48333	59	.98333
30	.50	60	1.00

SECONDS TO DECIMAL PARTS OF A DEGREE

Seconds	*Degrees*	*Seconds*	*Degrees*
1	0.00028	31	0.00861
2	.00056	32	.00889
3	.00083	33	.00917
4	.00111	34	.00944
5	.00139	35	.00972
6	.00167	36	.01
7	.00194	37	.01028
8	.00222	38	.01056
9	.0025	39	.01083
10	.00278	40	.01111
11	.00306	41	.01139
12	.00333	42	.01167
13	.00361	43	.01194
14	.00389	44	.01222
15	.00417	45	.0125
16	.00444	46	.01278
17	.00472	47	.01306
18	.005	48	.01333
19	.00528	49	.01361
20	.00556	50	.01389
21	.00583	51	.01417
22	.00611	52	.01444
23	.00639	53	.01472
24	.00667	54	.015
25	.00694	55	.01528
26	.00722	56	.01556
27	.0075	57	.01583
28	.00778	58	.01611
29	.00806	59	.01639
30	.00833	60	.01667

* * * * *

[FR Doc.74-13199 Filed 6-7-74;8:45 am]

[Docket No. 19561; RM-1844, RM-1855, RM-1982; FCC 74-560]

PART 73—RADIO BROADCAST SERVICES

Table of Assigaments, FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Enterprise and Greenville, Alabama; Bonifay, Chipley and Pensacola, Florida).

1. The Commission here considers a petition for reconsideration filed by Sunny Hills of Chipley, Incorporated) Sunny Hills), as concerns our action declining to assign Channel 249A to Chipley, Florida, in a Report and Order, adopted in this docket on January 23, 1974 (FCC 74-71, 44 F.C.C. 2d 1056, 1058-9 (1974)).

2. Briefly, the proceeding stems from petitions to assign channels to Enterprise, Alabama, and Pensacola, Florida. Inasmuch as the Enterprise proposal would have precluded channel assignments at Greenville, Alabama, and Chipley, Florida, the notice of proposed rule making contained a counterproposal to assign a channel to each of the communities of Greenville and Chipley and none to Enterprise. Because this counterproposal conflicted with one of several proposals for assignment of FM channels to Pensacola, the Pensacola proposals were also included in this docket.

3. In studying the record after the comments responsive to the Notice were filed, the Commission determined that by using some different channels from those originally proposed, assignments could be made to all four communities—Enterprise, Greenville, Chipley, and Pensacola. However this solution to the problem required that the channel selected for the Chipley assignment (Ch. 249A) be used with a transmitter located 7.5 miles southwest of the city. A Request for Supplemental Information, adopted June 21, 1973 (FCC 73-671), invited comments on whether such a site was available. In response, Sunny Hills replied that transmitter sites would be limited, and did not appear interested in using the channel if such an assignment were made. Therefore, in view of our policy of not making FM channel assignments to cities of less than 10,000 in the absence of a demand, we refrained from making an assignment to Chipley (pop. 3,347, 1970 U.S. Census) of Channel 249A at that time, although assignments were made to Enterprise, Greenville, and Pensacola.

4. Sunny Hills filed a timely petition for reconsideration which states that while it would have preferred the assignment of Channel 296A to Chipley (as was

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proposed in the Notice) it is not adverse to assignment of Channel 249A, which it will apply for and place in operation if its application is granted. In the circumstances, we find that the public interest, convenience, and necessity would be served by presently assigning Channel 249A to Chipley, Florida. We stress, however, that because of requisite mileage spacing to existing Stations WJAD, Channel 247, Bainbridge, Georgia, and WBNX, Channel 251, Andalusia, Alabama, it is necessary for the transmitter for Channel 249A at Chipley to be located at least 7.5 miles southwest of that city, and any applicant for the channel is hereby placed on notice of this requirement.

5. Accordingly, the petition for reconsideration filed by Sunny Hills of Chipley, Incorporated, is granted.

6. *It is ordered*, That effective July 12, 1974, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended to read as follows with respect to Chipley, Florida:

City	*Channel No.*
Chipley, Fla	[1] 294A

[1] A site for this channel must be located at least 7.5 miles southwest of the reference point.

7. Authority for the action taken herein is contained in sections 4(1), 303 (g) and (r), 307(b), and 405 of the Communications Act of 1934, as amended.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 405, 48 Stat., as amended, 1066, 1082, 1083, 1095; 47 U.S.C. 154, 303, 307, 405)

Adopted: May 29, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13202 Filed 6-7-74;8:45 am]

[Docket No. 19708; RM-1832, RM-2025, RM-2092, FCC 74-559]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Park Rapids, Minn.; Albany, Minn.; Sauk Rapids-St. Cloud, Minn.; Jamestown, North Dakota.)

1. The Commission has before it the notice of proposed rule making in this proceeding (FCC 73-300, 38 FR 7574), adopted March 13, 1973, and responsive filings by WJON Broadcasting Company ("WJON"), Stearns County Broadcasting Company ("Stearns"), De La Hunt Broadcasting Corp. ("De La Hunt"), Tri-County Broadcasting Company ("Tri-County"), and Triple R. Inc. ("Triple R").

2. At issue in this proceeding is the making (or changing) of various FM assignments in Minnesota and the requiring of a change in frequency by a Jamestown, North Dakota, station. A number of communities are involved and we are presented (by the urgings of the parties or by our own study of the situation) with a number of possible courses of action. To simplify matters, we intend to discuss separately the situations affecting each of the communities instead of discussing the various plans which could be followed. Since the choices are so varied, a plan-by-plan description would be extremely difficult to follow. A review of the respective situations, on the other hand, is readily understandable. Moreover, this organizational approach will help clarify the reasons which have led us to conclude matters as we do as well as to comprehend the relative positions of the contenders. As will become clear, the decision we have reached responds partially if not always fully to the urgings of each of the parties.

3. This proceeding began with the filing of a request by De La Hunt urging us to change the channel assigned to Park Rapids, Minnesota, on which it was operating. De La Hunt argued that such a change was necessary in order to rectify a second harmonic interference problem involving Channel 12 television reception. Thereafter, Stearns urged the making of a first assignment at Albany, Minnesota, and Tri-County made such a request for Sauk Rapids-St. Cloud, Minnesota. Finally, WJON's comments asked that a Class C channel be substituted for the Class A channel on which it operates at St. Cloud, Minnesota, in competition with a Class C station there. Triple R, as licensee of the Jamestown, North Dakota, station would be affected only if the Park Rapids assignment were changed to Channel 227 and the station there did not also change its site. If Channel 248 were used at Park Rapids instead, or if De La Hunt changed its Park Rapids site, the Jamestown station would be unaffected. We now turn to an examination of the individual cases before us.

4. Albany, a community of 1,599 persons, is served by a daytime-only AM station. Stearns, licensee of this AM station urged a first FM assignment, recommending Channel 249A for the purpose. Channel 288A could be used instead, but it would require use of a site seven miles south of Albany. With its site located there, a station nevertheless could provide the requisite coverage to Albany. Stearns objected, arguing that a second tower would be needed and pointing out that the costs would be greater than if an FM station could be co-located with its AM station. It indicated that it sought reimbursement for some of these costs if Channel 288A were to be assigned instead of Channel 249A. Since a first assignment appears warranted, the question to be decided is which channel to assign.

5. De La Hunt operates an FM station at Park Rapids (population 2,772) on Channel 279. According to De La Hunt, the station has become involved in significant interference problems affecting reception of Station KNMT-TV, Walker, Minnesota, operating on VHF Channel 12. The cause of the difficulty is said to be second harmonic interference which in some cases has been correctable by the installation of traps and in some instances is said to have been proved to be beyond correction. While the various parties express differing views about the magnitude of the problem, we are persuaded that a problem does exist. The question, then, is whether it merits treatment by way of channel reassignment.

6. On the question of substituting FM channels to correct a television interference problem, the Commission has established guidelines on how such requests are to be resolved and has specified the nature of the showing required—*Public Notice*, 6 R.R. 2d 672, 31 FR 2567. The Commission needs to know the nature and extent of the problem, the efforts made to correct it, and the allocations consequences of responding to the request. As the Public Notice indicates is necessary, the proposed change in channel at Park Rapids would not deprive any community of any currently assigned channel, would not substitute a Class A channel for an existing Class B or C assignment and would not simply visit the problem on another future licensee in another community.[1] With these facts in mind, it is clear to us that though the problem may not be of the most serious sort, it nonetheless warrants consideration, for undeniably it is real. In this connection, we are not unmindful of the financial limitations faced by a station licensed to such a small community. Extensive corrective efforts by De La Hunt could well introduce costs of such magnitude as to preclude effective continued operation. To us, the balance in Park Rapids' favor is tipped by these facts, especially since all our assignment tests have been met.

7. Two channels could be utilized in Park Rapids instead of Channel 279. Instead of Channel 248 requested by De La Hunt, Channel 227 could be used. In one sense the situation resembles the one which would face Albany in terms of the need for a separate site. Here too a change in site would be required if Channel 227 were assigned to Park Rapids or if De La Hunt continued with its present site it would have to reimburse the licensee of the Jamestown station for a change in its frequency. Either, De La Hunt asserts, would be beyond its resources.

8. WJON operates on a Class A channel at St. Cloud, a city of 39,691 persons. The other local FM station is a Class C operation. WJON urges us to de-intermix the channels at St. Cloud by substituting Channel 251 for its present Channel 269A. According to WJON, significant first or second FM service would result from the commencement of a Class C operation as it proposes.

9. Tri-County seeks Channel 251 for Sauk Rapids, a community of 5,051, to bring its first FM local service. Since Sauk Rapids is contiguous to St. Cloud, it is Tri-County's approach to have the channel assigned on a hyphenated basis. This assignment it sees as an important one to serve underserved outlying areas. In effect, its argument is not unlike that of WJON.

10. While the merits of the various proposals are not on equal footing, each has much to recommend it. Recognition of this fact led us to explore the matter by conducting our own study to determine if there were a way to respond in full to the urgings of all the parties, or if not, to at least respond substantially. Happily, there is such an approach which gives each party much or all of what it requested.[2] Under this approach Albany obtains a channel as does Sauk Rapids, St. Cloud's intermixture is ended, and Park Rapids' interference problems are rectified. Finally, no other channel changes will be required, so the Jamestown station need not change its channel.

11. In order to accommodate all of the proposals, it has not been possible to respond fully to the preferences of all of the parties. Thus, while we understand Stearns' preference for the assignment of Channel 249A at Albany, because of the convenience of co-location, doing so would force a denial of other requests. Therefore, we shall assign Channel 288A. The reimbursement Stearns asks if this occurs is not appropriate. It is not an operating station suffering a cost and obtaining no benefit. The premise on which operating stations, forced to a new channel, are reimbursed, is inapplicable here, for unlike such cases, Stearns can decide on whether to go ahead or not. Even if it does not proceed, no existing service would be lost. Stearns will have to decide on whether it wishes to proceed on this basis. If it does not, another party may wish to, and the site question has no pertinency to such a party. While Stearns may see our decision as harsh, the facts dictate such an outcome. It is not always possible to provide an FM channel where it is desired, especially to so small a community. We can do so here but that action has to be balanced with other needs and the result is assignment of Channel 288A.

12. Park Rapids is larger, its service already in existence and relied upon by the public. To us, especially considering the station's wide area coverage, we think it preferable to assign Channel 248 and not impose the costs of a site change or of reimbursement to Jamestown. To impose these costs is to offer relief that is only a fiction. Moreover, the risk of interruption of a service on which residents of a large area rely cannot be ignored. Accordingly, the station's license will be modified to specify Channel 248.

13. We consider the communities of St. Cloud and Sauk Rapids together because of their proximity. While we could assign Channel 251 to either of them or to them both on a hyphenated basis, such an approach does not respond to the needs of both communities. St. Cloud is a city of almost 40,000 that warrants two FM assignments. Although it has them, one is a Class A, so that a competitive imbalance is unavoidable. In such a situation, an effect on the public is to be expected. If, for de-intermixture purposes and to extend a needed signal to unserved or underserved areas we substituted Channel 251 for WJON's Channel 269A, what then of Sauk Rapids needs? Sauk Rapids, though being much smaller, is somewhat in the shadow of St. Cloud. Its size does not commend it as the preferable location for a Class C assignment, if a choice has to be made. Does this mean that Sauk Rapids is to be ignored? Fortunately not. Channel 269A now used at St. Cloud could be used at Sauk Rapids. The need at Sauk Rapids is not so much in terms of reception service—wide coverage channels are more appropriately assigned at St. Cloud—as in terms of transmission service. A Class A channel could respond to the transmission needs of Sauk Rapids and environs without interfering with other needed assignments. Treated separately, it is large enough to warrant a Class A channel. If Sauk Rapids and St. Cloud were considered together, the total population would not ordinarily mean more than two assignments. To us this is not an equitable result, for we believe that Sauk Rapids requires separate consideration. Therefore, we will modify WJON's license to specify Channel 251 and assign its present channel, 269A, to Sauk Rapids.

14. *Accordingly, it is ordered*, Pursuant to the authority contained in sections 4(i), 303(g) and (r), 307(b) and 316 of the Communications Act of 1934, as amended, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended, effective July 12, 1974, as concerns the cities listed below, as follows:

City	*Channel No.*
Albany, Minn	288A
Park Rapids, Minn	248
St. Cloud, Minn	251, 284
Sauk Rapids, Minn	269A

15. *It is further ordered*, That effective July 12, 1974, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license held by WJON Broadcasting Company, for Station WJON-FM, St. Cloud, Minnesota, is modified to specify operation on Channel 251 in lieu of Channel 269A subject to the following conditions:

(a) The licensee shall inform the Commission in writing not later than the effective date herein of its acceptance of this modification.

(b) The licensee shall submit to the Commission by August 12, 1974, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WJON-FM on Channel 251 at St. Cloud, Minnesota.

(c) The Commission will notify the licensee when a construction permit has been granted for the use of Channel 269A at Sauk Rapids, Minnesota. The licensee may continue to operate on Channel 269A under the outstanding authorization until the Sauk Rapids permittee is ready to operate on Channel 269A or it may effect the change to Channel 251 at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 251, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 251 until the Commission specifically authorizes it to do so.

16. *It is further ordered*, That effective July 12, 1974, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license held by De La Hunt Broadcasting Corp. for Station KPRM-FM, Park Rapids, Minnesota, is modified to specify operation on Channel 248 in lieu of Channel 279 subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than the effective date herein of its acceptance of this modification.

(b) The licensee shall submit to the Commission by August 12, 1974, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KPRM-FM on Channel 248 at Park Rapids.

(c) The licensee may continue to operate on Channel 279 under the outstanding authorization until April 1, 1975, or it may effect the change to Channel 248 at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 248, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 248 until the Commission specifically authorizes it to do so.

17. *It is further ordered*, That the Secretary of the Commission shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to WJON Broadcasting Company, licensee of Station WJON-FM, St. Cloud, Minnesota, and to De La Hunt Broadcasting Corp., licensee of Station KPRM-FM, Park Rapids, Minnesota.

18. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 29, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13203 Filed 6-7-74;8:45 am]

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[1] If Channel 279 is removed from Park Rapids it would become available for use in a number of communities where Channel 12 is not received and thus where a similar problem would not be expected to occur.

[2] Canadian concurrence has been obtained in this connection.

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[FCC 74-553]

PART 76—CABLE TELEVISION SERVICES

PART 78—CABLE TELEVISION RELAY SERVICES

Order

In the matter of amendment of Part 76, Subpart B, and Part 78, Subpart B, of the Commission's rules and regulations concerning procedures in the Cable Television Service and Cable Television Relay Service.

1. It has come to our attention that some applicants, petitioners or other parties to Cable Television proceedings pending before the Commission have failed to keep the Commission informed on substantial and significant changes in matters relating to their pleadings. All parties need to be aware of their continuing obligation to update their pleadings. Such information as changes or transfers of ownership, later revisions of signal carriage proposals, or re-negotiations or alterations of franchise terms are vital to comprehensive review of the facts and pleadings upon which the Commission must rely in deciding how to rule on a matter.

2. We conclude that certain editorial additions to the Rules are necessary to emphasize the obligations of parties to proceedings before us. We are adding a note to §§ 76.7 and 76.13 of the Cable Television Rules, and to § 78.15 of the Cable Television Relay Rules, which draws attention to § 1.65 "Substantial and significant changes in information furnished by applicants to the Commission". As required by § 1.65, we expect petitioners, applicants, those who comment and those who object to take the initiative in keeping their filings current, accurate and complete. Should there be any procedural conflict between the specific provisions of §§ 76.7, 76.13, 78.15 and 1.65, it should be resolved in favor of the specific provisions.

3. Since the additions we make are interpretive or relate to Commission procedures, the prior notice provisions, and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. § 553, do not apply. Authority for these changes adopted herein is contained in sections 2, 3, and 4 (i) and (j) of the Communications Act of 1934, as amended.

4. *Accordingly, it is ordered,* That effective July 12, 1974, Part 76 and Part 78 of the Commission's rules are amended as set forth below.

(Secs. 2, 3, 4, 48 Stat., as amended, 1064, 1065, 1066; 47 U.S.C. 152, 153, 154)

Adopted: May 29, 1974.

Released: June 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 76 and 78 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 76.7, immediately after paragraph (i)(3), a note is added to read as follows:

§ 76.7 Special relief.

* * * * *

NOTE: Each party filing a petition, comments, opposition or other pleading pursuant to § 76.7 is responsible for the continuing accuracy and completeness of all information in such document. The provisions of § 1.65 are wholly applicable to pleadings involving § 76.7, except that where specific provisions of the latter conflict with the former, the specific provisions of § 76.7 are controlling, e.g., where requirements for service on specified parties of certain information may vary.

2. In § 76.13, the note at the end of the section is designated as Note 1 and a new Note 2 is added to read as follows:

§ 76.13 Filing of applications.

* * * * *

NOTE 2: Each applicant filing pursuant to § 76.13 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications under § 76.13, as well as to amendments filed pursuant to § 76.18, and objections filed pursuant to § 76.27, except that where the specific provisions of §§ 76.13, 76.18 or 76.27 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

3. In § 78.15, the note at the end of the section is designated as Note 1 and a new Note 2 is added to read as follows:

§ 78.15 Contents of applications.

* * * * *

NOTE 2: Each applicant filing pursuant to § 78.15 is responsible for the continuing accuracy and completeness of all information in such applications. The provisions of § 1.65 are wholly applicable to applications pursuant to § 78.15, as well as to amendments filed pursuant to § 78.17, and objections filed pursuant to § 78.22, except that where the specific provisions of §§ 78.15, 78.17, or 78.22 conflict with the provisions of § 1.65, the specific provisions are controlling, e.g., where requirements for service on specified parties of certain information may vary.

[FR Doc.74-13204 Filed 6-7-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-10; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake System Effective Date for Trailers

This notice amends Standard No. 121, *Air brake systems,* 49 CFR 571.121, to delay the effective date of the standard as it applies to air brake-equipped trailers until January 1, 1975.

The January 1, 1975, effective date was proposed in a notice published May 17, 1974 (39 FR 17563) which invited comments on the proposal until June 17, 1974. On the basis of urgent requests by manufacturers and the Truck Trailer Manufacturers Association, a new comment closing date of June 4, 1974, was established for the effective date issue (39 FR 18664, May 29, 1974). The separate issue of a new "heavy hauler trailer" category is still subject to the June 17 date for comments, and further action will be decided on after that date.

Only three commenters, out of the fifty who responded, opposed the 4-month postponement. These three were suppliers to the trailer industry who claimed that they were ready to provide the needed components by September 1, 1974, and stated that a delay in the effective day would entail additional costs to them. The NHTSA finds, however, that the September 1, 1974, date does not provide sufficient time for an orderly transition to production of the trailers with the new components, and that a delay until January 1, 1975, is therefore in the interest of motor vehicle safety.

In consideration of the foregoing, the effective date of Standard No. 121 (49 CFR 571.121) is changed from September 1, 1974, to January 1, 1975, as it applies to trailers.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on June 6, 1974.

ROBERT L. CARTER,
Acting Administrator.

[FR Doc.74-13300 Filed 6-6-74;10:56 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The landing of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following designated areas: North of the Sterling Highway aircraft may land on public air strips and all lakes, except those lakes with recreational developments including campgrounds, camp sites, road waysides with connecting hiking trails, and the canoe system lakes. Furthermore, the Swan Lake Canoe Route area and the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake Road) and continuing south 5.8 miles to its intersection with the Moose River (½ mile SE of the eastern most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not a designated aircraft landing area; South of the north shore of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operation include: Benchland, Cirque, Crater, Emma, Horsetrail, Marmot, Newman's, Timberline, Trophy and Wolverine.

a. The landing of aircraft on any road, glacier or snow field is prohibited.

b. Hidden Lake is a designated aircraft landing area, in season, for the purpose of sport ice fishing only.

c. Bottenintnin Lake is a designated aircraft landing area.

Regulations and maps describing designated aircraft landing areas are available at the Kenai National Moose Range Headquarters, Box 500, Kenai, Alaska 99611, phone 283-4877.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through May 31, 1975.

JAMES B. MONNIE,
Refuge Manager,
Kenai National Moose Range.

MAY 30, 1974.

[FR Doc.74-13180 Filed 6-7-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER J—CONTINENTAL SHELF

PART 295—LIVING ORGANISMS OF THE CONTINENTAL SHELF

JUNE 5, 1974.

The Act of May 20, 1964, as amended (16 U.S.C. 1081 et seq.), prohibits foreign-flag vessels from engaging "in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or in such waters to engage in activities in support of a foreign fishery fleet or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States."

The Offshore Shrimp Fisheries Act of 1973 (Pub. L. 93-242, 87 Stat. 1061), amends subsections (a) and (b) of section 5 of the Act of May 20, 1964, as amended, by including, among other things, the addition of a new species which was identified as a Continental Shelf fishery resource.

The Secretary of Commerce, in consultation with the Secretary of State, had previously determined, by publication in the FEDERAL REGISTER on June 23, 1971 (36 FR 11923), under the authority granted in section 5(b) of the Act of May 20, 1964, as amended, that several other species of living organisms also qualify as Continental Shelf Resources. These species, which may have been inadvertently omitted from the list appearing in the Offshore Shrimp Fisheries Act of 1973 and might therefore be considered as having been removed from the list previously appearing in § 295.2, are also listed in § 295.2 below to insure their continuing inclusion as a Continental Shelf fishery resource. In addition, recommendations have been made to the Secretary of Commerce to include additional species in the existing list of "Living Organisms of the Continental Shelf" as published in the FEDERAL REGISTER on June 23, 1971 (36 FR 11923).

Therefore, a finding has been made by the Secretary of Commerce, in consultation with the Secretary of State, that the species in § 295.2 below meet the required criteria for listing.

To avoid the confusion of separate lists, the entire list is set out in § 295.2 below, including those species which previously were listed, those species listed in the Offshore Shrimp Fisheries Act of 1973, and those newly found by the Secretary of Commerce to require listing.

Effective date: These regulations shall become effective on June 10, 1974.

ROBERT M. WHITE,
Administrator.

Sec.
295.1 Purpose.
295.2 List of species.

AUTHORITY: 78 Stat. 196 (16 U.S.C. 1085), as modified by Reorganization Plan No. 4 of 1970, and as amended by 87 Stat. 1061, January 2, 1974.

§ 295.1 Purpose.

The purpose of the regulations in this part is to list those species found to constitute a Continental Shelf fishery resource by either (1) the Offshore Shrimp Fisheries Act of 1973 (87 Stat. 1061), or (2) the Secretary of Commerce, in consultation with the Secretary of State. Continental Shelf fishery resources are living organisms belonging to sedentary species, which at the harvestable stage, either are immobile on or under the seabed, or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

§ 295.2 List of species.

COELENTERATA

Bamboo Coral—*Acanella* spp.
Black Coral—*Antipathes* spp.
Gold Coral—*Callogorgia* spp.
Precious Red Coral—*Corallium* spp.
Bamboo Coral—*Keratoisis* spp.
Gold Coral—*Parazoanthus spp.*

CRUSTACEA

Dungeness Crab—*Cancer magister*
Tanner Crab—*Chionoecetes angulatus*
Tanner Crab—*Chionoecetes bairdi*
Tanner Crab—*Chionoecetes* opilio
Tanner Crab—*Chionoecetes tanneri*
Deep-sea Red Crab—*Geryon quinquedens*
American Lobster—*Homarus americanus*
Golden King Crab—*Lithodes aequispinus*
Stone Crab—*Lithodes maia*
Stone Crab—*Menippe mercenaria*
King Crab—*Paralithodes brevipes*
California King Crab—*Paralithodes californiensis*
King Crab—*Paralithodes camtschatica*
King Crab—*Paralithodes platypus*
California King Crab—*Paralithodes rathbuni*

MOLLUSKS

Ocean Quahog—*Arctica islandica*
Pink Abalone—*Haliotis corrugata*
Japanese Abalone—*Haliotis kamtschatkana*
Red Abalone—*Haliotis rufescens*
Surf Clam—*Spisula solidissima*
Queen Conch—*Strombus gigas*

SPONGES

Glove Sponge—*Hippiospongia canaliculata*
Sheepswool Sponge—*Hippiospongia lachne*
Yellow Sponge—*Spongia barbera*
Grass Sponge—*Spongia graminea*

[FR Doc.74-13249 Filed 6-7-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

BULK MANUFACTURE OF SCHEDULE I AND II SUBSTANCES

Notice of Hearing

On April 3, 1974, the Drug Enforcement Administration published a notice of proposed rulemaking in the Federal Register (39 FR 12138), proposing two amendments to Part 1301, Title 21 of the Code of Federal Regulations. The proposals were published in order to simplify the administrative process by avoiding unnecessary, expensive, and time consuming hearings on the adequacy of competition each time a bulk manufacturer of a Schedule I or II controlled substance seeks registration and to minimize unnecessary obstacles to the registration of qualified manufacturers.

All interested parties were afforded an opportunity to comment, object or request a hearing on the proposed rules.

In response to the notice, the Antitrust Division, United States Department of Justice filed a comment in support of the proposals, stating (1) the legislative history of the Controlled Substances Act does not reflect any congressional intention to limit competition unless such limitation is necessary to maintain control over drug diversion, (2) the Drug Enforcement Administration's interpretation of section 303(a) of the Controlled Substances Act constitutes the appropriate manner of reconciling the congressional goals against drug diversion and promoting competition.

Mallinckrodt, Inc., Merck & Co., and S. B. Penick and Company filed objections to the proposed rules and requested a hearing stating that the Controlled Substances Act requires a finding respecting the adequacy of competition prior to registering any person to engage in the bulk manufacture of a Schedule I or II substance.

Notice is hereby given that a hearing in the matter of the proposed amendments to Part 1301 of Title 21, Code of Federal Regulations, will commence on July 16, 1974, at 10 a.m. in Room 1211 of the Drug Enforcement Administration, 1405 Eye Street NW, Washington, D.C. 20537.

Any interested person desiring to participate in this hearing, but not yet made a party, shall file a notice of his intention to participate in the form prescribed in 21 CFR 1316.48 on or before July 5, 1974, with the Hearing Clerk, Drug Enforcement Administration, 1405 Eye Street NW, Washington, D.C. 20537.

Dated: June 4, 1974.

John R. Bartels, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-13261 Filed 6-7-74;8:45 am]

[21 CFR Part 1311]

METHAQUALONE AND ITS SALTS

Controlled Substances

On October 4, 1973, the Drug Enforcement Administration published a notice in the Federal Register (38 FR 27517) placing methaqualone and its salts in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801, et seq.).

The Drug Enforcement Administration published a notice of the 1974 Interim Aggregate Production Quota for Methaqualone and its salts in the Federal Register on March 12, 1974 (39 FR 9561). The quota provided for the amount of methaqualone to be produced, on an interim basis, to satisfy the legitimate medical, scientific, research and industrial needs of the United States as required by section 306 of the Controlled Substances Act (21 U.S.C. 826).

Prior to placing methaqualone in Schedule II, there were no restrictions placed upon the importation of methaqualone. Certain dosage form manufacturers formulated their products with and received new drug application (NDA) approval from the Food and Drug Administration, based on methaqualone produced in foreign countries. Due to the new drug application procedures of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355), domestic manufacturers are unable to supply methaqualone to those dosage form manufacturers whose NDA specifies a particular formulation of methaqualone not produced in the United States thereby rendering the domestic supplies of methaqualone inadequate at this time.

Therefore, under the authority vested in the Attorney General by section 1002(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 952 (a)(2)) and delegated to the Administrator of the Drug Enforcement Administration, Department of Justice by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), the Administrator of the Drug Enforcement Administration finds that the domestic supplies of methaqualone are inadequate to provide for the medical, scientific and other legitimate needs of the United States.

Any person who proposes to engage in the importation of methaqualone during 1974 shall be required to obtain a registration to conduct that activity on or before July 1, 1974. Applicants must certify, by an accompanying letter, that the quantity of methaqualone to be imported will not exceed the quota issued to the manufacturer for whom they are importing.

Dated: June 4, 1974.

John R. Bartels, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-13279 Filed 6-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 13824; Notice 74-21]

REPLENISHING AND MAINTENANCE OF OXYGEN SYSTEMS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to prescribe safety requirements governing the presence of persons on board a civil aircraft of U.S. registry when certain work is being performed on the oxygen system of the aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before September 9, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Federal Aviation Regulations do not prohibit the replenishment or maintenance of oxygen systems with persons on board the aircraft. The oxygen system of an aircraft provides for the storage and distribution of oxygen to crewmembers and passengers. The oxygen is stored in cylinders that require replenishment of the oxygen by cylinder replacement, or by on-board recharging of the cylinders through an oxygen external fill system. Problems involving the procedures for replenishment or maintenance of the oxygen systems were brought to public attention as a result of a ground fire on December 31, 1970, involving a B-737 aircraft. As a result of the National Transportation Safety Board's investigation of the incident, the Board recommended that the FAA institute appropriate regulatory action to prohibit the servicing of oxygen systems while passengers are on board the aircraft.

The FAA has reviewed those incidents resulting in fires on board aircraft which have occurred in connection with the replenishment or maintenance of the aircraft oxygen system. This review indicates that there is a lack of uniformity among aircraft operators in responding to recommendations made in manufacturers' service bulletins to improve the safety of oxygen systems and that specific regulatory action is appropriate. Accordingly, it is proposed to amend Part 91 to prohibit a person from replacing an oxygen cylinder or performing maintenance on the oxygen system of an aircraft while persons other than those performing maintenance on the aircraft are on board, unless certain conditions are met. In addition, the proposal would prohibit the recharging of an oxygen cylinder installed in an aircraft while persons other than those performing maintenance are on board the aircraft. The proposed amendment would apply to all civil aircraft of U.S. registry equipped with an oxygen system.

(Sec. 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1425), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by adding a new § 91.168 after § 91.167 to read as follows:

§ 91.168 Replenishing and maintenance of oxygen systems.

No person may perform the following while any person is on onboard an aircraft whose presence is not necessary for performing maintenance on that aircraft:

(a) Replenish the oxygen system by recharging an oxygen cylinder while it is installed in the aircraft.

(b) Replace an oxygen cylinder in the aircraft, or perform other maintenance on the oxygen system, unless the following conditions exist:

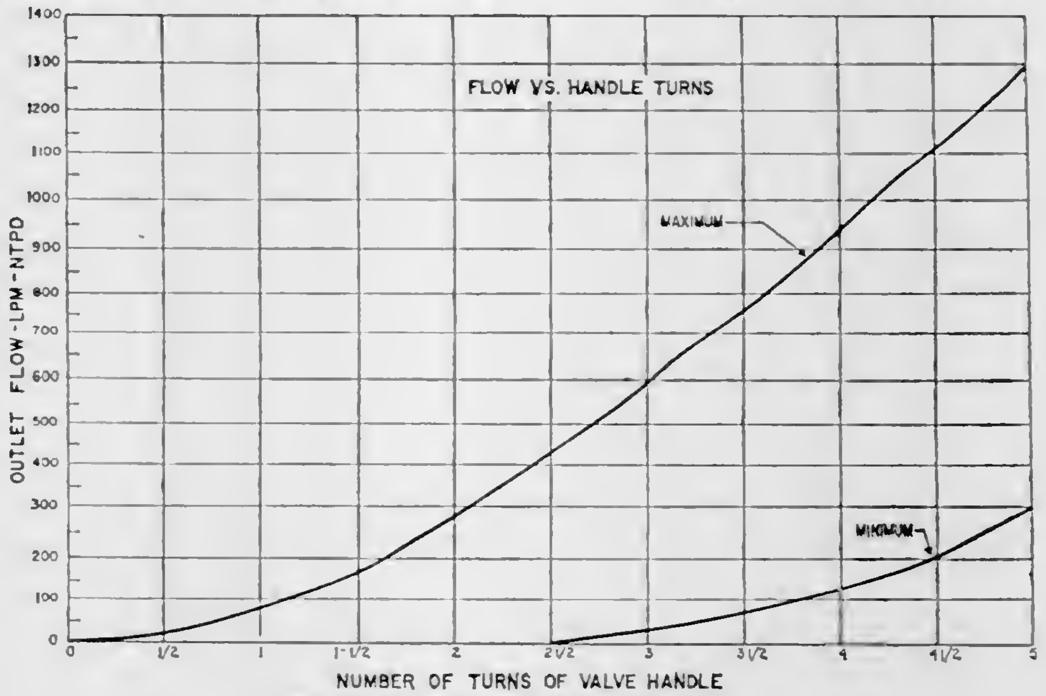
(1) An evacuation route and personnel to supervise an evacuation are provided by the operator for each aircraft occupant.

(2) The aircraft oxygen pressure leaving the oxygen cylinder is limited to a maximum of 450 p.s.i. by pressure reduction or by flow limiting valves directly connected to the oxygen supply cylinder outlet, or both.

(3) All oxygen supply cylinders installed in the aircraft are equipped with manual slow opening type valves. For purposes of this section a slow opening type valve is defined as a valve in which the flow characteristics for any number of turns of the valve handle do not exceed the limits shown in the following chart at any inlet pressure from 250 to 2,100 p.s.i.g.:

Issued in Washington, D.C., on May 31, 1974.

C. R. Melugin, Jr.,
Acting Director,
Flight Standards Service.



[FR Doc.74-13156 Filed 6-7-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 252]

OPERATING DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

Contracting for and Payment of Subsidy

There is hereby proposed a new Part 252 to Title 46 of the Code of Federal Regulations setting forth regulations governing the payment of operating-differential subsidy to bulk cargo vessels engaged in worldwide services pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act) (46 USC 1171-1180). These proposed regulations supercede the regulations proposed on May 22, 1971 (36 FR 9334). All comments received on the regulations as proposed on May 22, 1971, have been given due consideration in drafting these proposed regulations.

Regulations promulgated by the Maritime Administration concerning the operation of bulk cargo vessels on the Great Lakes (37 FR 7979) and in the carriage of grain from the United States to the Soviet Socialist Republics (38 FR 20807) remain in effect.

The regulations hereby proposed provide for the contracting for and the payment of subsidy to United States citizens who operate bulk cargo vessels registered in the United States in essential services in the foreign commerce of the United States. Generally, a vessel is deemed in § 252.5 of the proposed regulations to be in an essential service if it carries at least 30 percent of its cargo in the foreign commerce of the United States. Certain additional foreign commerce requirements are provided for in § 252.5.

Generally, the amount of subsidy is equal to the excess of the cost of subsidizable items of expense incurred in the operation of a vessel over the fair and reasonable cost of such items of expense, as determined in § 252.8 of the proposed regulations, if such vessel were operated under foreign registry in substantial competition, as determined in § 252.7, with vessels contracted under Title VI of the Act. Subsidized voyages are defined in § 252.4. Section 252.10 provides for the payment of accrued subsidy on the basis of tentative and, as established, final rates; the audit of operators' records; and the repayment of any overpayment of subsidy. Forms and procedures for the billing of subsidy are provided for in § 252.11. Five illustrative examples of the subsidy payment and billing procedures have been prepared for the guidance of interested parties and may be obtained from the Secretary, Maritime Administration, upon request. Section 252.12 provides the operator with rights of appeal of audits and certain administrative decisions. Finally §§ 252.6 and 252.9 provide that an operator file certain financial reports and statements and demonstrate financial resources adequate to insure the performance of the covenants and agreements contained in the subsidy contract.

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Although the promulgation of regulations regarding the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Administration is nevertheless publishing the regulations in proposed form. Extensive editorial revision of the regulations as proposed is anticipated before they are adopted in final form. Comments may be addressed, and data, views and arguments concerning the proposed revision may be submitted in duplicate to the Secretary, Maritime Administration, Washington, D.C. 20230. All material received on or before August 12, 1974 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

Part 252 of Title 46 of the Code of Federal Regulations is proposed to read as follows:

PART 252—OPERATING DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICE

Sec.
252.1 Purposes.
252.2 Applications.
252.3 Definitions.
252.4 Subsidized voyages.
252.5 Essential service and export-import requirements.
252.6 Demonstration of financial resources.
252.7 Determination of substantiality and extent of foreign flag competition.
252.8 Determination of subsidy rates.
252.9 Financial and other reporting requirements.
252.10 Payment of subsidy.
252.11 Subsidy billing procedures.
252.12 Appeal procedures.

AUTHORITY. Sec. 204(b), Merchant Marine Act, 1936, as amended (46 USC 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91–469 (84 Stat. 1036), Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973).

§ 252.1 Purpose.

The regulations in this Part prescribe rules in accordance with Title VI of the Merchant Marine Act, 1936, as amended (Act), governing the payment of operating-differential subsidy for United States-flag bulk cargo vessels engaged in carrying bulk commodities in worldwide services.

§ 252.2 Applications.

Applications for operating-differential subsidy contracts under this Part may be obtained from the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce, Washington, D.C. 20230.

§ 252.3 Definitions.

(a) *Bulk cargo vessels.* All dry-bulk, tanker or combination tanker/dry-bulk design type vessels which meet the criteria in sections 601 and 610 of the Act are eligible for participation in this operating-differential subsidy program.

(b) *Operator.* An operator contracting to receive operating-differential subsidy under Title VI of the Act for voyages on essential services described in section 211(b) of the Act.

(c) *Subsidy contract.* The operating-differential subsidy agreement entered into by the U.S. and the operator.

(d) *Assistant Secretary.* The Assistant Secretary of Commerce for Maritime Affairs.

(e) *Board.* The Maritime Subsidy Board.

(f) *Region Director.* The Region Director of the Maritime Administration, having jurisdiction over the operator.

(g) *Contracting Officer.* As used in this Part, the Contracting Officer is the Director, Office of Subsidy Administration.

(h) *Cargo ton-miles.* Cargo ton-miles are the product of the long tons (2,240 pounds) of cargo carried multiplied by the distance in nautical miles that the cargo was transported (as recorded in the vessel's deck log) between the port of loading and the port of discharging the cargo.

(i) *Gross revenue.* Gross revenue means the operator's total gross receipts from fixtures of the vessel and cargoes.

(j) *Foreign flag competition.* Foreign flag competition means foreign registered vessels which are deemed to be competitive with the subsidized vessel. For purposes of establishing the foreign flag competition to be used in subsidy calculations, the Board shall make an annual determination of the foreign nations which have substantial tonnage of vessels under this registry that are comparable to the subsidized vessel.

(k) *Subsidized items of expense.* The Board shall determine the items of operating expense which qualify for subsidy under section 603(b) of the Act. Unless otherwise specified in the subsidy contract, the subsidized items of expense shall be wages of officers and crew, maintenance and repairs not compensated by insurance, hull and machinery insurance, and protection and idemnity insurance applicable to crew liability. These items are more fully defined in § 252.8.

(1) *Subsidy rates.* Subsidy rates are measurements of the cost differentials between the subsidized vessel and the competitive foreign flag vessels for subsidized items of expense. They are used as a medium for determining the amount of subsidy which is payable under the subsidy contract.

§ 252.4 Subsidized voyages.

(a) *General.* The operator shall operate each subsidized vessel for a minimum of three hundred thirty-five (335) days each year in worldwide carriage of bulk cargo in the foreign ocean-borne commerce of the U.S. and in the carriage of such cargoes between foreign ports.

(b) *Commencement.* The first subsidized voyage shall commence at the time provided in the subsidy contract; thereafter, subsidized voyages shall commence at 0001 hours local time of the day following the day of termination of the previous voyage or, in the event that a reduced crew period follows a voyage termination, as of 0001 hours of the day following the day on which such reduced crew period terminates.

(c) *Termination.* Subsidized voyages shall terminate (1) at U.S. ports at midnight of the day of completion of (i) paying off the crew from foreign articles, (ii) final discharge of cargo at the last port of discharge or (iii) voyage repairs, whichever event occurs last, (2) at foreign ports at midnight of the day of completion of final discharge of cargo if the vessel loads another cargo in that same port, or at midnight of the day prior to the day of commencement of loading cargo if it proceeds in ballast to another port for its next cargo; *Provided, however,* That the operator may request the Region Director to approve a variance from the foregoing for reasons of strike, cargo activity and other special circumstances and the Region Director shall promptly advise the operator of his determination in approving or disapproving such requests; *Provided, further,* That the final subsidized voyage shall terminate at the time provided in the subsidy contract.

(d) *Idleness, delay or lay-up.* The operator shall report promptly to the Region Director all facts and explanations thereof relating to periods of vessel idleness, lay-up or delay occurring during or between subsidized voyages. The Region Director shall determine whether such period could have been avoided through efficient and economical operation, whether operating costs were reduced to a minimum in accordance with sound commercial practice and shall advise the operator and the Contracting Officer of his decisions. Based on the Region Director's findings, the Contracting Officer shall determine whether subsidy is payable in whole or in part for such period and shall advise the subsidized operator of his determination.

(e) *Reduced crew period.* The term reduced crew period means any period in port, during which the vessel's normal crew complement is reduced by four (4) or more men and "division of wages" is not paid for the missing men. The reduced crew period shall cease on the day prior to the day that the vessel's crew complement is restored to not more than three (3) men less than the normal complement or "division of wages" is paid for the missing men, or the vessel is temporarily or permanently withdrawn from subsidized service.

(f) *Normal crew complement* means the crew complement which was approved by the Board for operating-differential subsidy under the provisions of section 603(c) of the Act, or as established by collective bargaining or other agreement, whichever is less. Reduced crew periods shall be reported promptly to the Region Director, specifying all pertinent facts, and the Region Director shall determine whether operating costs were reduced to a minimum in accordance with sound commercial practice and shall advise the operator and Contracting Officer of his findings. The Contracting Officer shall determine what expenses qualify for subsidy under the circumstances regarding such period.

§ 252.5 Essential service and export-import requirements.

(a) *General.* This section establishes minimum requirements for the carriage of cargo in the export-import foreign commerce of the U.S. for purposes of maintaining an essential service and determining the amount of subsidy earned.

(b) *Essential service requirement.* A vessel shall be deemed to be used in an essential service of the U.S. as provided in section 211(b) of the Act if during any period of subsidized service such vessel carries in the export-import foreign commerce of the U.S. at least thirty (30) per cent of all cargo carried in subsidized service (other than cargo carried in the coastwise or intercoastal trade) as determined paragraph (c)(2) of this section.

(c) *Export-import requirement* — (1) *Subsidy earned.* Unless otherwise agreed to by contract, the amount of subsidy earned is equal to the amount of subsidy otherwise payable multiplied by the percentage factor determined in accordance with the following schedule:

Percent of cargo carried in the export-import foreign commerce of the United States	*Percent of subsidy otherwise payable*
50 or more	100
40 but less than 50	70
30 but less than 40	40
less than 30	0

(2) *Percent of cargo carried in the export-import foreign commerce of the U.S.* The percent of cargo carried in the export-import foreign commerce of the U.S. is equal to the cargo ton-miles of cargo carried in subsidized service in the export-import foreign commerce of the U.S. on voyages terminated during any period of subsidized service or the gross revenue earned from the carriage of such cargo, divided by the ton-miles of all cargo carried in subsidized service on voyages terminated during such period (other than cargo carried in the coastwise or intercoastal trade) or the gross revenue earned from the carriage of such cargo, whichever yields the highest percent. For purposes of this paragraph cargo carried in subsidized service means cargo discharged in such service.

(3) *Period of subsidized service*—(i) *Three-year period.* The period of subsidized service shall be any period of 36 successive calendar months of operation. The first such period shall begin on the first day of the first subsidized voyage and shall end on the last day of the following 36th calendar month. Each succeeding three-year period shall begin on the day following the end of the preceding period of subsidized services and shall end on the last day of the following 36th calendar month, except that, the last such period shall end on the last day of the last subsidized voyage.

(ii) *One-year period.* An operator may in lieu of any three-year period elect a one-year period of 12 successive calendar months of operation. If a one-year period is elected in lieu of the first three-year period such one-year period shall begin on the first day of the first subsidized voyage and shall end on the last day of the following 12th calendar month. Any later one-year period elected by the operator shall begin on the day following the end of the preceding period of subsidized service and shall end on the last day of the following 12th calendar month. Such election must be received in writing by the Contracting Officer no later than the last day of the 14th calendar month of any three-year period.

(4) *Subsidy otherwise payable.* The amount of subsidy otherwise payable is the amount of subsidy payable under the subsidy contract for subsidized voyages terminated during any period of subsidized service after any reduction of subsidy due to the carriage of coastwise or intercoastal trade pursuant to section 605(a) of the Act.

(5) *Export-import foreign commerce of the U.S.* The export-import foreign commerce of the U.S. means the commerce or trade between the U.S., its territories or possessions, or the District of Columbia, and a foreign country.

§ 252.6 Demonstration of financial resources.

(a) *General.* At all times during the period that the subsidy contract is in effect the operator shall be required to provide evidence of adequate financial resources to insure that the U.S. may recover any overpayment of subsidy and to insure true and faithful performance of the covenants and agreements contained in the subsidy contract. Such evidence of adequate financal resources shall apply to each subsidized vessel.

(b) *Options for demonstrating financial resources.* Prior to the time that each vessel commences the first year of each three-year period the operator shall submit one of the following to the Contracting Officer:

(1) An acceptable letter of credit in favor of the Maritime Administration in an amount equal to the estimated subsidy accrual for that year.

(2) A surety bond in favor of the Maritime Administration issued by a bonding company authorized to do business in the U.S. in the amount of the estimated subsidy accrual for that year. The bond shall be subject to approval by the Maritime Administration both as to form and the sufficiency of the surety.

(3) United States Government securities of a face value equal to the estimated subsidy accrual for that year.

(4) The most recent balance sheet certified by a certified public accountant which demonstrates that the operator has working capital equal to twice the estimated subsidy accrual for that year. If the certified balance sheet covers a period terminating more than ninety (90) days prior to its submission it shall be accompanied by a current balance sheet certified by a company official which demonstrates that the operator still meets the working capital requirement. The operator must resubmit annually, within ninety (90) days after the close of its fiscal year, a current financial statement certified by a certified public accountant to demonstrate its continuing ability to meet the working capital requirement, and if at any time the operator becomes aware that it no longer has the necessary working capital to satisfy the requirement of this paragraph it shall promptly notify the Maritime Administration of this fact and shall provide evidence of adequate financial resources under one of the other options provided by this section.

(5) A guarantee, satisfactory in form, in favor of the Maritime Administration by any party whose financial statements will meet the working capital requirement contained in paragraph (b)(4) of this section. The guarantor shall submit the financial statements as prescribed in paragraph (b)(4) of this section and shall promptly notify the Maritime Administration if at any time it becomes aware that it no longer has the necessary working capital.

(c) *Vessel failing to meet export-import commerce requirements.* If a vessel fails to carry a minimum of thirty (30) per cent export-import foreign commerce of the U.S. on an aggregate basis at any time after the first year of the three-year period, the operator shall increase the amount of the letter of credit or surety bond, or the face value of United States Government securities, to an amount equal to the estimated subsidy accrual for the first eighteen (18) months of such period, and if the operator has elected or elects the working capital option contained in paragraphs (b)(4) or (5) of this section, the amount of working capital required shall be an amount equal to twice the estimated subsidy accrual for the first eighteen (18) months of such period. The operator must comply with this requirement before the next subsidy payment.

§ 252.7 Determination of substantiality and extent of foreign flag competition.

(a) *General.* Foreign flag competition shall be determined as of January 1 each year by utilizing a data file known as "Merchant Fleets of the World" which is maintained by the Maritime Administration. The substantiality and extent of foreign flag competition will be determined from a survey of the data file of all nations (excluding the U.S.S.R.) which have bulk vessels of similar cargo carrying capability to the subsidized vessel.

(b) *Procedures*—(1) *Class and tonnage groupings.* Foreign flag vessels shall be grouped into classes by design type, e.g., tanker, and each class of vessels shall be divided into four (4) deadweight tonnage ranges as follows:

(i) Range A—Vessels under 25,000 tons.

(ii) Range B—Vessels of 25,000 to 49,999 tons.

(iii) Range C—Vessels of 50,000 to 99,999 tons.

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(iv) Range D—Vessels of 100,000 or more tons.

(2) *Selection of proper class and range.* The characteristics of the subsidized vessel shall be used for selecting the proper vessel class and tonnage range for purposes of establishing the foreign flags which shall be deemed to be competitive with the subsidized vessel.

(3) *Ranking of flags.* Foreign flag vessels of the selected class and range will be further grouped by nationality and ranked in descending order according to the deadweight tonnage under each flag as against the total deadweight tonnage of foreign flag vessels in the selected class and range.

(4) *Determination of principal competitors.* The principal foreign flag competitors shall be those flags with the largest deadweight tonnage for which the combined tonnage aggregates a minimum of sixty (60) percent of the total tonnage in the selected class and range or a maximum of five (5) principal competitors, whichever is reached first.

(5) *Determination of extent of competition.* The extent of competition of each principal foreign flag competitor shall be determined by a ratio, the numerator of which shall be the deadweight tonnage of the principal foreign flag competitor and the denominator of which shall be the total deadweight tonnage of all principal foreign flag competitors. The competition weight factors so determined shall be used in all operating-differential subsidy calculations. For example, if the deadweight tonnage of the selected class for Norway in Range B (25,000 to 49,999 tons) were 2.84 million tons and the total deadweight tonnage of the selected class for all principal foreign flag competitors in Range B (including Norway) were 9.55 million tons, the competition weight factor for Norway would be 29.7 percent; this means that in determining the cost of foreign flag competition, 29.7 percent will be Norwegian flag costs.

§ 252.8 Determination of subsidy rates.

(a) *General.* A separate paragraph of this section is devoted to general provisions, wages of officers and crews, maintenance (upkeep) and repairs, hull and machinery insurance and protection and indemnity insurance. Each of the paragraphs outlines procedures for establishing U.S. and foreign costs and for determining subsidy rates, including, where appropriate, definitions of terms, illustrations and sample calculations. In order to avoid repetition in the individual paragraphs, provisions which have general application to the calculation of subsidy rates for more than one subsidized item of expense are listed in paragraph (b) of this section, general provisions.

(b) *General provisions*—(1) *Provisions applicable to all subsidy rates*—(i) *Foreign flag competition.* The foreign flag competition determined by the Board as of January 1 each year shall be used for all subsidy rate calculations for that year. Wage subsidy rates are calculated for fiscal years, July 1 through June 30, and the foreign flag competition in effect as of January 1 in the middle of the fiscal year shall be used for establishing the wage rates. Subsidy rates for maintenance (upkeep) and repairs, hull and machinery insurance, and protection and indemnity insurance are calculated for calendar years and the foreign flag competition in effect as of January 1 of the calendar year shall be used for establishing those rates.

(ii) *Negative subsidy rates.* When a subsidy rate in any category is less than zero, indicating that the operator is at an advantage rather than a disadvantage in such category, the money equivalent of the negative subsidy rate shall be deducted from the subsidy found to be payable to the operator during the same year.

(iii) *Foreign cost data.* The Maritime Administration and the operator shall make every reasonable effort to obtain foreign cost data for purposes of determining subsidy rates.

(iv) *Opportunity for operator to comment on subsidy rates.* The Maritime Administration will calculate the subsidy rates, and such rates will be tendered to the operator for comment before they are recommended to the Board for approval. The operator will have thirty (30) days in which to comment on the proffered rate(s), and in the event of disagreement which cannot be resolved by the staff, the operator's comments as to such unresolved issues will be forwarded to the Board together with the Contracting Officer's recommendations.

(2) *Provisions applicable to subsidy rates for maintenance (upkeep) and repairs, hull and machinery insurance, and protection and indemnity insurance*—(i) *Subsidy rates.* The subsidy rates shall be determined as a percentage cost differential, except for protection and indemnity insurance deductibles which shall be determined, where possible, as a cost differential. The percentage rates shall be carried out to two (2) decimal places, and the deductible cost differentials shall be determined in dollars and cents. Except in the case of mutual agreement between the operator and the Board, subsidy rates shall be reviewed and adjusted as of January 1 each year.

(ii) *Application of subsidy rates.* For determining the amount of subsidy which is payable under the subsidy contract, the subsidy rates for each calendar year shall be applied to subsidized expenses incurred for voyages terminated during that calendar year.

(iii) *Foreign currency exchange rates.* Foreign currencies shall be converted into U.S. currency equivalents by using for the calendar year involved the average of monthly foreign currency exchange rates, as recommended by the United States Department of Treasury.

(c) *Wages of officers and crews*—(1) *General.* Pursuant to sections 603(c) and 603(e) of the Act there are two subsidy rates for wages of officers and crews, a wage sudsidy per diem rate and a wage subsidy percentage rate. The per diem rate is used for the payment of operating-differential subsidy for vessels which are operating with close to a full crew complement; however, because there are certain wage costs which cannot be included in a per diem rate, and because vessels do not operate with full crew complements in circumstances of undergoing repairs, etc., it is necessary to use a percentage rate for payment of subsidy on such unpredictably timed wage costs. Both rates shall be determined as of January 1 in the middle of the fiscal year (July 1 to June 30) to which they apply.

(2) *Definitions of terms*—(i) *Collective Bargaining Costs.* When used in this paragraph the term "collective bargaining costs" means the annual cost, calculated on the basis of the per diem rate of expense as of January 1 of annual fiscal year periods of all items of expense required of the operator through collective bargaining or other agreement, covering the employment of the officers and crew of the subsidized vessel, including payments required by law to assure old-age pensions, unemployment benefits, or similar benefits and taxes or other governmental assessments on crew payrolls, provided, however, that for purposes of collective bargaining costs the complement shall not exceed those officers and members of the crew which the Board has found to be necessary for the efficient and economical operation of such vessel.

(ii) *Base period.* When used in this subsection the term "base period" means any annual period beginning July 1, and ending June 30 with respect to which a base period cost is established. At intervals of not less than two years nor more than four years, the Board will establish a new base period. New base periods will be announced by the Board prior to the December 31 that would be included in the new base period.

(iii) *Base period cost*—(A) *Initial base period.* The term "base period costs" for the initial base period of subsidized service means the collective bargaining costs as of January 1 of that base period.

(B) *Subsequent base periods.* In base periods subsequent to the initial base period the term "base period costs" means the average of (1) the collective bargaining costs as of January 1 of such fiscal year and (2) the subsidizable wage cost computed for January 1 of the preceding fiscal year, calculated without regard to the limitations in paragraph (c)(2)(iv)(B) of this section, as increased or decreased to January 1 of such base period by the change in an index described in paragraph (c)(2)(v) of this section: *Provided, however,* That such base period costs shall not be less than a minimum nor more than a maximum amount determined as a percentage of the collective bargaining costs computed for

January 1 of such base period in accordance with the following schedule:

[In percent]

	Minimum	Maximum
Base period following a:		
2-yr cycle	97½	102½
3-yr cycle	96¼	103¾
4-yr cycle	95	105

(iv) *Subsidizable wage costs.* When used in this subsection the term "subsidizable wage costs" means, (A) with respect to a base period, the base period cost, and (B) in any fiscal period other than a base period, the most recent base period cost increased or decreased by the increase or decrease from January 1 of such base period to January 1 of such period in the index described in paragraph (c)(2)(v) of this section, provided that the subsidizable wage costs so determined shall not be less than 90 percent of the collective bargaining costs as of January 1 of such period nor greater than 110 percent of such collective bargaining costs.

(v) *Index.* The Bureau of Labor Statistics shall compile the index to be applied to base period costs which index shall consist of the average annual change in wages and benefits placed into effect for employees covered by collective bargaining agreements with equal weight to be given to changes affecting employees in the transportation industry (excluding the offshore maritime industry) and to changes affecting employees in private nonagricultural industries other than transportation.

(3) *Method of calculating collective bargaining costs*—(i) *Per diem amount.* Collective bargaining costs shall be determined by pricing out all fixed costs that are in effect as of January 1 each year and by adding to the per diem aggregate of such fixed costs a per diem aggregate of variable costs, obtained from cost experience of the subsidized vessel during the preceding calendar year. The per diem aggregate of variable costs as of January 1 shall be determined by applying a ratio to the per diem aggregate of base wage costs as of January 1, the numerator of which shall be the total of variable costs for the preceding calendar year and the denominator of which shall be the total of base wage costs for the preceding calendar year. The per diem collective bargaining costs shall be determined in dollars and cents.

(A) *Fixed costs.* Fixed costs are all costs that are stated at specific or determinable amounts per time period and do not vary based on operating experience. In cases where a monthly amount is specified in the agreement, the per diem amount shall be determined by multiplying the monthly amount by 12 and dividing the total by 365 or 366 days, as applicable, for that fiscal year. Among these costs, but not limited thereto, may be included:

Base wages (including non-watch pay).
Vacation pay.
Clothing and uniform allowances.
Contributions to pension and welfare plans.
Radio Operator allowances.

(B) *Variable Costs.* Variable costs are all regularly incurred employment costs which cannot be specifically priced out as of January 1; such costs are dependent upon ship operating experience. Among these costs, but not limited thereto, may be included:

Payroll taxes.
Overtime and penalty pay.
Payments to Master for piloting.
Transportation expenses and travel allowances.
Payments to relief officers and crews.
Wages and other expenses of U.S.M.M.A. cadets.
Lodging allowances.
Overlap in wages for replacement of crew (maximum of two days for Master and Chief Engineer and one day for other ratings).
Div. of wages occasioned by causes other than a shortage of crew.

(ii) *Example calculation.* The following is an example calculation of collective bargaining costs (CBC) and of U.S. wage costs (WC), the use of the latter is discussed in paragraph (c)(4):

ABC STEAMSHIP CO., TS-S-101c—WORLDWIDE SERVICES

January 1, 1974, collective bargaining costs (CBC) and U.S. wage costs (WC)

	Per diem	
	WC	CBC
Crew complement	[1] 27	[2] 26
Fixed costs as of Jan. 1, 1974:		
Base wages	$1,066.67	$1,023.95
Allowances (radio telephone, clothing, etc.)	3.49	3.49
Vacation pay	370.77	360.07
Pension, welfare, training, unemployment fund contributions	611.13	590.95
Total fixed costs	2,052.06	1,978.46
Variable costs as of Jan. 1, 1974:		
Variable cost factor (based on calendar year 1973 cost experience) (percent)	83.56	83.56
Total variable costs (Jan. 1, 1974, base wages×variable cost factor)	$891.31	$855.61
Total wage costs as of Jan. 1, 1974	2,943.37	2,834.07

[1] Actually carried.
[2] Approved by the Board.

(iii) *Unpredictably timed costs.* In addition to fixed and variable costs there are certain costs which are included in the definition of collective bargaining costs but which cannot be included in the per diem amount because they are unpredictably timed. Such payments are eligible for subsidy payment purposes in accordance with procedures set forth in this subsection. Examples of unpredictably timed costs are wages incurred during reduced crew periods, severance pay, special assessments for benefit funds and area bonuses. Retroactive increases in wages and benefit fund contributions which are negotiated to be retroactively effective prior to January 1 of a base period will be treated as unpredictably timed costs if they were not included in base period cost.

(iv) *Data requirements.* For purposes of calculating collective bargaining costs, the operator shall submit (A) Form MA-790 by March 31 each year, covering the wage costs incurred on voyages terminated during the preceding calendar year, and (B) as appropriate, current copies of all collective bargaining or other agreements, memorandums of understanding, and arbitration awards, which specify the fixed costs in effect as of January 1, as concluded between operator and the applicable maritime labor organizations, or otherwise promulgated. The foregoing shall be submitted to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230.

(v) *Changes in crew complement.* If a vessel enters subsidized service with a crew complement that is different from those officers and members of the crew which the Board found to be necessary for the efficient and economical operation of such vessel, or if the operator negotiates a change in the crew complement of the vessel at any time such vessel is under the subsidy contract, the operator shall report promptly the facts and circumstances thereof to the Contracting Officer. The operator shall not be precluded from requesting, nor the Board from approving, the substitution of officers and members of the crew, whether or not such officers and members of the crew were previously included in the Board approved crew complement, provided that for purposes of collective bargaining costs such new crew complement does not exceed in number of crew complement previously approved by the Board.

(4) *Method of calculating foreign wage costs*—(i) *General.* The foreign wage cost (FC) of each principal foreign flag competitor and the comparable U.S. wage cost (WC) of the subsidized vessel are matched as of January 1 of the subsidized fiscal year for purposes of determining the composite per diem foreign wage costs for the competitive foreign flag vessels.

(ii) *Calculation of WC.* The calculation of WC shall be based on the actual negotiated crew complement of the subsidized vessel in effect on January 1 of the subsidized fiscal year, and the method of calculating WC shall be the same as that described for collective bargaining costs in paragraph (c)(3)(i) of this section: *Provided, however,* That a like-for-like concept shall be used for matching each item of U.S. and foreign wage costs. The matching process may necessitate the deletion of certain items of WC or the employment of a different pricing method than otherwise would apply to fixed and variable costs of the subsidized vessel because of the nature of foreign data. Where it is not possible to estimate by any reasonable method a certain item of foreign wage costs, but such cost is known to exist, the cost shall be excluded from the computation of WC for the purpose of comparing FC to WC. For example, if the cost of travel expenses cannot be determined for a foreign competitor, such cost will be excluded from WC. Similarly, it may not be possible to compute the foreign cost

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of a particular expense by the method that normally would be used for computing the U.S. cost, in which circumstance the U.S. cost shall be computed the same way that the foreign cost is determined. For example, if it is not possible to obtain the cost experience for payroll taxes of competitive U.K. flag vessels, the pricing method shall be used for both U.S. and U.K. taxes.

(iii) *Calculation of FC*—(A) *Manning.* The calculation of FC for each principal foreign flag competitor shall be based on the actual crew complement in effect on January 1 of the subsidized fiscal year, provided, however, the crew complement determined for any ship type with respect to any base period shall not be redetermined until the next base period. The actual crew complement of vessels under each principal foreign flag competitor shall be the predominant crew complement, in number and nationality, determined from a representative sample of Alien Crew Declarations of the foreign competitive vessels which have entered the U.S., or if a representative sample of such vessels have not entered the U.S., from the foreign operators of a random sample of such vessels.

(B) *Method.* The method of calculating FC shall be the same as that described in paragraph (c)(3)(i) of this section unless an item of foreign cost cannot be obtained on the same basis; preference shall be given to pricing out for fixed costs and to cost experience for variable costs.

(C) *Foreign currency exchange rates.* Foreign currencies shall be converted into U.S. currency equivalents by using the average of monthly foreign currency exchange rates, as recommended by the United States Department of Treasury, except in cases where by contract, or otherwise, certain items of wage costs are paid to foreign seamen at a specified rate of exchange of U.S. dollars, the specified rate shall be used. For priced out wage costs as of January 1 of the subsidized fiscal year, the average of monthly foreign currency exchange rates for the fiscal year shall be used. For cost experience wage costs, the average of monthly foreign currency exchange rates for the calendar year preceding January 1 of the subsidized fiscal year shall be used.

(D) *Cut-off date for receipt of data.* The Maritime Administration shall give the operator written notice of its intention to commence the calculation of FC for each principal foreign flag competitor and of the vessels which will be used for determining FC. The operator shall have sixty (60) days from the date of the Maritime Administration's notice in which to submit in writing all relevant data within its possession. Data received by the Maritime Administration on or after the cut-off date will not be used in the calculation of FC for that year unless, in the opinion of the Board, the data on hand are inadequate to establish a fair and reasonable foreign wage cost.

(E) *Disclosure of data.* In making the calculation of FC, the Board will consider all relevant matter so presented and all foreign wage cost data collected at its request or on its behalf. Such foreign cost data will be made available to an interested operator, unless the Board shall find that disclosure of the data will prevent its obtaining such data in the future.

(iv) *Composite weighted percentage.* The ratio of FC to WC for each principal foreign flag competitor shall be multiplied by the competition weight factor for that competitor to establish a weighted percentage, and the weighted percentages for all competitors shall be added to determine the composite weighted percentage. The composite weighted percentage shall be carried out to two (2) decimal places.

(v) *Composite foreign wage cost.* The composite foreign wage cost shall be determined by multiplying the composite weighted percentage by WC which is calculated by the same method as collective bargaining costs (see example calculation of WC in paragraph (6)(3)(ii) of this section). The composite foreign wage cost shall be determined in dollars and cents.

(vi) *Example calculation.* The following is an example calculation of composite foreign wage cost (CFC):

ABC STEAMSHIP CO., INC., T8-S-101c VESSEL—WORLDWIDE SERVICES

Jan. 1, 1974—composite foreign wage cost (CFC)

	United States	Japan	United States	Norway	United States	United Kingdom
Crew complement	27	27	27	25	27	30
Base wages [1]	$1,082	$314	$1,066.67	$467.59	$1,066.67	$387.38
Allowances [1]	4	122	3.49	52.55	3.49	41.50
Vacation pay (leave)	[2]415	[2]71	[1]370.77	[1]72.80	[2]406.82	[2]60.43
Pension and welfare	[2]659	[2]253	[2]649.90	[2]121.05	[1]611.13	[1]42.30
Social security	[2]76	[1]47	[2]94.81	[2]63.29	[1]75.25	[1]52.70
Overtime and other variable costs [1] (not elsewhere included) [3]	705	109	695.77	140.27	695.77	93.10
Repatriation				12.30		
Total wage costs	2,941	916	2,881	930	2,861	677
Unweighted percentage (FC to WC)	31.15		32.28		23.66	
Competition weight factor [4] (percent)	23.4		31.1		45.5	
Weighted percentage	7.29		10.04		10.77	
Composite weighted percentage		28.10				
Composite foreign wage cost (U.S. wage cost (WC) of $2,943.37 multiplied by 28.10 percent) [5]		$827.09				

[1] Based on Jan. 1, 1974, priced-out costs and foreign exchange rates for the period July 1, 1973, through June 30, 1974.

[2] Based on calendar year 1973 cost experience and foreign exchange rates.

[3] Excludes travel costs and wage costs of port relief officers and crews due to nonavailability of foreign data.

[4] Based on Jan 1, 1974, competition approved by the Board.

[5] WC calculated the same as collective bargaining costs.

(vii) *Data requirements.* For purposes of calculating WC the Maritime Administration will use Form MA-790, submitted by the operator in accordance with paragraph (c)(3)(iv) of this section. For purposes of calculating FC the Maritime Administration will use Alien Crew Declarations (Form I-418) filed with the U.S. Immigration and Naturalization Service, collective bargaining agreements, laws, decrees, regulations and other public documents, payrolls and other cost data obtained from foreign governments and operators.

(5) *Determination of wage subsidy per diem rate.* The composite foreign wage cost as of January 1 of the subsidized fiscal year shall be deducted from subsidizable wage costs as of the same January 1 to determine the wage subsidy per diem rate for that fiscal year. The per diem rate shall be determined in dollars and cents.

(6) *Determination of wage subsidy percentage rate.* The cost differential between composite foreign wage cost and subsidizable wage costs as of January 1 of the subsidized fiscal year shall be divided by subsidizable wage costs as of the same January 1 to determine the wage subsidy percentage rate for that fiscal year. The percentage rate shall be carried out to two (2) decimal places.

(7) *Application of wage subsidy rates*—(i) *Per diem rate.* For determining the amount of subsidy which is payable under the subsidy contract, the wage subsidy per diem rate in effect for a fiscal year shall be applied to subsidized voyage days that fall within such fiscal year, except for days of reduced crew periods as defined in paragraph (e) of § 252.4.

(ii) *Percentage rate.* For determining the amount of subsidy which is payable under the subsidy contract, the wage subsidy percentage rate in effect for a fiscal year shall be applied to subsidizable unpredictably timed wage expenses incurred for voyages which terminated within such fiscal year.

(8) *Procedures for determining wage subsidy rates for a new operator or vessel type*—(i) *Collective bargaining costs.* The procedures for calculating collective bargaining costs which are described in paragraph (c)(3)(i) of this section, shall be followed; however, a minimum of six (6) months of cost experience shall be used for determining the ratio of variable costs to base wages. For vessels which do not have a minimum of six (6) months of operating experience during the first calendar year of subsidized service, the ratio of variable costs to base wage costs for the next subsequent calendar year shall be used for determining the collective bargaining costs in effect as of the first January 1 in subsidized service. For vessels which have more than six (6) months of operating experience during the first calendar year of subsidized service, the ratio of variable costs to base wage costs for such calendar year shall be used for determining the collective bargaining costs in effect as of the first January 1 in subsidized service and for determining the collective bargaining costs in effect as of the previous January 1.

(ii) *Subsidizable Wage Costs*—(A) *Base period.* If the operator or vessel type enters subsidized service during a base period, the subsidizable wage costs for such base period shall be the collective bargaining costs in effect as of January 1 of such base period, determined in accordance with paragraph (i) above.

(B) *Other than a base period.* If the operator or vessel type enters subsidized service during a fiscal period that is other than a base period, the collective bargaining costs in effect as of January 1 of such fiscal period, determined in accordance with paragraph (c)(8)(i) of this section, shall be regressed to January 1 of the base period most recent to January 1 of such fiscal period, and the collective bargaining costs so determined for January 1 of the most recent base period shall be base period cost for purposes of determining in accordance with paragraph (c)(2)(iv) of this section, the subsidizable wage costs in effect during such fiscal period.

(iii) *Foreign wage costs.* The method of calculating foreign wage costs in effect as of January 1 of the initial fiscal period of subsidized service shall be the same as that described n paragraph (c)(4) of this section, except that WC for January 1 of such fiscal period shall be determined in accordance with the procedures described in paragraph (c)(8)(i) of this section for collective bargaining costs.

(iv) *Wage subsidy rates.* The determination of the wage subsidy per diem rate and the wage subsidy percentage rate, and the application of such rates, shall be the same as that described in paragraph (c)(5), (6), or (7), respectively, of this section.

(9) *Example calculation.* The following is an example calculation of wage subsidy per diem and percentage rates.

ABC STEAMSHIP CO., TS-S-101c VESSEL—WORLDWIDE SERVICES

Calculation of wage subsidy rates [1]

(1) Base period	(2) Interim period	(3) U.S. wage costs (WC)	(4) Collective bargaining costs	(5) Application of BLS index to base period cost	(6) Averaging in base periods (4)+(5)÷2	(7) Appropriate limits	(8) Base period cost	(9) Subsidizable wage costs	(10) Composite foreign wage cost	(11) Wage subsidy per diem rate	(12) Wage subsidy percentage rate (11)÷(9)
1973		2,729.78	2,644.20				2,644.20	2,644.20	793.42	1,850.78	69.99
	1974	2,943.37	2,834.07	2,644.20×107.8=2,850.45		90% (4)=2,550.66 110% (4)=3,117.48		2,850.45	827.09	2,023.36	70.98
[2]1975		3,143.40	3,027.08	2,644.20×116.3=3,075.20	3,051.14	97.5% (4)=2,951.40 102.5% (4)=3,102.76	3,051.14	3,051.14	883.29	2,167.85	71.05

[1] This computation is based on a new vessel entering subsidized service in May 1973.

[2] Base period for example purposes only.

(1) Par. (2)(ii).
(2) Fiscal period other than a base period.
(3) Par. (4), with example calculation in par. (3)(ii).
(4) Pars. (2)(i) and (3).
(5) Par. (2)(v).
(6) Par. (2)(iii)(B).
(7) Pars. (2)(iii) and (2)(iv).
(8) Par. (2)(iii).
(9) Par. (2)(iv).
(10) Pars. (4)(v) and (4)(vi).
(11) Par. (5).
(12) Par. (6).

(d) *Maintenance (upkeep) and repairs*—(1) *Definition of maintenance and repair costs*—(i) *Items eligible for subsidy payment.* All costs not compensated by insurance, if deemed fair and reasonable by the Maritime Administration, and otherwise eligible for subsidy under the provisions of Part 272 of this Subchapter, applicable to maintenance and repair work performed in the United States or the Commonwealth of Puerto Rico by ship repair yards, independent contractors or shore gang labor, shall be eligible for subsidy at the determined maintenance and repair subsidy rate.

(ii) *Items eligible for determination of subsidy rate.* The subsidy rate for maintenance and repairs shall be determined from price quotations of representative items of maintenance and repair work which are described in a standard set of specifications for drydocking and voyage repairs. The Maritime Administration shall select a sample of jobs which are representative of the various types of work performed in each principal category of maintenance and repair work—drydocking and underwater repars, boiler repairs, machinery repairs, hull and deck repairs, electrical repairs, exterior painting and interior painting. The jobs shall be described fully and combined into a standard set of specifications based on a particular type of vessel in order that U.S. and foreign shipyard estimators may comprehend the scope of the work. The same specifications shall be used for obtaining all price quotations.

(2) *Method of calculating subsidy rate*—(i) *Cost survey.* Not more frequently than once every three (3) years nor less frequently than every five (5) years, the Maritime Administration shall make a survey of maintenance and repair costs. For this purpose, reliable ship repair contractors located in selected U.S. and foreign ports shall be requested to provide price quotations for the representative items of maintenance and repair work which are described in the standard set of specifications.

(ii) *Indexing price quotations.* Since price quotations are effective for a specified month or a specified period, such quotations shall be indexed to be representative of prices for the subsidized calendar year by applying a ratio to the quotations, the numerator of which shall be the index number for the subsidized calendar year and the denominator of which shall be the index number for the specified month or period. The index shall be the monthly, or quarterly, index of wages (hourly, daily, weekly or monthly earnings) for the ship repairing industry in the country involved, or if a wage index for the ship repairing industry is not published, the most suitable wage index for that country shall be used. The U.S. Monthly Index of Wages (Hourly Earnings in Manufacturing), published by the Bureau of Labor Statistics, shall be used for indexing U.S. price quotations. If a wage index is not available for the country involved, the Cost of Living Index shall be used.

(iii) *Example of indexing.* The following is an example of indexing price quotations for a specified month and for a specified period to be representative of prices for the entire year:

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M&R prices—1974, country—United Kingdom

	Country A quotation	Country B quotation	Country A adjusted to calendar year	Country B adjusted to calendar year	Total	Average 2 yd	Conversion to U.S. [1] $2.40
Yard							
Port	Liverpool	London					
Date of quotation	May to September	February					
Index for period [2]	133	132					
Index for year [2]	135	135					
Index ratio (percent)			101.504	102.273			
Drydocking and underwater repairs	£8,182	£11,270	£8,305	£11,526	£19,831	£9,916	$23,798
Boiler repairs	3,053	3,735	3,099	3,820	6,919	3,460	8,304
Machinery repairs	2,229	6,145	2,263	6,285	8,548	4,274	10,258
Hull and deck	1,666	2,480	1,691	2,536	4,227	2,114	5,074
Electrical	1,153	1,950	1,170	1,994	3,161	1,582	3,797
Exterior painting	290	590	294	603	897	449	1,078
Interior painting	816	680	828	695	1,523	762	1,829
Total	17,389	26,850	17,650	27,459	45,109	22,557	54,138

[1] Average rate of exchange for 1974, as recommended by the U.S. Department of Treasury.
[2] Wages—earnings in manufacturing, weekly rates index, Monthly Bulletin of Statistics. United Nations.

(iv) *Group cost weighting.* In order to give effect to the relative importance of price quotations in each principal category of maintenance and repair work, a group cost weight shall be established for each category by compiling cost data of actual maintenance and repair work performed on subsidized vessels during each calendar year. Form MA-140 submitted by all subsidized operators in accordance with Part 272 of this subchapter shall be used for this purpose. The group cost weight so established for each category shall be applied to all U.S. and foreign price quotations for that category.

(v) *Country price quotations not available.* When price quotations are not available for a particular country where a principal foreign flag competitor had work performed, the average of price quotations from other countries in that general geographical area shall be used. If such quotations are not available in that general area, the percentage of work performed in that country shall be distributed pro-rata between the other repairing countries of that principal foreign flag competitor.

(vi) *Category price quotation not available.* When a price quotation for a principal category of maintenance and repair work is not furnished by a repair yard in a country where a principal foreign flag competitior had work performed, the average of price quotations for such work by repair yards of countries in that general geographical area shall be used. If price quotations are not available for such work in that general area, the U.S. price quotation for accomplishing that type of work shall be substituted for the missing foreign price quotation.

(vii) *Country cost differential.* The average of price quotations for each principal category and for each foreign country shall be divided by the corresponding average of U.S. price quotations and expressed as a percentage in order to establish a cost ratio for each principal category. For this purpose an average of U.S. price quotations shall be determined for each of the four coastal areas—East, West, Gulf and Great Lakes—and the average of price quotations for the coast, or coastal areas, from which the subsidized vessel principally operated during the subsidized calendar year, shall be used. The cost ratio for each principal category shall be weighted by the corresponding group cost weight, in accordance with paragraph (d)(2)(iv) of this section, to determine a weighted cost ratio for that category, and the sum of weighted cost ratios for all principal categories subtracted from one hundred (100) percent, shall be the country cost differential.

(viii) *Example calculation of country cost differential.* The following is an example calculation of determining a country cost differential:

Determination of country cost differential [1]

[Year—1974; U.S. coast—Atlantic; type of vessel—tanker; Foreign country—United Kingdom]

	Foreign price	U.S. price	Ratio foreign/ United States	Group cost weight	Weighted ratio
			Percent	*Percent*	*Percent*
Drydocking and underwater repairs	$23,798	$55,600	42.8	18.6	8.0
Boiler repairs	8,304	9,120	91.1	8.9	8.1
Machinery repairs	10,258	13,425	76.4	18.9	14.4
Hull and deck repairs	5,074	14,197	35.7	36.2	12.9
Electrical repairs	3,797	8,098	46.9	11.5	5.4
Exterior painting	1,078	2,986	36.1	3.2	1.2
Interior painting	1,829	6,554	27.9	2.7	.8
Total	$54,138	$109,980		100.0	50.8

[1] Country cost differential, 49.2 percent.

(ix) *Determination of repairing practices.* For purposes of determining the country or countries where maintenance and repair work was accomplished on vessels of a principal foreign flag competitor, the Maritime Administration shall use a random sample of vessels under such competitor and shall determine the actual repairing practices of such vessels for the subsidized calendar year. If a random sample of vessels is used for determining foreign wage costs in accordance with paragraph (c)(4)(iii)(A) of this section, the same vessels shall be used for determining the repairing practices. The percentage of repairs performed at each country shall be determined in accordance with paragraphs (d)(2)(ix)(A) and (B) of this section.

(A) *Practices known.* When the repairing practices of the vessels are known and supported by adequate and reliable data, such practices shall be used.

(B) *Practices unknown.* When the repairing practices of the vessels are unknown, or partially unknown, data published by the Classification Societies and Lloyd's Shipping Index, reporting the dates and localities of drydocking and completion of the various types of surveys, shall be used for determining the geographical distribution of the unknown repairing practices.

(x) *Cut-off date for receipt of data.* The Maritime Administration shall give the operator written notice of the vessels which will be used for determining the repairing practices of each principal foreign flag competitor and the operator shall have sixty (60) days from the date of the Maritime Administration's notice in which to submit in writing all relevant data within its possession. Data received by the Maritime Administration on or after the cut-off date will not be used for determining the repair practices of such competitor for that year unless, in the opinion of the Board, the data on hand are inadequate for estimating the repairing practice of the principal foreign flag competitor.

(xi) *Proportionate cost differential.* The proportionate cost differential for each principal foreign flag competitor shall be determined by multiplying the percentage of repairs performed at each country by the percentage costs differential for that country and by adding the resulting weighted percentages for all countries where repair work was performed.

(xii) *Subsidy rate.* The subsidy rate shall be determined by multiplying the proportionate cost differential for each principal foreign flag competitor by the competition weight factor for that competitor and by adding the resulting weighted differentials for all principal foreign flag competitors. Negative differentials shall be applied as an offset against positive differentials in determining the subsidy rate.

(xiii) *Example calculation of subsidy rate.* The following is an example calculation of the maintenance and repairs subsidy rate:

ABC STEAMSHIP CO., INC., T8-S-101c VESSEL—WORLDWIDE SERVICES

Determination of maintenance (upkeep) and repairs subsidy rate,[1] *1974*

Principal competitors	Distribution of repairs		Country cost differential (percent)	Proportionate cost differential (percent)	Competition weight factor (percent)	Weighted differential (percent)
	Country	Percent				
Japan	Japan	85	36.2	30.8		
	United States	15	0	0		
	Total	100		30.8	23.4	7.207
Norway	Norway	15	44.7	6.7		
	Netherlands	20	43.2	8.6		
	Japan	45	36.2	16.3		
	United States	20	0	0		
	Total	100		31.6	31.1	9.828
United Kingdom	United Kingdom	80	49.2	39.4		
	Hong Kong	15	50.3	7.5		
	United States	5	0	0		
	Total	100		46.9	45.5	21.340
	Total					38.375
	Subsidy rate					38.37

(e) *Hull and machinery insurance*—(1) *Definition of hull and machinery insurance costs*—(i) *Items eligible for subsidy payment and determination of subsidy rate.* The fair and reasonable net premium costs (including stamp taxes) of hull and machinery, increased value, excess general average, salvage and collision liability insurance against risks and liabilities covered under the terms and conditions of policies approved as to form and coverage by the Maritime Administration, shall be eligible for subsidy payment and for the determination of the subsidy rate.

(ii) *Items ineligible for subsidy payment and determination of subsidy rate.* War risk insurance premiums, port risk premiums, and premiums reducing insurance (insurance of premiums) shall not be eligible for subsidy payment and for the determination of the subsidy rate.

(2) *Method of calculating subsidy rate*—(i) *General.* Due to the difficulty of comparing forms and costs of hull and machinery insurance coverages, the following assumptions shall be used for estimating the composite premium cost of the foreign competitive vessels:

(A) *Coverage.* The foreign competitive vessels have the same types and amounts of insurance coverages and deductible averages as the operator's subsidized vessel(s).

(B) *Rate.* The foreign competitive vessels are insured in the British market and the British market rate for such vessels is the same as the British market rate for the operator's subsidized vessel(s). If the operator carries all of its insurance in the American market, the American market rate shall be assumed to be the same as the British market rate.

(C) *Particular average.* The percentage of particular average repair claims for the foreign competitive vessels is the same as the percentage of particular average repair claims for the operator's subsidized vessel(s).

(D) *Repairs.* Insurable repairs of the foreign competitive vessels are performed in the same countries and in the same distribution as non-insurable repairs, and the cost differential for such repairs is the same as the maintenance and repairs subsidy rate.

(ii) *Net premium costs.* The composite foreign premium cost for the foreign competitive vessels and the net premium cost for the operator's subsidized vessel(s) shall be determined from Form MA-421. The operator shall prepare Form MA-421, which will include the insured value and deductible average provisions in effect for each subsidized vessel during the subsidized calendar year and the related net premium costs for hull and machinery, increased value and excess liability insurance carried in the American and British markets, and shall submit such form to the Region Director, not later than ninety (90) days after the close of the subsidized calendar year.

(iii) *Particular average portion of the foreign premium cost*—(A) *Percentage.* The particular average portion of the foreign premium cost shall be determined by applying a percentage to the hull and machinery portion of the foreign premium cost (after deducting the estimated total loss premium included therein). The percentage shall be based on the actual insured claims experience of the operator's subsidized vessel(s), provided the operator has a minimum of five (5) years of claims experience, and it shall be determined by dividing the total of underwriter's absorptions for particular average domestic repair claims paid and estimated by the total of underwriter's absorptions for all claims paid and estimated (excluding total loss and constructive total loss claims) under the hull and machinery portion of the insurance coverage, except that such percentage shall not exceed eighty-five (85) percent.

(B) *Report.* For purposes of determining the percentage of particular average domestic repair claims, the operator shall submit annually, on a currently revised basis, a report of the insured claims experience by years and repair categories. The report shall contain the underwriter's absorptions for

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particular average repair claims paid (domestic), particular average repair claims paid (foreign), particular average repair claims estimated (domestic), particular average repair claims estimated (foreign), all other claims paid, and all other claims estimated, and it shall include all claims paid and estimated for the subsidized vessel(s) over the ten (10) year period ending on December 31 of the subsidized calendar year: *Provided, however*, That if the operator does not have ten (10) years of claims experience, the report may include a minimum of five (5) years of claims experience, increasing each year until the operator accumulates ten (10) years of claims experience. If the operator does not have five (5) years of claims experience, the average percentage of particular average domestic repair claims for all subsidized cargo vessels shall be used for determining the particular average portion of the foreign premium cost, unless the operator can submit specific data to substantiate its own claims cost experience on similar vessels. The report shall show the status of claims as of June 30 of the year subsequent to the subsidized calendar year and it shall be submitted to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230, not later than sixty (60) days after such June 30.

(iv) *Adjusted particular average foreign premium cost.* The particular average portion of the foreign premium cost shall be adjusted in order to give effect to the repair cost differential for the foreign competitive vessels by applying the complement of the maintenance and repairs subsidy rate (100 percent minus the subsidy rate in effect for the subsidized calendar year) to the particular average portion of the foreign premium cost.

(v) *Composite adjusted foreign premium costs.* The adjusted particular average foreign premium cost shall be added to the net foreign premium cost exclusive of the particular average portion thereof to determine the composite adjusted foreign premium cost.

(vi) *Subsidy rate.* The composite adjusted foreign premium cost shall be subtracted from the operator's total net premium cost to determine the differential in dollars. The subsidy rate shall be determined by dividing the differential by the operator's total net premium cost.

(vii) *Example calculation.* The following is an example calculation of the hull and machinery insurance subsidy rate:

ABC STEAMSHIP COMPANY, INC., T8–S–101o VESSEL—WORLDWIDE SERVICES

Determination of hull and machinery insurance subsidy rate, 1974

Composite foreign premium cost:	
A. Hull and machinery coverage:	
Amount of total coverage	$8,000,000
Average premium rate in British market	2.25%
Premium cost in British market	$180,000
(Estimated total loss premium $8,000,000 at .50%[1] = $40,000)	
B. Increased value coverage:	
Amount of total coverage	$2,000,000
Average premium rate in British market	.625%
Premium cost in British market	$12,500
C. Excess liability coverage:	
Amount of total coverage	$3,000,000
Average premium rate in British market	.15%
Premium cost in British market	4,500
D. Total premium cost if insured 100 percent in British market	$197,000
E. Deduct Particular Average Portion:	
$180,000 less $40,000 = $40,000 × 70 percent P/A factor	98,000
F. Net premium cost exclusive of particular average	$99,000
G. Particular average adjustment:	
Particular average portion of premium cost	$98,000
Maintenance and repair subsidy rate complement (100.00 percent minus 37.37 percent)	61.63%
Adjusted particular average foreign premium cost	$60,397
Add back net premium cost exclusive of particular average	99,000
Composite adjusted foreign premium cost	$159,397
Total premium cost to subsidized operator	200,000
Differential in dollars	$40,603
Subsidy rate	20.30%

[1] After adjusting for broker's discounts, policy tax and other costs, as necessary.

(f) *Protection and indemnity insurance*—(1) *General.* For purposes of determining subsidy for protection and indemnity insurance, it shall be assumed that the cost differential between the subsidized vessel(s) and the foreign competitive vessels is limited to those portions of premium costs and deductible absorptions which are related to crew liability and that the cost of all other liabilities is the same for both the subsidized vessel(s) and the foreign competitive vessels.

(2) *Definition of protection and indemnity insurance costs*—(i) *Premiums*—(A) *Items eligible for subsidy payment.* The fair and reasonable net premium costs (including stamp taxes) of protection and indemnity, excess insurance, second seamen's insurance, and cargo liability if excluded from the primary policy, against liabilities covered under the terms and conditions of policies approved as to form and coverage by the Maritime Administration, shall be eligible for subsidy at the determined protection and indemnity insurance premium subsidy rate.

(B) *Items eligible for determination of subsidy rate.* All items listed in paragraph (f)(2)(A) of this section except for excess insurance premiums, shall be eligible for the determination of the subsidy rate.

(C) *Items ineligible for subsidy payment and for determination of subsidy rate.* War risk insurance premiums shall not be eligible for subsidy payment and for the determination of the subsidy rate.

(ii) *Deductibles.* The fair and reasonable costs of crew claims paid by the operator under the deductible provisions of protection and indemnity insurance policies approved as to form and coverage by the Maritime Administration to the extent that such costs would have been paid by the insurance underwriters under the terms of the policies except for the fact that such costs did not exceed the deductible provisions of such policies, shall be eligible for subsidy payment, provided, however, that for subsidy payment purposes the cost of such crew claims shall not exceed $25,000 each accident or occurrence.

(3) *Method of calculating subsidy rate*—(i) *General.* The calculation of the subsidy rate for protection and indemnity insurance premiums shall be based on costs per gross registered ton (g.r.t.) for crew liability and for all other liabilities. The premium cost for all other liabilities for the subsidized vessel(s) shall be added to the crew liability cost for the foreign competitive vessels of each principal foreign flag competitor to estimate the total premium cost for such competitor. If additional costs or credits are applied to a year after the subsidy rate for that particular year has been determined, the additional costs or credits shall be applied to the next year for which a subsidy rate has not been determined.

(ii) *Determination of premium costs for subsidized vessel(s)*—(A) *Total.* The total premium cost for the operator's subsidized vessel(s) shall be determined from Form MA–422. The operator shall prepare Form MA–422, which will include the protection and indemnity insurance premiums, gross registered tonnage and deductible provisions in effect for the subsidized vessel(s) during the subsidized calendar year, and shall submit such form to the Region Director, not later than ninety (90) days after the close of the subsidized calendar year.

(B) *Crew liability.* The crew liabiliy portion of the total premium cost shall be determined by applying a percentage to the total premium cost. The percentage shall be based on the actual insured claims experience of the operator's subsidized vessel(s), provided the operator has a minimum of five (5) years of claims experience, and it shall be determined by dividing the total of underwriter's absorptions for crew claims paid and estimated by the total of underwriter's absorptions for all claims paid and estimated, except that such percentage shall not exceed eighty-five (85) percent unless such higher percentage can be substantiated. For determining the percentage of crew claims, the operator shall submit annually, on a currently revised basis, a report of the total insurable claims experience on Form MA–344. The report shall be submitted with Form MA–422 and it shall include all claims paid and estimated for the subsidized vessel(s) over the five (5) year period ending on December 31 of the year preceding the subsidized calendar year. If the operator does not have five (5) years of claims experience, the average percentage of crew claims for all subsidized cargo vessels shall be used for determining the crew liability portion of the premium cost, unless the operator can submit specific data to substantiate its own claims experience on similar vessels.

(C) *All other liabilities.* The all other liabilities portion of the total premium cost shall be determined by subtracting therefrom the crew liability portion, determined in accordance with paragraph (f)(3)(ii)(B) of this section.

(iii) *Determination of crew liability costs for foreign competitive vessels*—(A) *Primary method.* The crew liability for the foreign competitive vessels of each principal foreign flag competitor shall be used if reliable cost data can be obtained. If such data cannot be obtained for a principal competitor and it is determined in accordance with paragraph (c)(4)(iii)(A) of this section that such competitor has a non-national crew, the crew liability cost for similar vessels under the same nationality as the crew may be used, at the Board's discretion, provided reliable cost data are obtained. If no reliable cost data are obtained for a particular competitor, the crew liability cost for that competitor shall be estimated in accordance with the alternate method described in paragraph (f)(3)(iii)(B) of this section.

(B) *Alternate method.* If no reliable cost data are obtained for a particular foreign flag competitor, the crew liability cost for such competitor shall be estimated by multiplying the operator's crew liability portion of the total premium cost by the competitor's unweighted wage percentage. For this purpose, the weighted percentage (FC to WC) in effect on January 1 of the subsidized calendar year shall be used.

(iv) *Subsidy rate.* The excess of the operator's total premium cost over each principal foreign flag competitor's estimated total premium cost, expressed as a percentage, shall be multiplied by the competition weight factor for such competitor to determine a weighted differential. The sum of the weighted differentials for all principal foreign flag competitors, negative differentials applied as an offset against positive differentials, shall establish the subsidy rate.

(v) *Example calculation.* The following is an example calculation of the protection and indemnity insurance subsidy rate:

ABC STEAMSHIP COMPANY, INC., TS–S–101c VESSEL—WORLDWIDE SERVICES

Determination of protection and indemnity insurance subsidy rate, 1974

	United States	Japan	Norway	United Kingdom
Crew liability	[1] $1.44	[2] $0.03	[2] $0.48	[2] $0.64
All other liabilities	.25	.25	.25	.25
Total cost	1.69	.28	.73	.89
Differential-excess of U.S. cost over foreign cost		$1.41	$0.96	$0.80
Unweighted differential (percent)		83.43	56.80	47.34
Competition weight factor (percent)		23.4	31.1	45.5
Weighted differential (percent)		19.523	17.665	21.540
Composite weighted differential (percent)			58.728	
Subsidy rate (percent)			58.72	

[1] Determined by applying 85 percent to total net premium cost per g.r.t. of $1.69, reported on Form MA–422.

[2] Crew liability data obtained by Maritime Administration.

(4) *Method of calculating subsidy payment for deductible absorptions*—(i) *Procedure.* The cost of each crew claim paid by the operator under the deductible provisions of protection and indemnity insurance policies, not to exceed $25,000 each accident or occurrence, shall be compared with the deductible in effect for each principal foreign flag competitor to determine the cost that such competitor would have absorbed. The excess of the operator's cost over the cost that would have been absorbed by each competitor shall be multiplied by the competition weight factor for such competitor to determine a weighted excess cost, and the sum of the weighted excess costs for all principal foreign flag competitors, negative differentials applied as an offset against positive differentials, shall be the subsidy payment.

(ii) *Deductibles for foreign competitive vessels.* The deductible in effect for the foreign competitive vessels of each principal foreign flag competitor shall be that which is related to the calculation of the premium subsidy rate. If the primary method is used for determining the crew liability cost, the related deductible shall be used. If the alternate method is used for estimating the crew liability cost for a particular competitor, the same unweighted wage percentage which is used for estimating the crew liability cost for such competitor shall be used for estimating the deductible costs absorbed by such competitor. For this purpose, the cost of each crew claim paid by the operator shall be multiplied by the unweighted wage percentage to determine the costs absorbed by the competitor.

§ 252.9 Financial and other reporting requirements.

(a) *Voyage reports*—(1) *General.* In order to determine compliance with the subsidy contract, the operator shall submit a voyage report to the Director, Office of Subsidy Administration, Maritime Administration, Washnigton, D.C. 20230, upon completion of each subsidized voyage.

(2) *Contents of voyage report.* The voyage report shall include the following information to the extent applicable to the subsidized voyage:

(i) Name of vessel and voyage number.

(ii) Subsidy contract number.

(iii) Vessel activity, including the following data.

(A) Ports of voyage commencement and termination, including dates and times.

(B) Loading port(s), including dates of arrival and departure and long tons of cargo loaded (specify commodity).

(C) Discharge port(s), including dates of arrival and departure and long tons of cargo discharged.

(D) Other port(s)—ports of bunkering, emergency calls, etc., including dates of arrival and departure (specify reason for call).

(E) Cargo ton-miles for all cargo discharged.

(F) Gross revenue for all cargo discharged.

(iv) Identify all periods of vessel layup, idleness and delay and reduced crew periods, and attach all pertinent correspondence with the Region Director.

(b) *Conditions of vessels, inspection and repairs.* In order that the Maritime Administration may have opportunity to participate in the inspection of vessels, in compliance with Part 272 of this Subchapter the operator shall give at least twenty-four (24) hours notice to the Region Director as to the time and place of making inspections.

(c) *Vessel insurance*—(1) *Policies.* Upon the binding of any insurance policy with respect to a subsidized vessel, the operator shall submit promptly to the Director, Office of Marine Insurance, Maritime Administration, Washington, D.C. 20230, for approval of the Maritime Administration, a signed copy of each cover note issued by the operator's brokers, which, to the extent applicable, shall set forth as to such vessel the amounts covered by hull, increased value and other forms of total loss protection, as well as protection and indemnity insurance. Such cover notes shall include the rates, the amounts placed in the different markets, the participating underwriters, the amount underwritten by each underwriter, and the amounts of the deductibles. Upon request, copies of

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the policy shall be submitted to the Maritime Administration for examination.

(2) *Losses and changes to policies.* The operator shall advise the Maritime Administration promptly of a cancellation of policy or changes in terms or underwriters, of any lay-up period which will permit the collection of return premiums, and for any major casualty or total loss which may occur.

(d) *Financial Statements*—(1) *General.* The operator shall submit the financial statements required in paragraphs, (d) (2), (3), and (4) of this section, in triplicate, to the Director, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230; such statements shall include management footnotes, as necessary, to make a fair financial presentation.

(2) *Balance Sheet and Statement of Income.* The operator shall submit a Balance Sheet and Statement of Income for the first, second and third quarter of its financial year, certified by a company official. Such statements shall be prepared in conformance with the specimens appended to the Uniform System of Accounts, prescribed in Part 282 of this Subchapter, and they shall be submitted not later than forty-five (45) days after the close of each quarter. The Balance Sheet shall be prepared as of the last day of each quarter and the Statement of Income shall cover operations for the quarter and cumulative operations for the financial year.

(3) *Financial report—Form MA-172.* For each financial year the operator shall submit Form MA-172 for such year, not later than ninety (90) days after the close of such year.

(4) *Certified financial statement.* For each financial year the operator shall submit a Balance Sheet and a Statement of Income and Retained Earnings for such year, certified by a certified public accountant. The statements shall be submitted not later than ninety (90) days after the close of such financial year.

§ 252.10 Payment of subsidy.

(a) *General.* Operating-differential subsidy shall be payable monthly for subsidized voyages terminated during the previous month, subject to the limitations contained in paragraph (d) of this section. Initially, subsidy shall be paid on the basis of tentative subsidy rates. After final subsidy rates are established the amount of subsidy which was paid on the basis of tentative rates shall be adjusted to conform with the final rates.

(b) *Tentative subsidy payment*—(1) *Tentative subsidy rates.* At the time of commencing subsidized service, the Board will establish tentative subsidy rates for each category of subsidized expense which shall be used for the purpose of making tentative subsidy payments. Tentative subsidy rates for wages shall be established annually by the Board, within ninety (90) days after the beginning of each fiscal year. Tentative subsidy rates for maintenance and repairs, hull and machinery insurance and protection and indemnity insurance may be established, at the Board's discretion, for any year subsequent to the initial year of subsidized service. If new tentative rates are not established for a subsequent year, the subsidy rate, tentative or final, applicable to the most recent year for each category of expense shall be used for the purpose of making tentative subsidy payments.

(2) *Partial payment*—(i) *Monthly.* At the close of each calendar month the operator shall submit a voucher for payment of accrued subsidy on voyages terminated during the month. There are two different billings used for this purpose, depending on whether the voyage terminated in a U.S. or foreign port. The only difference is the amount of wage subsidy which may be billed.

(A) *Subsidy billings for wages of officers and crews.* For voyage terminations in foreign ports, the voucher may include a percentage of the wage subsidy per diem rate based on a fraction, the numerator of which shall be the operator's total advances, allotments, and other cash payments made to or on behalf of the crew prior to payoff during the previous fiscal year and the denominator of which shall be the operator's gross payroll during the previous fiscal year. For operators who do not have the necessary cost experience to establish the percentage, a forty (40) percent factor shall be utilized. The tentative wage subsidy per diem rate shall be multiplied by the subsidized voyage days to establish the amount of accrued wage subsidy, and the accrued wage subsidy shall be multiplied by the percentage factor to establish the amount of wage subsidy which may be billed for voyages which terminated in foreign ports. The difference between this partial wage subsidy payment and the accrued wage subsidy may be included in the subsidy voucher for the vessel's next subsequent voyage termination in a U.S. port. For voyage terminations in U.S. ports, the voucher may include one hundred (100) percent of accrued wage subsidy, determined by multiplying the tentative wage subsidy per diem rate by the subsidized voyage days.

(B) *Subsidy billings for maintenance and repairs and insurance premiums.* For voyage terminations in both U.S. and foreign ports, the voucher may include ninety (90) percent of accrued subsidy on expenses incurred for maintenance and repairs, hull and machinery insurance premiums and protection and indemnity insurance premiums. Determination of accrued subsidy shall be made by multiplying the actual subsidizable voyage expenses incurred for each category by the tentative subsidy rate applicable to that category.

(ii) *Quarterly.* At the close of each calendar quarter (March, June, September, and December) the operator may include in its monthly voucher ninety (90) percent of accrued subsidy for unpredictably timed wage costs incurred on subsidized voyages terminated during the calendar quarter. Determination of accrued subsidy shall be made by multiplying the actual subsidizable unpredictably timed wage costs incurred by the tentative subsidy rate applicable to that category.

(iii) *Annually.* At the close of each calendar year the operator may submit a voucher for payment of ninety (90) percent of accrued subsidy on expenses incurred for protection and indemnity deductible absorptions on subsidized voyages terminated during the calendar year. The costs may be included in the December voucher or may be submitted in a separate voucher at any time after the close of the calendar year. Determination of accrued subsidy on the operator's absorptions for crew claims shall be made in accordance with paragraph (f)(4) of § 252.8, or the operator may elect to determine the accrued subsidy by applying the complement of the wage subsidy percentage rate (100 percent minus the rate in effect as of January 1 of that year) to the actual subsidizable absorptions for crew claims.

(3) *Expenses applicable to prior months.* Maintenance, repairs and insurance premiums expenses recorded in a current month but applicable to a voyage terminated in a previous month of the same calendar year may be included for payment of subsidy in the voucher submitted for the current month. Unpredictably timed wage expenses recorded in a current quarter but applicable to a voyage terminated in a previous quarter of the same fiscal year may be included for payment of subsidy in the voucher submitted for the current quarter.

(4) *Changes in subsidy rates.* At the time the Board approves a new subsidy rate, the accrued subsidy and payment thereof will be adjusted as follows:

(i) *Wage subsidy rates.* If changes occur in the wage subsidy per diem rate, the next monthly voucher shall include the new wage subsidy per diem rate (A) for the month currently billed and (B) for all months previously billed in the current fiscal year. If changes occur in the wage subsidy percentage rate for unpredictably timed wage expenses, the next quarterly voucher shall include the new wage subsidy percentage rate (A) for the quarter currently billed and (B) for all quarters previously billed in the current fiscal year.

(ii) *Maintenance and repairs and insurance subsidy rates.* If changes occur in maintenance and repairs and insurance premiums subsidy rates before the end of a calendar year, the next monthly voucher shall include the new subsidy rates (A) for the month currently billed and (B) for all months previously billed in the current calendar year.

(c) *Final Subsidy payment*—(1) *Submission of voucher.* Upon determination of the final wage subsidy per diem rate for a fiscal year, the operator shall submit a voucher for adjustment of subsidy previously paid on the basis of the tentative rate for that fiscal year. Upon determination of the final subsidy rate for a year for unpredictably timed wages, maintenance and repairs, hull and machinery insurance premiums, or protection and indemnity insurance premiums and foreign deductibles for crew claims, and upon completion of the Maritime Administration's audit of such category of expense for voyages terminated in that year, the operator shall submit a voucher for adjustment of subsidy previously paid on the basis of the tentative rate. The amount of final subsidy shall be determined by application of the final subsidy rate to the expenses approved by the Maritime Administration. The final subsidy amount for the year for each category of expense, less the tentative subsidy payments for that category, shall be payable to the operator. In the event that tentative subsidy payments exceed the amount of final subsidy payable, the operator shall make a prompt full refund of the overpayment.

(2) *Expenses applicable to prior years.* Expenses recorded in the current year but applicable to a voyage which terminated in a previous year may be billed for subsidy payment if or when the final subsidy rate applicable to that category of expense for the year in which the voyage terminated is incorporated into the subsidy contract and such expenses have been audited by the Maritime Administration.

(d) *Reduction of subsidy.* The payment of subsidy vouchers shall be suspended after the first eighteen (18) months of a three-year period if the subsidized vessel has not carried during the previous months of that period a minimum of fifty (50) percent export-import foreign commerce of the U.S. which is necessary to earn one hundred (100) percent of subsidy otherwise payable in accordance with § 252.5. Once the payment of subsidy has been suspended, the subsidy vouchers submitted thereafter during the remaining months of the three-year period shall not be paid until the amount of subsidy earned in accordance with § 252.5 exceeds the amount of subsidy which has been paid during the period, and the amount of subsidy paid for voyages completed during the remaining months of the period shall not exceed the amount of subsidy earned on a cumulative basis for such period. For this purpose, tentative subsidy payments shall be used for determining the amount of subsidy earned for such period (see example in paragraph (e)(1) of this section).

(e) *Repayment of subsidy*—(1) *One-year period.* For an operator who has elected a one-year period, within sixty (60) days after the close of such period the operator shall repay any overpayment of subsidy in excess of subsidy earned for the period. For example, if the operator has received $780 thousand in tenative subsidy payments for the period and the vessel has carried 45 percent export-import foreign commerce of the U.S. during such period, in accordance with the provisions of § 252.5 and paragraph (d) of this section, the vessel has earned 70 percent of $780 thousand, or $546 thousand, and the operator must refund $244 thousand.

(2) *Three-year period.* For an operator who is on a three-year period, the operator shall repay promptly to the Maritime Administration any overpayment of subsidy in excess of subsidy earned for the three-year period, determined on the basis that for the remaining months of the period the vessel will carry the same monthly average amount of cargo that it carried during the previous months of the period and that such cargo will be carried exclusively in the export-import foreign commerce of the U.S. For example, for a vessel which in a three-year period is used exclusively in foreign-to-foreign commerce for the first eighteen months of the period, the operator will be paid 100 percent of the tentative subsidy payments for such period. At the conclusion of the 19th month, if any portion of the cargo carried on voyages terminating during the 19th month was not in the U.S.-foreign trade, the operator shall be required to make repayment of subsidy paid in excess of 70 percent of estimated subsidy to be earned for the three-year period as it is unlikely that the vessel will be able to carry 50 percent export-import foreign commerce of the U.S. for the three-year period, even assuming the vessel will operate exclusively in such trade for the remainder of the period. At the conclusion of the 22nd month, if no cargo has been carried in the U.S.-foreign trade through such period, the operator shall be required to make repayment of subsidy paid during the first 18 months in excess of 40 percent of estimated subsidy to be earned for the three-year period as it is unlikely that the vessel will be able to carry 40 percent export-import foreign commerce of the U.S. for the three-year period, even assuming the vessel will operate exclusively in such trade for the remainder of the period. Similarly, at the conclusion of the 26th month, if no cargo has been carried in the U.S.-foreign trade through such period, the operator shall be required to make repayment of all remaining subsidy which was paid during the first eighteen months of the period as it is unlikely that the vessel will be able to earn any subsidy for the three-year period, even assuming the vessel will operate exclusively in the export-import foreign commerce of the U.S. for the remainder of the period.

(f) *Audit of operator's records.* (1) *General.* Vouchers submitted for partial payment of accrued subsidy will not require an audit of the operator's subsidizable expenses; however, certain items, for example, the percentage of advances, etc., as compared to gross payroll, may be verified. Prior to final payment of accrued subsidy, the Maritime Administration will audit the operator's subsidizable expenses and all data necessary for the verification of the percentage of export-import foreign commerce of the U.S.

(2) *Information necessary for audit.* In order for the Maritime Administration to perform its audit of subsidizable expenses incurred, revenues earned, and cargo carried, the operator shall make available all information and documents to support all vouchers on which subsidy is claimed. The required documents shall include, but are not limited to, the following:

(i) *Wages of officers and crew.* Voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes and the various payroll contributions payable under collective bargaining agreements in support of costs submitted by the operator on Form MA-790 and in support of subsidy vouchers for unpredictably timed wage expenses.

(ii) *Maintenance and repairs.* Invoices of domestic suppliers and repair yards for expenses incurred in the United States and the Commonwealth of Puerto Rico.

(iii) *Hull and machinery insurance and protection and indemnity insurance.* Premium invoices, crew injury, illness and death claims records and files compiled in connection with costs absorbed under the deductible provisions of the insurance policies, and general and particular average claims files.

(iv) *Revenues earned and cargoes carried.* All contracts of affreightment, charter agreements, cargo loading and discharging reports, log records and other documents related to gross revenues for cargoes carried and cargo-ton miles.

§ 252.11 Subsidy billing procedures.

(a) *Subsidy voucher* (1) *Forms.* Requests for payment of subsidy shall be submitted on a public voucher, Standard Form 1034 and 1034A, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) *Copies.* The original and three (3) copies of the voucher are to be submitted for payment to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230. The original and two (2) copies must be supported by the schedules and the affidavit as shown in paragraph (b) of this section. The third copy is the payee's copy and need not be supported. The payee's copy will be returned with payment by the United States Department of Treasury.

(3) *Numbering.* Subsidy vouchers shall be numbered consecutively.

(b) *Schedules and affidavit*—(1) *Contents and instructions*—(i) *General.* The schedules are used for calculating the amount of subsidy which is due for payment. Separate schedules shall be prepared for each subsidized vessel. Subsidy accruals, gross revenues and cargo ton-miles must be aggregated for the period elected for the subsidized vessel under § 252.5 in order to determine the amount of subsidy earned for such period. The aggregation periods are referred to as accounting periods. Since a one-year period may be elected within fourteen (14) months of the beginning of a three-year period, the operator, if electing the one-year period after submitting a

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voucher and schedules for the thirteenth month, shall resubmit corrected schedules to coincide with the accounting period.

(ii) *Schedule A.* Schedule A contains the cumulative subsidy accrued, the cumulative subsidy otherwise payable, and the net subsidy payable or refundable from the commencement of the accounting period. The entry "Billing No." shall be used by the operator for the consecutive numbering of such schedules for the accounting period. When the operator makes adjustments in subsidy accruals or the amount of subsidy payable after the close of the accounting period, it shall submit an additional Schedule A for such period, attaching appropriate supporting schedules.

(iii) *Schedule B (U.S.).* Schedule B (U.S.) contains the calculation of accrued wage per diem subsidy for a voyage terminated in a U.S. port.

(iv) *Schedule B (Foreign).* Schedule B (Foreign) contains the calculation of accrued wage per diem subsidy and of the partial subsidy payment for a voyage terminated in a foreign port.

(v) *Schedule B–1 (Foreign).* Schedule B–1 (Foreign) contains the balance of subsidy payable from Schedule B (Foreign). It may be submitted with the next subsidy voucher which includes a Schedule B (U.S.) for the same vessel, and if such voucher is submitted in a subsequent accounting period, a separate Schedule A for the accounting period in which the voyage terminated shall be attached.

(vi) *Schedule C.* Schedule C contains the calculation of accrued subsidy for maintenance and repairs, hull and machinery insurance premiums, and protection and indemnity insurance premiums for the terminated voyage.

(vii) *Schedule C–1.* Schedule C–1 contains the calculation of accrued subsidy for unpredictably timed wages incurred on voyages terminated during the calendar quarter. If any of the voyages were terminated in the previous accounting period, the accrued subsidy for such voyages shall be reported on a separate Schedule C–1 and Schedule A for such period.

(viii) *Schedule D.* Schedule D contains the calculation of accrued subsidy for protection and indemnity insurance deductible absorptions for voyages terminated during the calendar year. If any of such voyages were terminated in the previous accounting period, the accrued subsidy for such voyages shall be reported on a separate Schedule D and Schedule A for such period.

(ix) *Schedule D–1.* Schedule D–1 is an optional form for calculating the accrued subsidy for protection and indemnity insurance deductible absorptions in accordance with paragraph (b)(2)(iii) of § 252.10. If used, it shall be submitted in accordance with the instructions contained in paragraph (b)(1)(viii) of this section.

(x) *Schedule E.* Schedule E contains cumulative gross revenue and cargo ton-miles, and it is used for determining the percentage of subsidy earned during the accounting period. The operator shall indicate the final schedule for each accounting period by adding the word "Final" to the schedule title, i.e., Schedule E (Final).

(xi) *Schedule F.* Schedule F contains the calculation of subsidy refundable for the accounting period. The operator is not required to submit a Schedule F unless Schedule A indicates an overpayment of subsidy after the first eighteen (18) months of a three-year accounting period.

(xii) *Affidavit.* The affidavit shall be signed by an official of the operator who is familiar with the subsidy contract, these regulations, the operation of the subsidized vessel and the accounts, books, records and disbursements of the operator relating to such operation.

(2) *Forms.* The operator shall furnish its own supply of the following forms:

SCHEDULE A

(Operator)

Subsidy contract No. ____

Calculation of operating-differential subsidy (ODS) for the ....
(name of vessel)

Billing No. ____

Accounting period ....
(1 year/3 years)

Date period commenced ....
(day, month, and year)

	Current voucher	*Previous vouchers*	*Total*
I. ODS accrued:			
1. Tentative rates:			
(i) Wages—per diem	$____	$____	$____
(ii) Wages—unpredictably timed	____	____	____
(iii) Other categories of expense:			
A. M&R	____	____	____
B. H&M premium	____	____	____
C. P&I premium	____	____	____
D. P&I deductibles	____	____	____
(iv) Total tentative ODS accrued	$____	$____	$____
2. Final rates:			
(i) Wages—per diem	$____	$____	$____
(ii) Wages—unpredictably timed	____	____	____
(iii) Other categories of expense:			
A. M&R	____	____	____
B. H&M premium	____	____	____
C. P&I premium	____	____	____
D. P&I deductibles	____	____	____
(iv) Total final ODS accrued	$____	$____	$____

II. ODS payable:			
1. Tentative payment:			
(i) 100 percent of item I.1(i)	$____		
(ii) 90 percent of item I.1(ii)	$____		
(iii) 90 percent of item I.1(iii) A, B, C, D	$____	$____	
2. Final payment: 100 percent of item I.2.(iv)	....	$____	
3. ODS payable before application of percentage of subsidy earned	....	....	$____
4. Percentage of subsidy earned (Schedule E)	____%		
5. ODS earned (item 3×4)	....	....	$____
6. Previous subsidy payments	....	....	$ (blank)
7. ODS payable (overpayment to date) (note 1)	....	....	$____
8. ODS refundable (note 2)	....	....	$____

NOTES

1. (a) If this schedule applies to a 1-yr accounting period or the first 18 mo of a 3-yr accounting period, subtract item 6 from item 3 and enter balance on item 7.

(b) If this schedule applies to the 19th through the 36th month of a 3-yr accounting period, subtract item 6 from item 5 and enter balance on item 7. If item 7 is an overpayment (negative amount), complete schedule F.

2. (a) If item 7 is a payable (positive) amount, omit item 8.

(b) If item II.8 of schedule F indicates a repayment of subsidy, enter the amount on item 8.

SCHEDULE B (U.S.)

____
(Operator)

Calculation of accrued wage per diem subsidy for the ____________ for voyage terminated in U.S. port
(name of vessel)
during the month of ________
Voyage No. ____
Date commenced ________. Date terminated ________;
Number of subsidized voyage days ____

A. Voyage in 1 fiscal year:		
1. Wage per diem rate	$____	
2. Total subsidized voyage days	____	
3. Total subsidy for voyage (line 1×2)		[1] $____
B. Voyage in parts of 2 fiscal years:		
1. Fiscal year 19—:		
(i) Wage per diem rate	$____	
(ii) Subsidized voyage days in fiscal year	____	
(iii) Total subsidy for fiscal year (item i×ii)		$____
2. Fiscal year 19—:		
(i) Wage per diem rate	$____	
(ii) Subsidized voyage days in fiscal year	____	
(iii) Total subsidy for fiscal year (item i×ii)		$____
3. Total subsidy for voyage (item 1(iii)+2(iii))		[1] $____

[1] Enter on schedule A, item I.

SCHEDULE B (FOREIGN)

____
(Operator)

Calculation of accrued wage per diem subsidy for the ____________ for voyage terminated in foreign
(name of vessel)
port during the month of ________;
Voyage No. ____
Date commenced ________. Date terminated ________;
Number of subsidized voyage days ____

A. Voyage in 1 fiscal year:			
1. Wage per diem rate	$____		
2. Total subsidized voyage days	____		
3. Total wage per diem (item 1×2)		$____	
4. Percentage factor [1]		____%	
5. Partial subsidy for voyage (item 3×4)			[2] $____
6. Balance of subsidy for voyage		[3] $____	
B. Voyage in parts of 2 fiscal years:			
1. Fiscal year 19__:			
(i) Wage per diem rate	$____		
(ii) Subsidized voyage days in fiscal year	____		
(iii) Total wage per diem for fiscal year (item i×ii)		$____	
2. Fiscal year 19__:			
(i) Wage per diem rate	$____		
(ii) Subsidized voyage days in fiscal year	____		
(iii) Total wage per diem for fiscal year (item i×ii)		$____	
3. Total wage per diem for voyage (item 1(iii)+2(iii))		$____	
4. Percentage factor [1]		____%	
5. Partial subsidy for voyage (item 3×4)			[2] $____
6. Balance of subsidy for voyage		[3] $____	

---

[1] Computed in accordance with par. (b)(2)(i) of § 252.10.

[2] Enter on schedule A; item I.

[3] May be billed in next voucher which includes a schedule B (United States) for the same vessel; use schedule B–1 (foreign) for this purpose.

SCHEDULE B–1 (FOREIGN)

(Operator)

Balance of accrued wage per diem subsidy for the .... for voyage
(Name of vessel)
terminated in foreign port.
Accounting period ....
(1 year/3 years)
Date period commenced ....
(Day, month, and year)

A. Balance of subsidy for voyage No. ...... (enter item 6 from schedule B—foreign .... [1] $..........

B. Balance of subsidy for voyage No. ...... (enter item 6 from schedule B—foreign) .... [1] $..........

(Repeat, as necessary.)

[1] Enter on schedule A, item I.

SCHEDULE C

....
(Operator)

Calculation of accrued subsidy for maintenance and repairs (M&R), hull and machinery insurance premium (H&M) and protection and indemnity insurance premium (P&I) for the ...., voyage number
(name of vessel)
......, terminated during the month of ....

	M&R	*H&M*	*P&I*
1. Subsidizable expense	$____	$____	$____
2. Subsidy rate	____%	____%	____%
3. Total subsidy (item 1×2) [1]	$____	$____	$____

[1] Enter on schedule A, item I.

SCHEDULE C–1

(Operator)

Calculation of accrued subsidy for unpredictably timed wages for the ....,
(Name of vessel)
for voyage numbers .... terminated during the calendar quarter ending ....
(Month and year)
Accounting period ....
(1 year/3 years)
Date period commenced ....
(Day, month, and year)

1. Unpredictably timed expenses .... $..........
2. Subsidy rate (percent) ....
3. Total subsidy (item 1×2) ....

[1] Enter schedule A, item I.

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SCHEDULE D

(Operator)

Calculation of accrued subsidy on P&I deductibles for the .... (name of vessel) for voyage terminations during calendar year ....
Accounting period .... (1 year/3 years)
Date period commenced .... (day, month, and year)

			Foreign competitors deductible costs		
Voyage No.	*U.S. deductible cost*		*A*	*B*	*C*
________	$________		$________	$________	$________
________	$________		$________	$________	$________
________	$________		$________	$________	$________
________	$________		$________	$________	$________
1. Total this period	(a) $________	(b)	$________	$________	$________
2. Cost differential (1a−1b)			$________	$________	$________
3. Competition weight factor			________%	________%	________%
4. Weighted cost differential (item 2×3)			$________	$________	$________
5. Total subsidy					[1]$________

[1] Enter on schedule A, item I.

SCHEDULE D–1

(Operator)

Calculation of accrued subsidy on P&I deductibles for the ------------------------ (Name of vessel) for voyage terminations during calendar year ------------.
Accounting period ------------------------. (1 year/3 years)
Date period commenced ------------------------. (Day, month, and year)

Voyage No.	*U.S. deductible cost*	
----------------	$----------------	
----------------	$----------------	
----------------	$----------------	
----------------	$----------------	
1. Total this period ----------------		$----------
2. Complement of wage subsidy percentage rate (100 percent minus the rate in effect on January 1 of calendar year) ----------------		----------
3. Total subsidy (item 1×2) ----------------		[1]----------

[1] Enter on schedule A, item I.

SCHEDULE E

....
(Operator)

Calculation of percentage of subsidy earned for the .... (name of vessel)
Accounting period ... (1 year/3 years)
Date period commenced ... (day, month, and year)

	U.S. export-import cargo gross revenue	*Total cargo gross revenue*	*U.S. export-import cargo ton-miles (thousands)*	*Total cargo ton-miles (thousands)*
1. Voyage currently billed: Voyage No. ________	$________	$________	________	________
2. Voyages previously billed this period: Voyages Nos. ______ ______ ______	$________	$________	________	________
3. Total this period	$________	$________	________	________
	(a)	(b)	(a)	(b)
4. Percentage of U.S. export-import cargo to total cargo this period (column a÷b)	________%			________%
5. Percentage of subsidy earned this period: Unless otherwise specified in the subsidy contract, if the higher of the 2 percentages in item 4 is: 50–100 percent—enter 100 percent; 40–49.99 percent—enter 70 percent; 30–39.99 percent—enter 40 percent; less than 30 percent—enter 0 percent				[1]________%

[1] Enter on Sch. A, Item II.4.

SCHEDULE F

(Operator)

Calculation of ODS refundable for the ------------------------. (Name of vessel)
Date accounting period commenced ------------------------, bill No. ------. (Day, month, and year)

I. Percentage of subsidy earned:

	U.S. export-import cargo	*Total cargo*
1. Gross revenue or ton-miles to date this period (enter total this period from schedule E) ----------------	(a) ------	(b) ------
2. Months to date this period[1] ----------------		------
3. Monthly average cargo (item 1b÷2) ----------------		------
4. Estimated total cargo this period (36×item 3) ----------------		------
5. Estimated U.S. export-import cargo for balance of period (item 4−1b) ----------------		------
6. Estimated total U.S. export-import cargo this period (item 1a+5) ----------------		------
7. Estimated percentage of total U.S. export-import cargo to total cargo this period (item 6÷4) ----------------		------
8. Estimated percentage of subsidy earned this period—unless otherwise specified in subsidy contract, if item 7 is: 50–100 percent—enter 100 percent; 40–49.99 percent—enter 70 percent; 30–39.99 percent—enter 40 percent; less than 30 percent—enter 0 percent ----------------		------

II. ODS refundable:

1. ODS payable to date this period (enter amount from item II.3, schedule A ----------------	$------
2. Months to date this period[1] ----------------	------
3. Monthly average ODS (item 1÷2) ----------------	$------
4. Estimate ODS otherwise payable this period (36×item 3) ----------------	$------
5. Estimate percentage of subsidy earned this period (enter item I.8) ----------------	------
6. Estimate ODS earned this period (item 4×5) ----------------	$------
7. ODS paid to date this period (enter amount from item II.6, schedule A) ----------------	$------
8. ODS (refundable) nonrefundable (item 6−7) ----------------	[2]$------

[1] From month period commenced through month of billing.

[2] Enter (refundable) on schedule A, item II.8.

AFFIDAVIT

State of ----------------------------
City of ----------------------------
County/parish of ----------------------------

I, ------------------------------------, (name of company official) being duly sworn, depose and say, that I am ---------- (title) of the ---------------- (operator) (herein referred to as the "Operator"), and as such am familiar with (a) provisions of the Operating-Differential Subsidy Agreement, Contract No. ------, dated as of ------------, as amended, to which the Operator is a party; and (b) the regulations governing the payment of operating-differential subsidy for bulk cargo vessels, Part 252, Title 46, C.F.R.; and (c) the operation of the vessels covered by said Agreement and regulations; and (d) the accounts, books, records, and disbursements of the Operator relating to such operation.

Referring to the public voucher dated --------------, covering voyages terminated during the periods commencing ------------ and ending ------------, and attached submitted by said Operator concurrently herewith for a payment on account in the sum of ------------, under said Agreement, I further depose and say that, to the best of my knowledge and belief, the Operator has fully complied with the terms and conditions of said Agreement and regulations, applicable orders, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled, under the provisions of said Agreement and regulations, orders and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessels named in the attached schedules were in authorized service for the voyages on which the payment on account is requested and has not included in the calculation of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval of the correctness of the amount stated to have been due, nor a waiver of any right of remedy the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment on account pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement, as amended.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this -------- day of ------------, 19--

My commission expires ------------

Notary Public

§ 252.12 Appeal procedures.

(a) *Appeals of annual or special audits.* An operator who disagrees with the findings, interpretations, or decisions in connection with audit reports of the Maritime Administration and who cannot settle said differences by negotiation with the appropriate Region Director's office, may submit an appeal from such findings, interpretations, or decisions in accordance with Part 205 of Subchapter A.

(b) *Appeals of administrative determinations*—(1) *Policy.* An operator who disagrees with the findings, interpretations, or decisions of the Contracting Officer with respect to the administration of this Part, may submit an appeal from such findings, interpretations, or decisions in accordance with paragraph (b)(2) of this section.

(2) *Procedure.* (i) Appeals shall be made in writing to the Secretary, Maritime Subsidy Board, Maritime Administration, within sixty (60) days following the date of the document notifying the operator of the administrative determination of the Contracting Officer.

(ii) The appellant will be notified in writing if a hearing is to be held or if additional facts are to be submitted for consideration in connection with the appeal.

(iii) When a decision has been rendered by the Board, the appellant will be notified in writing.

(3) *Finality of decisions.* An operator who disagrees with the findings and determinations of the Board may appeal such findings and determinations by filing with the Secretary of Commerce, a written petition for review of the Board's action. The petition must be filed in accordance with Section 7, Department of Commerce Organization Order 10–8 (38 FR 19707).

(4) *Hearings.* The Rules of Practice and Procedure, Part 201, Subchapter A, will be followed for all hearings granted under this Part.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: June 3, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–13137 Filed 6–7–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 Parts 141a, 146a, 149h]

BENZATHINE PHENOXYMETHYL PENICILLIN

Proposed Recodification, Technical Changes and Updating

Correction

In FR Doc. 74–10301 appearing at page 15879 of the issue of Monday, May 6, 1974, change the comments closing date in the last paragraph, now appearing as May 6, 1974, to read July 5, 1974.

[21 CFR Part 610]

BIOLOGICAL PRODUCTS

Proposal Regarding Test for Pyrogenic Substances

Licensed biological products must comply with the requirements of § 610.13(b) (21 CFR 610.13(b)), regarding the test for pyrogenic substances. This test is designed to establish whether the product is free from fever-producing contaminants and impurities which may result in illness and death to the user.

The Commissioner of Food and Drugs is presently conducting a review of existing standards of safety, purity, and potency of biological products so that these standards will reflect the best current testing procedures established by the scientific community. This review has revealed that the existing test for detecting pyrogenic substances in biological products must be updated to include improved procedures developed since its original incorporation into the biologics regulations on June 30, 1960. The existing test lacks sufficient specificity and is inconsistent with the procedures prescribed in the current edition of the United States Pharmacopeia (U.S.P.). To assure that pyrogen testing of licensed biological products is conducted by the most reliable method, the Commissioner has determined that test procedures based upon those prescribed in the U.S.P. and other specifications, like those proposed for the forthcoming publication of the U.S.P., should be required for biological products. Accordingly, the proposed amendment prescribes precise requirements concerning test animals, test conditions, interpretation of results, and retesting which will increase the uniformity, sensitivity, and reliability of the test.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 610 be amended by revising § 610.13(b) (2) and (3) to read as follows:

§ 610.13 Purity.

* * * * *

(b) * * *

(2) *Procedure; test results; standards to be met.* Use only overtly healthy, mature rabbits. House the rabbits individually in an area of uniform temperature (±3° C.), free from disturbances likely to excite them. Rabbits for pyrogen tests may not be used within 2 weeks following their having been given a test sample that was adjudged pyrogenic and in no case may a rabbit be used more frequently than every 48 hours. Before using a rabbit that has not been used in a pyrogen test during the previous 2 weeks, condition it by a sham test that includes all the steps prescribed in paragraph (b)(2) of this section, except injection of the test dose. Perform the test under environmental conditions similar to those under which the rabbits are housed. On the day of the test withhold all food, except water, from the rabbits until completion of the test. Determine the control temperature of each rabbit not more than 40 minutes prior to injecting the test dose. The control temperature is determined by inserting the temperature measuring device into the rectum of the test rabbit to a depth of not less than 7.5 centimeters and allowing sufficient time to reach a maximum temperature before taking the reading. The control temperature recorded for each rabbit constitutes the temperature from which any subsequent rise following the injection of the material is calculated. If the rectal temperature measuring device is to remain inserted throughout the testing period, restrain the rabbits to allow them to assume a natural resting position. In any one test, use only those rabbits whose control temperatures do not deviate more than 1° C. from each other and do not use any rabbits with a temperature exceeding 39.8° C. Warm the test product to approximately 37°C. and inject the test dose into an ear vein of each of three rabbits. Injection of the test dose in each rabbit shall be at the rate of not less than 1 milliliter per minute. Record the temperature at 1, 2, and 3 hours subsequent to the injection. The lot of the product fails to meet the test requirements if there is a temperature rise of 0.6° C. or more for any rabbit at any one of the time periods or if the sum of the three individual temperature rises exceeds 1.4° C.

(3) *Retest.* If the lot fails to meet the test requirements prescribed in paragraph (b)(2) of this section, the test may be repeated once using five other rabbits. The temperature rises recorded for all eight rabbits used in testing the lot shall be included in determining whether the standard for purity is met. The product fails to meet the test requirements if more than three rabbits show individual temperature rises of 0.6° C. or more at any one of the recording stages, or if the sum of the eight individual temperature rises exceeds 3.7° C.

* * * * *

Interested persons may, on or before August 9, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 3, 1974.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.74–13192 Filed 6–7–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[Economic Regs. Docket No. 26391; EDR–270]

ACTUAL SHIPPER LOSS

Reporting Data Pertaining to Freight Loss and Damage Claims by Certain Air Carriers and Foreign Route Air Carriers

June 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 239 of its economic regulations (14 CFR Part 239) to amend the definition of "actual shipper loss" and to modify the manner in which reported theft claims are to be identified.

The principal features of the proposed rule are set forth in the attached Explanatory Statement and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under authority of sections 101(3), 204(a), 401 and 402 of the Federal Aviation Act of 1958 as amended (72 Stat. 737, 743, 754 and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 25, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[seal] Edwin Z. Holland,
Secretary.

Under the present definition in § 239.1 for "actual shipper loss," each carrier is required to report the entire loss, damage or delay incurred by the shipper, despite the fact that a shipment may have been routed over the lines of two or more carriers. Thus, the fact that each carrier involved in such a multiple-carrier situation presently reports the entire amount of the claim, rather than only its own share therein, necessarily results in an industry-wide overstatement of claimed amounts for shipper loss, damage or delay.

The Air Transport Association of America (ATA) has petitioned to modify this definition in order to reflect a truer figure for shipper losses, as they may be known by the reporting carrier. While the Board agrees that a revised definition is desirable, we believe that the revised definition which we are proposing herein would be more effective than that suggested by ATA to achieve the desired goal.

The ATA petition also proposes some new language concerning actual shipper loss under claims presented by forwarders. However, ATA's proposal appears to presuppose that the direct carrier would always have knowledge of "* * * the amount actually paid by the forwarder to the shipper * * *," whereas in fact such knowledge might not be available to the reporting direct air carrier. Accordingly, while we again agree with ATA's objective, we have modified the text of the proposed change so as to refer to the amount claimed by the forwarder.

ATA's petition also asserts that the method of identifying shortage claims in Schedule B—Analysis of Shortage, under § 239.7(c) does not lend itself to automated preparation. ATA therefore suggests that Column (2) of Schedule B be amended by requiring insertion of the carrier's claim number rather than the

airbill description. With respect to this aspect of ATA's petition, we again agree that Schedule B should be revised in the manner suggested by ATA, but with a further refinement, as we are proposing herein, with respect to carriers which maintain claim records according to airbill number.

It is proposed to amend Part 239 of the Board's economic regulations (14 CFR Part 239) as follows:

1. Amend § 239.1, by adding two paragraphs to the existing definition of "Actual shipper loss," the amended definition to read in part as follows:

§ 239.1 Definitions.

* * * * *

"Actual shipper loss" means the total dollar amount on each claim actually suffered by claimant because of loss, damage, delay, etc., based on the invoice value (per pound, per unit, etc.) at destination, or origin invoice value plus freight charges, and including customs duty paid where such amounts are properly included in the measure of damages. For claims involving shipments where no invoices exist, such as personal effects and used household goods, the actual loss to the shipper shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon prior use and age, whichever is greater. For claims involving settlements borne by more than one direct air carrier, the total actual settlements borne by each carrier, and each such portion of the total actual shipper loss shall be reported by each such carrier.

For claims made by an air freight forwarded, the amount of actual shipper loss to be reported by direct air carriers shall be the amount actually paid by the forwarder to the shipper and such amount shall be substantiated by the forwarded when the claim is filed with the direct air carrier.

* * * * *

2. Amend § 239.7(c), by replacing the present language, the amended paragraph to read as follows:

§ 239.7 Schedule B—Analysis of Shortage.

* * * * *

(c) Columns (1) and (2)—List individually each claim payment during the reporting period in the amount of $100 or more as the result of shortage. Use the commodity code numbers provided in Appendix A in column (1). In column (2), use the carrier claim file number of the reporting carrier. For carriers using Airbill/Airwaybill numbers as claim file numbers, files shall be maintained in such fashion as to insure retrieval at a later date with minimum effort and time.

* * * * *

[FR Doc.74–13251 Filed 6–7–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91]

[Docket No. 20027; RM–2050]

OIL SPILL CLEANUP OPERATIONS

Proposed Frequency Allocations; Order Extending Time

In the matter of amendment of Parts 2 and 91 of the Commission's rules and regulations to provide a frequency allocation for oil spill cleanup operations.

1. The Commission has before it for consideration a Motion for Extension of Time in the above named proceeding filed on behalf of the Oil Spill Control Association of America (OSCAA) requesting a 60 day extension in the time for filing comments and an additional 30 days for reply comments in response to the Commission's notice of proposed rule making herein, adopted April 16, 1974.

2. According to OSCAA, its member companies are active on day-to-day basis performing essential oil and hazardous substances control and cleanup work, and a substantial proportion of those companies would not now qualify for eligibility under the proposed Commission Rule § 91.301(d). OSCAA says it is a new organization, formed in November 1973, and was therefore unable to participate in discussions conducted under the auspices of the IRAC committee in consideration of the petition (RM 2050) of the American Petroleum Institute. OSCAA indicates that had it taken an active role in those deliberations, it would have been available to make a responsive filing within the time limit specified by the Notice of Proposed Rule Making. It says it is now in the process of accumulating information from governmental and private sources which it hopes will shed additional light upon the Rulemaking.

3. It is our desire to obtain all relevant data concerning oil spill cleanups and to make the allocation for this communications requirement as effective as possible. We additionally recognize the difficulty experienced by OSCAA, being a newly formed group, in gathering data within the designated time limit. We agree, therefore, that some time extension is warranted. However, we believe that a sixty day extension would unduly delay the proceeding and inconvenience other parties who may have already filed or intend to file. Therefore, we are granting a thirty-day extension rather than the sixty days requested. This should be sufficient time for OSCAA and others to obtain the necessary data and present their views to the Commission.

4. *Accordingly, it is ordered,* pursuant to authority contained in section 5(d) of the Communications Act of 1934, as amended, [47 U.S.C. 155(d)] and § 0.251(b) of the Commission's rules [47 CFR 0.251(b)], the date for filing comments in this proceeding is extended from May 31, 1974, to June 29, 1974, and the date for filing reply comments is extended from June 11, 1974, to July 29, 1974.

Adopted: June 3, 1974.

Released: June 3, 1974.

Federal Communications Commission,
[seal] Ashton Hardy,
General Counsel.

[FR Doc.74–13198 Filed 6–7–74;8:45 am]

[47 CFR Part 73]

[Docket No. 20070; RM–1970; FCC 74–558]

FM BROADCAST STATIONS IN NEBRASKA

Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Ogallala, Nebraska).

1. The Commission has before it (a) the Ogallala Broadcasting Company ("OBC") petition for reconsideration of the Commission's September 6, 1973, Memorandum Opinion and Order [42 F.C.C. 2d 720 (1973)] denying its petition for rule making, (b) an opposition to the petition for reconsideration filed by Industrial Business Corporation ("IBC") and OBC's reply to the opposition.

2. OBC and IBC for some time have been in a comparative hearing vying for the only FM channel currently assigned to Ogallala, Nebraska. Subsequent to the Commission's Memorandum Opinion and Order denying OBC's rule making petition to add a second channel, the Administrative Law Judge in the comparative proceeding issued an Initial Decision favoring the IBC application. Nevertheless, various levels of appeal remain, so it cannot be said that the adjudicatory process of choosing between the applicants is at an end. This is important because of the connection between the hearing and OBC's proposal. When we denied the OBC petition to add a second FM channel, we did not resolve the question of the need for such an assignment. Rather, we did not reach the merits of the proposal itself because OBC was interested in using the channel only if it were unsuccessful in the hearing. Since IBC was unwilling to apply for the proposed channel if it were to be assigned and since no other party had shown an interest, we were being asked to add a channel with no assurance it would be utilized. This we refused to do. Moreover, since the hearing would continue its regular course, it could not be said that making the assignment would speed the process of bringing service to Ogallala. Now, OBC indicates that it has changed its mind and states that it would be ready to amend to the new channel if it is assigned.

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3. This change of heart by OBC provides no basis for reversing our earlier action as OBC's new circumstance (its readiness to amend) has always been a matter fully within its control. As a consequence, its petition does not raise the sort of new circumstances in a petition for reconsideration which is referred to in § 1.106(c)(1) of the Commission's rules.[1] Nor has OBC shown that our previous decision erroneously disposed of the case based on the facts then before us. Rather, since it seeks reversal based on a new matter which could have been presented earlier and since OBC's election to propose a channel without a commitment to utilize it cannot be simply erased now that its approach did not succeed, there is no basis for altering our previous decision. The choice was OBC's to make and a reversal now would not be sound administrative practice.

4. While OBC's petition for reconsideration has been found to be wanting, there is nothing to prevent it from filing a new petition for rule making based on the same facts and relying on its willingness to amend to the new channel. Little would be accomplished by requiring such a resubmission, as we already have before us essentially all the material which OBC would be called upon to resubmit. Accordingly, we shall not require such a resubmission but instead shall examine the filings in light of OBC's new declaration.

5. On Ogallala's need for another channel, the parties take sharply opposing positions. OBC argues that Ogallala needs a second channel and that it could be provided without significant preclusionary impact. IBC insists that Ogallala is too small to be able to support another station. In its view, if OBC became the licensee, the AM–FM combination OBC would then have, would doom IBC's ability to conduct an independent operation. As important as this point may be, it is not one that has to be resolved before issuance of a Notice of Proposed Rule Making. In fact, we have normally deferred the resolution of such questions to the application stage rather than resolving them in rule making. Even if the matter were to be considered in the rule making context, it need not predate the issuance of a Notice of Proposed Rule Making. Nor, of course, does the issuance of a Notice in any way stand as a finding in favor of the proposal on this score or a rejection of the issue sought to be raised. To the extent that it may be appropriate, the issue can be considered in connection with the Report and Order to be written in this proceeding.

6. On the assignment itself, we believe it useful to entertain comments and with them obtain more specific data on the need for the assignment. From the information now in hand, it appears that the channel could be added, could meet applicable engineering requirements and could avoid significant preclusionary impact. Nevertheless, IBC shall be given an opportunity for rebuttal on the latter point as well as any others it wishes to raise. Under these circumstances we believe that the subject proposal warrants further exploration and we invite the filing of comments on it. Based on the submissions we shall then be able to decide the need for a second FM assignment in this community of 4,976 persons.

7. To avoid any confusion, we shall specify the averments which OBC needs to supply. It needs to confirm its intention to apply for this channel promptly and its intention thereupon to end its efforts to prevail in hearing. Requiring anything less would not serve to aid a prompt inauguration of service at Ogallala but simply would be returning to the original posture we rejected. In effect, OBC would have to agree to effectuate a complete withdrawal (without insisting on compensation via a "buy-out") from the hearing process. Since it is the need of the community for additional service, not OBC's desire to be the party to render it that is at issue, we shall not intervene to specify that the amendment shall be permitted without prejudice nor to provide for the automatic amendment of its application as OBC apparently seeks. That is a matter to be addressed in the normal course of seeking leave to withdraw from the hearing process.

8. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

9. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, we propose for consideration the following revisions in our FM Table of Assignments (§ 73.202(b) of the rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Ogallala, Nebr	228A	224A, 228A

10. *It is further ordered,* That the petition for reconsideration filed by Ogallala Broadcasting Company is denied except to the extent that the relief sought is granted by the issuance of this notice of proposed rulemaking.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 29, 1974, and reply comments on or before August 19, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: May 29, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–13194 Filed 6–7–74;8:45 am]

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[1] That section provides that new circumstances, not previously submitted to the Commission, may be relied on only if they had recently occurred, were unknown and could not have been discovered through ordinary diligence, or if otherwise required by the public interest. None of these apply here.

[47 CFR Part 73]

[Docket No. 19984; RM–2124]

FM BROADCAST STATIONS IN CABOOL, MO.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Cabool, Missouri).

1. On March 25, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 2, 1974, 39 F.R. 12035. The time for filing comments has expired and the date for filing reply comments is presently June 3, 1974.

2. On May 29, 1974, Radio Company of Texas County, Inc. (Radio Company), by counsel, requested that the time for filing reply comments be extended to and including July 1, 1974. Counsel states that on May 29th he has received a copy of what appears to be further comments filed by Cabool Broadcasting Corporation, proponent in this proceeding. Counsel points out that these comments include substantial engineering exhibits, statements, etc. and in view of the circumstance requests the additional time in which to file reply comments.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* that the date for filing reply comments is extended to and including July 1, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: June 4, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–13197 Filed 6–7–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19161; RM–1540, RM–1823]

FM BROADCAST STATIONS IN IOWA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations; (Anamosa and Iowa City, Iowa; Burlington, Iowa).

1. On April 16, 1974, the Commission adopted a memorandum opinion and order and notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on May 2, 1974, 39 FR 15324. Comment and reply comment dates are presently June 14 and July 2, 1974, respectively.

2. On May 29, 1974, counsel for Richard A. Carroll, filed a request for extension of time in which to file comments and reply comments to and including July 5 and July 22, 1974, respectively. Counsel states that a consulting radio engineer has been engaged and has made substantial progress in preparing engineering studies, but because of illness and a recent accident counsel will be unable to complete and file comments by the presently assigned date. Counsel for parties in this proceeding have been contacted and have consented to the requested extension.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* that the dates for filing comments and reply comments are extended to and including July 5 and July 22, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 4, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–13196 Filed 6–7–74;8:45 am]

[47 CFR Part 73]

[Docket No. 20002; RM–2143, RM–2184, RM–2251]

FM BROADCAST STATIONS IN FLORIDA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Marco, St. Augustine, and Milton, Florida).

1. On April 8, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 15, 1974, 39 FR 13559. The dates for filing comments and reply comments are presently May 23 and June 3, 1974, respectively.

2. On May 21, 1974, City of Jacksonville, licensee of Station WJAX–FM, Jacksonville, Florida, requested that the time for filing comments be extended to and including May 31, 1974. It states that the extension is necessary in order to permit the preparation and mailing of an engineering affidavit for submission to the Commission in this matter. Counsel for proponent in this proceeding has indicated that he has no objection to grant of the extension.

3. We are of the view that the public interest would be served by granting the additional time. *Accordingly, it is ordered,* That the date for filing comments and reply comments is extended to and including May 31 and June 17, 1974, respectively, RM–2184 only.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 23, 1974.

Released: May 24, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] JOSEPH F. ZIAS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74–13195 Filed 6–7–74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35 and 154]

[Docket No. RM74–18]

AMOUNTS SUBJECT TO REFUND

Rate of Interest; Extension of Time

MAY 31, 1974.

On May 24, 1974, Edison Electric Institute requested an extension of time to file comments to the notice of proposed rulemaking issued April 23, 1974, concerning the rate of interest on amounts subject to refund.

Upon consideration, notice is hereby given that the time is extended to and including July 8, 1974, within which data, views, or comments in writing may be submitted concerning the proposed regulation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13228 Filed 6–7–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Meetings

The Department of Defense Advisory Group on Electron Devices (various working groups thereof) will meet in closed sessions as indicated below:

a. Working Group on Lasers, 201 Varick Street, New York, New York, 26–27 June 1974.

b. Working Group on Special Devices, Engineering Building, Room 4107, University of California, Santa Barbara, California, 28 June 1974.

c. Working Group on Microwave Devices, National Bureau of Standards (Section 272.50), Boulder Laboratories, Boulder Colorado, 24 June 1974.

d. Working Group on Low Power Devices, Ramada Inn, 3737 Quebec Street, Denver, Colorado, 24 June 1974.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Public Law 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JUNE 5, 1974.

[FR. Doc.74–13243 Filed 6–7–74;8:45 am]

ENVIRONMENTAL QUALITY AWARD ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of Pub. L. 92–463 and Executive Order 11686, notice is hereby given that the Department of Defense Environmental Quality Award Advisory Committee will meet in open meeting at 10:15 a.m. in Room 3E333, the Pentagon, Washington, D.C., on Thursday, June 13, 1974.

The purpose of this annual meeting is to review the environmental quality programs and accomplishments of the following installations:

Fort Sill, Oklahoma
Marine Corps Air Station, Kaneohe Bay, Hawaii
Naval Civil Engrg. Lab., Port Hueneme, California
U.S. Air Force Academy, Colorado

The committee will review and appraise the records of these selected installations, each representing a major branch of the military departments, and recommend to the Secretary that installation which has conducted the most outstanding environmental quality program during the preceding calendar year.

The meeting will be open to the public to the extent that space limitations of the meeting place permit. Because of these limitations, interested parties are requested to reserve space by calling 202–695–5030. Reservations will be on a first-come basis.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD(C).

JUNE 6, 1974.

[FR Doc.74–13330 Filed 6–7–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 20156]

NEW MEXICO

Notice of Application

MAY 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576). Southern Union Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 34, W½SE¼.

This pipeline will convey natural gas across 0.415 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–13179 Filed 6–7–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–78]

CS & S COAL CO., INC., ET AL.

Amendment To Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (1970)), CS & S Coal Company, Inc., et al., have filed an amended petition to modify the application of 30 CFR 77.1605(k) to Mine No. 24, Wellmore Coal Company, located in Buchanan County, Virginia. Said mine is, by this amendment, to be added to the list of the twenty-nine mines contained in the original petition as published in FEDERAL REGISTER, Vol. 39, No. 74—Tuesday, April 16, 1974, at 13694.

Petitioners further request that the original petition be amended as follows:

CAPITAL LAND & MINERAL COAL COMPANY

Change "Mine No. 1" to "Mine No. 3".

DUTY COAL COMPANY

Change "Mine No. 1" to "Mine No. 9".

WELLMORE COAL COMPANY

Change "Mine No. 2" to "Mine No. 2 (Strip)".
Change "Mine No. 7" to Mine No. 1".
Change "Mine No. 8" to "Mine No. 2".
Change "Mine No. 9A" to "Mine No. 3(a)".
Change "Mine No. 9C" to "Mine 3(c)".

The foregoing changes are changes in mine number only and are made in order to better relate to the now commonly used identity of the mine. The M.E.S.A. identification number in the case of each of the above mines remains the same and is not changed.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 10, 1974. Such requests or comments must be filed in the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MAY 31, 1974.

[FR Doc.74–13181 Filed 6–7–74;8:45 am]

National Park Service

[INT DES 74–63]

PROPOSED DEVELOPMENT CONCEPT PLAN FOR GRAND CANYON VILLAGE, GRAND CANYON NATIONAL PARK, ARIZONA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed development concept plan, Grand Canyon Village, Grand Canyon National Park, Arizona.

The draft environmental statement considers the development concept plan for Grand Canyon Village, Grand Canyon National Park, Arizona. Proposals include the reorganization of visitor services, maintenance, and residential functions, and the implementation of a public transportation system.

Written comments on the environmental statement are invited and will be accepted July 25, 1974. Comments should be addressed to the Superintendent, Grand Canyon National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue
San Francisco, California 94102

General Superintendent
Southern Arizona Group
1115 N. First Street
Phoenix, Arizona 85004

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dated: May 28, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–13206 Filed 6–7–74;8:45 am]

[INT DES 74–62]

PROPOSED MASTER PLAN, GRAND CANYON COMPLEX, ARIZONA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed master plan, Grand Canyon Complex, Arizona.

The draft statement considers proposals to conserve and protect the resources of the Grand Canyon Complex, including those for an enlarged park, for the redevelopment of Grand Canyon Village for concentrated day-use and for managing the majority of park lands as natural or wilderness areas.

Written comments on the environmental statement are invited and will be accepted on or before July 25, 1974. Comments should be addressed to the Superintendent, Grand Canyon National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue
San Francisco, California 94102

General Superintendent
Southern Arizona Group
1115 N. First Street
Phoenix, Arizona 85004

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dated: May 28, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–13205 Filed 6–7–74;8:45 am]

NATIONAL REGISTRY OF NATURAL LANDMARKS

Additions

By notice in the FEDERAL REGISTER of September 5, 1973 (pp. 23982–23985), there was published a list of sites eligible for inclusion in the National Registry of Natural Landmarks. Further notice is hereby given that the list of eligible natural landmarks is amended by addition of the sites listed below.

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; (42 U.S.C. 4331)).

JOHN E. COOK,
Acting Deputy Director, National Park Service.

The sites listed below which have been registered are indicated by an asterisk.

The following sites have been added to the National Registry:

ALABAMA

Newsome Sinks Karst Area, Morgan County—between Morgan City and Union Hill.

CALIFORNIA

Pixley Vernal Pools, Tulare County—6 miles east of Pixley.

COLORADO

Garden Park Fossil Area, Fremont County.
Morrison Fossil Area, Jefferson County—just north of Morrison.

CONNECTICUT

McLean Game Refuge Natural Areas, Hartford County—4 miles north and northwest of the village of Simsbury.

INDIANA

Hemmer Woods, Gibson County—2 miles northeast of the village of Buckskin.
Hoot Woods, Owen County—3 miles northwest of the village of Freedom.
Kramer Woods, Spencer County—1½ miles southwest of the village of Patronville.
Meltzer Woods, Shelby County—2 miles southwest of the village of Blue Ridge.
Tamarack Bog Nature Preserve, Lagrange County—Pigeon River State Game Preserve, 1 mile southeast of the town of Mongo.
Wesselman Park Woods, Vanderburgh County—within the city limits of Evansville.

MICHIGAN

Strangmoor Bog, Schoolcraft County—Seney National Wildlife Refuge, southwest of Seney.

MONTANA

Bridger Fossil Area, Carbon County.
Cloverly Formation Site, Big Horn County.

TENNESSEE

Big Bone Cave, Van Buren County—5 miles west-northwest of Spencer.
Cedar Glades Natural Area, Wilson County—Cedar of Lebanon State Forest, 10 miles south of Lebanon.
Conley Hole, Grundy County—2 miles southeast of Viola.
Cumberland Caverns (Higginbotham and Henshaw Caves), Warren County—5 miles east of McMinnville.
Grassy Cove Karst Area, Cumberland County—9 miles southeast of Crossville.
Lost Sea (Craighead Caverns), Monroe County—5 miles southeast of Sweetwater.

VERMONT

Cornwall Swamp, Addison County—2 miles southeast of the village of Cornwall.

VIRGINIA

Butler Cave-Breathing Cave, Bath County—½ mile north of Burnsville.
Grand Caverns, Augusta County—south of Grottoes.
**Luray Caverns, Page County*—1½ miles west of the center of Luray.

WEST VIRGINIA

Greenbrier Caverns, Greenbrier County—north and south of Organ Cave.
Greenville Saltpeter Cave, Monroe County—¼ mile north of the town of Greenville.
Lost World Caverns, Greenbrier County—2 miles north of Lewisburg.
Sennett-Thorn Mountain Cave System, Pendleton County—½ mile northwest of Moyers.
Swago Karst Area, Pocahontas County—3 miles west of Marlington.

WISCONSIN

Abraham's Woods, Green County—2 miles southwest of Albany.
Cedarburg Bog, Ozaukee County—4 miles west of Saukville.
Chippewa River Bottoms, Buffalo County—north of Wabasha, Minn.
Chiwaukee Prairie, Kenosha County—5 miles south of Kenosha.
Finnerud Forest Scientific Area, Oneida County—2 miles southwest of Minocqua.
Flambeau River Hemlock-Hardwood Forest, Sawyer County—Flambeau River State Forest, 20 miles southwest of Park Falls.
Kakagon Sloughs, Ashland County—2 miles north of the town of Odanah.
Spruce Lake Bog, Fond du Lac County—Kettle Moraine State Forest, 2 miles northwest of the village of Dundee.
Summerton Bog, Marquette County—3 miles southeast of the village of Oxford.
Wyalusing Hardwood Forest, Grant County—Wyalusing State Park, 6 miles north of Bagley.

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Wyoming

Bone Cabin Fossil Area, Albany County.

[FR Doc.74–13154 Filed 6–7–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL ADVISORY COMMITTEE ON GRAINS—WHEAT, FEED GRAINS AND SOYBEANS

Notice of Meeting

Pursuant to The Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the National Advisory Committee on Grains—Wheat, Feed Grains and Soybeans—June 27–28, 1974, in Room 218–A of the Administration Building, United States Department of Agriculture, to discuss policies and recommendations for the 1975 Wheat and Feed Grain Programs. The committee sessions will be open to the public.

The names of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained from: Kenneth T. Benjamin, Director, Grain Division, ASCS, South Building, Room 5741, Washington, D.C., Telephone: 202–447–7954.

Signed at Washington, D.C., on June 3, 1974.

Glenn A. Weir,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–13264 Filed 6–7–74;8:45 am]

Commodity Exchange Commission

MEMBERSHIP

Pursuant to the provisions of section 1(c) of Pub. L. 90–258, amending the Commodity Exchange Act, the Secretary of Agriculture designated me to serve as Chairman of the Commodity Exchange Commission (38 FR 26744). The Attorney General has designated Joseph J. Saunders, Chief of the Public Counsel and Legislative Section, Antitrust Division, Department of Justice, to serve as a member of the Commission. Notice is hereby given that the Secretary of Commerce has designated Dr. Samuel M. Rosenblatt, Director of the Office of Business Research and Analysis, Bureau of Domestic Commerce, Department of Commerce, to serve as a member of the Commission.

Done at Washington, D.C., this 5th day of June, 1974.

Ervin L. Peterson,
Chairman,
Commodity Exchange Commission.

[FR Doc.74–13265 Filed 6–7–74;8:45 am]

Forest Service

MULTIPLE USE PLAN LOWER WOLF PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Multiple Use Plan, Lower Wolf Planning Unit, Forest Service Report Number USDA–FS–FES (Adm). 74–57.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Lower Wolf Planning Unit, Fisher River Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 49,000 acres of National Forest lands which have been stratified into five management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on June 3, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. and Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

Supervisor's Office
Kootenai National Forest
418 Mineral Avenue
Libby, MT 59923

Fisher River Ranger District
Canoe Gulch Ranger Station
Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: June 3, 1974.

Keith M. Thompson,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74–13178 Filed 6–7–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY POLICY ADVISORY COMMITTEE FOR MULTILATERAL TRADE NEGOTIATIONS

Notice of Meeting

A meeting of the Industry Policy Advisory Committee for Multilateral Trade Negotiations will be held at 2 p.m. on Tuesday, June 25, 1974, in Room 4830, U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C.

The Committee has been established to advise, consult with, and make recommendations to the Secretary of Commerce and the Special Representative for Trade Negotiations on matters concerning the multilateral trade negotiations to be undertaken by the United States

Agenda items are as follows:

I. Opening Remarks by Secretary Dent.

II. Presentation by Ambassador Eberle Regarding the Trade Reform Act.

III. Presentation by Ambassador Eberle Regarding Resolution of Other Multilateral Issues Affecting the MTN.

IV. Presentation by Ambassador Eberle Regarding Specific Multilateral Preparations for the MTN.

V. Presentation by Secretary Dent Concerning the Joint Industry Consultations Program.

VI. Open Forum for Discussion by Committee Members of Their Recommendations Regarding Future IPAC Work Program.

VII. Summing Up by Secretary Dent and Ambassador Eberle.

Adjournment.

The meeting will be open to the public, and a limited number of seats will be available. Oral statements or participation by the public in the meeting will not be permitted, but anyone who wishes to file a written statement with the Committee may do so before or after the meeting.

Persons who wish to attend should contact Ms. Clare Soponis, Room 3026, U.S. Department of Commerce, Washington, D.C. 20230, telephone (AC 202) 967–3268, by close of business Monday, June 17. Any questions regarding the meeting should also be directed to Ms. Soponis.

Lawrence A. Fox,
Deputy Assistant Secretary for International Economic Policy and Research.

June 3, 1974.

[FR Doc.74–13191 Filed 6–7–74;8:45 am]

National Oceanic and Atmospheric Administration

INCIDENTAL TAKING OF MARINE MAMMALS IN THE COURSE OF TUNA PURSE-SEINING OPERATIONS

Enforcement of Regulations

Regulations were promulgated on January 22, 1974 (39 FR 2481), and corrected on February 14, 1974 (39 FR 5635), relating to incidental taking of marine mammals in the course of tuna purse-seining operations. Such regulations provide, among other things, that commercial tuna fishing vessels commencing voyages after April 1, 1974, and utilizing purse-seine nets to catch and land yellowfin tuna shall be required to equip the purse-seine nets with a porpoise safety panel prior to utilizing the nets in actual fishing operations.

As a result of the petroleum shortage, it was determined on March 13, 1974, that nylon netting, a petroleum based product which is required for the safety panel, was not readily available to all persons and vessels affected by these regulations.

Therefore, in order to allow those commercial fishing vessels, which were unable to obtain porpoise safety panels, to commence commercial tuna fishing voyages after April 1, 1974, and to use purse-seine nets not equipped with a porpoise safety panel, the provisions of the regulations which required purse-seine nets utilized by such vessels to be equipped with porpoise safety panels (Specifically, §§ 216.24(b) (1), (2), and (3) and 216.24 (d)(1)(i)) were waived with respect to certain vessels until June 1, 1974, subject

to certain conditions (39 FR 9684, March 13, 1974).

As a result of the continued shortage of nylon netting, some vessel owners who placed orders for such netting were unable to obtain the netting in order to insert the panel by June 1, 1974.

Therefore, in order to allow certain commercial fishing vessels which have been unable to obtain netting for porpoise safety panels to continue fishing after June 1, 1974, the provisions of the regulations, which require purse-seine nets utilized by such vessels to be equipped with such panels (specifically §§ 216.24(b) (1), (2), and (3) and 216.24 (d)(1)(i)) may be waived by the Regional Director, National Marine Fisheries Service, Terminal Island; *Provided*, That he determines that in each case the order for the netting, which order had been previously registered with the Regional Director pursuant to the March 13, 1974 notice (39 FR 9684), was still in force and effect and that the porpoise safety panel will be inserted as soon as possible after the netting is delivered. Except as specifically provided herein, the provisions of the regulations referred to in this notice shall remain in full force and effect.

Jack W. Gehringer,
Acting Director,
National Marine Fisheries Service.

June 4, 1974.

[FR Doc.74–13152 Filed 6–7–74;8:45 am]

MARINE MAMMALS

Issuance of Permit

On April 10, 1974, notice was published in the Federal Register (39 FR 13014), that an application had been filed with the National Marine Fisheries Service by Gerald L. Kooyman, Scripps Institution of Oceanography, La Jolla, California 92037 to take six (6) California sea lions (*Zalophus californianus*) six (6) Pacific harbor seals (*Phoca vitulina richardii*) for scientific research.

Notice is hereby given that, on June 4, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for six (6) California sea lions and six (6) ice-breeding harbor seals (*Phoca vitulina largha*) to Gerald L. Kooyman, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the offices of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry and Street, Terminal Island, California 90731.

Jack W. Gehringer,
Acting, Director,
National Marine Fisheries Service.

June 4, 1974

[FR Doc.74–13151 Filed 6–7–74;8:45 am]

MARINE MAMMALS

Issuance of Permit

On December 10, 1973, notice was published in the Federal Register (38 FR 34005), that an application has been filed with the National Marine Fisheries Service by Dr. H. L. Stone, Marine Biomedical Institute, University of Texas Medical Branch, Galveston, Texas 77500, for a permit to take twenty (20) marine mammals consisting of California sea lions (*Zalophus californianus*) and/or Pacific harbor seals (*Phoca vitulina richardii*) for scientific research.

Notice is hereby given that, on June 3, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for twelve such marine mammals to Dr. H. L. Stone, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Jack W. Gehringer,
Acting, Director,
National Marine Fisheries Service.

[FR Doc.74–13150 Filed 6–7–74;8:45 am]

MARINE MAMMALS

Receipt of Application for Scientific Research

Notice is hereby given that the following applicant has applied in due form to take marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington, 98115, to conduct research on killer whales (*Orcinus orca*) over a five-year period, involving tagging or marking up to twenty-five (25) killer whales, and collecting and/or importing specimen materials from up to twenty (20) dead killer whales.

The principal objectives of this research are to gather information on the abundance, movements, and behavior of killer whales in the inside waters of Puget Sound and British Columbia. The proposed research will involve the following activities;

1. Aerial surveys of killer whales in the waters of the State of Washington and British Columbia to determine the seasonal distribution, numbers and makeup of pods of killer whales;

2. Compilation of a killer whale sighting log book, to provide additional information on seasonal abundance and distribution;

3. Analysis of data collected from oceanaria on growth rates, food consumption, parasites, disease and behavior of killer whales;

4. Examination and collection of biological data from up to 20 killer whales found dead on the beach. Specimen materials to be collected include teeth and other hard parts for age determination, stomach contents for determination of prey species, reproductive organs for determination of the history of pregnancy, and other organs for studies of diseases and parasites;

5. Investigation of various techniques for applying permanent, easily identified marks and tags. These techniques include cryogenic freeze branding, tatooing, laser marking, and radio-tagging. The preliminary investigations will be conducted with killer whales held in oceanaria;

6. Marking and/or radio-tagging up to 25 killer whales, which are taken and released in the course of collecting operations under the provisions of a valid public display permit.

The principal investigators in this project will be Dale W. Rice, Wildlife Biologist (Research), Allen A. Wolman, Fisheries Biologist (Research) and Mark C. Keyes, D.V.M., all representatives of the Marine Mammal Division of the Northwest Fisheries Center. Cooperating organizations and institutions include: the Washington State Game Department; the College of Fisheries, University of Washington; the Fisheries Research Board of Canada Biological Laboratory at Nanaimo, British Columbia, Canada; the Naval Undersea Research and Development Center, San Diego, California; and the Endoparasite Vector Pioneering Research Laboratory, Washington State University.

Killer whales are among the preferred marine mammals for use in public display. The population exploited for this purpose may be discrete or a part of a much larger North Pacific population. Additional information on the migration, distribution and trend in abundance of this stock, such as will be developed through the proposed research, will be beneficial in conducting a conservation program, and in determining whether killer whales can continue to be taken from the population without an adverse effect on the stock.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–7780 and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206–442–7575. Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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Interested parties may submit written data or views on this application, on or before July 10, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: May 31, 1974.

Jack W. Gehringe,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-13148 Filed 6-7-74;8:45 am]

MARINE MAMMALS

Receipt of Application for Scientific Research

Notice is hereby given that the following applicant has applied in due form to take marine mammals for the purpose of scientific research, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations governing the taking and importing of marine mammals.

Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington, 98112, to take and/or import specimen materials from up to forty (40) bowhead whales (*Balaena mysticetus*), ten (10) gray whales (*Eschrichtius robustus*), and fifty (50) belukha whales (*Delphinapterus leucas*); and to conduct an aerial survey of Alaskan bowhead whale populations.

The specimen materials to be taken will be collected from dead animals found beached, floating at sea, or killed by an Indian, Aleut or Eskimo for subsistence purposes under the exemption allowed Indians, Aleuts, and Eskimos in the Act. The following biological material and data will be collected: Organ weights; samples of stomach contents; tissue samples of testes, ovaries, tympanic bullae and ear plugs; internal and external parasites; baleen plates; body measurements; and photographs of external features such as color patterns. In addition to collection of specimen materials, data will be recorded regarding whale sightings, the number of animals killed and recovered, and the number of animals struck but subsequently lost. An aerial survey will be conducted during September, 1974, in conjunction with a similar survey by Canada of bowhead whales in Canadian waters and one planned by the Bureau of Sport Fisheries and Wildlife for walruses, to appraise the feasibility of using aircraft as a technique for censusing bowhead whales.

The principal investigators during this project will be Mr. Clifford Fiscus, Wildlife Biologist (Research), and Mr. Willman M. Marquette, Fishery Biologist (Research), both of the Marine Mammal Division, Northwest Fisheries Center. Also cooperating in the project are the Naval Arctic Research Laboratory, Barrow, Alaska, and the Alaska Department of Fish and Game.

The proposed research is directed toward a determination of the effect of Alaskan native harvest on the populations of whales, primarily the bowhead whale. Principal elements of the research are direct observations, photography and collection of specimen materials from whales taken in the Eskimo fishery. Data gathered in the course of this project will be analyzed to determine population trends, age structure of the various populations of these species, reproductive rates and growth parameters. These data will provide the basis for more effective conservation and management of these whales, and will assist in increasing the efficiency of the native harvest and reducing the number of animals struck but lost.

While it is recognized that two of the requested species of whales, the gray whale and the bowhead whale, are considered to be endangered consideration of this proposed project under the provisions of the Marine Mammal Protection Act will in no way affect subsequent consideration under the provisions of the Endangered Species Act of 1973.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-7780, and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska, 99801, telephone 907-586-7221.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before July 10, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: May 31, 1974.

Jack W. Gehringer,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-13149 Filed 6-7-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Change in Location of Meeting

This notice amends the announcement of the meeting of the National Advisory Council on Services and Facilities for the Developmentally Disabled published in the Federal Register on June 4, 1974 (39 FR 19800).

The meeting June 10 and 11 of the National Advisory Council will take place at the Quality Inn Capitol Hill, 415 New Jersey Avenue Northwest, Washington, D.C. 20001 instead of the previously announced.

Francis X. Lynch,
Executive Secretary.

June 4, 1974.

[FR Doc.74-13172 Filed 6-7-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD 199; FDAA 434-DR]

NORTH DAKOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of North Dakota, dated May 14, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 14, 1974:

The Counties of:

Benson
Eddy
Emmons
Foster
Nelson
Ramsey

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 4, 1974.

William E. Crockett,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc.74-13188 Filed 6-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX73-7; Notice 3]

ALBANY MOTOR CARRIAGE CO.

Further Petition for Temporary Exemption

The Albany Motor Carriage Company Ltd. of Christchurch, Hampshire, England, has applied for a temporary exemption for its Vintage Car Type A passenger car from 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, Windshield mounting, on grounds of substantial economic hardship.

The company has previously petitioned for (38 FR 26223) and been granted (39 FR 3709) a temporary exemption from nine Federal motor vehicle safety standards, and interested persons are referred to these notices for a discussion of Albany and its problems. Albany has now asked for a temporary exemption from the windshield mounting standards on a hardship basis as it states that "The cost of a Barrier Test to prove windscreen retention would total approximately 10,000 dollars, being the value of one car written off, Motor Institute Research Association charges, preparation of the vehicles for the test, transport, and occupation of personnel." In accordance with the recent amendments to 49 CFR Part 555 (39 FR 5489) the company has submitted income statements for 1972 and 1973, and its views why granting of the exemption would be in the public interest and consistent with the objectives of 15 U.S.C. 1381 et seq., the National Traffic and Motor Vehicle Safety Act of 1966.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Albany described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: July 11, 1974.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 5, 1974.

Robert L. Carter,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-13277 Filed 6-7-74;8:45 am]

Coast Guard

[CGD 74-148]

SHIP STRUCTURE COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Pub. L. 92-463, section 10(a), approved October 6, 1972, that the Ship Structure Committee will conduct an open meeting on Tuesday, June 18, 1974, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C., beginning at 9:30 a.m.

This meeting is being held to discuss the research program of the Ship Structure Committee. This committee's objective is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials, and construction of the hull structure of ships by an extension of knowledge in these fields, for the ultimate purpose of increasing the safe operation of ships.

Public attendance at the meeting will be limited to space available. Interested persons may file statements with the committee or request more information by writing the U.S. Coast Guard (G-MMT/82), 400 Seventh Street SW., Washington, D.C. 20590.

Dated: June 7, 1974.

D. H. Clifton,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-13447 Filed 6-7-74;11:52 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

PUBLIC MEETING

The Ad Hoc Advisory Group on Puerto Rico announced in the Federal Register on Tuesday, May 21, 1974, that a meeting of the Advisory Group would be held on Wednesday, June 12, in Room S-126 of the United States Capitol Building, Washington, D.C.

The days and location of the meeting have been changed as follows: Monday, June 11, Room EF 100, U.S. Capitol Building, Tuesday, June 11, Room 1318, Dirksen Senate Office Building, and Wednesday, June 12, Room 301, Russell Senate Office Building, Washington, D.C.

Peter J. Gallagher,
Executive Director.

[FR Doc.74-13278 Filed 6-6-74;9:24 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located near Palo in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment permits a temporary time ,extension for reactor operation with the High Pressure Core Injection Subsystem of the Emergency Core Coolant System inoperable.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated May 28, 1974, (2) Amendment No. 3 to License No. DPR-49, and (3) the Commission's related Safety Evaluation, dated May 28, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C., 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 28th day of May, 1974.

For the Atomic Energy Commission.

Walter R. Butler,
Chief, Light Water Reactors Projects Branch 1-2, Directorate of Licensing.

[FR Doc.74-13161 Filed 6-7-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.70.5, "Additional Information—Water Level (Flood) Design for Nuclear Power Plants," identifies information related to water level (flood) design that has often been missing from safety analysis reports.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.

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Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heat-up and Cool-down Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Inservice Inspection and Testing of Steam Generators Tubing.
Component Design Criteria for Elevated Temperature Reactors.
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Code Case Acceptability for ASME Section III Materials.
Sumps for Emergency Core Cooling and Containment Spray Systems.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Termination of Nuclear Reactor Operating Licenses.
Preoperational Testing of Instrument Air Systems.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Design and Fabrication.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Self-Operated and Power Operated Safety-Related Valves Functional Specification.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 31st day of May, 1974.

For the Atomic Energy Commission.

Lester Rogers,
Director of Regulatory Standards.

[FR Doc.74-13163 Filed 6-7-74;8:45 am]

[Docket Nos. 50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed issuance of construction permits for the Bellefonte Nuclear Plant, Units 1 and 2, to be constructed by Tennessee Valley Authority in Jackson County, Alabama is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768. The Final Environmental Statement is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104, and Top of Alabama Regional Council of Governments, P.O. Box 308, City Hall, 6th Floor, Huntsville, Alabama 35801.

The notice of availability of the Draft Environmental Statement for the Bellefonte Nuclear Plant, Units 1 and 2, and requests for comments from interested persons was published in the Federal Register on February 1, 1974 (39 FR 4127). The comments received from Federal, State, local and interested members of the public have been included in an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this third day of June 1974.

For the Atomic Energy Commission.

Wm. H. Regan, Jr.,
Chief, Environmental Projects Branch #4, Directorate of Licensing.

[FR Doc.74-13242 Filed 6-7-74;8:45 am]

[Docket Nos. 50-448 & 50-449]

POTOMAC ELECTRIC POWER CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Douglas Point Nuclear Generating Station, Units 1 and 2.

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Richard S. Salzman, Member

Dated: June 4, 1974.

Margaret E. Du Flo,
Secretary to the Appeal Board.

[FR Doc.74-13241 Filed 6-7-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25881]

AMERICAN AIRLINES, INC. AND HUGHES AIR CORP. d/b/a HUGHES AIRWEST

Route Exchange Agreement; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on June 25, 1974, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

The purpose of this hearing is to provide an opportunity for all parties and interested persons to present written testimony and to cross examine sponsoring witnesses with respect to a final Environmental Impact Statement prepared and circulated by the Bureau of Operating Rights on May 24, 1974, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, § 399.110 of the Board's Policy Statements (14 CFR 399.110), and Part 1500 of the Rules and Regulations of the Council on Environmental Quality (40 CFR Part 1500).

Dated at Washington, D.C., June 4, 1974.

[SEAL] Alexander N. Argerakis,
Administrative Law Judge.

[FR Doc.74-13253 Filed 6-7-74;8:45 am]

[Docket No. 22859; Order 74-6-19]

TRANS WORLD AIRLINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of June, 1974.

By tariff revisions variously posted and issued and marked to become effective June 13, 1974, Trans World Airlines, Inc. (TWA) proposes to increase its domestic air freight rates as follows:

1. Bulk minimum charges per shipment, generally $1.00, with a maximum of $15.00;

2. General commodity rates, typically as follows:

	Westbound	Eastbound
	Percent	*Percent*
Less than 1,000 miles	12	12
1,000 miles and over	5-8	10-15

3. Container general commodity rates and charges, except daylight rates, generally, as follows:[1]

	Westbound	Eastbound
	Percent	*Percent*
Less than 1,000 miles	12	12
1,000 to 1,800 miles	8	12
Over 1,800 miles	5	10

4. Specific commodity bulk and container rates by 10 percent, with no increases on a few commodities in selected markets and lower deck containers in all markets.

In support of its proposal, TWA asserts, inter alia, that the proposed increases are necessary to recover accelerating fuel expenses and as a relief from continued freighter operating losses; the increase is expected to produce approximately $6.5 million of additional freight revenue annually; that had the increases been in effect during all of 1974, they would have reduced the 1974 expected all-cargo operating loss from a forecast $15.8 million to $12.6 million; that improved results will be short by $16.7 million of achieving a 12 percent return on investment; that, in accordance with recent Board decisions, TWA is presenting costs by length of haul predicated upon its own freighter costs; and that, since TWA's cost experience is at variance with the costs developed by the Bureau of Economics and submitted in Docket 22859, the Board should not adopt the Bureau's costing methodology as a standard for ratemaking while it is still under litigation.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The TWA filing is one of a series of rate increases filed by domestic carriers in recent weeks. As indicated, the proposal is based upon TWA's costs of service by length of haul reflecting its all-cargo operations. Without prejudging the issues under investigation in Docket 22859, the Board believes that the most reasonable costs available to it at this time for the purpose of evaluating the rates proposed by the various carriers are industry-average costs plus a full return on investment, based upon both all-cargo and combination aircraft. These costs reflect, in particular, the sharp increases in fuel costs recently experienced by the carriers. Based upon these standards, certain of the proposed rates exceed costs, as summarized below:

1. Eastbound general commodity bulk rates at the 100-pound weight-break in markets 2,300 miles and over;

2. Eastbound general commodity bulk rates at the 1,000-pound weight-break in markets over 2,600 miles;

3. Eastbound general commodity bulk rates at the 2,000-pound weight-break in markets between 1,301 and 1,550 miles, and over 2,200 miles;

4. Eastbound general commodity bulk rates at the 3,000-pound weight-break in markets over 2,600 miles;

5. Eastbound specific commodity bulk rates on selected commodities from Los Angeles and San Francisco to eastern destinations;

6. Westbound and eastbound Type D container rates in markets 700 miles and over;

7. Numerous other containers generally in westbound markets over 1,400 miles in length;

8. Westbound general commodity bulk rates, all weights, over 1,151 miles; and

9. All increases in connection with premium ratings on human remains.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates, and as indicated in detail in Appendix A, should be suspended. The remaining portions of the proposal appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A[2] hereto are suspended and their use deferred to and including September 10, 1974, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Trans World Airlines, Inc.

By the Civil Aeronautics Board:

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.74-13252 Filed 6-7-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

Commodities

class 6530

Drape, Surgical
6530-715-9310
6530-715-9340

Comments and views regarding these proposed deletions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. Fletcher,
Executive Director.

[FR Doc.74-13157 Filed 6-7-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Addition

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the Federal Register on March 11, 1974 (39 FR 9492).

Pursuant to the above notice the following commodities are added to Procurement List 1974.

Commodity

class 7520

Stand, Calendar Pad (IB):	*Price each*
7520-139-4286, red	$0.303
7520-139-4335, yellow	.300

By the Committee.

C. W. Fletcher,
Executive Director.

[FR Doc.74-13159 Filed 6-7-74;8:45 am]

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[1] Type D container increases are generally significantly less.

[2] Appendix A is filed as part of the original document.

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PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following commodity and service to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITY

CLASS 8465

Suspenders, Individual Equipment
Belt, M–1972
8465–001–6471

INDUSTRIAL CLASS 7699

Typewriter Rental
U.S. Customs
6 World Trade Center
New York, New York

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–13158 Filed 6–7–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/64]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before August 9, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held until August 9, 1974 before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before August 9, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 9, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 10336–O. Aquaphase Laboratories, Inc., 1425 E. Michigan Street, Adrian, Michigan 49221. *S–TEC–9A.* Active Ingredients: Disodium cyanodithioimidocarbonate 12.7 percent; Ethylenediamine 4.8 percent; Potassium N-methyldithiocarbamate 17.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10336–RN. Aquaphase Laboratories, Inc., 1425 E. Michigan Street, Adrian, Michigan 49221. *S–TEC–9.* Active Ingredients: Disodium cyanodithioimidocarbonate 3.18 percent; Ethylenediamine 1.20 percent; Potassium N-methyldithiocarbamate 4.37 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2204–RL. Diamond Shamrock Chemical Company, Nopco Chemical Division, 350 Mt. Kemble Avenue, Morristown, New Jersey 07960. *Nopcocide 170 For Industrial Use Only.* Active Ingredients: 3,3,4,4-Tetrachlorotetrahydrothiophene 1,1-dioxide 16.6 percent; Other Chlorinated Thiophene Dioxides 1.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9931–RU. Hanco Manufacturing Co., Inc., P.O. Box 4476, Memphis, Tennessee 38104. *Hanco 960 Hanophene Disinfectant - Cleaner - Sanitizer - Fungicide-Deodorant.* Active Ingredients: Isopropyl Alcohol 12.00 percent; Soap 5.00 percent; sodiumo-phenylphenate 3.00 percent; sodium 4-chloro-2-cyclopentylphenate 3.00 percent; tetrasodium ethylene diamine tetraacetate 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GTE. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *1.50 percent Pramitol Imperial Vegetation Killer.* Active Ingredients: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5 percent; Petroleum distillate 94.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3776–LE. Mercury Chemical Company, Inc., 2443 North Clybourn Avenue, Chicago, Illinois 60614. *Compleet Vegetation Killer.* Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 1.5 percent; Petroleum distillate 94.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10465–3. Mineral Research and Development Corp., P.O. Box 911, Charlotte, North Carolina 28201. *Copper-Count-N Liquid Fungicide Spray.* Active Ingredients: Copper, metallic (from Copper Ammonium Carbonate 8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224–LN. Mobil Chemical Company, Industrial Chemicals Division, P.O. Box 26683, Richmond, Virginia 23261. *Modown Herbicide Wettable Powder.* Active Ingredients: Bifenox—Methyl 5-(2′,4′-dichlorophenoxy)-2-nitrobenzoate 80 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224–LR. Mobil Chemical Company, Industrial Chemicals Division, P.O. Box 26683, Richmond, Virginia 23261. *Modown Herbicide Emulsifiable Concentrate.* Active Ingredients: Bifenox—Methyl 5-2′,4′ - dichlorophenoxy)-2-nitrobenzoate 21 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389–AG, Pacific Chemical, Div. Pace National Corp., 500 7th Avenue S., Kirkland, Washington 98033. *Sof-Stat D Powdered Fabric Softener with Bactericide.* Active Ingredients: Alkyl (C14 95 percent, C12 3 percent, C16 2 percent) dimethyl benzyl ammonium chloride dihydrate 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389–AU. Pacific Chemical, Div. Pace National Corp., 500 7th Avenue S., Kirkland, Washington 98033. *Pace SP–124 Fungicide.* Active Ingredients: 6-acetoxy-2,4-dimethyl-m-dioxane 92 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576–EI. Regal Supply & Chemical, P.O. Box 1955, 1705 Texas Avenue, El Paso, Texas 79950. *Dus-Trol For Beautiful Floors.* Active Ingredients: N-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 0.48 percent; isopropanol 3.24 percent; Sodium dodecyl benzene sulfonate 0.46 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576–ET. Regal Supply & Chemical, P.O. Box 1955, 1705 Texas Avenue, El Paso, Texas 79950. *FPD Odorless Disinfectant Cleaner.* Active Ingredients: Alkyl (C14 50 percent, C12 40 percent, C16 10 percent) dimethyl benzyl ammonium chloride 10.00 percent; Ethanol 2.50 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 87–RN. Pennsylvania Engineering Co., 1107–21 North Howard Street, Philadelphia, Pennsylvania 19123. *Ethylene Oxide.* Active Ingredients: Ethylene Oxide 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538–RRA. O. M. Scott & Sons Company, Marysville, Ohio 43040. *Lawn Saver Lawn Disease Preventer Plus Fertilizer.* Active Ingredients: Pentachloronitrobenzene 9.95 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538–RRL. O. M. Scott & Sons Company. *ProTurf poa annua control V.* Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propynyl) benzamide 0.90 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 538–RRT. O. M. Scott & Sons Company. *Super II Halts Crabgrass preventer plus lawn fertilizer.* Active Ingredients: S-(O,O-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4000–AR. Southern Chemical Products Company, P.O. Box 205, Macon, Georgia 31202. *Clean Kill Season Long Non Selective Weed Killer.* Active Ingredients: Petroleum Oil 94.94 percent; 2,4-Dicholorophenoxyacetic acid, isooctyl ester 1.09 percent; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.98 percent; Pentachlorophenol 0.80 percent; Other chlorophenols 0.09 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476–ERLA. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. *Sutan+6.7E Emulsifiable Liquid Selective Herbicide.* Active Ingredients: S–Ethyl Diisobutylthiocarbamate 85.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876–EEA. Velsicol Chemical Corp., 341 E. Ohio Street, Chicago, Illinois 60611. *Vegatrol O–6T Herbicide For Brush Control.* Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 88.8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEE. Velsicol Chemical Corp. *Vegatrol A–4D Herbicide.* Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEG. Velsicol Chemical Corp. *Vegatrol OA–3T Herbicide For Brush Control.* Active Ingredients: N,N-Dimethyloleyl Amine Salt of 2,4,5-Trichlorophenoxyacetic Acid 57.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEI. Velsicol Chemical Corp. *Vegatrol LV–4T Herbicide For Brush Control.* Active Ingredients: 2-Ethylhexyl ester of 2,4,5-trichlorophenoxyacetic acid 05.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEL. Velsicol Chemical Corp. *Vegatrol OA–3D Herbicide.* Active Ingredients: N,N-Dimethyl Oleyl-Linoleyl Amine Salt of 2,4-Dichlorophenoxyacetic Acid 61.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEN. Velsicol Chemical Corp. *Vegatrol BE–4T Herbicide For Brush Control.* Active Ingredients: Butoxyethanol Ester of 2,4,5-Trichlorophenoxyacetic Acid 62.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EEO. Velsicol Chemical Corp. *Vegatrol LV–6T Herbicide For Brush Control.* Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 87.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EER. Velsicol Chemical Corp. *Vegatrol 6D Herbicide.* Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 69.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EET. Velsicol Chemical Corp. *Vegatrol LV–4TP Herbicide.* Active Ingredients: 2-Ethylhexyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 65.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EEU. Velsicol Chemical Corp. *Vegatrol OA–1.5D–1.5T Herbicide For Brush Control.* Active Ingredients: N,N-Dimethyloleyl-linoleyl Amine Salt of 2,4-Dichlorophenoxyacetic Acid 30.5 percent; N,N-Dimethyloleyl-linoleyl Amine Salt of 2,4,5-Trichlorophenoxyacetic Acid 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EGE. Velsicol Chemical Corp. *Vegatrol LV–6D Herbicide.* Active Ingredients: 2-Ethylhexyl Ester of 2,4-Dichlorophenoxyacetic Acid 94.2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EGN. Velsicol Chemical Corp. *Vegatrol O–4T Herbicide For Brush Control.* Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 65.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EGR. Velsicol Chemical Corp. *Vegatrol A–4T Herbicide For Brush Control.* Active Ingredients: Triethylamine Salt of 2,4,5-Trichlorophenoxyacetic Acid 57.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-ERA. Velsicol Chemical Corp. *Vegatrol LV–2D–2T Herbicide For Brush Control.* Active Ingredients: 2-Ethylhexyl Ester of 2,4-Dichlorophenoxyaceic Acid 34.7 percent; 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 33.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-ERI. Velsicol Chemical Corp. *Vegatrol LV–4D Herbicide.* Active Ingredients: 2-Ethylhexyl ester of 2,4-dichlorophenoxyacetic acid 69.9 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-ERO. Velsicol Chemical Corp. *Vegatrol BE-2D-2T Herbicide For Brush Control.* Active Ingredients: Butoxyethyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 31.2 percent; Butoxyethyl Ester of 2,4-Dichlorophenoxyacetic Acid 32.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–ERT. Velsicol Chemical Corp. *Vegatrol BE–4D Herbicide.* Active Ingredients: Butoxyethyl Ester of 2,4-Dichlorophenoxyacetic Acid 65.7 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–ERU. Velsicol Chemical Corp. *Vegatrol A–2D–2T Herbicide For Brush Control.* Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 24.7 percent; Triethylamine Salt of 2,4,5-Trichlorophenoxyacetic Acid 28.6 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8405–1. Webco Chemical Corp., P.O. Box 368, Webster, Massachusetts 01570. *FS–101 33 percent Bactericide.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 63 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9639–RR. Willard Products, 70 Chemical Way, Redwood City, California 94065. *Algaecide Concentrate.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 20 percent; n-Alkyl (50 percent C12, 30 percent C14, 17 percent C16, 3 percent C18) dimethyl ethylbenzyl ammonium chlorides 20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639–RU. Willard Products, 70 Chemical Way, Redwood City, California 94065. *Penta-Treat "300" Wood Preservative and Termite Control.* Active Ingredients: Pentachlorophenol 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of May 14, 1974 (39 FR 17253).

EPA File Symbol 9461–IL. Celanese Coating Company, P.O. Box 99038, Jeffersontown, Kentucky. 40299. *Devran 216 Permanent Red Anti-Fouling Paint.* Correction: Originally published as *Devran 216 Permanent Red Anti-Fouling Paint.*

EPA File Symbol 100–LUN. Agricultural Division, Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, North Carolina 27409. *Ciba-Geigy Technical Terbutryn.* Active Ingredients: Terbutryn: 2-*tert*-butylamino-4-ethylamino - 6 - methylthio-s-triazine 94 percent. Correction: Originally published as Active Ingredients: Terbutryn: 2-*tert*-butylamino - 4 - ethylamino-6-methylthio-5-triazine 96 percent.

EPA Reg. No. 464–347. The Dow Chemical Company, P.O. Box 1706, 9008 Building, Midland, Michigan 48640. *Dow Esteron 6E Herbicide.* Method of Support: Application proceeds under 2(c) rather than 8(c) of interim policy.

Dated: June 1, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–13145 Filed 6–7–74;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App I, (the Act) notice is hereby given that a meeting of the Advisory Committee of the Export-Import Bank of the United States will take place in Washington, D.C., on June 24, 1974.

The purpose of the meeting is to review the programs and recent activities of the Export-Import Bank of the United States.

In accordance with section 10(d) of the Act, the meeting will not be open to public participation because information and documents falling within the purview of 5 U.S.C. 522(b) (the exception to the Freedom of Information Act) will be review and discussed.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Joseph H. Regan, 811 Vermont Avenue, NW., Washington, D.C. 20571.

Dated: June 5, 1974.

JOSEPH H. REGAN,
Advisory Committee,
Management Officer.

[FR Doc.74–13254 Filed 6–7–74;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Report 703]

DOMESTIC PUBLIC RADIO SERVICES

Applications Accepted for Filing

JUNE 3, 1974.

In re matter of common carrier services information.[1]

Pursuant to §§ 1227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the carlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING[2]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21453–C2–R–74, New York Telephone Co. (KC5161). Renewal of Developmental Radio Station License for term: 7/6/74 through 7/6/75.

21454–C2–AL–(4)–74, Associated Telephone Answering Services, Francis R. Real d.b.a. (KKI452—Albuquerque, N. Mex.) (KQZ 775—Albuquerque, N. Mex.) (KKX716—Tierra Amarilla-Chama-Archuleta Mesa, N. Mex.) (KUO581—Santa Fe, N. Mex.). Consent to assignment of license from Francis R. Real d.b.a. Associated Telephone Answering Services, assignor to Associated Telephone Answering Services System, Inc., assignee.

21455–C2–P–74, Radio Paging of Aspen, Inc. (new). C.P. for a new one-way station to operate on 152.24 MHz to be located at Aspen Valley Hospital, No. 1 Hospital Rd., Aspen, Colo.

21457–C2–P–74, E & J Mobile Radio Servative (FAH663). C.P. to change antenna system and replace transmitter operating 5.25 miles north of U.S. Highway No. 59, Holloway, Minn.

21457–C2–P–74, E & J Mobile Radio Service, Elden Jr. Heinz d.b.a. (KFJ8873. C.P. for additional facilities operating on 454.275 MHz and 454.250 MHz at location No. 2: 3301 Bone Rd., 7 miles southwest of Jamestown, Ohio.

21458–C2–P–(3)–74, Tel-Air Communications, Inc. (KSW214). C.P. for additional facilities operating on 152.18 MHz at location No. 1: 1 mile east of Sparta, N.J.: also add location No. 2: 1.85 miles northeast of Hamburg, N.J.; and add location No. 3: 4.3 miles northeast of Dover, N.J. Location Nos. 2 and 3 operating on 152.06 MHz and 152.18 MHz.

21459–C2–TC–74, Autofone, Inc. (KUO573). Consent to transfer of control from Tracey E. Stuckey, transferor, to Kenneth Cox, transferee. Dublin, Ga.

21460–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.175 MHz located 4.8 miles north and 0.5 mile east of Edinburgh, Tex.

21461–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.125 MHz located 3.5 miles northwest of junction of Highway 100 and FM1575 near Los Fresnos, Tex.

21462–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.075 MHz located 5.9 miles north of Alice, Tex.

21463–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz located at 600 Leopart St., Corpus Christi, Tex.

21464–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.100 MHz, 454.150 MHz, 454.200 MHz, 454.300 MHz located at 600 Leopart St., Corpus Christi, Tex.

21465–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.275 MHz, 454.300 MHz, 454.325 MHz, 454.350 MHz located 2.5 miles north of U.S. Highway No. 83 on North 10th St., McAllen, Tex.

21466–C1–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.025 MHz located ¾ mile south of Harlingen on New Hampshire Rd., Cameron, Tex.

21467–C2–P–74, Terre Haute Communications, Inc. (new). C.P. for a new 1-way station to operate on 158.70 MHz located at 2500 Layher St., Terre Haute, Ind.

21468–C2–P–74, Mobilphone of Texas, Inc. (new). C.P. for a new 2-way station to operate on 152.06 MHz located at 2105 East 14th St., Brownsville, Tex.

21469–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.025 MHz located 1½ miles west of U.S. Highway 77 on F.M. 1355, Kingsville, Tex.

21470–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.050 MHz, 454.075 MHz, 454.150 MHz, 454.200 MHz located at 2105 East 14th St., Brownsville, Tex.

21471–C2–P–74, Mobilfone Service, Inc. (new). C.P. for a new 2-way station to operate on 152.09 MHz located 1½ miles west of U.S. Highway 77 on F.M. 1355 near Kingsville, Tex.

21472–C2–P–74, Mobile Page Communications, Inc. (new). C.P. for a new 2-way station to operate on 152.21 MHz and 454.35 MHz located at Smithtown Rd. between Indian Spring and Shore Rds., Budd Lake, N.J.

21473–C2–P–74, The Bell Telephone Company of Pennsylvania (KGC226). C.P. to change antenna system and to replace transmitter on frequency 152.84 MHz located at Hilltop, 3 miles southeast of Allentown, Lehigh, Pa.

21474–C2–P–74, Seattle Radiotelephone Service (KOA733). C.P. for additional facilities operating on 454.050 MHz located at Seattle First National Bank Building, Seattle, Wash.

21475–C2–P–74, Mashell Telephone Company, Inc. (KRH638). C.P. to relocate facilities operating on 454.475 MHz located ½ mile southwest of Eatonville, Wash.

21476–C2–P–(12)–74, Industrial Communications of Pecos, Inc. C.P. to add frequency 454.175 MHz; replace repeater frequency at location No. 1 with 454.050, 454.250, 454.350 MHz to operate at 1.7 miles north of Highway No. 80, 10 miles northeast of Pecos, Barstow, Tex.; C.P. to change frequency of control transmitters and to add two control frequencies: 459.150, 459.050, 459.250, 459.325, 459.350 MHz to be located at location No. 2: 2203 West 3d St., Pecos, Tex.; C.P. to change repeater frequency to 454.325 MHz located at location No. 3: Gomez Peak, southwest of Pecos, Tex.; C.P. to add facilities on 454.025 MHz at location No. 4: King Ranch, 40.8 miles south of Pecos, Tex., and add antenna location No. 4 with repeater frequency: 454.150 MHz.

21477–C2–P–74, Caprock Radio Dispatch (new). C.P. for a new 1-way station to operate on 152.24 MHz located at lot 6, tract 2, division 4, Artesia, N. Mex.

21478–C2–P–74, Bijou Telephone Cooperative (new). C.P. for a new 2-way station to operate on 152.81 and 152.60 MHz located at southeast corner of Main and Front, Byers, Colo.

21479–C2–P–(2)–74, General Telephone Company of Florida (KRS694). C.P. to add two transmitter sites. Location No. 6: 108 Pinewood Ave., Brandon, Fla., operating on 152.84; location No. 7: 7502 West Hillsborough Ave., Sweetwater, Tampa, Fla., operating on 152.84 MHz, also to change antenna systems of existing locations.

21480–C2–P–74, Mobilfone Service, Inc. (new). C.P. for a new 2-way station to operate on 152.12 MHz located 4 miles north of intersection of FM754 and State Highway 285, 1.9 miles west on U.S. 281, Falfurrias, Tex.

21481–C2–P–74, Southwest Mobilfone, Inc. (new). C.P. for a new 2-way station to operate on 454.125 MHz located 4 miles north of intersection of FM754 and State Highway 285, 1.9 miles west on U.S. 281, Falfurrias, Tex.

21482–C2–P–74, Adlai C. Ferguson, Jr. (KSJ-769). C.P. to change antenna system and relocate antenna on new 485-foot tower, operating on 152.21 MHz located 2 miles west of Paris on Highway 133, Paris, Ill.

21483–C2–P–74, Mobilphone of Texas, Inc. (new). C.P. for a new 2-way station to operate on 152.18 MHz located at 600 Leopard St., Corpus Christi, Tex.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

21405–C2–ML–74, Indiana Bell Telephone Company (KSJ612). Modification of license to change frequency to 454.925 MHz located 2.2 miles east-southeast of Vincennes, Ind.

Renewals of licenses expiring April 1, 1974. Term: April 1, 1974 through April 1, 1979.

Illinois

Chicago Communications Service, Inc., KSD310.

North Carolina

Barbara V. Cannon d.b.a. Greenville Radio Dispatch KTR993.

RURAL RADIO SERVICE

60309–C6–P–74, Silver Beehive Telephone Company (new). C.P. for a new rural subscriber station to operate on 157.86 MHz located at 10 miles northeast of Licin, Utah.

60310–C6–P–74, Silver Beehive Telephone Company (new). C.P. for a new central office station to operate on 152.60 MHz located at Telephone Central Office, Grouse Creek, Utah.

60311–C6–P–74, Pacific Northwest Bell Telephone Company (KOB51). C.P. to add frequency and replace transmitter operating on frequencies 157.77, 157.80, 157.89, 157.98, 158.07 MHz located at Tillicum Village, Blake Island, Kitsap, Wash.

60312–C6–P–74, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located at Mary Alsworth Home, Port Alsworth, Alaska, 105 miles west-northwest of Homer, Port Alsworth, Alaska.

60313–C2–AL (8)–74, Associated Telephone Answering Services, Francis R. Real d.b.a. Consent to assignment of license from Associated Telephone Answering Services, Francis R. Real, d.b.a., assignor, to Associated Telephone Answering Services, Inc., assignee. (KKA45—at temporary locations.) (KRR31—Crown Point) (KRR33—Torreon, N. Mex.) (KRR37—Magdalena, N. Mex.) (KRR39—Lew Laguna, N. Mex.) (KRR41—Laguna, N. Mex.) (KRR42—Laguna, N. Mex.) (KRR70—Correo, N. Mex.)

POINT-TO-POINT MICROWAVE RADIO SERVICE

4251–C1–R–74, South Central Bell Telephone Company (KZS92). Within the operating territory of the grantee. Application for renewal of license for term: July 1, 1974, to July 1, 1975.

4252–C1–P–74, the Southern New England Telephone Company (new), 310 Orange St., New Haven, Conn. Latitude 41°18'33" N., longitude 72°55'20" W. C.P. for a new station on frequency 39,318 GHz toward New Haven, Conn., on azimuth 133°33'.

4253–C1–P–74, same (new), 1155 Townsend Ave., New Haven, Conn. Latitude 41°17'17" N., longitude 72°53'34" W. C.P. for a new station on frequency 39,330 GHz toward New Haven, Conn., on azimuth 313°34'.

4254–C1–P–74, United Telephone Company of Indiana, Inc. (KSJ39), Ohio and Railroad Sts., Monticello, Ind. Latitude 40°44'22" N., longitude 86°45'57" W. C.P. to change frequency to 5952.6H MHz toward Logansport, Ind., on azimuth 83°13'.

4255–C1–P–74, Continental Telephone Company of Utah (WOE37), Blue Ridge, 6 miles southwest of Monticello, Utah. Latitude 37°48'54" N., longitude 109°25'29" W. C.P. to add frequency 2178.0V MHz toward a new point of communication at LaSal, Utah, on azimuth 11°50'.

4256–C1–P–74, Same (new), Telephone Central Office, LaSal, Utah. Latitude 38°18'33" N., longitude 109°17'36" W. C.P. for a new station on frequency 2128.0V MHz toward Monticello, Utah, on azimuth 191°55'.

4257–C1–P–74, General Telephone Company of Indiana, Inc. (KSJ38). C.P. to change autenna location to ¼ mile west of the intersection of Indiana S.R. 17 and Northern Avenue, Logansport, Ind. Latitude 40°-46'26" N., longitude 86°22'39" W. and change frequency to 6204.07H MHz toward Monticello, Ind., on azimuth 263°28'.

4258–C1–P–74, The Mountain States Telephone and Telegraph Company (KPX85), 115 West 2d Ave., Plentywood, Mont. Latitude 48°46'18" N., longitude 104°33'25" W. C.P. to add frequencies 10,875V 11,115H MHz to new point of communication at Plentywood Junction, Mont., on azimuth 198°04'.

4259–C1–P–74, Same (KPV91), 7.2 miles north-northeast of Bainville, Mont. Latitude 48°14'16" N., longitude 104°11'14" W. C.P. to change point of communication to Plentywood Junction, Mont., for frequencies 5945.2V, 6063.8V MHz on azimuth 329°30'.

4260–C1–P–74, Same (KPV92), 5.4 miles south-southwest of Plentywood, Mont. Latitude 48°41'42" N., longitude 104°35'-41" W. C.P. to add frequencies: 11,325V MHz and 11,565H MHz toward Plentywood, Mont., on azimuth 18°02'; and 6226.9V MHz 6345.5V MHz toward Bainville Junction, Mont., on azimuth 149°12'.

4261–C1–P–74, United Video, Inc. (new), Snow Hill, Tenn. Latitude 35°08'59" N., longitude 85°01'24" W. C.P. for a new station on frequency 5945.9H MHz toward Niota, Tenn. on azimuth 43°27'.

4262–C1–P–74, Same (new), 2.7 miles north of Niota, Tenn. Latitude 35°33'31" N., longitude 84°32'46" W. C.P. for a new station on frequency 6197.2H MHz toward Dixie Lee, Tenn., on azimuth 43°04'.

4263–C1–P–74, Same (new), 1.5 miles south of Dixie Lee, Tenn. Latitude 35°50'14" N., longitude 84°13'28" W. C.P. for a new station on frequency 11,385V MHz toward Oak Ridge, Tenn., on azimuth 353°05'.

4264–C1–P–74, Same (new), 310 10th St., Sacramento, Calif. (KCRA–TV). C.P. for a new station at latitude 38°35'13" N., longitude 121°29'22" W. Frequency 6123.1V MHz on azimuth 250°48' toward Mount Vaca.

4265–C1–P–74, Same (new), 4.2 miles south of Dunnigan, Calif. C.P. for a new station at latitude 38°49'41" N., longitude 121°59'-13" W. Frequency 6004.5H MHz on azimuth 193°12' toward Mount Vaca; frequencies 5974.8V MHz, 6004.5H MHz, 6034.2V MHz, 6063.8H MHz, and 6039.5V MHz on azimuth 343°34' toward Maxwell.

4266–C1–P–74, Same (new), Maxwell, 0.5 mile south of Delavan, Calif. C.P. for a new station at latitude 39°20'53" N., longitude 122°11'12" W. Frequency 6197.2V MHz on azimuth 163°16' toward Dunnigan; frequencies 6226.9V MHz, 6256.5H MHz, 6286.2V MHz, 6345.5V MHz, and 6375.2H MHz on azimuth 282°37' toward St. John Mountain.

4267–C1–P–74, Telecommunications, Inc. (WIV64), Portland, Oreg. C.P. to add frequencies at existing facilities latitude 45°31'18" N., longitude 122°40'48" W. Frequency 11,525V MHz on azimuth 319°26' toward Scappoose.

Major Amendments

7858–C1–P–72, Western Tele-Communications, Inc. (WOI62), Mount Vaca. Change point of communication from St. John Mountain to Dunnigan. Latitude 38°24'55" N., longitude 122°06'36" W. Frequency 6197.2V on azimuth 200°52' toward San Francisco, frequencies 6226.9V, 6256.5H, 6286.2V, 6345.5V, and 6375.2H on azimuth 13°08' toward Dunnigan, frequencies 6286.2H and 6345.5H on azimuth 72°11' toward new point of communication Sacramento (KXTV), and frequencies 6226.9H and 6404.8H on azimuth 70°25' toward new point of communication Sacramento (KCRA–TV).

7859–C1–P–72, Same (WOI66), St. John Mountain. Change point of communication from Mount Vaca to Maxwell, frequency 6093.5V on azimuth 102°18'. Change frequency 5974.8 to 6034.2V toward Henleyville, and change frequency 5945.2H to 6093.5V toward Chico (KHSL–TV).

7861–C1–P–72, Same (new), Henleyville. Change frequency 6226.9H to 6197.2V toward Inskip Hill.

7862–C1–P–72, Same (new), Inskip Hill. Change frequencies 5974.8H to 5945.2V and 6093.5H to 6063.8V toward Hatchet Mountain.

7864–C1–P–72, Same (WOI67), Hatchet Mountain. Change azimuth toward from 318°39' to 318°26'.

7865–C1–P–72, Same (WOI68), Weed. Relocate station to latitude 41°22'41" N., longitude 122°23'25" W. Frequency 6034.2V on azimuth 138°04' toward Hatchet Mountain, frequencies 5945.2V, 5974.8H, 6004.5V, 6034.2H, 6152.8H on azimuth 01°01' toward Little Chinquapin Mountain.

7866–C1–P–72, Same (WOI69), Little Chinquapin Mountain. Change azimuth 186°37' to 181°02' toward Weed.

7867–C1–P–72, Same (WOI70), Wolf Ridge. Delete frequencies 5945.2H and 6004.5H toward Medford (KMED–TV), and 6034.2V and 6063.8H toward Medford (KOBI).

7870–C1–P–72, Same (WOI72), Coburg Ridge. Change frequencies 6063.8V to 6004.5V and 6093.5H to 6034.2H toward Eugene (KVAL) on azimuth 216°18'.

7874–C1–MP–72, Telecommunications, Inc. (WHA88), Scappoose. Change frequency 10,875V to 6271.4V toward Portland TOC on azimuth 139°12'.

Corrections

4146–C1–P–74, Southern Pacific Communications Company (new). Correct coordinates to read: latitude 41°03'04" N., longitude 82°53'46" W.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Major Amendments

673–C1–P–72, Frank K. Spain d.b.a. Microwave Service Company (new), 1.5 miles northwest of Sellers, Miss. Latitude 30°36'15" N., longitude 89°22'37" W. Application amended (a) to change station location to foregoing coordinates; (b) to change point of communication from Howison to Beatrice, Miss., on azimuth 72°10' (frequencies 6301.0V MHz and 6241.7V MHz unchanged): and (c) to change transmitting equipment.

674–C1–P–72, Same (new), 1.1 miles southeast of Beatrice, Miss. Latitude 30°43'46" N., longitude 88°55'48" W. Application amended (a) to change station location to foregoing coordinates; (b) to change azimuth toward Harleston, Miss., to 92°15' (frequencies 6049.0H MHz and 6167.6H MHz unchanged); and (c) to change transmitting equipment.

675–C1–P–72, Same (new), 0.6 mile south of Harleston, Miss. Latitude 80°42'53" N., longitude 88°30'49" W. Application amended (a) to change station location to foregoing coordinates; (b) to change azimuth toward Mobile, Ala., to 111°12'; (frequencies 6212.0V MHz and 6330.7V MHz unchanged); and (c) to change transmitting equipment.

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694–C1–P–72, Same (new), 1.9 miles northwest of Holman, Ala. Latitude 33°17'32" N., longitude 87°51'15" W. Application amended (a) to change station location to foregoing coordinates; (b) to change azimuth toward Tuscaloosa, Ala., to 106°58' (frequency 10915H MHz unchanged) and (c) to change transmitting equipment.

4249–C1–MP–74, American Television and Communications Corp. (WSM71), 7.0 miles wset of Melbourne, Fla. Latitude 28°08'53" N., longitude 80°42'12" W. Application amended to change from vertical to horizontal the polarity of frequencies 5974.8 MHz and 6152.8 MHz toward Merritt Island, Fla., on azimuth 357°50'.

4646–C1–P–72, American Television and Communications Corp. (new), 1.9 miles northeast of Wilmer, La. Latitude 30°49'35" N., longitude 90°20'06" W. Application amended (a) to change station location to foregoing coordinates and (b) to change azimuth toward McComb, Miss., to 347°58' (frequency 6197.2V MHz unchanged).

Informative: Western Tele-Communications, Inc., hereby amends a portion of its video network filing from San Francisco, Calif., to Portland, Oreg. Included in this amendment are two new sites, the addition of a return channel from Portland TOC to Scappoose and the addition of the Sacramento studios.

7857–C1–MP–72, Western Tele-Communications, Inc. (WOI61), San Francisco. Relocate facilities to latitude 37°46'38" N., longitude 122°24'58" W., frequencies 5945.2V, 5974.8H, 6034.H, 6063.8V, and 6123.1V MHz on azimuth 20°40' toward Mount Vaca.

Corrections

4142–C1–P–74, Same (new), 2.3 miles south of Miller City, Ohio. Latitude 41°03'53" N., longitude 84°07'56" W. C.P. for a new station on frequency 5945.2H MHz toward Custar, Ohio, on azimuth 42°26' and 5945.2H MHz toward Van Wert, Ohio, on azimuth 248°20'.

4177–C1–P–74, American Television Relay, Inc. (KOV61), Hutch Mountain, Ariz. Correct coordinates to read: Latitude 34°48'20" N., longitude 111°23'45" W. (all other particulars same as reported on Public Notice No. 701 dated 5–20–74).

Informative

It appears that the following sets of applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference and economic competition:

American Television and Communications Corp., files Nos. 3274 through 3278–C1–P–74, Public Notice 3–4–74.

United Video, Inc., files Nos. 4261 through 4263–C1–P–74, Public Notice 6–4–74.

[FR Doc.74–13201 Filed 6–7–74;8:45 am]

FEDERAL ENERGY OFFICE

ENERGY FORECASTING ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Energy Forecasting Advistory Committee will meet June 28, 1974, at 10 a.m., Room 3140–A, 12th & Pennsylvania Ave. NW., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Office (FEO), with respect to methodologies which will augment and improve forecasts of energy supply and demand.

The agenda for the meeting is as follows:

1. Introduction and General Remarks.
2. Goals and Organization of "Project Independence Blueprint."
3. Quantitative Analysis for Project Independence.
4. Briefing and Review of FEO's Current Forecasting Methodologies with a Presentation of Recent Results

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from George Lady, Federal Energy Office, Washington, D.C., phone number (202) 961–8425.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued at Washington, D.C. on June 6, 1974.

William N. Walker,
General Counsel.

[FR Doc.74–13316 Filed 6–7–74;8:45 am]

PROJECT INDEPENDENCE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Project Independence Advisory Committee will meet July 10, 1974, at 9 a.m., Room 3000–A, 12th & Pennsylvania Ave., NW., Washington, D.C.

The Committee was established to provide independent advice and review of the Federal Energy Office (FEO), with respect to the strategies, goals, and analysis of Project Independence.

The agenda for the meeting is as follows:

1. Project Independence and Role of the Advisory Group.
2. Background on Energy Situation and Status of the Blueprint for Project Independence.
3. Discussion Session.
   a. Definition of "Independence."
   b. Key Policy Issues that Should be Addressed in the Blueprint.
   c. Plans for Public Communications by the Committee.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Bruce Pasternack, Federal Energy Office, Washington, D.C., phone number (202) 961–8254.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued at Washington, D.C., on June 6, 1974.

William N. Walker,
General Counsel.

[FR Doc.74–13317 Filed 6–7–74;8:45 am]

TOURISM-RECREATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Tourism-Recreation Advisory Committee will meet Monday, June 17, 1974, at 9 a.m., Room 3000–A, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Federal Energy Office (FEO), with respect to Tourism-Recreational aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

I. Introduction and Opening Remarks.
II. FEO Staff Briefings.
A. Tourism-Recreation and FEO in Retrospect.
B. Petroleum Allocation Program as it Applies to Tourism-Recreation.
C. Objectives of FEO Conservation Program.
D. Administrative Aspects of Committee Functions.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Ms. Nancy Segurski, Federal Energy Office, Washington, D.C., phone number (202) 254–7836.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Due to the increase of tourism and recreation during the summer months, this meeting is being scheduled prior to elapse of the usual 15-day notice period.

Issued at Washington, D.C., on June 6, 1974.

William N. Walker,
General Counsel.

[FR Doc.74–13314 Filed 6–7–74;8:45 am]

WHOLESALE PETROLEUM ADVISORY GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Wholesale Petroleum Advisory Group will meet on Friday, June 14, 1974, at 9 a.m., in the Gold Room of the Denver Hilton, 1550 Court Place, Denver, Colorado.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

A. Discussion of Proposed Rules on "Summer Fill" and other "Dating" Programs.
B. Review and Discussion of Proposals for Allocation and Pricing of Unleaded Gasoline.
C. Problems Arising from Customer Changeover to other Fuels.
D. Restoration of Normal Business Practices by Suppliers (Leases, Contracts, Credit Terms).
E. Discussion of Dealer Problems from the Jobber Angle.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the Public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Group shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Dino G. Pappas, Federal Energy Office, Washington, D.C., phone number (202) 961–8324.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Due to the interest in obtaining immediate comments on proposed rules, this meeting is being scheduled prior to elapse of the usual 15-day notice period.

Issued at Washington, D.C. on June 6, 1974.

William N. Walker,
General Counsel.

[FR Doc.74–13315 Filed 6–7–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–570, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

May 31, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the auhorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket number and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI74–570 4–16–74 [1]	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America Putnam Area, Dewey County, Oklahoma.	[2] 19.7925	14.65
CI74–642 5–8–74 [3]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Kerr-McGee Corp., Pan-McConnell G lease, Carson and Gray Counties, Tex.	21.5	14.65
CI74–643 A 5–9–74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lirette Field, Terrebonne Parish, La.	[5] [4] 53.7	15.025
CI74–647 (CS72–430) F 5–8–74	Phillips Petroleum Co. (successor to Cardinal Petroleum Co.).	Kansas-Nebraska Natural Gas Co., Inc., acreage in Washington County, Colo.	[2] 22.9125	14.65
CI74–648 A 5–13–74	Exxon Corp	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes La.	[5] [4] 53.7	15.025
CI74–654 (CI66–292) F 5–9–74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Panhandle Eastern Pipe Line Co., Red Cave Field, Morton County, Kans.	[6] 10.57	14.65
CI74–657 (CI65–699) F 5–13–74	Petroleum Corp. of Texas (successor to Anadarko Production Co.).	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	[7] 12.36	14.65
CI74–658 (CI65–827) F 5–10–74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Plateau Natural Gas Co., Hugoton Field, Hamilton County, Kans.	13.513	14.65
CI74–659 (CI64–575) F 5–10–74	Petroleum Corp. of Texas (successor to Anadarko Production Co.).	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	[8] 13.363	14.65
CI74–660 (CI63–647) F 5–6–74	Petroleum Corp. of Texas (successor to Cities Service Oil Co.).	Michigan-Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	19.7925	14.65
CI74–663 (CI67–518) F 5–15–74	Petroleum Corp. of Texas (successor to Anadarko Production Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	[9] 12.46	14.65
CI74–664 (CI64–728) F 5–16–74	do	Northern Natural Gas Co., Kiowa Field, Lipscomb County, Tex.	[2] 19.0713	14.65
CI74–668 (CI67—1669) F 5–16–74	do	Baca Gas Gathering System, Inc., Walsh Field, Baca County, Colo.	[10] 10.78	14.65

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Samedan Oil Corp., now holder of a small producer certificate.
[2] Subject to downward Btu adjustment.
[3] New contract which replaces a percentage-of-proceeds contract which expired July 31, 1971;
[4] Applicant is willing to accept a certificate conditioned in accordance with Opinion No. 598;
[5] Subject to upward and downward Btu adjustment.
[6] Includes 6.43 cents per Mcf downward Btu adjustment.
[7] Includes 1.14 cents per Mcf downward Btu adjustment.
[8] Includes 1.637 cents per Mcf downward Btu adjustment;
[9] Includes 5.54 cents per Mcf downward Btu adjustment.
[10] Includes 1.22 cents per Mcf downward Btu adjustment.

[FR Doc.74–13067 Filed 6–7–74;8:45 am]

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V39—112 JUN 10 74 XUM

[Docket No. CI62-790, etc.]

PETROLEUM CORP. OF TEXAS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 31, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket number and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI62-790 E 5-9-74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	[1] 7.90	14.65
CI64-1451 D 5-23-74	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., acreage in Winkler County, Tex.	(2)	
CI73-154 C 5-9-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[3] 28.5	15.025
CI74-348 (G-5379) F 12-10-73 [4]	J. L. Burkhart (successor to Skelly Oil Co.,) 2121 South Columbia, Tulsa, Okla. 74114.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	[3] 15.0	14.65
CI74-646 A 5-10-74	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Northern Natural Gas Co., Granite Wash Field, Hemphill County, Tex.	[5] 32.0	14.65
CI74-652 (G-4143) F 5-13-74	Cloris L. Dale (successor to Gulf Oil Corp.), 1503 East Hackberry, Garden City, Kans. 67846.	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	[6] 14.0	14.65
CI74-653 (G-4143) F 5-13-74	Austin Brady (successor to Gulf Oil Corp.), P.O. Box 302, Garden City, Kans. 67846.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	[3] 14.0	14.65
CI74-656 (CI64-679) F 5-14-74	LVO Corp. (successor to the Superior Oil Co.), P.O. Box 2848, Tulsa, Okla. 74101.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field Area, Hamilton County, Kans.	[6] 18.5	14.65
CI74-661 A 5-17-74	Odessa Natural Corp. (operator) et al., P.O. Box 3986, Odessa, Tex. 79760.	Kansas-Nebraska Natural Gas Co.; Inc., acreage in Phillips and Valley Counties, Mont.	[7] 40.0	15.025
CI74-662 (CI64-1235) F 5-18-74	Petroleum Corp. of Texas (successor to Anadarko Production Co.), P.O. Box 911, Breckenridge, Tex. 76024.	Arkansas-Louisiana Gas Co., Gragg Field, Sebastian County, Ark.	12.75	14.65
CI74-673 A 5-16-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Guerra Gas Unit No. 1, La Reforma Area, Hidalgo County, Tex.	[1, 3] 45.0	14.65
CI74-676 (CI65-557) F 5-15-74	Koch Industries, Inc. (successor to Barnwell Production Co.), P.O. Box 2256, Wichita, Kans. 67201.	Southern Natural Gas Co., Lake St. Catherine Field, Orleans Parish, La.	[5, 8] 30.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Includes 4.10 cents per Mcf downward Btu adjustment.
[2] Acreage assigned to Earl R. Bruno.
[3] Subject to Btu adjustment.
[4] Being renoticed, because by letter filed May 22, 1974, applicant requests a higher price.
[5] Subject to upward and downward Btu adjustment and tax reimbursement.
[6] Subject to downward Btu adjustment.
[7] Subject to upward and downward Btu adjustment.
[8] Applicant is willing to accept a certificate conditioned to the applicable area rate.

[FR Doc.74-13071 Filed 6-7-74;8:45 am]

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. R-424]

ACCOUNTING

Premium, Discount and Expense of Issue, Gains and Losses on Refunding and Reacquisition of Long-Term Debt, and Interperiod Allocation of Income Taxes; Order Denying Rehearing and Reconsideration

JUNE 3, 1974.

In its Order No. 505[1] issued on February 11, 1974, the Commission prescribed accounting for (1) premium, discount and expense of long-term debt, (2) gains and losses on reacquired long-term debt, when no refunding is involved, and (3) gains and losses on reacquisition of long-term debt when a refunding is involved. Briefly stated, the new accounting regulations provide that when no refunding is involved, as in (2), the utility shall amortize the net gain or loss over the remaining life of the respective security issues (old, original debt). When, as in (3), the redemption of one issue or series of long-term debt securities is financed by another issue or series, the net gains or losses from reacquisition of the original debt securities, the utility may elect to account for such amounts by either: (i) Writing them off immediately if amounts are insignificant; (ii) amortizing them over the life of the original issue which is being retired; or (iii) amortizing them over the life of the new issue. Where a regulatory authority which has prime rate jurisdiction over the utility disallows the rate principle of amortizing gains or losses on reacquisition of long-term debt without refunding and does not apply such amounts in computing rate of return allowed, an alternate method may be used, recognizing such amounts currently in income and using explanatory footnotes in financial statements.

On March 13, 1974, Interstate Natural Gas Association of America (INGAA) filed an application for rehearing of Order No. 505. Texas Eastern Transmission Corporation, (Texas Eastern) on the same date filed an application for Rehearing concurring in and adopting the INGAA application.

INGAA's application urges the Commission to reconsider its action and to rescind its Order No. 505 and terminate these proceedings, contending, in summary, that:

> Order No. 505 is legally improper, without substantial evidentiary support and is directly contrary to long established Commission policy and sound accounting principles as prescribed by the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants. Further, at a time when the pipeline industry is faced with growing difficulties in obtaining money for important projects the Commission blithely takes action which will artifically reduce current net income of many companies thereby reducing their ability to finance much needed endeavors to enhance supply * * *

Upon a review of these contentions, as more fully set forth in INGAA's application, we find no basis for changing or modifying our order. We indicated in Order No. 505 the legal basis and evidentiary background for the rulemaking order prescribing accounting changes in this proceeding in Docket No. R-424:

> * * * We established a rate making principle in Opinion No. 583, *Manufacturers Light and Heat Co.* * * * (44 FPC 314) that gains and losses relating to reacquisition of long-term debt should be amortized over the remaining life of the old debt and to deduct the amortization amount from the actual charges for interest to determine the *true embedded cost of debt*. Failure to provide accounting recognition of this significant ratemaking policy would result in distortions of financial statements. (emphasis added)

In Opinion No. 583, in Manufacturers, we stated:

> 24. Secondly, the discounts on repurchased debt under consideration here represent a savings which is virtually automatic . . . Unless amortization of these amounts is required, the cumulative effect will be to add large sums to retained earnings, with no benefit to consumers. Yet consumers will continue to pay the cost of debt, including new debt issued at higher rates to replace that retired.
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> * * * * *
>
> * * * We are cognizant that current accounting practice is to credit gains from retirement of debt securities to income in the year such securities are repurchased and retired. However, since it is acceptable accounting practice to amortize redemption premiums over the remaining lives of refunded bonds[2] and since in future rate proceedings redemption premiums are to be included in the embedded cost of debt, we believe that the same accounting policy should be adopted toward gains from repurchase and retirement. This will bring accounting and ratemaking into conformity and the income will be available for future rate consideration. Such accounting and ratemaking purposes is sanctioned by the accounting profession because they recognize that there are and will be instances where regulatory authorities differ from other commercial accounting practices.[3]

INGAA's application contends that the Commission "blithely" ignored the fact that the result of the changed accounting would affect the "current" net income of many companies and would thereby reduce their ability to finance new facilities needed to enhance their dwindling gas supplies. That this is erroneous is obvious in view of the fact that in Opinion No. 583 we gave full consideration to Manufacturers' financial needs in determining its rate of return, while at the same time indicating that these gains and losses should be amortized and the benefits shared with the consumer.

INGAA's argument ignores the fact that the prescribed amortization does not reduce net income, as an accounting matter. Although "current" net income may be reduced in one year, the order merely spreads such income (and losses) over ten or more years of the remaining lives of the particular security issues involved. Moreover, although Opinion No. 583 requires the benefits to be shared with consumers by reflecting in rates and charges the current year's amortization of such discounts and premiums, it also allows the companies the interim cost-free use of the excess of current net gains, or losses, over such level of amortized income currently reflected in rates and charges.

INGAA's application objects to the Commission's expressed intent to bring ratemaking and accounting into a closer area of conformity and to avoid apparent distortion of financial statements. In support of its contention, INGAA cites recent rulemaking orders of the Commission and asserts that the Commission therein did not follow such "tracking symmetry".[4] Where applicable, the Commission's accounting regulations are designed, primarily, to aid it in the surveillance of costs of service of jurisdictional companies for the purpose of ratemaking, licensing and for the corollary protection of the investing public. Under various circumstances, accounting treatment and ratemaking treatment must necessarily diverge, but we do not believe that this is one of them.

INGAA's contention that Order No. 505 is without evidentiary support and is invalid, likewise, is erroneous. The Commission issued its accounting regulations for natural gas companies in the exercise of its authority under sections 8, 9, 10 and 16 of the Natural Gas Act. In Manufacturers, as well as in this proceeding, the Commission afforded all interested parties notice and an opportunity to present their views and contentions.[5] No party has presented any allegation of factual data and material which raise any issues which would require cross-examination or further evidentiary hearings. INGAA's application fails to raise any such issue. With respect to INGAA's position on the financial impact of the order, this is a rate of return question which, as we have stated above, is properly considered in ratemaking on a single-company basis. Indeed, although INGAA requests that a "formal hearing" be provided for submission of testimony, it fails to allege any facts or to make a proffer of anything of substance which such testimony would show. We, therefore, conclude that to provide any such "evidentiary" hearing would be without justification and would merely delay the determinations of the Commission and the necessary implementation of the order which has been found to be required in the interests of fairness to the consumer, the investor and the public interest.

INGAA urges that the new regulations are contrary to long established Commission policy and sound accounting principles announced by the Accounting Principles Boar (APB), now the Financial Accounting Standards Board (FA SB), of the American Institute of Certified Public Accountants for commercial accounting guidance. However, as we observed in Opinion No. 583, in view of regulatory policies, regulatory accounting may properly differ from commercial accounting practices, as even the APB recognizes. The Commission's authority and responsibility for accounting derives from the Federal Power Act (section 301) and from the Natural Gas Act (section 8), not from such commercial and professional bodies, although the announcements of such bodies are considered to be of substantial significance and the pertinent accounting principles have been carefully compared with the new regulations. With respect to the change in our own policy and treatment of these gains and losses, it is sufficient to state that we gave very careful consideration to that question in Opinion No. 583, and we have reviewed the accounting reflection of the ratemaking policy in this rulemaking proceeding, as stated above.

The Commission finds. Interstate Natural Gas Association of America and Texas Eastern Transmission Corporation's applications for rehearing filed March 13, 1974, present no new facts or points of law which were not considered in Order No. 505, or which, having now been considered, warrant any change or modification of that order, and their applications, therefore, should be denied.

The Commission orders. The applications filed on March 13, 1974, by INGAA and Texas Eastern for rehearing of Order No. 505, are denied.

By the Commission.[6]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-132224 Filed 6-7-74;8:45 am]

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[1] Order No. 505, 51 F.P.C. ------ (39 FR 6093, February 19, 1974).

[2] Accounting Research Bulletin 43, Chapter 15, Unamortized Discount, Issue Cost, and Redemption Premium on Bonds Refunded.

[3] Addendum (Accounting Principles for Regulated Industries) to Opinion No. 2 of the Accounting Principles Board, accounting for the "investment credit".

[4] Order No. 469, Docket No. R-395 (49 FPC 326), dealing with Equity Method of Accounting; Order No. 504, Docket No. R-446, dealing with Interperiod Tax Allocation, issued February 11, 1974; Order No. 440-A, Docket No. R-403 (47 FPC 39), Full-Cost Accounting for Exploration and Development Costs of Pipeline Companies.

[5] INGAA erroneously asserts the Commission gave no notice it was considering adoption of an industry-wide principle of accounting. See notice issued October 31, 1969, published in Federal Register on November 1, 1969 (43 FR 17743), following which 7 pipeline companies, a major city, a national accounting firm and INGAA filed amicus briefs in Manufacturers (44 FPC 314, 321). The Commission modified its accounting order therein in response to such presentations. (44 FPC 1138). In this proceeding, we issued a notice of proposed rulemaking on August 6, 1971 (36 FR 16069), amended October 13, 1971 (36 FR 30445). Comments were received from 67 respondents, of whom 62 addressed themselves to the long-term debt issues (Attachment A to Order No. 505).

[6] Dissenting opinions by Commissioners Brooke and Moody filed as part of the original document.

V39 112 JUN 10 74 XUM

[Docket No. CI74-674]

ATLANTIC RICHFIELD CO.

Notice of Application

MAY 31, 1974.

Take notice that on May 20, 1974, Atlantic Richfield Company (Applicant), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI74-674 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Block 217 Field, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver into the facilities of Michigan Wisconsin Pipeline Company for the account of Texas Gas up to 1,000 Mcf of natural gas per day for one year from the Block 217 Field at a rate of 50.0 cents per Mcf of gas at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states it will accept a certificate conditioned to a rate of 45.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13213 Filed 6-7-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Initial Rate Filing

JUNE 3, 1974.

Take notice that Boston Edison Company (Edison), on May 21, 1974, tendered for filing a new rate schedule for service to New England Power Company (NEPCO).

Edison states that the rate schedule provides for the sale by Edison to NEPCO of 60,000 kw of system capacity and the energy corresponding thereto during the period November 1, 1973 through October 31, 1974 and, any time Edison's Pilgrim Unit No. 1 must be operated below capacity or must be shut down, Edison's obligation to supply NEPCO such service is commensurately reduced.

Furthermore, Edison states that the payment provisions of the rate schedule are designed to reimburse Edison for fixed and operating costs incurred in connection with service under the contract, and that capacity, energy and transmission charges for the contract year are respectively estimated to total $2,885,400, $3,732,282 and $484,560.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13220 Filed 6-7-74;8:45 am]

[Docket No. RI74-234]

C. K. OIL CO.

Petition for Special Relief

MAY 31, 1974.

Take notice that on May 16, 1974, C. K. Oil Company, (Petitioner), 512 Washington, Great Bend, Kansas 67530, filed a petition for special relief in Docket No. RI74-234 for the sale of gas to Cities Service Gas Company from its well on the Stone "C" lease in Barber County, Kansas. Petitioner states that declining pressure has now reduced gas production from said well to the extent that further production is uneconomical at the existing contract rate and premature abandonment will result unless an increased price can be obtained for future gas production therefrom. Petitioner proposes to install compression facilities and requests a rate increase from 15 cents per Mcf to 38 cents per Mcf under Order No. 481.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13236 Filed 6-7-74;8:45 am]

[Docket Nos. RP74-82 and RP74-81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets, Providing for Hearing, Permitting Interventions, and Consolidating Proceedings

MAY 31, 1974.

On April 15, 1974, Columbia Gas Transmission Corporation (Columbia) and Columbia Gulf Transmission Company (Columbia Gulf) concurrently tendered for filing proposed revised tariff sheets[1] to their respective FPC Gas Tariffs to become effective June 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by $16,128,000 for Columbia Gulf and $102,822,000 for Columbia the 12 month period ending December 31, 1973, as adjusted for known and measurable changes through September 30, 1974. Columbia Gulf served a copy of its filing upon Columbia and Columbia served copies of its filing upon Columbia's jurisdictional customers and the state public service commission of the states in which Columbia conducts its business.

Columbia Gulf's filing reflects an increase in rate of return from 9 percent to 10.25 percent and an increase in related taxes; an increase in its offshore depreciation rate from 7 percent to 8.33 percent; an increase in its onshore depreciation rate from 4.5 percent to 5.5 percent; a decrease in sales volumes; and an increase in operation and maintenance expenses Columbia's filing reflects an increase in rate of return from 9 percent to 10.25 percent; and an increase in related taxes; an increase in depreciation rates from 7.0 percent to 7.5 percent on production properties and from 4.0 percent to 5.0 percent on other properties; an increase in operation and maintenance expenses; a decrease in sales volumes; and an increase in the cost of gas transported by others, including Columbia Gulf.[2]

Columbia's filing also reflects the elimination of 33⅓ percent of the differential which exists between historical zone rates and systemwide rates as well as the following proposed tariff modifications:

1. The elimination of the heat content adjustment provision in § 10.2 of the CDS Rate Schedule (which was applicable only in Zone 2), as no longer being necessary or required.
2. Modification of section 7 of the general terms and conditions relating to construction of facilities, facility charge, so as to make the provision applicable in all zones on Columbia's system.
3. Modifications of the E- Rate Schedule and section 10 of the WS Rate Schedule to provide that any deliveries made thereunder shall be considered as takes within Buyer's Authorized Monthly Volume.

The filings of Columbia and Columbia Gulf were each noticed on April 24, 1974. Petitions to intervene were received from the parties listed in Appendix A. The UGI Corporation and the City of Charlottesville, Virginia (Charlottesville) also request a five-month suspension of and a hearing concerning each of the filings. Charlottesville also requests that the filings of Columbia and Columbia Gulf be consolidated for purposes of hearing and decision.

Our review of the filings of Columbia and Columbia Gulf indicates that certain issues are raised which may require development in evidentiary proceedings. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend each of the proposed rate filings for five months until November 1, 1974, and set them for hearing. Moreover, the fact that the operations of Columbia are closely associated with the operations of Columbia Gulf makes it appropriate that the filings in Docket Nos. RP74-81 and Docket No. RP74-82 be consolidated for purposes of hearing and decision.

We note that Columbia has used the unmodified Seaboard method of cost classification, allocation and rate design. In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on Columbia's system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method on Columbia's system as well as the propriety of the use of alternate methods of cost classification, allocation and rate design which may more closely reflect or implement the Commission's objectives in this area.[3] We find that this approach is reasonable in light of our finding in United, supra., that in times of a natural gas shortage, "rate structures which yield different average prices are per se discriminatory."[4]

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that: The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the FPC Gas Tariffs of Columbia and Columbia Gulf, as proposed to be amended by the filings in Docket No. RP74-82, and Docket No. RP74-81, respectively; Docket No. RP74-81 and Docket No. RP74-82 be consolidated for purposes of hearing and decision; and the tendered tariff sheets listed in Footnote 1 above be accepted for filing and suspended as hereinafter ordered and conditioned.

(2) Participation of the parties listed in Appendix A[5] in this proceeding may be in the public interest.

The Commission orders. (A) Docket No. RP74-81 and Docket No. RP74-82 are consolidated for purposes of hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in the FPC Gas Tariffs of Columbia and Columbia Gulf, as proposed to be amended herein.

(C) Pending hearing and a decision thereon, the tariff sheets listed in Footnote 1 above are accepted for filing, suspended for five months and the use thereof deferred until November 1, 1974, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(D) On or before September 17, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before October 1, 1974. Any rebuttal evidence by Columbia and Columbia Gulf shall be served on or before October 15, 1974. The public hearing herein ordered shall convene on October 29, 1974, at 10 a.m., e.d.t.

(E) The petitioners listed in Appendix A are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided*, however, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(F) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Columbia shall promptly serve copies of its filing upon all of the above mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlements pursuant to § 1.18 of the Commission's rules of practice and procedure.

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[1] *Columbia Gas Transmission Corporation*. FPC Gas Tariff, Original Volume No. 1, Eleventh Revised Sheet No. 16, Second Revised Sheet No. 20 and 34, First Revised Sheet No. 37 and 52. *Columbia Gulf Transmission Company*, FPC Gas Tariff, Original Volume No. 1, Twenty-First Revised Sheet No. 7.

[2] The changes in rate level proposed by Columbia and Columbia Gulf are in excess of the rates presently in effect, subject to refund, in Docket Nos. RP73-85 and RP73-86.

[3] *El Paso Natural Gas Company*, Opinion No. 600-A, 47 FPC 1157 (1972); rehearing denied 48 FPC 4 (1972); *El Paso Natural Gas Company*, Opinion No. 635, 48 FPC 1022 (1972); rehearing denied 49 FPC 167 (1973); *Florida Gas Transmission Company*, Opinion No. 611-A, 49 FPC 261 (1973); *East Tennessee Natural Gas Company*, 48 FPC 599 (1972); *Southern Natural Gas Company*, 48 FPC 30 (1972) and —— FPC —— (1972) issued September 9, 1972, in Docket No. RP70-30, *et al.*; *Southern Natural Gas Company*, —— FPC —— issued September 29, 1972, in Docket No. RP72-91; rehearing denied 48 FPC 954 (1972); *Texas Eastern Transmission Corporation*, —— FPC —— (1972), 49 FPC 594 (1973), —— FPC —— (1973), —— FPC —— (1973) and —— FPC —— issued November 26, 1973. *Sea Robin Pipeline Company*, —— FPC —— issued November 11, 1972, in Docket No. RP73-47 and —— FPC —— issued April 13, 1973; *El Paso Natural Gas Company*, 48 FPC 985 (1972) and 48 FPC 1536 (1972); *Transcontinental Gas Pipe Line Corporation*, —— FPC —— issued January 31, 1973, in Docket No. RP73-69; *El Paso Natural Gas Company*, 47 FPC 1557 (1972); *Michigan Wisconsin Pipeline Company*, —— FPC ——, issued April 10, 1973, in Docket No. RP72-118; *Natural Gas Pipeline Company*, —— FPC ——, issued July 18, 1973 in Docket No. RP72-132; *Colorado Interstate Gas Company*, —— FPC ——, issued July 5, 1973 in Docket No. RP72-113; *Columbia Gas Transmission Corporation, et al.*, —— FPC —— issued April 13, 1973, in Docket No. RP73-86, *et al.*; *United Gas Pipe Line Company*, Opinion No. 671 —— FPC —— issued October 31, 1973, in Docket No. RP72-75 (Phase II); rehearing denied, Opinion No. 671-A, —— FPC —— issued March 12, 1974; *Northern Natural Gas Company*, —— FPC ——, issued January 4, 1974, in Docket Nos. RP71-107 (Phase II) and RP72-127; *Northern Natural Gas Company*, —— FPC —— issued May 20, 1974, in Docket No. RP74-80; *Southwest Gas Corporation*, —— FPC ——, issued January 30, 1974, in Docket No. RP74-51; *El Paso Natural Gas Company*, —— FPC —— issued February 8, 1974, in Docket Nos. RP73-104, RP74-57 and RP73-84.

[4] See also: *Northern Natural Gas Company*, —— FPC ——, issued January 4, 1974, in Docket Nos. RP71-107 (Phase II) and RP72-127.

[5] Appendix A filed as part of the original document.

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(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13211 Filed 6-7-74;8:45 am]

[Docket No. E-8811]

CONNECTICUT LIGHT AND POWER CO.

Filing of Amendment to Purchase Agreement

JUNE 3, 1974.

Take notice that Connecticut Light and Power Company (CL&P) on April 19, 1974, tendered for filing an amendment to their purchase agreement with the Public Service Company of New Hampshire (PSCNH). The amendment would increase PSCNH's entitlements in the Cos Cob, South Meadow, and Silver Lake Gas Turbine Units from 5.89 percent to 35.3774 percent for the period April 1, 1974, through April 30, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions and protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13221 Filed 6-7-74;8:45 am]

[Docket No. CI74-666]

CONTINENTAL OIL CO.

Notice of Application

MAY 31, 1974.

Take notice that on May 17, 1974, Continental Oil Company (Applicant), P.O. Box 2197, Houston, Texas 77001, filed in Docket No. CI74-666 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Mountain Fuel Supply Company from the Bruff Unit Well No. 1, Lincoln County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has commenced the sale of natural gas for 180 days within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale from September 10, 1974, the end of the emergency period, until March 1, 1976. Applicant proposes to sell approximately 70 Mcf of gas per month at 40.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). The contract, dated March 14, 1974, provides for an escalation of one cent per Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13212 Filed 6-7-74;8:45 am]

[Docket No. CI74-671]

D & B OIL, INC., ET AL.

Notice of Application

JUNE 3, 1974.

Take notice that on May 17, 1974, D & B Oil, Inc. (Operator), et al. (Applicant), P.O. Box 4453, Odessa, Texas 79760, filed in Docket No. CI74-671 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Cities Service Oil Company (Cities Service) from the West Sawyer Pool, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Cities Service from the West Sawyer Pool, Lea County, New Mexico, which has been made pursuant to a percentage-type contract with Cities Service.[1] Applicant states that such gas is processed through Cities Service's Bluitt Gas Processing Plant with the residue gas' being sold to Transwestern Pipeline Company (Transwestern) and Natural Gas Pipeline Company of America. Applicant states further that as oil wells, the casinghead gas therefrom is dedicated to Cities Service, and as gas wells the gas-well gas is not dedicated to Cities Service. Applicant states that it proposes to abandon the subject sale because the New Mexico Oil Conservation Commission has reclassified the wells from oil wells to gas wells; and, therefore, Cities Service is no longer contractually entitled to the gas from the subject acreage. Applicant proposes, upon approval of this abandonment application, to enter into a gas processing agreement with Cities Service and sell its residue gas to Transwestern.

Applicant states that Cities Service believes that the casinghead gas contract is presently applicable and valid regardless of the New Mexico Oil Conservation Commission's reclassification and that Cities Service is, therefore, not agreeable to amending or replacing the contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or

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[1] Applicant states that the current minimum price under said contract, 5.0 cents per Mcf, is below the minimum established in Commission Opinion No. 662, issued August 7, 1973 (50 FPC ----), and does not meet current costs.

if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13216 Filed 6-7-74;8:45 am]

[Docket No. RP71-15 et al.]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

MAY 31, 1974.

Take notice that on May 16, 1974, East Tennessee Natural Gas Company (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff, consisting of the following revised tariff sheets:

Seventh Revised Sheet No. 4, and, alternatively,
Substitute Seventh Revised Sheet No. 4

The proposed effective date for these changes is July 1, 1974.

East Tennessee states that the sole purpose of these revised tariff sheets is to adjust its rates pursuant to the PGA provision in section 22 of the general terms and conditions to reflect purchased gas costs resulting from a rate increase by its sole supplier, Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc. East Tennessee further states that Seventh Revised Sheet No. 4 reflects the rate increase resulting from Tennessee's filing of May 16, 1974, and that East Tennessee's alternative filing of Substitute Seventh Revised Sheet No. 4 reflects Tennessee's alternative filing of May 16, 1974.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding Any person wishing to become a party must file a petition to intervene. Persons presently parties to this proceeding need not file additional petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13231 Filed 6-7-74;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Notice of Changes in Tariff

JUNE 3, 1974.

Georgia Power Company (Georgia Power) on May 2, 1974, tendered for filing Revised Sheets Nos. 3, 3-E, 3-H, 3-L, and 3-N to its FPC Electric Tariff, Volume No. 1. Georgia Power states that these revisions covering tariff changes effective in the second quarter of 1974, consist of three new wholesale delivery points and three conversions of existing delivery points to the WR-7 rate.

Also included in the filing are six supplemental sheets giving data on delivery points involved in the above changes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13223 Filed 6-7-74;8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Order on Reconsideration

JUNE 3, 1974.

On June 3, 1972, Indiana and Michigan Electric Company (I&M) tendered for filing with the Commission a wholesale rate increase applicable to 23 municipal and cooperative customers. Of those customers, Richmond Power and Light (RP&L) Anderson, Indiana (Anderson) and a group of cooperatives (Cooperatives) [1], filed motions to reject I&M's filing as it pertained to them, claiming their contracts with I&M prohibited unilateral changes in rates by I&M, referring to the Supreme Court's decisions in Mobile-Sierra.[2]

By order issued August 11, 1972, the Commission accepted I&M's proposed rate increase for filing, suspended its effectiveness for five months, and established hearing procedures thereon. The Commission also denied the motions to reject, holding that the parties' agreements with I&M did not constitute fixed-rate contracts within the definition of Mobile-Sierra. On October 6, 1972, the Commission denied the motions for rehearing of the three parties.

RP&L, Anderson, and the Cooperatives each petitioned the Court of Appeals for the District of Columbia Circuit for review of the Commission's orders denying the motions to reject I&M's filing and the order denying rehearing. On May 25, 1973, the Court of Appeals ruled on the RP&L and Anderson appeals.[3] The Court remanded those cases to the Commission with directions to reject I&M's filing of increased rates as to Anderson and RP&L. The Court held that I&M's contracts with RP&L and Anderson were indeed fixed-rate within the terms of Mobile-Sierra.

After the Supreme Court declined to review the Richmond decision,[4] we filed with the Court of Appeals a motion requesting the Court to remand the record of the Cooperatives appeal to this Commission so that we might reconsider Cooperatives' contracts and allegations in light of the Richmond decision, prior to the Court of Appeals rendering decision on the merits in that appeal. On March 6, 1974, the Court of Appeals granted this motion and on April 3, 1974 we directed all interested parties to file briefs with us discussing these particular issues.

Upon consideration of subject contracts involved, the positions of the parties as set forth in their original pleadings and the recent briefs, and the interpretation of the Court of Appeals as expressed in the Richmond decision, we are of the opinion that I&M's original filing as applicable to the Cooperatives was contractually impermissible under section 205 of the Federal Power Act. For the reasons set forth below, we will reject I&M's June 13, 1972 filing under section 205, but will construe the filing as a request for relief under section 206 and modify our previous orders accordingly.

The Cooperatives purchase power and energy from I&M pursuant to contracts on file with this Commission.[5] Article 3b of those contracts other than the Fruit Belt contract reads:

> Customer agrees to take and pay for the electric capacity and energy delivered to Customer by Company hereunder in accordance with the provisions of Company's Tariff REMC as filed with the Public Service Commission of Indiana, a copy of which tariff

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[1] Indiana Statewide Rural Electric Cooperative, Inc., Fruit Belt Electric Cooperative, Jay County Rural Electric Membership Corporation, Noble County Rural Electric Membership Corporation, Paulding-Putnam Electric Cooperative, Inc., United Rural Electric Corporation, Wayne County Rural Electric Membership Corporation, and Whitley County Rural Electric Membership Corporation.

[2] *United Gas Pipeline Co.*, v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956).

[3] *Richmond Power and Light* v. *F.P.C.*, 481 F. 2d 490 (1973). (*Richmond*).

[4] Cert. denied December 3, 1973.

[5] I&M's FPC Rate Schedule Nos. 44-A, 44-B, 46, 48, 50, 52, 54 and 56.

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is attached hereto as Exhibit A and is hereby made a part of this agreement.

Article 12 of such contracts in pertinent part reads:

> Firm Agreement As To Rates And Charges: Should any change in the rate provided for in Article 3 hereof *be ordered* by the Public Service Commission of Indian, payment for services by Customer to Company as provided for in Article 3 hereof shall thereafter be made upon the basis of such new rate as changed and approved by the Public Service Commission of Indiana, provided, however, that in the event of such change in rate, either of the parties hereto shall have the right within a period of ninety days, beginning on the date when such change is ordered by the Public Service Commission of Indiana, to terminate this Agreement by giving to the other party at least sixty days prior notice in writing of its intention so to do. (Emphasis added)

The similar provisions of the Fruit Belt contract provide for a rate in a tariff attached to the contract, with changes to be made upon order of the Public Service Commission of Michigan.

In its brief I&M states that each of the subject contracts was executed prior to the assertion of this Commission's jurisdiction over I&M's wholesale business.[6] Accordingly, the Company asserts that the references to the Indiana and Michigan commissions should be read as referring to the appropriate regulatory authority, now this Commission.[7] We took this position in our original orders on the Cooperatives' RP&L's and Anderson's protest of I&M's filing. Reviewing that position with regard to the I&M—Anderson contract, the Court of Appeals stated:

> The Commission says that the parties contemplated rate changes 'by order or with the approval of' the appropriate regulatory commission. This may well be true, but it is beside the point. This issue under Memphis is not whether the parties contemplated change by the appropriate regulatory authority, for under the law every electric power contract must contemplate such change. Instead, the question is whether the parties contemplated that the seller could unilaterally effect a change in the rate simply by filing a new tariff with the appropriate regulatory agency.[8]

The pertinent provisions of the Anderson contract differ from the Cooperatives contracts only in that it called for Tariff IP, rather than Tariff REMC. The appropriate focus of our attention, therefore, is not on the agency approving the change, but the manner in which the change may be contractually effectuated. Reference to the contract provisions set forth above reveals clearly that a change in rate was to be made only when ordered by the appropriate regulatory agency. As the Cooperatives correctly assert, an order by this Commission accepting for filing a rate increase filed pursuant to section 205 is not approval of such an increase by this Commission.[9] In this regard, the Supreme Court in interpreting section 4 of the Natural Gas Act (essentially identical to section 205 of the Federal Power Act) stated:

> Section 4(d) provides not for the filing of 'proposals' but for notice to the Commission of any change * * * made by' a natural gas company, and the change is effected * * * *not by an order of the Commission but solely by virtue of the natural gas company's own action.* (emphasis added) [10]

Our order accepting I&M's proposed rate increase was, therefore not approval of the rates, but merely an acknowledgement that the Company's proposal complied with our filing requirements. It was obviously not the kind of order necessary to effectuate a rate change consistent with the subject contracts. Such an order would issue at the end of our examination of I&M's proposed rates and, consistent with the contracts, such rate change as was then determined to be appropriate could only be effective prospectively. In other words, the contracts contemplate a procedure as may be instituted under section 206 of the Federal Power Act. Accordingly, I&M could not contractually effectuate this rate change simply by a filing pursuant to section 205 and we shall require refunds of all amounts collected pursuant to I&M's June 13, 1972 rate filing which are in excess of the amounts I&M could have collected under the previously applicable rates. Good cause does exist, however, to construe I&M's filing as to the Cooperatives as a motion to institute a section 206 proceeding [11] and incorporate the record of this docket for the purposes of decision on the justness and reasonableness of I&M's proposed rates for the Cooperatives.[12]

In reaching this decision, we are relying on an interpretation of the subject contracts and the pertinent provisions of the Federal Power Act. We do not reach, therefore, the issues of state law and distinguishing facts in the Richmond decision raised in I&M's brief. Likewise, a hearing on the intentions of the parties to the contracts, as I&M requests, is unnecessary as the issues have been fully addressed by the parties in their initial pleadings and the briefs submitted upon remand.

The Commission finds: (1) I&M's filing of June 13, 1972, as to the Cooperatives pursuant to section 205 was contractually impermissible.

(2) I&M should be required to refund to the Cooperatives all amounts collected in excess of those rates effective at the time of I&M's June 13, 1972 filing.

(3) Good cause exists to construe I&M's June 13, 1972 filing as a motion to institute a section 206 proceeding on its proposed rates to the Cooperatives.

(4) The record of these proceedings should be incorporated for the purposes of decision pursuant to section 206.

The Commission orders: (A) I&M's filing of June 13, 1972 of Supplements to its FPC Rate Schedules FPC Nos. 44–A, 44–B, 46, 48, 50, 52, 54, and 56 were not proper for filing pursuant to section 205.

(B) I&M shall refund with interest at 7 percent to the Cooperatives amounts collected pursuant to the June 13, 1972 filing which are in excess of the previously existing rates.

(C) I&M's June 13, 1972 filing as to the Cooperatives is hereby construed as a motion for an investigation pursuant to section 206, granted, and the record of the proceedings in this docket incorporated for the purposes of decision.

(D) Upon expiration of thirty days and applications for rehearing of this order not having been filed, the record of this proceeding, as supplemented by this order, shall be returned to the Court of Appeals for the District of Columbia Circuit in accordance with the Court's March 6, 1974 order.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13225 Filed 6–7–74;8:45 am]

[Docket No. RP74–26]

LOUISIANA-NEVADA TRANSIT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 31, 1974.

On May 17, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by notice issued March 13, 1974, in the above-designated matter. On May 24, 1974, a notice was issued deferring the procedural dates pending further notice. On May 24, 1974, Louisiana-Nevada Transit Company filed a response to Staff's motion submitting a revised procedural schedule. The Response states Staff Counsel and Counsel for DeQueen concur in the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff Service, June 3, 1974.
Prehearing Conference, June 17, 1974 (10 a.m. e.d.t.).

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[6] *Indiana and Michigan Electric Co.*, 33 FPC 739 (1965), *aff'd* 365 F.2d 180 (7th Cir.), Cert. denied 385 U.S. 972 (1966).

[7] I&M brief, p. 7.

[8] *Richmond supra,* (slip op. 19–20).

[9] Cooperatives brief, p. 26–28.

[10] *Mobile, supra* at 342–343.

[11] We would note that the procedures under such a Section 206 proceeding would not entail meeting the heavy burden of proof associated with the *Mobile-Sierra* decisions. As all parties concede, these contracts clearly contemplate that the Commission may order a change in rates; that is, the rates are not fixed for the term of the contract, only the manner in which such a change may be effected is contractually established. Accordingly, our examination of I&M's proposed rates would still be on a basis of our cost-plus-fair return standard. Cf: *Southern California Edison Company,* Docket No. E–8176, order issued September 21, 1973.

[12] The hearing in this docket commenced on January 31, 1974 and ended on April 16, 1974. The issues are presently before the Presiding Administrative Law Judge, awaiting his initial decision.

Intervener Service, July 1, 1974.
Company Rebuttal, July 15, 1974.
Hearing, September 9, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13207 Filed 6–7–74;8:45 am]

[Docket No. CI74–665]

MARATHON OIL CO.

Notice of Application

JUNE 3, 1974.

Take notice that on May 16, 1974, Marathon Oil Company (Applicant), 539 South Main Street, Findlay, Ohio 45840, filed in Docket No. CI74–665 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the West Atoka (Morrow) Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 27, 1973, from the subject acreage to Transwestern within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 52,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with an upward adjustment limitation of 1,100 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13219 Filed 6–7–74;8:45 am]

[Docket No. CP74–295]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 31, 1974.

Take notice that on May 16, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74–295 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in La Salle County, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 1.13 miles of 36-inch pipeline partially looping Applicant's existing main transmission pipeline in La Salle County, Illinois. Applicant states that the proposed facilities are to be installed in order to effectuate a load shift requested by Illinois Power Company (Illinois) as a result of Illinois' continued development of its Shanghai Storage Field near Alexis, Illinois. Applicant states that such load shift, effective for the period December 1, 1974, through April 30, 1975, and for the same period in succeeding years, will not occasion a change in total authorized annual deliveries of natural gas to Illinois.

Applicant states that Illinois will reimburse Applicant for the construction of the proposed looping facilities which Applicant will own and operate. Applicant estimates the cost of such facilities at $308,000, which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13232 Filed 6–7–74;8:45 am]

[Docket No. CP74–286]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 31, 1974.

Take notice that on May 13, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74–286 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, for the operation of a seasonal, underground natural gas storage reservoir at the North Lansing Field, Harrison County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the gas supply tributary to its Gulf Coast transmission line has been inadequate during the winters of 1972–73 and 1973–74, to permit operation at design capacity. Applicant claims that availability of North Lansing storage for use on a withdrawal basis during winter periods will improve delivery reliability and lessen delivery curtailments that might otherwise occur. Therefore, Applicant proposes to develop the Rodessa-Young Reservoir of the North Lansing Field as a large volume, high deliverability gas storage facility, while concurrently utilizing the storage for protection and maintenance of winter delivery capability on its Gulf Coast line. In order to effectuate this proposal Applicant seeks authorization to

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construct and operate the following facilities:

(1) Approximately 14.7 miles of 30-inch pipeline connecting Applicant's existing Gulf Coast main transmission system to the North Lansing Field,

(2) Approximately 18.0 miles in aggregate of 20, 12, 10, 8 and 6-inch diameter pipe to connect 19 injection-withdrawal wells,

(3) A 3,000 BHP compressor station,

(4) Measurement facilities,

(5) Gas purification facilities, and

(6) Drill 10 new wells.

Applicant also proposes to undertake the following:

(1) Rework 16 existing wells,

(2) Recomplete 21 plugged wells,

(3) Re-enter and complete 5 dry wells, and

(4) Inject 14.4 million Mcf of recoverable cushion gas and construct other miscellaneous appurtenant facilities.

Applicant estimates the cost of the proposed facilities together with the cost of cushion gas and storage rights to be $25,400,000. Applicant states that it will finance the costs with funds to be obtained through interim loans and permanent financing.

Applicant states that its initial program contemplates the injection of approximately 16.8 million Mcf of gas (exclusive of native gas) of which 14.4 million Mcf will be retained as cushion gas and 2.4 million Mcf will be utilized as seasonal withdrawal capacity commencing with the 1975–76 winter heating season. However, Applicant proposes to develop the Rodessa-Young Reservoir to operate at an inventory level of 132.5 million Mcf (at a shut-in pressure of 2,700 psig), with approximately 57.5 million Mcf available for seasonal use and with a corresponding peak day withdrawal rate of 575,000 Mcf per day for 100 days.

Applicant states that the North Lansing Field is currently productive of relatively small quantities of natural gas and such production is being sold to Arkansas Louisiana Gas Company (Arkla) under Applicant's Rate Schedule OSS. Applicant's proposal herein contemplates the discontinuance of sales from the North Lansing Field. However, Applicant proposes to continue deliveries to Arkla from its transmission system supply in an aggregate quantity of gas not to exceed the estimated economically recoverable saleable reserves remaining in the reservoir at the time of discontinuance of production. Applicant states that said arrangement will be the subject of an application to be filed by Applicant in the near future.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13233 Filed 6-7-74;8:45 am]

[Docket No. CP74-283]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

May 31, 1974.

Take notice that on May 13, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities in the West Cameron Area, offshore Louisiana, and in Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4.89 miles of 8-inch onshore-offshore pipeline, a measuring facility in Cameron Parish, and appurtenant facilities. Such pipeline will extend from the offshore production platform in Block 28 of The California Company, a Division of Chevron Oil Company (California), to a proposed onshore delivery point on the existing 6-inch pipeline of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) in Cameron Parish, Louisiana. Applicant states that this line is needed in order that it may purchase and receive volumes of gas produced by California in the Block 28 Field. California has filed an application in Docket No. CI74-425 for authorization to sell such gas to Applicant. In conjunction with this purchase, Applicant states it is obligated to transport liquid hydrocarbons (exclusive of crude oil) for California from the Block 28 Field to the terminus of Applicant's proposed pipeline, where liquid hydrocarbons will be extracted by California at California's proposed liquid removal facility, and the residue gas will be delivered to Michigan Wisconsin for Applicant's account. Applicant states that Michigan Wisconsin will transport said gas and redeliver equivalent volumes to Applicant at an existing point of interconnection of their pipelines near Lake Arthur, Louisiana, pursuant to their transportation agreement dated May 3, 1974.

Applicant estimates the cost of the proposed facilities at $1,239,000, which it plans to finance from funds on hand.

Applicant states that it does not anticapte that additional quantities of gas will become available for sale or transportation in the immediate area necessitating the use of the proposed pipeline. Applicant anticipates operating its facilities at a load factor in excess of 60 percent of capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to particpate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13234 Filed 6-7-74;8:45 am]

[Docket Nos. RP71-125 and RP73-110]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Rejecting for Filing Proposed Rate Increase and Accepting for Filing and Suspending Proposed Rate Increase Subject to Refund and Establishing Procedures

May 31, 1974.

On April 15, 1974, Natural Gas Pipe Line Company of America (Natural) tendered for filing in Docket No. RP71-125 a proposed PGA rate increase[1] to become effective June 1, 1974, consisting of an increase of 1.78¢ per Mcf unit to reflect supplier increases and to recover the balance in the deferred purchase gas cost account. The increase is applied to the rates currently effective subject to the refund.

Natural's filing was noticed on April 24, 1974, with protests or petitions to intervene due on or before May 10, 1974. No protests or petitions to intervene have been received.

In addition, on April 15, 1974, Natural filed an alternate increase reflecting increased purchase gas costs referred to above and in addition, reflecting certain amounts related to advance payments made pursuant to a rate settlement in Docket No. RP73-110 which is presently pending before this Commission for approval. The alternate increase is applied to the Settlement rates in Docket No. RP73-110.[2]

Natural's filing was noticed on April 24, 1974, with protests or petitions to intervene due on or before May 10, 1974. No protests or petitions to intervene have been received.

With respect to the April 15, 1974, filing in Docket No. RP71-125, our review of the proposed rate increase indicates that all of the purchased gas costs comprising such rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Our review indicates that various small producer increases and various increases related to emergency purchasea sought to be tracked may not conform to the standards we enunciated in Order Nos. 428 and 491.[3] Accordingly, we shall accept for filng Natural's proposed tariff sheets in Docket No. RP71-125 but shall suspend them for one day to be effective June 2, 1974, subject to refund, and provide that the issues raised by the filing be developed in an evidentiary proceeding.

With respect to the alternate PGA filing which increases the settlement rates in Docket No. RP73-110, we note that the proposal is filed pursuant to a Settlement which has yet to be acted on by this Commission. Therefore, Natural's filing is premature and will be rejected.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Natural's April 15, 1974 PGA rate increase filing in Docket No. RP71-125 which increases the rates currently effective, should be accepted for filing, suspended and set for hearing as hereinafter ordered.

(2) Good cause exists to reject Natural's April 15, 1974, alternate PGA filing in Docket No. RP71-125 which increases the proposed settlement rates.

The Commission orders. (A) Natural's April 15, 1974 PGA rate increase filing in Docket No. RP71-125 which increases the currently effective rates, is hereby accepted for filing, suspended and set for hearing as hereinafter ordered.

(B) Pursuant to § 154.24 of the Commission's rules and regulations, Natural's alternate PGA rate increase filing in Docket No. RP71-125 which increases the proposed settlement rates, is hereby rejected.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules and regulations (18 CFR, Chapter I), a public hearing shall be held on August 27, 1974, for the purpose of cross-examination concerning the lawfulness and reasonableness of the rates and charges in Natural's April 15, 1974 filing.

(D) On or before June 28, 1974, Natural shall serve its prepared testimony and exhibits.

(E) On or before July 26, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before August 2, 1974. Any rebuttal evidence by El Paso shall be served on or before August 20, 1974.

(F) Pending a hearing and decision thereon, Natural's proposed Fifteenth Revised Sheet No. 5, filed on April 15, 1974, in Docket No. RP71-125 which increases the currently effective rates, is accepted for filing, suspended for one day and the use thereof deferred until June 2, 1974.

(G) A Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlements pursuant to § 1.18 of the Commission's rules of practice and procedure.

(I) The Secretary shall cause prompt publication of this order.

By the Commission.

[SEAL] Kenneth F. Plumb,
Secretary.

[FR Doc.74-13230 Filed 6-7-74;8:45 am]

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[1] Fifteenth Revised Sheet No. 5 to FPC Gas Tariff, Third Revised Volume No. 1.

[2] The proposed Settlement was presented to the Administrative Law Judge on March 8, 1974, and was certified to the Commission on March 22, 1974. The Commission has not yet acted on the merits of the proposed settlement.

[3] Order No. 428, Docket No. R-393, *Order Establishing Blanket Certificate Procedure For Small Producer Sales And Providing Relief From Detailed Filing Requirements*, issued March 18, 1971; Order No. 491, Docket No. RM74-3, *Statement of Policy And Order Amending Prior Policy Statements And Regulations Under The Natural Gas Act*, issued September 14, 1973.

[Docket No. E-8721]

NEVADA POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Establishing Procedures

May 31, 1974.

On April 9, 1974, Nevada Power Company (Nevada) tendered for filing a proposed change in rate schedule for California-Pacific Utilities Company (C-P). Nevada states that the proposed change in C-P's rates consists of an increase in energy component of 3.89 mills at Henderson, Nevada and 2.47 mills at because the effect of Nevada's filing in an increase in jurisdictional revenues of $445,000. The proposed effective date is June 1, 1974.

In support of the proposed rate increase Nevada states that the proposed rates are necessary to improve the rate of return earned from its wholesale customers.

Notice of the filing was issued on April 9, 1974, with all comments and petitions to intervene to be filed on or before April 29, 1974. The Nevada Public Service Commission filed a Notice of Intervention on May 8, 1974. C-P filed a Petition to Intervene on May 10, 1974.

Petitioner requests suspension of the rate increase for the full five month term because the effect of Nevada's filing would be to increase the cost of electric energy purchased from Nevada by C-P by approximately $80,000 or 23 percent at Needles, California and by approximately $365,000 or 42 percent at Henderson, Nevada.

Our review of Nevada's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable or unduly discriminatory. Accordingly, we shall suspend the proposed increase for five months and establish hearing procedures to determine the justness and reasonableness of the proposed change in rates, terms and conditions contained therein.

Further, we note that Nevada's Fuel Adjustment Clause is not in conformance with Commission Opinion No. 633 because it imputes fuel cost variations associated with its own generation to purchase power and net interchange power. Accordingly, we shall require Nevada within 30 days of the date of issuance of this order to file a revised fuel clause which conforms to Commission Opinion No. 633.

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The Commission finds. (1) The proposed changes in rates and charges tendered by Nevada on April 9, 1974, should be accepted for filing.

(2) The proposed change in rates and charges may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful under section 205 of the Federal Power Act and should be suspended for the full statutory period and set for hearing.

(3) Good cause exists to permit the intervention of the above-named intervenors.

The Commission orders. (A) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on October 24, 1974 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of Nevada's proposed rate increase.

(B) On or before August 30, 1974, the Commission staff shall serve its prepared testimony and exhibits concerning the proposed amendment. Any prepared testimony and exhibits of C–P shall be served on or before September 23, 1974. Any rebuttal evidence by the Company shall be served on or before October 14, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Pending a hearing and a decision thereon, Nevada's proposed changes in its rates and charges including the proposed fuel adjustment clause, tendered on April 9, 1974, are accepted for filing, suspended for the full statutory terms, and the use thereof deferred until November 1, 1974 or until such time as they are made effective in the manner provided by the Federal Power Act.

(E) Within 30 days of the date of issuance of this order, Nevada shall file a revised fuel adjustment clause which conforms to Commission Opinion No. 633.

(F) C–P is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13237 Filed 6-7-74;8:45 am]

[Docket Nos. E–7700, E–7729 and E–7800]

NEW ENGLAND POWER CO.

Compliance Tariff Filing

JUNE 3, 1974.

Take notice that on January 2, 1974, New England Power Company filed in the above-entitled proceedings its FPC Electric Tariff, Original Volume No. 1. NEPCO states the tariff is being filed in compliance with ordering paragraph (B) of the Commission's order issued in the captioned dockets on November 30, 1973, and the settlement agreement therein approved.

NEPCO further states that copies of the filing have been mailed to each of NEPCO's customers and appropriate state commissions.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. NEPCO's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13222 Filed 6-7-74;8:45 am]

[Docket Nos. RM74–22, E–8589, E–8550, et al.]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL.

Extension of Time

MAY 31, 1974.

On May 30, 1974, Appalachian Power Company, Indiana and Michigan Electric Company, Ohio Power Company, and Wheeling Electric Company filed a motion for an extension of time within which to file replies to comments filed in the above-designated matter,- pursuant to the notice issued on April 30, 1974.

Upon consideration, notice is hereby given that the time is extended to and including June 17, 1974, within which replies to written comments may be filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13229 Filed 6-7-74;8:45 am]

[Docket Nos. E–8756, E–8757, E–8758, and E–8781]

NORTHEAST UTILITIES CO.

Order Accepting for Filing Limited Term Unit Sales Contract, Denying Waiver and Rejecting Other Unit Sales Contracts Without Prejudice to Requesting Waiver Upon Condition

MAY 31, 1974.

Certain of the Northeast Utilities Companies (NU) (consisting of the Connecticut Light and Power Company (CL&P), the Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WEM CO)) have filed in these dockets short-term unit sales contracts.

On May 1, 1974, HELCO filed as an initial rate schedule in Docket No. E–8756, a unit sale agreement between NU and United Illuminating Company for a percentage of the capability of certain of the South Meadow and Silver Lake Gas Turbine Units for the period from June 1, 1974 through May 31, 1975. The agreement also provides for additional capability from other units in the event that the Millstone Point Unit No. 2 has not commenced commercial operation prior to October 31, 1974. This filing was noticed on May 16, 1974, with comments, protests, or petitions to intervene due on or before May 24, 1974. No responses were received.

Our review indicates that the rates yielded by the formula in this contract are not unjust or unreasonable. Accordingly, we shall accept this contract for filing to become effective on the proposed effective date of June 1, 1974.[1]

On May 1, 1974, CL&P filed in Docket No. E–8757 a short-term unit sale contract between CL&P and Montaup Electric Company (Montaup) for an entitlement percentage from the Montville Unit No. 6 for the period from January 1, 1974 through April 30, 1974. Also on May 1, 1974, HELCO filed in Docket No. E–8758 a short-term unit sale contract between HELCO and Montaup for an entitlement percentage from the Montville Unit No. 4, for the same period from January 1, 1974 through April 30, 1974. Finally, on May 6, 1974, CL&P filed a short-term unit sale contract between NU and Montaup for a percentage of the capability of certain units for the period March 1, 1974, through April 30, 1974. These filings were all accompanied by requests for waiver of the Commission's notice requirements under § 35.3 of the regulations.

These filings were noticed on May 14, 16 and 15, 1974, respectively, with comments and petitions due on or before May 28, 1974, in Docket No. E–8757 and May 24, 1974, in the other dockets. No comments or petitions were received.

We have reviewed these contracts and have concluded that, with respect to the rates of return yielded thereunder through the operation of the cost of service formulas, the rates charged under the contracts may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. These contracts were not filed with the Commission until after their expiration date and service thereunder has presumably ended. Under the provisions of the Federal Power Act and the regulations thereunder, public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files its proposed rate schedules after service thereunder has terminated, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized. Consequently we shall deny waiver of the notice requirements of our regulations and reject these filings. However, this shall be without prejudice to NU filing with the Commission, within 15 days of the issuance of this order, a request that we accept the contracts to be effective as of their proposed effective dates based upon an agreement by NU that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing. In the event NU declines to file such a request and agreement, we believe our responsibility to protect the ratepayers against what may be excessive rates and charges requires that we reaffirm our rejection of these contracts and order that rates charged thereunder be repaid in full pursuant to our authority under section 309 of the Federal Power Act. After receipt of NU's response, if any, we shall issue a further order taking appropriate action.

The Commission finds. (1) Good cause exists to accept HLECO's rate schedule consisting of the unit sale agreement between NU and United Illuminating Company filed in Docket No. E–8756 on May 1, 1974, to be effective as of June 1, 1974.

(2) The requested waiver of the Commission's regulations in Docket Nos. E–8757, E–8758 and E–8781 should be denied.

(3) The proposed unit sales agreements filed by CL&P and HELCO on April 18, and 23, 1974 in Docket Nos. E–8757, E–8758 and E–8781 should be rejected, as failing to meet the requirements of section 205 of the Federal Power Act and § 35.3 of the regulations thereunder, without prejudice to NU filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contracts to be effective as of their proposed effective dates based upon an agreement by NU that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing.

The Commission orders. (A) HELCO's rate schedule consisting of the unit sale agreement between NU and United Illuminating Company filed in Docket No. E–8756 on May 1, 1974, is accepted to become effective as of June 1, 1974.

(B) The requested waiver of the Commission's regulations in Docket Nos. E–8757, E–8758 and E–8781 is denied.

(C) The proposed unit sales agreements filed by CL&P and HELCO on May 1 and 6, 1974, in Docket Nos. E–8757, E–8758 section 205 of the Federal Power Act and § 35.3 of the regulations thereunder, without prejudice to NU filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contracts to be effective as of their proposed effective dates based on an agreement by NU that the rates charged under these contracts shall be subject to refund pending final disposition upon the conclusion of a hearing.

(D) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13227 Filed 6-7-74;8:45 am]

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[1] Designated as:
Hartford Electric Light Company
Rate Schedule FPC No. 75
Connecticut Light and Power Company
Rate Schedule FPC No. 93
(Concurs in the above)
Western Massachusetts Electric Company
Rate Schedule FPC No. 91
(Concurs in Hartford above)

[Docket No. E–8814]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 3, 1974.

Take notice that on May 24, 1974, Northern States Power Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 300,000 shares of its new series Cumulative Preferred Stock, par value $100 per share (New Preferred Stock).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minnesota, and is engaged in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The New Preferred Stock is to be issued on or about July 18, 1974, and the dividend rate thereof will be determined by competitive bidding pursuant to the Commission's regulations. None of the shares of the New Preferred Stock will be redeemable prior to July 1, 1979, from the proceeds of issuance of any debt having an effective interest cost or any preferred stock having a dividend cost less than the effective cost of the New Preferred Stock.

The proceeds from the sale of the New Preferred Stock will be added to the general funds of Applicant and will be used to prepay some of the outstanding short-term borrowings of the Applicant, which are estimated at $90 million as of the date of issuance and delivery of the New Preferred Stock. The short-term borrowings have been or will be incurred in connection with the construction program of Applicant and for temporary advances to Northern States Power Company, a Wisconsin corporation, a wholly owned subsidiary of applicant, for its construction program.

Expenditures during 1974 for the construction program of Applicant are estimated at $245 million, of which $223 million is for electric facilities, $14 million for gas facilities, and $8 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13217 Filed 6-7-74;8:45 am]

[Project Nos. 2243, 2273, 533; Docket No. E–7437]

PACIFIC NORTHWEST POWER CO., ET AL.

Notice of Persons Attending Tour

MAY 31, 1974.

In the matter of Pacific Northwest Power Company and Washington Public Power Supply System, City of Seattle, and Rivers Navigation Company v. Idaho Power Company.

By notice issued May 9, 1974, it was announced that Commissioners of the Federal Power Commission would view by boat on Thursday, May 23, the sites for proposed developments of Project Nos. 2243 and 2273 on the Snake River and on Friday, May 24, 1974, would take an aerial view of the Ross Dam Project No. 553 and the Skagit River Valley approximately 40 miles into British Columbia. The tour was conducted as announced except that because of weather conditions the Ross Dam and Skagit River portion was cancelled, and the tour was diverted to inspect the Atlantic-Richfield Cherry Point Refinery northwest of Bellingham, Washington.

The notice of May 9, 1974, invited representatives of parties and other interested parties to be present but provided that no discussion concerning any of the issues would take place between the Commissioners and representatives of the parties or other interested persons. Following is a list of persons who attended the tour:

John N. Nassikas, Chairman, Federal Power Commission;
Rush Moody, Jr., Commissioner, Federal Power Commission;
Don S. Smith, Commissioner, Federal Power Commission;
Webster P. Maxson, Executive Director, Federal Power Commission;
Dan W. Schausten, Assistant to the Administrator, Public Affairs, Bonneville Power Administration;
George M. Dynes, President, Pacific Northwest Waterways Association;

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- H. Calvert Anderson, Executive Vice President, Pacific Northwest Waterways Association;
- Richard L. Welch, General Manager, Pacific Northwest Power Company;
- Jack J. Stein, Managing Director, Washington Public Power Supply System;
- Ed Fischer, Chairman of the Executive Committee, Washington Public Power Supply System;
- Colonel Nelson P. Conover, Walla Walla, District Engineer, U.S. Army Corps of Engineers;
- Captain Dick Rivers, Rivers Navigation Company, Pilot, and his son.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13226 Filed 6-7-74;8:45 am]

[Docket No. CI74-675]

PENNZOIL CO.

Notice of Application

May 31, 1974.

Take notice that on May 20, 1974, Pennzoil Company (Applicant), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI74-675 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce of Transwestern Pipeline Company (Transwestern) from the South Carlsbad-Morrow Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Transwestern up to 10,000 Mcf of natural gas per day, plus additional gas, if available, at a rate of 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Estimated sales are 30,000 Mcf of gas per month. Estimated initial upward Btu adjustment is 0.225 cent per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974 filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13214 Filed 6-7-74;8:45 am]

[Docket No. CI74-637]

PENNZOIL CO.

Further Notice of Application

May 31, 1974.

Take further notice that on May 8, 1974, Pennzoil Company (Applicant), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI74-637 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Mississippi River Transmission Corporation (Mississippi) from the Mills Ranch Field, Wheeler County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Mississippi an estimated 85,000 Mcf of natural gas per month for six months from the Mills Ranch Field at a rate of 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, with an estimated initial downward Btu adjustment of 0.11 cent per Mcf, within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). By letter dated May 6, 1974, Applicant advises the Commission of its willingness to accept a certificate conditioned to a rate of 45.0 cents per Mcf, plus adjustment for Btu content, if the approval of this price is granted without hearing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have already filed petitions to intervene or protests need not do so again.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13215 Filed 6-7-74;8:45 am]

[Docket No. CI74-667]

PETROFUNDS, INC.

Notice of Application

May 31, 1974.

Take notice that on May 15, 1974, Petrofunds, Inc. (Applicant), 2200 Esperson Building, Houston, Texas 77002, filed in Docket No. CI74-667 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) from the Northeast Lisbon Field, Claiborne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on November 28, 1973, from subject acreage to Texas Eastern within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per month at 45.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is

filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 74-13238 Filed 6-7-74;8:45 am]

[Docket No. CI71-296]

SOUTHERN NATURAL GAS CO.

Petition to Amend

June 3, 1974.

Take notice that on May 15, 1974, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP71-296 a petition to amend the order issued in the subject docket on October 8, 1971 (46 FPC 813), pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas by Petitioner to Texas Eastern Transmission Corporation (Texas Eastern) by authorizing accelerated or delayed deliveries of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued October 8, 1971, Petitioner was authorized to sell to Texas Eastern, pursuant to an agreement between the two parties dated June 7, 1971, certain specified volumes of natural gas at an existing delivery point near Kosciusko, Mississippi. The said agreement constitutes Rate Schedule No. F-11 to Petitioner's FPC Gas Tariff, Original Volume No. 3.

Petitioner states that in order to achieve greater flexibility in gas deliveries and pursuant to its agreement with Texas Eastern dated April 8, 1974, it seeks herein authorization for acceleration or delay in delivery of annual gas volumes under the June 7, 1971, agreement. Petitioner states that no new facilities are required, since its existing facilities are more than adequate to transport and deliver the small quantities of gas involved in said sale.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13218 Filed 6-7-74;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

May 31, 1974.

Take notice that on May 24, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following amendments to the revised tariff sheets which were filed with the Commission on May 16, 1974:

Substitute Sixth Revised Sheet No. 3A
Substitute Thirty-First Revised Sheet No. 5
Substitute Thirtieth Revised Sheet No. 6
Substitute Twenty-Second Revised Sheet No. 9
Substitute Twenty-First Revised Sheet No. 11
Substitute Twenty-Fifth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $401,634 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on May 16, 1974, which will increase South Georgia's cost of gas $694,861 annually. An effective date on July 1, 1974 is requested.

South Georgia further states that the instant amendments are in substitution for a filing made on May 16, 1974. South Georgia asserts that the May 16, 1974 filing was based on preliminary rates supplied by Southern which were subsequently adjusted by Southern to those set forth in the instant substitute filing. The instant filing results in jurisdictional rates which are $54,391 lower than those originally filed on May 16, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13239 Filed 6-7-74;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

May 31, 1974.

On May 20, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued April 24, 1974, in the above-designated matter. The motion states all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Testimony, June 14, 1974.
Service of Intervener's Testimony, July 5, 1974.
Service of Company's Rebuttal Testimony, July 22, 1974.
Presearing Conference, July 30, 1974.
Prehearing Conference, July 30, 1974 (10 a.m. e.d.t.).
Hearing, August 6, 1974 (10 a.m. e.d.t.).

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13240 Filed 6-7-74;8:45 am]

[Docket Nos. RP73-114, RP74-24 and RP74-73]

TENNESSEE GAS PIPELINE CO.

Proposed Rate Changes Under Tariff Rate Adjustment Provisions

May 31, 1974.

Take notice that on May 16, 1974, as corrected on May 23, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1974, consisting of the following revised tariff sheets:

Second Substitute Fourth Revised Sheet Nos. 12A and 12B, and, alternatively,
Third Substitute Fourth Revised Sheet Nos. 12A and 12B

Tennessee states that the sole purpose of Second Substitute Fourth Revised Sheet Nos. 12A and 12B is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV and XXV of the General Terms and Conditions, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment demand charge credits, and an R&D rate adjustment. Tennessee states that its R&D rate adjustment provision pending before the Commission on Tennessee's application for rehearing in Docket No. RP74-73 should be accepted and requests a waiver of the Commission's regulations in the interest of customer rate stability for the inclusion of the R&D rate adjustment in this filing. Alternatively, in the event the Commission does not accept the tariff

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sheets including the R&D rate adjustment, Tennessee states that it has filed Third Substitute Fourth Revised Sheet Nos. 12A and 12B which exclude the R&D rate adjustment.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13210 Filed 6-7-74;8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

May 31, 1974.

Take notice that Texas Eastern Transmission Corporation on May 17, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

First Revised Sheet No. 14
First Revised Sheet No. 14A
First Revised Sheet No. 14B
First Revised Sheet No. 14C
First Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued pursuant to Texas Eastern's purchased gas cost adjustment provision contained in section 23 of the general terms and conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1, and that the change in Texas Eastern's rates proposed by this filing reflects a cost of gas adjustment and an adjustment to clear the balance of the gas cost adjustment account.

The proposed effective date of the above tariff sheets is July 1, 1974.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13208 Filed 6-7-74;8:45 am]

[Docket No. CP74-288]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

May 31, 1974.

Take notice that on May 13, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-288 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing July 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $2,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be initially financed from funds made available from company operations and may at some later date be financed through issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13209 Filed 6-7-74;8:45 am]

[Docket No. RI74-240]

TERRA RESOURCES, INC.

Petition for Special Relief

May 31, 1974.

Take notice that on May 20, 1974, Terra Resources, Inc. (Petitioner), P.O. Box 2329, Tulsa, Oklahoma 74101, filed a petition for special relief in Docket No. RI74-240, seeking a rate above the applicable area ceiling under Order No. 481. Petitioner seeks a price of 61.0 cents per Mcf for the sale of gas to Texas Eastern Transmission Corporation from the Skull Creek Field, Colorado County, Texas. The petition is based upon economic conditions, and Petitioner states that it cannot justify producing his well at the presently authorized contractual price; and Texas Eastern desires to prevent the premature abandonment of production due to economic reasons.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13235 Filed 6-7-74;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Meeting

Notice is hereby given that pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Commissioner's Advisory Group will be held on June 26 and 27, 1974, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3009, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Donald C. Alexander,
Commissioner.

[FR Doc.74-13310 Filed 6-7-74;8:45 am]

FEDERAL RESERVE SYSTEM

INGALLS INSURANCE AGENCY, INC., AND McCUNE AGENCY

Order Approving Retention of Assets

Ingalls Insurance Agency, Inc., Ingalls, Kansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c) (8) of the Act and § 225.4(b) (2) of the Board's Regulation Y to retain the assets of Ingalls Insurance Agency, Ingalls, Kansas ("Ingalls") and the assets of McCune Agency, Montezuma, Kansas ("McCune"), both of which engage in the activity of acting as general insurance agencies in communities with populations of less than 5,000. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a) (9) (iii) (a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 12386). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in the light of the public interest factors set forth in section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)).

Applicant controls one bank, The Farmers State Bank, Ingalls, Kansas, with deposits of $3.5 million representing about one-half of 1 percent of total deposits in commercial banks in Kansas.[1] Applicant has applied to retain the assets of Ingalls and, as a consequence, also retain the assets of McCune. The assets of McCune are customer referral lists, and these have been so integrated with the customer referral lists of Ingalls that it would be difficult to separate the two.[2] Ingalls had premium income of $231,000 for the year 1973.

The Board regards the standards under section 4(c) (8) for retention to be the same as the standards for proposed acquisition. The Board must find that proposed retention of a nonbanking company can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Applicant acquired Ingalls in 1970 when it acquired The Farmers State Bank. The acquisition of Ingalls did not have any adverse effects on existing competition since Applicant did not then operate an insurance agency. Moreover, Applicant's acquisition of Ingalls guaranteed that the latter would be able to continue to operate and provide a convenient service.

Applicant subsequently acquired McCune when the sole proprietor of McCune was in the process of curtailing his activities. Therefore, the acquisition did not have any significant effect on existing or potential competition between Ingalls and McCune. Additionally, the acquisition of McCune provided positive benefits in guaranteeing that the customers of McCune would continue to have available insurance services.

Approval of applicant's application to retain Ingalls will provide benefits to the public by enabling Ingalls to remain a viable source of convenient insurance services in a community of under 5,000. There is no evidence in the record to indicate that the proposed retention of Ingalls by Applicant would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[3] effective May 31, 1974.

[SEAL] Chester B. Feldberg,
Secretary of the Board.

[FR Doc.74-13185 Filed 6-7-74;8:45 am]

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[1] All banking data are as of June 30, 1973.

[2] From here on, reference to this retention of Ingalls will also be considered to include reference to McCune. McCune's office in Montezuma was closed after the acquisition by Applicant and the insurance business is now conducted on the premises of The Farmers State Bank.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell and Bucher.

KOREA EXCHANGE BANK

Order Approving Formation of Bank Holding Company

Korea Exchange Bank, Seoul, Korea, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) of formation of a bank holding company through acquisition of 100 percent of the shares) of Korea Exchange Bank of California, Los Angeles, California ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, wholly-owned by the Korean government,[1] is the largest commercial bank in Korea with total assets of approximately $4.0 billion and total deposits of approximately $1.4 billion.[2] Applicant operates a total of 15 branches in Korea, and also has 19 overseas offices, including an agency in Los Angeles and an agency in New York City.

Bank proposes to be a full service bank competing both in the wholesale and retail banking markets in the Los Angeles area. In the wholesale market, bank will specialize in the financing of trade between the Republic of Korea and the United States, and in this regard is expected to compete primarily with the larger California banks having international banking capabilities. While bank proposes to engage in all areas of retail banking, it is expected that most of its retail banking business will come from the Korean community in the Los Angeles area. Applicant does have one office in Los Angeles, but that office is an agency and is not authorized to accept deposits. Based on the record before it, the Board concludes that bank's entry into the Los Angeles area will have no adverse effects on existing or potential competition, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

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[1] Bank of Korea, the Korean central bank which is wholly-owned by the Republic of Korea, and the Republic of Korea together own all of Applicant's outstanding capital stock.

[2] All banking and financial data for Applicant are as of December 31, 1973.

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The financial and managerial resources and prospects of applicant and bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the area of a new bank and an additional international banking link with the Republic of Korea.

On the basis of the record, the application is approved for the reasons set forth in the Board's statement of this date. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Korea Exchange Bank of California, Los Angeles, California, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–13184 Filed 6–7–74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Amending Requirement for Divestiture of Ownership of Real Estate in Connection with Acquisition of Shares of Kimbrough-Kavanaugh and Associates, Inc., Nashville, Tennessee

By Order dated July 30, 1973, the Board approved an application of Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 90 percent or more of the voting shares of Kimbrough-Kavanaugh and Associates, Inc., Nashville, Tennessee ("Company"). The Board's Order required divestiture of Company's equity interests in real estate, not utilized as offices, prior to consummation of the acquisition. The acquisition of Company by Applicant has not been effected.

By letter dated April 9, 1974, Applicant requested modification of the Board's Order to permit retention of two remaining parcels of unimproved real estate which are owned by Company and which has been acquired through loan foreclosures in the normal course of Company's business. Applicant anticipates that one of the two tracts of land, now under an option to purchase, will be disposed of within a short time, and states that active efforts are being made to sell the remaining tract of land.

The Board has concluded that the request should be granted. Accordingly, the Board's Order of July 30, 1973, is hereby amended to authorize retention of the two remaining tracts of land subject to the condition that Applicant divest such real estate properties at the earliest possible date, but in no event later than one year from the date of consummation of the proposal.

By order of the Board of Governors,[1] effective May 31, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74–13183 Filed 6–7–74;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Proposed Acquisition of Bank Management Consultants Inc.

United Virginia Bankshares Incorporated, Richmond, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Bank Management Consultants Inc., Richmond, Virginia. Notice of the application was published on various dates during the month of April and the first week in May, 1974, in newspapers of general circulation in approximately fifteen cities throughout the states of Virginia, Maryland, North Carolina, South Carolina, West Virginia, Georgia, Pennsylvania, New Jersey and New York and the District of Columbia.

Applicant states that the proposed subsidiary would engage in the activities of offering management consulting advice and technical assistance to non-affiliated banks, including but not limited to bank operations, planning, market research and financial analysis. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 28, 1974.

Board of Governors of the Federal Reserve System, May 31, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–13186 Filed 6–7–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

M AND C COAL CO., INC., ET AL.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4061–000, M & C COAL COMPANY, INC., Mine No. 1, Mine ID No. 46 01973 0, Northfork, West Virginia, ICP Permit No. 4061–001 (Kersey 944 Rubber Tire Tractor, Ser. No. 100), ICP Permit No. 4061–002 (Kersey 944 Rubber Tire Tractor, Ser. No. 200) ICP Permit No. 4061–003 (Kersey 744 Rubber Tire Tractor, Ser. No. 300).

(2) ICP Docket No. 4087–000, BULL RUN MINING COMPANY, INC., Mine No. 1, Mine ID No. 46 00992 0, Masontown, West Virginia, ICP Permit No. 4087–006 (Kersey BJD Battery Tractor, Ser. No. 66100), ICP Permit No. 4087–007 (Kersey 244 Battery Tractor, Ser. No. 6898), ICP Permit No. 4087–008 (S & S Battery Tractor, Ser. No. 4–8–66–47).

(3) ICP Docket No. 4210–000, SPRING HOLLOW COAL COMPANY, Mine No. 3, Mine ID No. 44 00793 0, Harman, Virginia, ICP Permit No. 4210–007 (Paul Elswick Roof Bolting Machine, Ser. No. 8).

In accordance with the provisions of section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 25, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each applicaton is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 4, 1974.

[FR Doc.74–13160 Filed 6–7–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 5, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland and Wallich. Absent and not voting: Governors Mitchell and Bucher.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Holland, and Wallich. Absent and not voting: Governors Mitchell and Bucher.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Data Profile-Special Summer Program (SFSPC), FNS 1040, Single time, HRD/Lowry, Private non-profit and public institution.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Application to Participate in Target Projects Program, (TPP) Part A, Form HUD 54000A, Single time, CVA/Lowry, Local housing authorities.

U.S. TARIFF COMMISSION

Importers Questionnaire on Expanded, Unsintered Polytetra-fluoroethylene in Tape Form, Form ----, Single time, Evinger, Business firms.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Report of Unmarketed Tobacco, Form MQ–108–1, Annual, Lowry, Tobacco producers.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Quarterly Agricultural Labor Survey, Form ----, Quarterly, Raynsford, Farmers.

DEPARTMENT OF COMMERCE

Bureau of the Census, National Crime Survey Basic Screen Questionnaire, Crime Incident Report, Attitude Questionnaire, and Control Cards, Form NCS–3, 4, 6, 500a, and 501, Occasional, Tunstall, Households in Central Cities of 35 largest SMSA's.

FEDERAL ENERGY OFFICE

Weekly Petroleum Reporting System, Form FEO 1002–CP, FEO 1003–RF, etc., Weekly, Weiner, Petroleum industry.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental, Survey of Head Start Handicapped Efforts, Form OS 23–74, Annual, HRD/Planchon, Grantees.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Regulations—Tobacco Export Program, Form ----, Occasional, Evinger, Tobacco Exporters.

Agricultural Marketing Service, Brewers' and Distillers' Dried Grains Monthly Report, Forms GR 388, GR 383, Monthly, Evinger, Manufacturers of feed products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Application for Training, Form ----, Occasional, Evinger (x).

Behavioral and Neurological Evaluation of Workers Exposed to Industrial Solvents (Methyl Chloride), Form ----, Single time, Evinger (x).

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Lode-Mine Production of Gold, Silver, Copper, Lead, and Zinc, Forms 6–1178–A, 6–1178–M, Monthly, Evinger (x).

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Zirconium and Hafnium Production, Form 6–1096–A, Annual, Evinger (x).
- Rare Earths and Thorium, Form 6–1272–A, Annual, Evinger (x).
- Scrap and Secondary Copper, Brass, and Nickel, Form 6–115–MA, Monthly, Evinger (x).
- Copper Sulfate, Form 6–1049–QA, Quarterly, Evinger(x).
- Primary Lead Smelters, Form 6–1075–M, Monthly, Evinger (x).

Columbium and Tantalum, Form 6–1098–A, Annual, Evinger (x).

Pennsylvania Anthracite Production (River Coal Report), Form 6–1388–A., Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–13302 Filed 6–7–74;8:45 p.m.]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committees Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on June 19–20, 1974, at the Essex House, 160 Central Park South, New York, New York, Room M 11. The meeting on June 19 will commence at 10 a.m. and the meeting on June 20 will commence at 9 a.m.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meetings or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 4, 1974.

[FR Doc.74–13318 Filed 6–6–74;12:29 p.m.]

[Rel. No. 8374]

BACHE & CO. INC.

Notice of Application Filed

JUNE 3, 1974.

Notice is hereby given that Bache & Co. Incorporated, a registered broker-dealer corporation with its principal office at 100 Gold Street, New York, New York 10038 (the "Applicant"), in connection with a proposed public offering of shares of Common Stock of Extractable Resources, Inc. (the "Company"), a registered, diversified, closed-end management investment company that intends to propose to its shareholders in 1975 that the Company should become an open-end investment company for purposes of redemption and also intends to have as its investment adviser the Vestaur Corporation ("Adviser"), a wholly-owned subsidiary of the First Pennsylvania Corporation, a bank holding company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order exempting Applicant and its co-underwriters from section 30(f) of the Act, which incorporates section 16 of the Securities Exchange Act of 1934 ("Exchange Act"), with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant and Harris, Upham & Co. Incorporated, 120 Broadway, New York, New York 10005, are the prospective representatives (the "Representatives") of a group of underwriters (the "Underwriters") being formed in connection with the above-mentioned public offering.

Shares of the company are to be purchased by the Underwriters pursuant to an Underwriting Agreement (the "Underwriting Agreement") to be entered into between the Underwriters, represented by the Representatives, and the

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Company. It is also contemplated that one or more dealers will offer and sell certain of the shares and in connection with such offer and sale, each such dealer will execute a Selected Dealers Agreement. It is intended that the several Underwriters will make a public offering of all the Company shares which such Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon on or after the effective date of the Company's Registration Statement on Form S–4 (the "Registration Statement") as the representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions to be specified in the prospectus (the "Prospectus" incorporated in the Registration Statement at the time the registration statement becomes effective under the Securities Act of 1933, as amended. Although 4,840,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the Representatives and the Company shortly before the effective date of the Registration Statement and the proposed public offering, depending upon market conditions and other factors and the exercise of an overallotment election granted to the Underwriters.

The underwriting commitment of any one or more of the Underwriters, including each of the Representatives, may exceed 10 percent of the aggregate number of shares of the Company's Common Stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. In addition to purchases of shares from the Company and sales of shares to customers, there may also be the usual transactions of purchase or sale incident to a distribution, such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act in respect of their transactions in certain securities, such Underwriter or Underwriters may, accordingly, become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, become subject to the obligations imposed by section 16 (b) of the Exchange Act.

However, Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of that Act. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares and that such purchase and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2. Nevertheless, the Underwriters may fail to meet the requirement for exemption from section 16(b) stated in Rule 16b–2(a)(3), i.e., that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act must be at least equal to the participation of persons receiving the exemption under Rule 16b–2, because one or more of the Underwriters who, pursuant to the Underwriting Agreement, may purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of the shares of the Company being offered.

Applicant states that prior to the initial distribution of the shares, the Company will have no assets, other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the shares will be offered and sold. Except for Charles J. Anderson, Jr., who is a First Vice President and Director of the Harris, Upham & Co. Incorporated and a Director of the Company, no director or officer of the applicant or of Harris, Upham & Co. Incorporated, is a director or officer of either the Comany or the Adviser, and Applicant states that it does not anticipate that any partner, director, or officer of any other Underwriter will be a director or officer of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following June 25, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13274 Filed 6–7–74;8:45 am]

[Rel. No. 8373]

EXTRACTABLE RESOURCES, INC.

Notice of Filing of Application

JUNE 3, 1974.

Notice is hereby given that Extractable Resources, Inc. ("Applicant"), 1411 Walnut Street, Philadelphia, Pennsylvania 19102, a diversified, closed-end management investment company which intends to propose to its shareholders in 1975 that the company should become an open-end investment company for purposes of redemption, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order of exemption from sections 15(a) and 16(a) of the Act to the extent necessary to permit Vestaur Corporation, a wholly-owned subsidiary of the First Pennsylvania Corporation, a bank holding company, to serve as investment adviser of the Applicant pursuant to a written investment advisory contract approved by the Applicant's Board of Directors without the prior approval of the stockholders of the Applicant, and to permit directors of Applicant to serve as directors without having been elected to such position by the stockholders of the Applicant, such exemptions to be effective until the first meeting of stockholders to be held within 180 days after the effective date of Applicant's Form S–4 Registration Statement filed under the Securities Act of 1933 ("1933 Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant presently has no stockholders. It proposes to issue up to 4,840,000 shares of its Common Stock when its

1933 Act Registration Statement becomes effective. Applicant proposes to enter into an agreement with Vestaur Corporation under which that company will serve as investment adviser of the Applicant.

Section 15(a) of the Act provides that "[i]t shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which * * * has been approved by the vote of a majority of the outstanding voting securities of such registered investment company * * *" Section 16(a) of the Act provides, with limited exceptions not here applicable, that "[n]o person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose * * * Inasmuch as the Applicant has not had any stockholders to date, the present Board of Directors of the Applicant has not been elected by the stockholders.

Applicant represents that the proposed investment advisory contract will comply with the provisions of the Act in all respects, except that the adviser will initially serve as such before the advisory contract has been approved by the stockholders as provided in section 15(a) of the Act. Applicant also represents that the persons serving as directors of the Applicant will meet all of the requirements of the Act, except that they will serve initially without having been elected to that office by the stockholders as provided by Section 16(a) of the Act.

Applicant states that at the meeting of stockholders to be held within 180 days of effectiveness of the Registration Statement on Form S–4, the investment advisory contract will be presented for approval and the entire Board of Directors will stand for election. Applicant also states that as to the period prior to such meeting, the prospectus used by the Applicant in connection with the sale of its shares pursuant to the 1933 Act will contain full appropriate information concerning the investment advisory contract and the directors.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Applicant submits that the proposed postponement of formal shareholder action on the approval of the investment advisory contract and the selection of the Applicant's directors is reasonable and fair and the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following June 25, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13273 Filed 6–7–74;8:45 am]

[Rel. No. 8372]

HIGHLAND CAPITAL CORP., ET AL.

Notice of and Order for Hearing on Application

JUNE 3, 1974.

Highland Capital Corporation ("Highland") and Marathon Securities Corporation ("Marathon"), Delaware corporations registered under the Investment Company Act of 1940 ("Act") as closed-end investment companies, Messrs. Walter Scheuer, Edwin Robbins and Louis Shorenstein and Gaymark Associates (hereinafter collectively referred to as "Applicants") have filed a joint application pursuant to sections 6(c), 17(b), and 17(d) of the Act and Rule 17d–1 thereunder for an order exempting from section 17(a) and permitting under section 17(d) and Rule 17d–1 thereunder the merger of two affiliated investment companies, and exempting from section 17(e)(1) the continued receipt of salaries from both companies by common officers of both companies until consummation of the merger.

The Commission, on January 31, 1973, issued a notice of the filing of said application (Investment Company Act Release No. 8211). The notice, which is incorporated herein by reference, gave interested persons an opportunity to request a hearing and stated that an order disposing of the application might be issued upon the basis of the information stated therein, unless a hearing should be ordered.

Certain interested persons have filed a request for a hearing. It appears to the Commission that it is appropriate in the public interest and consistent with the protection of investors to hold a hearing with respect to said application.

It is ordered, Pursuant to section 40 (a) of the Act, that a hearing on said application under the applicable provisions of the Act and the Commission rules thereunder be held on Monday, July 15, 1974 at 10 a.m., in the offices of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's Rules of Practice, on or before the date provided in the Rule, setting forth any issues of law or fact which he desires to controvert, or any additional issues which he deems raised by this Notice and Order or by said application. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to an Administrative Law Judge under the Commission's Rules of Practice.

The Division of Investment Management Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policies of Highland and Marathon, as recited in their registration statements and reports filed under the Act;

(3) Whether the proposed transaction is consistent with the general purposes of the Act;

(4) Whether the participation of Highland and Marathon in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which

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the participation of Highland and Marathon is on a basis different from, or less advantageous than, that of other participants;

(5) Whether Marathon's distributions of cash and securities to its shareholders in 1972 and 1973 call into question the stated purposes for the proposed merger: (a) Making possible meaningful operating economies for the combined entity; (b) improving the viability of the continuing company; and (c) enhancing the marketability of the securities of the continuing company; and

(6) Whether the securities in the portfolios of Marathon and Highland were properly valued.

It is further ordered, That at the aforesaid hearing attention should be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the Applicants and to the persons who have requested a hearing; that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13276 Filed 6-7-74;8:45 am]

[Rel. No. 18432]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

JUNE 3, 1974.

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), and 12 of the Act and Rules 42(a) and 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES requests that, for the period ending December 31, 1975, it be permitted from time to time to issue short-term notes to banks provided that the aggregate principal amount of such notes outstanding at any one time shall not be more than $50,000,000. Upon completion of the next common share issue, the proceeds of which are expected to aggregate about $50,000,000, the borrowing authority requested hereby will terminate.

The proceeds from the sales of the notes will be made available to subsidiaries (particularly New England Power Company (NEPCO)) through the purchase of additional shares of their capital stocks, capital contributions, or loans or some combination thereof, in furtherance of their construction programs, such additional investments to be subject to additional filing with this Commission.

The proposed borrowings from the banks listed below will be evidenced by notes payable maturing in less than one year from date of issuance and will provide for prior payment in whole or in part without premium or penalty.

NEES proposes to borrow $30,000,000 for investment in additional shares of NEPCO's common stock. For such borrowings the banks will not require customary 20 percent compensating balances. In lieu thereof the short-term notes will bear interest at rates which vary among the several banks from 110 percent to 118 percent of the floating prime rate. The bank which will charge 110 percent of the prime rate will also require 5 percent compensating balances.

In addition, borrowings of up to $20,000,000 will be made from time to time to provide funds for further investments in NEPCO and/or other subsidiaries. The interest rates on such borrowings will also vary up to a maximum of 118 percent of the prime rate. In addition, fees ranging from 4 percent to 9 percent of the prime rate as applied to any unused line of credit will be required. The bank which will charge the 4 percent fee will also require compensating balances equal to 5 percent of the line of credit.

The effective interest cost of the borrowings from the banks will range from 13.11 percent to 13.57 percent or an aggregate effective interest cost to NEES of 13.34 percent assuming the full lines of credit are in use and the prime rate is 11.5 percent. In each case the effective interest cost for the proposed borrowings will be less than the effective interest cost of borrowing at the prime rate plus the customary 20 percent compensating balances, which would be 14.375 percent based on 11.5 percent prime rate.

Name of Bank	$30 million borrowing amount	$20 million borrowing amount
Continental Illinois National Bank and Trust Co., Chicago	$10,000,000	
The Chase Manhattan Bank, N.A., New York	5,000,000	$5,000,000
First National City Bank, New York	5,000,000	
Irving Trust Co., New York	5,000,000	5,000,000
Morgan Guaranty Trust Co., New York	5,000,000	10,000,000
Total	30,000,000	20,000,000

NEES requests that it be permitted to file certificates of notification covering all transactions effected pursuant to the authority requested hereby during such quarter within thirty days after the end of each calendar quarter.

Total estimated expenses in connection with the proposed transaction is $5,000, of which $3,000 will be for services preferred at cost by NEPCO, an affiliated service company. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13275 Filed 6-7-74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

IMMIGRANT LABOR CERTIFICATION

Delegation of Authority

Pursuant to the provisions of 29 CFR Part 60 and for the purposes of that Part, effective June 1, 1974, the Certifying Officer for Manpower Administration Region III is hereby appointed as a Certifying Officer for the District of Columbia area, and the Reviewing Officer for Manpower Administration Region III is hereby designated as my representative for the carrying out of reviews under that part.

On July 1, 1974, as part of the transfer of functions of the District of Columbia area office of the Manpower Administration of the U.S. Department of Labor, the immigration functions of this area office will be placed in the Department of Labor Regional Office in Philadelphia, Pennsylvania. The appointment and designation herein are intended to facilitate the orderly removal of these immigration responsibilities to the Philadelphia Regional Office.

During the June 1974 transitional period, certifying and review authority for the District of Columbia area will remain in the present District of Columbia Manpower Administration Certifying and Reviewing Officers as well as with the Region III officers being appointed and designated.

It is the intention that after May 31, 1974, all certification requests will be processed by the Certifying Officer in Philadelphia and review of the denials of such requests will also be made in that city. Review of request for certification denials issued by the Certifying Officer in the District of Columbia will, to the extent feasible, be made by the Reviewing Officer in the District of Columbia during the month of June and, to the extent necessary, by the Reviewing Officer in Philadelphia.

Signed at Washington, D.C., this 4th day of June, 1974.

THOMAS A. WILKINS,
Administrator,
D.C. Manpower Administration.

[FR Doc.74-13175 Filed 6-7-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 526]

ASSIGNMENT OF HEARINGS

JUNE 5, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 10, 1974.

MC 130206, William J. Chernesky, now assigned July 9, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway Street.

MC-114734 Sub 25, D and J Transfer Co., Extension—Iowa Beef, now assigned July 8, 1974, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr.

MC-124211 Sub 121, Hilt Truck Line, Inc., now assigned July 10, 1974, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr.

MC-124211 Sub 243, Hilt Truck Line, Inc., now assigned July 15, 1974, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr.

MC-C-8282, Foothills Trucking Company, Inc., and Guignard Freight Lines, Inc.—Investigation of Operations and Practices, now assigned July 22, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC 136155 Sub 3, Gay Trucking Company, now assigned July 23, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

MC 106644 Sub 168, Superior Trucking Company, Inc., MC 108341 Sub 34, Moss Trucking Company, Inc., MC 108676 Sub 56, A. J. Metler Hauling & Rigging, Inc., MC 109397 Sub 293, Tri-State Motor Transit Co., MC 127834 Sub 96, Cherokee Hauling & Rigging, Inc., now assigned July 25, 1974 will be held in Room 305, 1252 W. Peachtree St., NW., Atlanta, Ga.

MC 107515 Sub 886, Refrigerated Transport Co., Inc., now assigned July 29, 1974, will be held in Room 305, 1252 West Peachtree St., NW., Atlanta, Ga.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now assigned July 15, 1974, in Room E-2222, 26 Federal Plaza, New York, N.Y., instead of Room B-2231.

MC 119774 Sub-76, Eagle Trucking Company, application dismissed.

MC-51018 Sub 9, The Besl Transfer Company, and MC-60014 Sub 33, Aero Trucking, Inc., is continued to July 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8033, Baggett Transportation Company V. Dowda Motor Freight, Inc., Et Al, now assigned June 12, 1974, at Birmingham, Ala., is postponed indefinitely.

MC-124211 Sub 242, Hilt Truck Line, Inc., now assigned July 31, 1974, will be held in Room 616, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13267 Filed 6-7-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 5, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before June 25, 1974.

FSA No. 42838—*Fresh Frozen Fruit, Juices or Concentrates from Delta, Colorado.* Filed by Southwestern Freight Bureau, agent (No. B-469), for interested rail carriers. Rates on food, fresh frozen, viz.: fruit, juices or concentrates, viz.: fruit, natural, or artificial; pulps, fruit and purees, fruit, in carloads, as described in the application, from Delta, Colorado, to points in southwestern territory.

Grounds for relief—Market competition.

Tariff — Supplement 62 to Southwestern Freight Bureau, Agent, tariff SW/W-2006-J, I.C.C. No. 5056. Rates are published to become effective on July 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13269 Filed 6-7-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 5, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-504 (Sub-No. E1), filed May 3, 1974. Applicant: HARPER MOTOR LINES, INC., 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Applicant's representative: John P. Carlton (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago and Peoria, Ill., on the one hand, and, on the other, points in South Carolina (except points in Anderson, Oconee, Pickens, Greenville, Spartanburg, and Cherokee Counties and those in York County, S.C., on and north of South Carolina Highway 49). The purpose of this filing is to eliminate the gateway of Columbia, S.C.

No. MC-2452 (Sub-No. E7), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hastings and Lansing, Mich., on the one hand, and, on the other, points in Cook County, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673. The purpose of this filing is to eliminate the gateway of San Pierre, Ind.

No. MC-2452 (Sub-No. E8), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale

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Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Davenport, Iowa, on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E9), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Rock Island and Moline, Ill., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E10), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Burlington, Iowa, on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E11), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Paducah, Ky., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E12), filed May 5, 1974. Applicant: HAJEK TRUCKING CO. INC., 7635 Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E13), filed May 5, 1975. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steven Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich., on the one hand, and, on the other points in that part of Illinois on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateways of Chicago Heights, Ill., and San Pierre, Ind.

No. MC-2452 (Sub-No. E14), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale, Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Grand Rapids, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Danville, Decatur, Effingham, Galesburg, Jacksonville, Kankakee, La Salle, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC-2452 (Sub-No. E20), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of points in Jasper County, Ind.

No. MC-2452 (Sub-No. E21), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Holland, Grand Rapids, and Lansing, Mich., and points in that part of Michigan on, west, and south of a line beginning at Holland, thence along Michigan Highway 21 to Grand Rapids, thence along U.S. Highway 16 to Lansing, thence along U.S. Highway 27 to the Michigan-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Fulton County, Ind.

No. MC-11727 (Sub-No. E7), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Hwy., Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., on the one hand, and, on the other, points in that part of New York within 150 miles of Newark, N.J., except those in Nassua, Suffolk, Rockland, Westchester, Putnam, and Orange Counties, N.Y., but including Newburgh, Orange County, N.Y. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC-11727 (Sub-No. E8), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Hwy., Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Corning, N.Y., on the one hand, and, on the other, New York, N.Y. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC-11727 (Sub-No. E9), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Hwy., Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Corning, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania within 25 miles of the City Hall of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC-11727 (Sub-No. E10), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Hwy., Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Camden, N.J., on the one hand, and, on the other, points in Cape May, Atlantic, Ocean, Monmouth, Middlesex, Somerset, Union, Hudson, Essex, and Morris Counties, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC-11727 (Sub-No. E11), filed May 12, 1974. Applicant: JAMES H. RUSSELL, Washington Hwy., Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Essex County, N.J., on the one hand, and, on the other, points in that part of New Jersey located on and south of New Jersey Highway 33 (except those in Salem and Cumberland Counties, N.J.). The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-16682 (Sub-No. E1), filed May 13, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, undated, (1) from Chicago, Ill., to points in Arizona, California, Colorado, Kansas, Oklahoma, and Texas. (2) From Chicago, Ill., to points in Idaho, Nevada, Oregon, Washington, and Wyoming. (3) From Kansas City, Mo., to points in Idaho, Montana, Nevada, Oregon, Washington, and Wyoming. (4) From Kansas City, Mo., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia. (5) From Kansas City, Mo., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. (6) From New York, N.Y., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. (7) From New York, N.Y., to Houston, Tex., Oklahoma City, Okla., and points in California. (8) From New York, N.Y., to points in Colorado, Kansas, and Oklahoma. (9) From points in Delaware, Maryland, New Jersey, New York (other than New York, N.Y.), Pennsylvania, and the District of Columbia to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (except from points in Maryland, Pennsylvania, and the District of Columbia to points in Arizona, Idaho, Utah, and Washington, from points in Delaware Maryland, Pennsylvania, and the District of Columbia to points in New Mexico, and from points in Maryland, New York, Pennsylvania, and the District of Columbia to points in Wyoming).

(10) From points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (except from points in Vermont to points in Montana and Wyoming). (11) From points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (other than New York, N.Y.), Pennsylvania, Rhode Island, Vermont, and the District of Columbia to points in Arizona, New Mexico, and Texas (except from points in Maryland, Pennsylvania, and the District of Columbia to points in New Mexico and from points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia to points in Texas). (12) From points in Connecticut, Maine, Massachusetts, New Hampshire, New York (other than New York, N.Y.), Rhode Island, and Vermont to points in Colorado, Kansas, and Oklahoma (except from points in Rhode Island and Vermont to points in Colorado and from New York to Oklahoma). (13) From points in Arizona, California, Colorado, Kansas, Missouri, and New Mexico to points in Connecticut, Delaware, New Jersey, and Rhode Island (except from points in Arizona to New Jersey and Rhode Island and from points in Missouri to points in Connecticut and New Jersey). (14) From points in Arizona, California, Colorado, Kansas, New Mexico, and South Dakota to points in Maine, New Hampshire, and Vermont. (15) From points in Arizona, California, Colorado, Kansas, Missouri, New Mexico, North Dakota, and South Dakota to points in Maryland, Massachusetts, and the District of Columbia (except from points in Colorado, Kansas, Missouri, North Dakota, and South Dakota in Maryland and the District of Columbia).

(16) From points in Michigan to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island. (17) Between points in Connecticut, Massachusetts, New Jersey, and New York (other than New York, N.Y.), on the one hand, and, on the other, points in Florida. (18) Between points in Connecticut, Massachusetts, and New York (other than New York, N.Y.), on the one hand, and, on the other, points in Delaware, Maryland, Michigan, North Carolina, Ohio, South Carolina, Virginia, and the District of Columbia. (19) Between points in Connecticut, Massachusetts, New Jersey, and New York (other than New York, N.Y.), on the one hand, and, on the other, points in Georgia, Indiana, and Wisconsin. (20) Between points in Connecticut, Massachusetts, New Jersey, and New York (other than New York, N.Y.), one the one hand, and, on the other, points in Alabama, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and West Virginia (except between points in New Jersey and points in West Virginia). (21) Between points in Maine, on the one hand, and, on the other, points in Florida. (22) Between points in Maine, on the one hand, and, on the other, points in Delaware, Illinois, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and the District of Columbia. (23) Between points in Maine, New Hampshire, North Carolina, Vermont, and Virginia, on the one hand, and, on the other, Kansas and Oklahoma.

(24) Between points in Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Vermont, and Virginia, on the one hand, and, on the other, points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. (25) From points in Colorado to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia. (26) From Oklahoma City, Okla., to Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio,

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Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. The purpose of this **filing is** to eliminate the gateway of (1) Kansas City, Mo. (proposed number 1); (2) Kansas City, Mo., and points in Nebraska (proposal number 2); (3) points in Nebraska (proposal number 3); (4) points in Kentucky (proposal number 4); (5) New York, N.Y. (proposal number 5); (6) Syracuse, N.Y., St. Louis, Mo., Kansas City, Kansas, and points in Colorado (proposal number 6); (7) Syracuse, N.Y. (proposal number 7); (8) Syracuse, N.Y., and Kansas City, Mo. (proposal number 8); (9) New York and Syracuse, N.Y., St. Louis, Mo., Kansas City, Kans., and points in Colorado (proposal number 9);

(10) New York and Syracuse, N.Y., St. Louis, Mo., Kansas City, Kans., and points in Colorado (proposal number 10); (11) New York and Syracuse, N.Y., and Oklahoma City, Okla. (proposal number 11); (12) New York and Syracuse, N.Y., St. Louis, Mo., and Kansas City, Kans. (proposal number 12); (13) Kansas City, Kans., and New York, N.Y. (proposal number 13); (14) Kansas City, Kans., and Chicago, Ill. (proposal number 14); (15) Kansas City, Kans., and Syracuse, N.Y. (proposal number 15); (16) Syracuse and New York, N.Y. (proposal number 16); (17) New York, N.Y. (proposal number 17); (18) New York, N.Y. (proposal number 18); (19) New York, N.Y. (proposal number 19); (20) New York, N.Y., and Philadelphia, Pa. (proposal number 20); (21) New York, N.Y. (proposal number 21); (22) New York, N.Y. (proposal number 22); (23) Chicago, Ill., and Kansas City, Mo. (proposal number 23); (24) Chicago, Ill., Kansas City, Mo., and points in Nebraska (proposal number 24); (25) points in Nebraska (proposal number 25); and (26) points in Tennessee (proposal number 26).

No. MC–37599 (Sub-No. E1), filed April 5, 1974. Applicant: VAN HAAREN SPECIALIZED CARRIERS, INC., P.O. Box 672, Bay City, Mich. 48706. Applicant's representative: Gerald Schneider (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities the transportation of which because of size or weight require the use of special equipment and related machinery parts and related contractors material and supplies* when their transportation is incidental to the transportation of commodities which because of size or weight, require the use of special equipment. (a) Between points in the Lower Peninsula of Michigan on, east, and north of a line beginning at Cheboygan, and extending south along U.S. Highway 27 to the intersection of Michigan State Highway 21 and thence east on Michigan Highway 21 to Michigan Highway 24, thence north on Michigan Highway 24 to its intersection with Michigan Highway 46 to and including Port Sanilac, Mich., on the one hand, and, on the other, to points in Pennsylvania. (b) Between points in Huron, Sanilac, St. Clair, Macomb, Tuscola, Lapier, Genesee, Saginaw, Bay, Gladwin, Roscommon, Crawford, Otsego, and Cheboygan Counties, Mich., Clare County, Mich., on and east of U.S. Highway 27, Midland County north of U.S. Highway 10, and on and east of Michigan Highway 30 and Meridian Road, and Oakland County, Mich., on and east of U.S. Highway 10, and on and north of Michigan Highway 59, on the one hand, and, on the other, points in Illinois. (c) Between points in Huron, Sanilac, St. Clair, Macomb, Tuscola, Lapier, Genesee, Saginaw, Bay, Gladwin, Roscommon, Crawford, Otsego, and Cheboygan Counties, Mich., and Midland County, Mich., on and north of U.S. Highway 10 and on and east of Michigan Highway 30 and Meridian Road, and Oakland County, Mich., on and each of U.S. Highway 10, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Saginaw, Mich.

No. MC–43683 (Sub-No. E2), filed May 14, 1974. Applicant: BAKER DRIVEAWAY CO., INC., 3999 E. South Blvd., Bloomfield Hills, Mich. 48013. Applicant's representative: William O. Bridge (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses, and taxis, and new automobile chasis,* in initial movements in truckaway service, from Newark, Del., to St. Louis, Mo., points in St. Louis County, Mo., and points in Indiana, Michigan, and Ohio, and points in that part of Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway points in Pennsylvania (on and west of U.S. Highway 11).

No. MC–93980 (Sub-No. E7), filed April 22, 1974. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Cement conduits, cement couplings, and cement pipe, all containing asbestos fibre, and accessories* used in the installation thereof, on flat-bed vehicles (not including commodities which because of size or weight require the use of special equipment), from Manville, N.J., to points in Florida, Georgia, North Carolina, and Tennessee; (b) *Cement conduit containing asbestos fibre,* from Manville, N.J., to points in Kentucky, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Ambler, Pa.

No. MC–95540 (Sub-No. E351), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables,* from points in Florida to points in Rhode Island. The purpose of this filing is to eliminate the gateway of points in Maryland.

No. MC–95540 (Sub-No. 352), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from points in Maryland, Delaware, and Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Pike or Spaulding Counties, Ga.

No. MC–95540 (Sub-No. E353), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Pittsburgh and Saltsburgh, Pa., to points in Louisiana, on and south of line beginning at the Louisiana-Mississippi State line and extending along Louisiana Highway 26 to Bogalusa, thence along Louisiana Highway 21 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to Baton Rouge, thence along Interstate Highway 10 to the Louisiana-Texas State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 107295 (Sub-No. E8), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal building panels* and *metal building parts and accessories,* from the plantsite of Allied Tube and Conduit Corporation at Harvey, Ill., to points in Arizona, that part of Alabama in, south, and west of Baldwin, Clarke, and Choctaw Counties, and that part of New Mexico in and south of McKinley, Sandoval, Sante Fe, San Miguel, and Quay Counties, restricted against the transportation of pipe used in connection with the construction, operation, servicing or dismantling of pipe lines. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.

No. MC 107295 (Sub-No. E13), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cabinets, vanities,* and *cases,* from Jeffersonville, Ind., to points in Montana, North Dakota, South Dakota, and that part of Wyoming in and north of Niobrana, Converse, Natrona, Fremont, Sublette, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of Ladysmith, Wis.

No. MC 107295 (Sub-No. E15), filed May 5, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Adhesive cement,* from the plant site of Wal-Lite Products, Division of U.S. Gypsum Company at Pittsburg, Kans., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of New Philadelphia, Ohio.

No. MC–107295 (Sub-No. E103), filed May 8, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulating materials,* from Hamlin, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Sedalia, Mo.

No. MC–107295 (Sub-No. E106), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing,* from Pittston, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E111), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing,* from Philadelphia, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC–107295 (Sub-No. E113), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Particleboard,* from Suffolk, Va., (1) to points in Arizona, California, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah, (Truman, Ark.); (2) to points in Colorado, Nebraska, North Dakota, and South Dakota (Fort Dodge, Iowa); and (3) to points in Idaho, Montana, Oregon, Washington, and Wyoming (Kalamazoo, Mich.). The purpose of this filing is to eliminate the respective gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E271), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston,* 63 M.C.C. 677, (except bituminous products and materials), in bulk, in tank vehicles, from points in Maryland to points in Illinois. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC–110525 (Sub-No. E272), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston,* 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Maryland on and east of Interstate Highway 81, to those points in that part of Indiana on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Morgantown and Natrium, W. Va.

No. MC–110525 (Sub-No. E274), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Kansas. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E278), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E279), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in Maryland to points in Minnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E280), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Maryland to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E281), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Missouri. The purpose of this filing is to eliminate the gateway of South Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E282), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Montana. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E283), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in Nebraska. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E286), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Maryland to points in New Mexico. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E302), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Massachusetts to points in Alabama. The

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purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC–110525 (Sub-No. E303), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Arizona. The purpose of this filing is to eliminate the gateway of Newark, N.J., Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E304), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Arkansas. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Institute, W. Va.

No. MC–110525 (Sub-No. E305), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, from points in Massachusetts to ing: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in California. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Mapleton, Ill.

No. MC–110525 (Sub-No. E307), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Delaware. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E317), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Kentucky. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E318), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), from points in Massachusetts to points in Louisiana. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C.

No. MC–110525 (Sub-No. E319), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Massachusetts to points in Maryland. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E320), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Minnesota. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Bridgeville, Pa.

No. MC–110525 (Sub-No. E321), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Massachusetts to points in Mississippi. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E416), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Arizona. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E417), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Arkansas. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Charleston, W. Va.

No. MC–110525 (Sub-No. E418), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in California. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E419), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E420), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, Inc., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivations of petroleum or bituminous products), in bulk, in tank vehicles, from points in New York to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E421), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in New York to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC–110525 (Sub-No. E422), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Idaho. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E423), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of New York on and east of New York Highway 19 to points in Illinois. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E425), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals as defined in The Maxwell* Co., *Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of New York on and east of New York Highway 19 to points in Iowa. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC–110525 (Sub-No. E426), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Kansas. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E427), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that party of New York on and east of New York Highway 19 to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and S. Charleston, W. Va.

No. MC–110525 (Sub-No. E428), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Louisiana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Charleston, W. Va.

No. MC–110525 (Sub-No. E429), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of New York on and east of Interstate Highway 81, to those points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 27 to Claire, thence along Interstate Highway 75 to Mackinaw City. The purpose of this filing is to eliminate the gateway of Kobuta, Pa.

No. MC–110525 (Sub-No. E430), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Minnesota. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E431), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell* Co., *Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Mississippi. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Charleston, W. Va.

No. MC–110525 (Sub-No. E432), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Missouri. The purpose of this filing is to eliminate the gateway of S. Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E433), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Montana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E434), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E435), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Nevada. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E439), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in North Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E440), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E441), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Oregon. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E442), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liqquid chemicals* (except bituminous products and materials), in bulk, in tank vechiles, from points in New York to points in South Carolina. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

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No. MC 110525 (Sub-No. E443), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in South Dakota. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E445), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in New York to points in Texas. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 110525 (Sub-No. E446), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles from points in New York to points in Utah. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E448), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in New York to points in Washington. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC 110525 (Sub-No. E450), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in New York to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 110525 (Sub-No. E451), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New York to points in Wyoming. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC-112822 (Sub-No. E29), filed April 28, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Oklahoma 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in that part of Minnesota on, south, and east of a line beginning at the United States-Canada International boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line, to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of points in Iowa or Nebraska.

No. MC-113843 (Sub-No. E22), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E38), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E52), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC-113843 (Sub-No. E55), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse of the Pillsbury Company at or near East Greenville, Pa., to Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E56), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E58), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared canned foods and frozen prune juice* (except in bulk), in vehicles equipped with mechanical refrigeration from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Holley, N.Y.

No. MC-113843 (Sub-No. E59), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E61), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC-113843 (Sub-No. E64), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC-113843 (Sub-No. E65), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit and berry concentrates* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

No. MC-113843 (Sub-No. E72), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bottles, from Buffalo, N.Y., to Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Silver Creek, N.Y.

No. MC-113843 (Sub-No. E73), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dressed poultry*, from points in Cattaraugus, Chautauqua, and Erie Counties, N.Y., to Boston, Springfield, and Worcester, Mass. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-113843 (Sub-No. E74), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Cattaraugus, Chautauqua, and Erie Counties, N.Y., to Camden, Newark, and Jersey City, N.J., Baltimore, Md., and Philadelphia and Middleton, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13270 Filed 6-7-74;8:45 am]

[Notice 100]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 1, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74873. By order entered June 4, 1974, the Motor Carrier Board approved the transfer to Tri-Line Expressways, Ltd., Calgary, Alberta, Canada, of the operating rights set forth in Certificate No. MC-125395 (Sub-No. 2), issued June 30, 1964, to Harvie Wilkening, doing business as Harv Wilkening Transport, Regina, Saskatchewan, Canada authorizing the transportation of reinforcing, fabricated, unfabricated, and structural steel and accessories, materials, and supplies used in the assembly of such commodities, from ports of entry on the United States-Canada Boundary line at points in North Dakota and Montana, to points in North Dakota, Montana, Wyoming, and Idaho. Gene P. Johnson, 425 Gate City Building, Fargo, N.Dak. 58102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13268 Filed 6-7-74;8:45 am]

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federal register

MONDAY, JUNE 10, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 112

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Office of the Secretary

■

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

V 39 112 JUN 10 74 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Pursuant to section 902 (b) (2) of the Older American Community Service Employment Act of 1973 (Pub. L. 93–29), which authorizes the Secretary of Labor to issue such regulations as he deems necessary to carry out the provisions of this Act, the following regulations are promulgated to facilitate the implementation of the Act at the earliest possible date.

The Act provides for the establishment of a Senior Community Service Employment Program to provide, foster, and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years old or older and who have poor employment prospects.

The regulations published herein shall be effective upon signing by the Secretary of Labor.

As these regulations relate to public property, loans, benefits, or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a) (2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis of not giving opportunity for notice and comment. In this case, in order to effect promptly the purposes of the Older American Community Service Employment Act, it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly, they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective immediately, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal until July 10, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Associate Manpower Administrator for the Office of Manpower Development Programs.

The regulations set forth below amend Title 29 by adding the new Part 89. The new Part 89, which shall be effective immediately, reads as follows:

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89.2 Allotment of funds.
89.3 Potential project sponsors eligible for Federal assistance under the Act.
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89.5 General.
89.6 Solicitation of application for Federal assistance under the Act.
89.7 Consideration of applications.
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89.12 Special procedures and priorities for Fiscal Year 1974.

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89.13 General.
89.14 Basic responsibilities of the project sponsor.
89.15 Cooperation and coordination.
89.16 Eligibility for enrollment in a project.
89.17 Special consideration for individuals 60 years old and older.
89.18 Recruitment and selection.
89.19 Medical examination.
89.20 Orientation and pre-placement training.
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89.33 Maintenance of effort.
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AUTHORITY: Pub. L. 98–29, sec. 902(b) (2); 87 Stat. 62.

Subpart A—General

§ 89.1 Scope and purpose.

(a) This Part 89 contains the regulations of the Department of Labor for the establishment and operation of the Senior Community Service Employment Program which is authorized under the Older American Community Service Employment Act, Title IX of the Older Americans Comprehensive Services Amendments of 1973. The Senior Community Service Employment Program is designed to provide, foster, and promote useful part-time work opportunities in community service activities for low-income persons who are 55 years old and older and who have poor employment prospects.

(b) Statutory authority for the regulations contained in this part is found in the provisions of section 902(b) (2) of Title IX of the Older Americans Comprehensive Services Amendments of 1973, Pub. L. 93–29.

§ 89.2 Allotment of funds.

(a) From the sums appropriated for any fiscal year under the Act there shall be initially allotted for projects within each State an amount which bears the same ratio to such sums as the population, aged 55 or over in all States, except that (1) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged 55 and over in any State and for all States shall be determined by the Secretary on the basis of the most recent census reports published by the U.S. Department of Commerce.

(c) The amount allotted for projects within any State under paragraph (a) of this section for any fiscal year which the Secretary determines will not be required for that year shall be reallotted to projects within other States in proportion to the original allotments for projects within such States under paragraph (a) of this section for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this paragraph during a year shall be deemed part of its allotment under paragraph (a) of this section for that year. Such reallotment will be made no earlier than after the ninth month of the fiscal year in which the funds were allotted and no later than the last day of the fiscal year in which the funds were allotted.

(d) The amount apportioned for projects within each State under paragraph (a) of this section shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

§ 89.3 Potential project sponsors eligible for Federal assistance under the Act.

(a) The Secretary may enter into agreements with and provide direct Federal financial assistance under the Act to eligible organizations which will enable these organizations to conduct and sponsor projects under the Act.

(b) Potential project sponsors, i.e., organizations eligible to receive direct Federal financial assistance under the Act, are limited to the following:

(1) States and agencies of a State;

(2) Political subdivisions of a State (having elected or duly appointed officials);

(3) A combination of such political subdivisions;

(4) Indian tribes on Federal or State reservations;

(5) Public agencies or organizations; or

(6) Private nonprofit agencies or organizations.

(c) Project sponsors receiving direct Federal financial assistance under the Act are authorized to enter into subproject agreements with and provide all or part of the direct Federal financial assistance received to other potential project sponsors to implement and carry out all or part of the activities to be conducted under the project agreement.

(d) With respect to funds appropriated for the Act in Fiscal Year 1974, the Secretary hereby selects and designates those organizations which will receive sole or primary consideration for receipt and utilization of such funds. These special restrictions and priorities for Fiscal Year 1974 are established in response to Congressional intent in this matter as expressed and contained in the Report of the Senate Committee on Appropriations as incorporated into the Conference Report on the Supplemental Appropriations Act of 1974.

(1) Except as provided for in paragraph (d) (2) of this section, the Secretary selects and designates the following organizations for receipt and utilization of funds appropriated for the Act in Fiscal Year 1974. These organizations, all of which are experienced in operating similar programs on behalf of the Department as prime contractors under the National Older Workers Program—Operation Mainstream, are:

(i) Green Thumb, Inc., an affiliate of the National Farmers Union;

(ii) National Council of Senior Citizens;

(iii) National Council on the Aging;

(iv) National Retired Teachers Association — American Association of Retired Persons; and

(v) U.S. Forest Service.

(2) All funds appropriated for the Act in Fiscal Year 1974 will be made available to the organizations identified in paragraph (d) (1) of this section, except such funds which are allotted to those States in which none of these organizations presently administer activity under the National Older Workers Program—Operation Mainstream. Funds so allotted will first be made available for utilization by the State. These States are:

(i) Alaska;
(ii) Delaware;
(iii) Hawaii;
(iv) American Samoa;
(v) Guam;
(vi) Trust Territories of the Pacific; and
(vii) Virgin Islands.

§ 89.4 Definitions.

The following definitions consistent with section 907 of the Act apply to all sections of the regulations presented herein:

"Act" means the Older American Community Service Employment Act of 1973, Title IX of the Older Americans Comprehensive Services Amendments of 1973, Pub. L. 93–29.

"Allocation" and "allotment" mean the distribution of funds among States according to the formula contained in the Act.

"ARDM" means the Department of Labor's "Assistant Regional Director for Manpower", or his designee, having the responsibility for the area in which a project sponsor is located.

"Chief Executive Officer" includes their designees.

"Community service" means social, health, welfare, educational, library, recreactional, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary may prescribe. It excludes building and highway construction work (except that which is normally performed by the project sponsor) and other work which inures primarily to the benefit of a private profit-making organization.

"Contribution in kind" means a contribution in lieu of cash, of an item or service, the purchase of which would be an allowable cost, including but not limited to the use of plant and equipment fairly evaluated.

"Department" means the United States Department of Labor and includes each of its operating agencies and other organizational units.

"Enrollee" means an individual who qualifies and receives services or takes part in activities under provisions of the Act.

"Eligible individual" means an individual who is 55 years old or older; who has a low income; and who has or would have difficulty in securing employment or is unemployed.

"Federal reservation" means lands which have been set aside for Indian tribes and for which the United States is trustee, as identified by the Bureau of Indian Affairs, including non-trust land under the tribual jurisdiction.

"Host agency" means a public agency or private nonprofit organization (excluding political parties) other than a project sponsor or subsponsor, which provides a work-site and work supervision for project enrollees.

"Indian tribe" means a tribe, group or band of American Indians, or Alaskan natives identified on the basis of historical, geographical or cultural characteristics, or subpart of such a tribe, group or band.

"Low-income" for the purpose of the Act means the annual income threshold below which families are considered to live in poverty, as determined in accordance with criteria established by the Director, U.S. Office of Management and Budget.

"Non-Federal share" means a contribution of not less than 10 percent of the total cost of any project under the Act which may be provided by the project sponsor in cash or in kind.

"Obligation" means the amount of Federal funds which the Department has legally committed and authorized a project sponsor to expend.

"Part time" means employment in a position that provides not more than 30 hours of employment in a standard week nor more than 1300 hours in a 12-month period.

"Potential project sponsor" for purposes of this Act mean (a) a State or agency of a State, (b) a political subdivision of a State having elected or duly appointed officials, (c) a combination of such political subdivisions, (d) an Indian tribe on Federal or State reservations, (e) public agencies or organizations, or (f) private non-profit agencies or organizations. Such organizations are eligible to enter into agreements with and receive funds directly from the Department to undertake projects authorized in this part.

"Project" means an undertaking by a project sponsor pursuant to an agreement between the Secretary and the project sponsor which is authorized under Title IX of the Older Americans Act as implemented in the regulation contained in this part.

"Project agreement" means an agreement, either a grant or a contract, entered into between a potential project sponsor and the Department of Labor, for the purpose of providing Federal financial assistance under the Act to the potential project sponsor and enabling the potential project sponsor to conduct a project under the Act.

"Project sponsor" means a potential project sponsor which has entered into an agreement directly with the Department to undertake a project authorized in this part.

"State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American

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Samoa, and the Trust Territory of the Pacific Islands.

"State reservation" means an Indian reservation recognized by the State in which it is located.

"State Employment Security Agency" means the State agency affiliated with the United States Employment Service, established by the Wagner-Peyser Act of 1933, as amended. The term shall include the system of public employment service offices and Unemployment Insurance offices.

"Subproject" means an undertaking by a subsponsor pursuant to an agreement between a project sponsor and the subsponsor which has been entered for the purpose of authorizing and enabling the subsponsor to carry out all or some of the activity specified in the project agreement.

"Subsidized employment" means employment of enrollees in employment positions for which wages are paid in whole or in part from funds made available under the Act.

"Subsponsor" means a potential project sponsor, which has entered into an agreement with a project sponsor to undertake a subproject.

"Unemployed persons" for purposes of this Act means:

(a) An adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled), or

(b) a person who is without a job and who wants and is available for work. A person is "without a job" if, during the 30 days preceding his application or selection, he has earned no more than $30 in any calendar week.

"Political subdivision of a State" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

"Unsubsidized employment" means employment not financed from funds provided under this Act.

Subpart B—Application for Federal Assistance under the Act

§ 89.5 General.

(a) This Subpart B provides procedures to be followed in the process of applying for Federal assistance under the Act.

(b) Special procedures and priorities pertaining to funds appropriated for the Act in Fiscal Year 1974 are set forth in § 89.12 of this part. These procedures and priorities are established in accordance with § 89.3(d) of this part.

§ 89.6 Solicitation of application for Federal assistance under the Act.

(a) The Secretary will solicit application for Federal assistance under the Act from among potential project sponsors.

(b) The Secretary reserves the right to limit such solicitation to organizations or types of organizations that possess special capabilities to conduct manpower programs or to coordinate projects under the Act with other Federal manpower efforts.

§ 89.7 Consideration of applications.

(a) Except during Fiscal Year 1974, the Secretary will receive and consider the application for Federal assistance under the Act which is submitted by any potential project sponsor. Interested parties should contact:

Associate Assistant Secretary for Manpower
Office of Manpower Development Programs
Room 6000, Patrick Henry Building
601 D Street, N.W.
Washington, D.C. 20213

(b) The Secretary reserves the right to give priority consideration to applications submitted by organizations or types of organizations that possess special capabilities to conduct manpower programs or to coordinate projects under the Act with other Federal manpower efforts, such as State and local agencies responsible for administering grants and programs under the Comprehensive Employment and Training Act of 1973.

§ 89.8 Preparation of the application for Federal assistance under the Act.

(a) This section sets forth procedures to be followed by potential project sponsors in preparing the application for Federal assistance under the Act. These procedures are not in effect for Fiscal Year 1974, but they shall be in effect for subsequent fiscal years, if any, in which funds are appropriated for the Act.

(b) Any potential project sponsor which is a unit of State or local government shall, in applying for Federal assistance under the Act, adhere to the requirements and procedures contained in OMB Circular A–102, Attachment M. Upon request, each such potential project sponsor will be provided a complete application package, including forms and detailed instructions for their preparation.

(c) Any potential project sponsor which is not a unit of State or local government shall, in applying for Federal assistance under the Act, submit a proposal for a cost-reimbursement type contract. Such proposal, which is to include a proposed statement of work and a proposed budget, shall be prepared in accordance with the instructions of the Department. Upon request, each such potential project sponsor will be provided a complete application package, including forms and detailed instructions for their preparation.

(d) Applications for Federal assistance under the Act shall, as appropriate, be prepared in consultation with the State Agency on Aging supported under the Older Americans Act and in consultation with the State Agency responsible for administering grants or programs under the Comprehensive Employment and Training Act.

§ 89.9 Comment and review.

(a) This section sets forth comment and review procedures and requirements pertaining to the process of applying for Federal assistance under the Act. These requirements are not in effect during Fiscal Year 1974, but they shall be in effect during subsequent fiscal years, if any, in which funds are appropriated for the Act.

(b) In accordance with the procedures and requirements contained in OMB Circular A–95, potential project sponsors shall provide adequate notification of intent to apply for Federal assistance under the Act to the appropriate State and areawide planning and development clearinghouse. Such notification shall, with respect to timeliness and content, meet the standards set forth in OMB Circular A–95.

§ 89.10 Submission of the application for Federal assistance under the Act.

(a) This section sets forth requirements relating to the submission of applications for Federal assistance under the Act. These requirements will not be in effect during Fiscal Year 1974, but they shall be in effect for subsequent fiscal years, if any, in which funds are appropriated for the Act.

(b) Applications for Federal assistance and funds appropriated under the Act in a fiscal year shall be submitted to the Secretary and will be received by the Secretary no later than the 6th of the month of the fiscal year for which such funds are appropriated.

(c) Any and all comments on the application which have been received by the project sponsor from a State or areawide planning and development clearinghouse shall accompany the application when it is submitted to the Secretary.

§ 89.11 Award of Federal assistance under the Act.

(a) This section sets forth procedures relating to the award of Federal assistance under the Act. These procedures are not in effect during Fiscal Year 1974, but they shall be in effect during subsequent fiscal years, if any, in which funds are appropriated for the Act.

(b) No applicaton for Federal assistance under the Act will be approved for award until it has been reviewed by the Secretary to determine if it assures compliance will all requirements of the Act, the regulations contained in this part, and all other applicable laws. The review will determine whether:

(1) The application is complete and has been prepared in accordance with the instructions of the Department;

(2) The application evidences, as appropriate, consultation with the State Agency on Aging supported under the Older Americans Act and with the State agency responsible for administering grants and programs under the Comprehensive Employment and Training Act;

(3) The appropriate State and areawide planning and development clearinghouses have been adequately notified of the application;

(4) The project sponsor has adequate internal administrative, accounting requirements, personnel standards, monitoring and evaluation procedures, and such other policies as may be necessary

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to promote the effective use of funds provided under the Act;

(5) Any comment on the application evidences noncompliance with the Act, the regulations contained in this part, or any other applicable law; and

(6) In the case of competing applications, the potential project sponsor possesses the greatest capability to conduct manpower programs or to coordinate projects under the Act with other Federal manpower efforts.

(c) On the basis of the determinations made pursuant to paragraph (b) of this section, the Secretary will approve for award those applications for Federal assistance under the Act which (1) assure compliance with the Act, the regulations contained in this part, and all other applicable laws and which (2), in the case of competing applications, assure the most effective use of funds provided under the Act.

(d) Potential project sponsors which have submitted application for Federal assistance under the Act approved for award will be requested to negotiate and enter into a legally binding agreement, either grant or contract, with the Department in order that Federal funds may be provided to conduct the project. The project agreement shall contain the approved application for Federal assistance under the Act as amended by negotiations, if any, and shall also contain terms and provisions relating to grant or contract administration, respectively.

(e) Potential project sponsors which have submitted applications for Federal assistance under the Act not approved for award, will be so notified. The grounds therefor will also be transmitted to such potential project sponsors.

§ 89.12 Special procedures and priorities for Fiscal Year 1974.

(a) This section sets forth special procedures and priorities with respect to the implementation of projects under the Act through funds appropriated for Fiscal Year 1974.

(b) Except as provided for in paragraph (c) of this section, the Secretary selects and designates the following organizations for receipt and utilization of funds appropriated for the Act in Fiscal Year 1974. These organizations, all of which are experienced in operating similar programs on behalf of the Department as prime contractors under the National Older Workers Program—Operation Mainstream, are:

(1) Green Thumb, Inc., an affiliate of the National Farmers Union;

(2) National Council of Senior Citizens;

(3) National Council on the Aging;

(4) National Retired Teachers Association—American Association of Retired Persons; and

(5) U.S. Forest Service.

(c) All funds appropriated for the Act in Fiscal year 1974 will be made available to the organizations identified in paragraph (b) of this section except such funds which are allotted to those States in which none of these organizations presently administer activity under the National Older Workers Program—Operation Mainstream. Funds so allotted will first be made available for utilization by the State. The States are:

(1) Alaska;
(2) Delaware;
(3) Hawaii;
(4) American Samoa;
(5) Guam;
(6) Trust Territories of the Pacific; and
(7) Virgin Islands.

(d) With respect to Fiscal Year 1974 funds which are to be made available to those organizations identified in paragraph (b) of this section, the Secretary will solicit from each a proposal for a cost reimbursement type contract or, in the case of the U.S. Forest Service, an interagency agreement. Such proposals shall be prepared in consultation with the Department and shall contain (1) a proposed statement of work and (2) a proposed budget. Both the proposed statement of work and the proposed budget shall be subject to negotiation. Such proposals shall be submitted to the Department no later than June 14, 1974.

(e) In the event that suitable arrangements cannot be made among those organizations identified in paragraph (b) of this section to conduct projects in and utilize funds allocated to a State, the Secretary will select from among other potential project sponsors the most appropriate organization(s) to conduct and sponsor the project(s) in and utilize the funds allocated to that State.

Subpart C—Project Operations

§ 89.13 General.

(a) This Subpart C sets forth the basic guidelines and standards which shall be followed and enforced in the operation of projects under the Act. Adherence to the requirements of this subpart is a condition for the utilization of funds provided under the Act.

(b) The basic design of a project, as embodied in the guidelines and standards set forth herein, is intended to provide two-fold benefits. They are:

(1) *Benefits accruing to members of the client group who enroll in a project.* The client group to be served and enrolled by the program are low-income individuals who are 55 years old or older and who have poor employment prospects. The basic thrust of the program is to provide these individuals with the general benefits resulting from subsidized part-time employment and a moderate level of related supportive services. Specifically, the benefits and services to be provided program enrollees are:

(i) Wages;

(ii) The therapeutic and restorative experience of community service work;

(iii) A renewed sense of personal value arising from involvement with the community and the mainstream of life generally;

(iv) The acquisition or revitalization of specific job skills through limited prejob training and continued training on-the-job;

(v) The upgrading of jobseeking skills;

(vi) Yearly physical examination;

(vii) Assistance with personal and job-related problems through counseling and referral to capable human service agencies;

(viii) Provision of important consumer related information in areas such as Social Security benefits, income tax requirements, nutrition, personal health, and so forth; and

(ix) In some cases, placement into the regular, competitive labor market.

(2) *Benefits to communities.* The program is also intended to provide the communities in which it operates with a Federally subsidized pool of manpower which can be drawn upon to upgrade existing human services or to establish new ones. It is not the intention of the program that this pool of manpower be used to displace already employed workers or to provide services or perform work assignments, such as highway construction, which inure mainly to the benefit of private, profit-making organizations. The program is intended to enable communities to enhance or establish human service activities which could not normally be enhanced or established through existing local resources.

§ 89.14 Basic responsibilities of the project sponsor.

The Department will hold the project sponsor responsible for:

(a) Following and enforcing the requirements set forth in this subpart, the Act, all regulations promulgated under the Act, and all other applicable laws;

(b) Implementing and carrying out the project plan as it is set forth in the project agreement;

(c) ensuring that any and all subsponsors under the project:

(1) Follow and enforce the requirements set forth in this subpart, the Act, all regulations promulgated under the Act, all other applicable laws, and

(2) Implement and carry out that portion of the project plan which is assigned under subproject agreement to the subsponsor;

(d) Requesting, receiving, utilizing Federal financial assistance provided under the Act;

(e) Distributing such financial assistance among areas within the geographical jurisdiction of the project in an equitable manner; equitable distribution shall be made by taking into consideration the number of eligible individuals in each area as related proportionately to the number of eligible indidividuals within the entire geographical jurisdiction of the project; and

(f) Assuring that the project enrolls and serves minority, Indians and limited-English-speaking eligible individuals in proportion to their numbers within the entire geographical jurisdiction of the project.

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§ 89.15 Cooperation and coordination.

Each project and project sponsor shall, to the extent possible, establish cooperative relationships, liaison, and working linkages with other manpower programs and agencies and with agencies concerned with or experienced in problems of aging. To facilitate the establishment of such relationships and linkages, project sponsors shall adhere to the guidelines and requirements set forth below.

(a) Project sponsors shall provide a copy of the project agreement to the State and area agencies on aging supported under the Older Americans Act and to the State and local agencies (CETA Prime Sponsors) responsible for administering grants and programs under the Comprehensive Employment and Training Act of 1973 (CETA).

(b) Project sponsors shall consult and confer with the organizations identified in paragraph (a) of this section with respect to planning the most effective utilization of project funds allocated to the State or area. Such consultation shall be undertaken to consider:

(1) Those areas of the State most in need of project services, with special regard being paid to the avoidance of duplicative services; and

(2) The possibilities for coordinating and linking services to be provided under the project with programs administered by these other agencies.

(c) Project sponsors shall notify the State Employment Security Agency of the project(s) established within the State. The project sponsor shall establish a close working relationship with the State Employment Security Agency for the purpose of facilitating:

(1) The recruitment and referral of eligible individuals for enrollment in the project; and

(2) The placement of enrollees into unsubsidized employment positions.

§ 89.16 Eligibility for enrollment in a project.

(a) To be selected for enrollment in a project an individual must:

(1) Be 55 years old or older;

(2) Have a low income; and

(3) Be unemployed or be an individual who has or would have difficulty in securing employment.

(b) To remain eligible for continuing enrollment in a project an individual must have an income which does not exceed the low-income level by more than $500. For the purpose of determining eligibility for continuing enrollment, income earned as wages from employment under the project shall not be counted. Each enrollee's eligibility for continuing enrollment in the project shall be established annually. Such eligibility shall be established and documented by a signed and dated statement indicating the enrollee's current income, exclusive of wages under the project.

(c) No upper age limitation for enrollment eligibility shall be imposed by any project or project sponsor.

§ 89.17 Special consideration for individuals 60 years old and older.

Special consideration in selection of eligible individuals for enrollment in projects shall be given to persons who are 60 years old or older.

§ 89.18 Recruitment and selection.

Projects shall recruit and select eligible individuals for enrollment.

(a) Projects shall recruit sufficient numbers of eligible individuals to be enrolled and employed by the project. All enrollment vacancies shall be listed with the appropriate State Employment Security Agency. Recruitment efforts shall ensure that the enrollment positions within the project are occupied to the fullest possible extent and that enrollment vacancies are kept to a minimum.

(b) Projects shall select individuals for enrollment on the basis of the individuals' eligibility and on the basis of the earliest application for enrollment into the project, except that individuals who are 60 years old or older shall be granted first consideration for selection.

(c) Each applicant's eligibility shall be established, documented and retained on record. Adequate documentation shall consist of a signed and dated application form which attests that information the application form contains is true, to the best of the applicant's knowledge. This form which, will be established by the Department, shall indicate the applicant's age, income, and employment status as well as other personal characteristics.

§ 89.19 Medical examination.

(a) Each eligible individual selected for enrollment in a project shall undergo a physical examination prior to taking part in the employment activities under the project.

(b) Each individual enrolled shall undergo a physical examination no less frequently than once each year while enrolled in the project.

(c) Project sponsors are encouraged to obtain these medical services through locally available resources at no cost or reduced cost to the project. However, the costs of such examinations will be considered an allowable fringe benefit for eligible individuals selected and enrolled in the project.

§ 89.20 Orientation and pre-placement training.

(a) Each individual enrolled in a project shall, as soon as is practicable, receive a formal orientation to the project. Such orientation shall provide the new enrollee with information related to:

(1) The nature and objectives of the project;

(2) Employment opportunities and work assignments available under the project;

(3) Training available under the project;

(4) Supportive services available under the project;

(5) The responsibilities of enrollees under the project; and

(6) The rights and privileges of enrollees under the project.

(b) Project sponsors are authorized to provide enrollees with job-related training prior to and as preparation for their actual placement into productive, part-time, community service work under the project. Such training may be delivered through lectures, seminars, classroom instruction, or through other arrangements. Project sponsors are encouraged to seek and obtain such training services through locally available resources at no cost or reduced cost to the project.

(c) Such training, combined with orientation, shall not be continued for any individual past the 4th week after the individual's enrollment in the project.

(d) Time spent by enrollees in such orientation and pre-placement training shall be considered as employment under the project and shall be reimbursed at the Federal or State minimum wage, whichever is highest.

§ 89.21 Placement of enrollees into subsidized employment.

Projects shall, after a thorough assessment of the individual's skills, aptitudes, and work preferences, place enrollees into subsidized, part-time, community service employment positions. Placement shall be made in accordance with the following guidelines:

(a) Enrollee employment positions under the project are to provide for no more than 1300 hours of employment annually nor more than 30 hours of employment in a given week. No enrollee shall be employed (which includes orientation and training) in excess of these periods.

(b) Projects shall ensure that enrollees receive adequate orientation and instruction from their worksite supervisor with regard to job responsibilities and duties and job safety. Projects shall further ensure that enrollees receive the job supervision necessary to enable them to perform as productive and effective workers. In this regard, enrollees shall be placed into employment positions in which:

(1) Supervision is provided directly by the project sponsor or its subsponsor, or

(2) supervision is provided by an eligible host agency. Organizations eligible to act as host agencies are public agencies and private organizations exempt from taxation under the provision of section 501(c)(3) of the Internal Revenue Code of 1954, other than political parties.

(c) Enrollees shall be employed at worksites in or nearby the communities in which they reside.

(d) Acceptable work assignments for enrollees are those which contribute to the general welfare of the community. Enrollees may be employed in projects or at facilities which involve community service such as social, health, welfare, education, library, recreational, and other similar services; conservation, maintenance or restoration of natural

resources; community betterment or beautification; anti-pollution and environmental quality efforts; economic development; and other services which are essential and necessary to the community; except that (1) enrollees shall not be employed in projects involving the construction, operation or maintenance of any facility used as a place for sectarian religious instruction or worship, and (2) enrollees shall not be assigned work involving building and construction of highways and other work which inures primarily to the benefit of private, profit-making organizations.

(e) Projects shall give special consideration to work assignments which (1) involve projects delivering direct services to the low-income elderly and the elderly in general and (2) which involve projects delivering direct services to the economically disadvantaged. Furthermore, project sponsors shall, to the extent feasible, give qualified enrollees consideration for work assignments involving the administration of the project.

(f) Enrollees shall be placed into productive, part-time community service work under the project immediately after their orientation and pre-placement training (if any) is completed. However, the project shall ensure that such placement is accomplished no later than 4 weeks after the individual's enrollment in the project.

(g) Each enrollee shall be offered the opportunity to work at least 20 hours each week. However, if it is mutually agreeable to both the enrollee and the project sponsor, the enrollee may work fewer hours each week.

(h) Although enrollees are authorized to work up to 30 hours each week, no enrollee shall be required to work more than 24 hours each week.

§ 89.22 Training after placement.

(a) Project sponsors are authorized to provide enrollees with continued training after they have been placed into productive, part-time community service work under the project. Such training, when it is conducted, shall be concerned mainly with teaching and upgrading job skills so that enrollees are enabled to make the most effective use of their talents and abilities. It may also be concerned with teaching of jobseeking skills in preparation for unsubsidized employment and with providing the enrollees with important consumer information in such areas as Social Security benefits, personal health, nutrition, tax requirements, retirement laws, and so forth. Such training may be delivered through lectures, seminars, classroom instruction, or through other arrangements. Project sponsors are encouraged to seek and obtain such training services through locally available resources at no cost to the project.

(b) Such training shall be conducted during normal working hours or in lieu of normal working hours. Time spent by enrollees in such training shall be considered as employment under the project and shall be reimbursed at the individual's established rate of pay. Reimbursement for any individual engaged in such training is limited to 16 hours in a given month.

§ 89.23 Enrollee supportive services.

(a) Projects shall provide job-related and personal counseling to enrollees designed to mitigate the problems encountered by the enrollee which might militate against successful participation in the project. Such counseling shall be offered freely to enrollees and shall, as a minimum, provide knowledgeable referral assistance to capable service agencies.

(b) Where not available from local resources, projects are authorized to provide enrollees with incidentals necessary for their successful participation in the project. Such incidentals may include, but are not limited to: Work shoes, badges, uniforms, safety and eye glasses, and tools.

§ 89.24 Enrollee transportation.

Project sponsors are authorized to provide for the transportation of enrollees only when (a) the travel is performed by enrollees in the direct accomplishment of project activities or (b) the travel is accomplished from central pick-up points to worksites in the cases or urban and rural worksites where public transportation is inadequate.

§ 89.25 Placement into unsubsidized employment.

(a) Projects shall strive to move individuals enrolled and employed under the project into unsubsidized full-time or part-time employment in both private and public sector jobs.

(b) The target goal established by the Secretary for the effort is that the number of enrollees so placed annually from a project be no less than 10 percent of the authorized enrollment of the project.

(c) Project sponsors shall follow-up on enrollees placed into unsubsidized employment. If such enrollee has become subsequently unemployed, the project sponsor shall grant him special consideration for reenrollment in the project. Follow-up shall be accomplished once within the 1st month of unsubsidized employment and once more within the 6th month.

§ 89.26 Duration of enrollment.

No arbitrary time limitation on duration of enrollment shall be established within any project.

§ 89.27 Adverse actions against enrollees.

Each project sponsor shall establish a procedure for resolving any issue arising between it and an enrollee under the Act. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved. When the project sponsor proposes to take an adverse action against an enrollee, such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken by the project sponsor and giving the enrollee an opportunity to respond. Final determinations made as a result of the review process shall be provided to the participant in writing.

§ 89.28 Enrollee wages.

(a) While engaged in orientation or pre-placement training, enrollees shall be paid the Federal or State minimum wage, whichever is highest.

(b) Upon placement into productive, part-time, community service work under the project, enrollees shall receive wages at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the Fair Labor Standard Act of 1938, if section 6(a)(1) of the Act applied to the participant and if he were not exempt under section 13 thereof;

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the project sponsor, its subsponsor, or host agency when that rate is no higher than $3 per hour.

(c) Hourly wage compensation for any enrollee is limited to a maximum hourly rate of $3 per hour for all hours of allowable employment.

(d) Enrollees shall be allowed compensation for not more than 1,300 hours of employment, which includes orientation and training, in any 12-month period.

§ 89.29 Enrollee fringe benefits.

Projects shall establish a single, uniform package of fringe benefits for enrollees employed under the project in accordance with the following guidelines.

(a) The following fringe benefits shall be provided to enrollees employed under a project:

(1) All fringe benefits required by law;

(2) Where enrollees are not covered by the State Workmen's Compensation Law, they shall be covered by insurance providing equal benefits with a recognized carrier or by self assurance as allowed by State law that provides equal benefits to those provided by covered employment;

(3) The project sponsor shall assure that enrollees in positions which are covered by the State Unemployment Insurance laws participate in the State Unemployment Insurance program. In the event that the services of enrollees are not covered by the State Unemployment Insurance laws, the project sponsor shall be responsible for providing from grant funds under the project a system of severance benefits for enrollees unemployed after participation in the project. This system shall provide severance benefits equivalent to the unemployment insurance to which the enrollees would be entitled had their services for the project sponsor been covered by the State Unemployment Insurance laws; and

(4) Physical examinations as required by § 89.19 of this part.

(b) The following fringe benefits will be allowable provided they are administered uniformly to all enrollees within

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a project or subproject and conform to the established policy of the project sponsor or subsponsor for regular employees:

(1) Annual leave;

(2) Sick leave;

(3) Holidays;

(4) Health insurance; and

(5) Any other fringe benefit provided pursuant to the established policy of the project sponsor or subsponsor for regular employees, except as limited by paragraph (c) of this section.

(c) Expenditures into a retirement fund for enrollees under the Act may be made only under one of the following conditions:

(1) Payments are for retirement benefits that are part of a consolidated package, including such benefits as health insurance and workmen's compensation, if separation of the benefits is not allowed; or

(2) Payments are for enrollees whom the project sponsor or subsponsor intends to hire into a permanent, unsubsidized job, provided that payments on behalf of such enrollees are made into and retained in a reserve account, and not paid into the retirement fund until the enrollee has acquired regular employee status.

§ 89.30 Working conditions for enrollees.

Enrollees shall work only under safe and healthy conditions. No enrollee shall be permitted to work in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety.

§ 89.31 Non-Federal status of enrollees.

Enrollees who are employed in any project funded under the Act shall not be considered to be Federal employees as a result of such employment, and shall not be subject to the provisions of Part III of Title 5, U.S.C.

§ 89.32 Special limitations on projects and enrollee selection.

(a) No project under this part may involve political activities, and neither the project nor the funds provided therefore, nor the personnel employed in the administration of the project, shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, U.S.C. Prohibited activities under this section include, but are not necessarily limited to, the assignment of any enrollee by a project sponsor or subsponsor or host agency to work for or on behalf of a partisan political activity; to take part in voter registration activities; or to participate in other partisan political activities such as lobbying, collecting funds, making speeches, assisting at meetings, and doorbell ringing, and distributing political pamphlets in an effort to persuade others of any political view.

(b) Participants employed in the administration of the program and participants whose principal employment is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act. Other enrollees are not precluded from taking an active part in political management or in a political campaign outside of working hours, provided they do not identify themselves as spokesmen for any funded project under the Act. All participants may take part in nonpartisan activities outside of working hours.

(c) No enrollee in any project under this part may be employed in the construction, operation, or maintenance of such part of any facility as is used or will be used for sectarian instruction or as a place of religious worship.

(d) No project will be funded if the project sponsor discriminates with respect to political affiliation. Specifically, no project sponsor, subsponsor or host agency may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is discrimination based on political belief or affiliation, and is prohibited.

(e) No project sponsor, subsponsor or host agency may hire a person into a funded position if a member of his or her immediate family is employed in an administrative capacity for the same project sponsor, subsponsor or host agency. However, where a State or local statute regarding nepotism exists which is more restrictive than this policy, the project sponsor should follow the State or local statute in lieu of this policy. For purposes of this subparagraph, the term "member of the immediate family" includes: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild. The term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for project enrollees, or operational responsibility for the project.

(f) Every grant or contract made pursuant to the Act shall contain a certification statement signed by the project sponsor concerning the provision of equal employment opportunity under the project agreement. No discrimination shall be permitted in any project under this part with respect to race, creed, color, national origin, sex, handicap, political affiliation, or beliefs.

§ 89.33 Maintenance of effort.

(a) Employment of enrollees funded under the Act shall only be in addition to employment which would otherwise be funded by the project sponsor without assistance under the Act.

(b) Projects funded under the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) Shall not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute project jobs for existing Federally assisted jobs.

§ 89.34 Limitations on Federal funds.

(a) No more than 10 percent of the Federal funds provided to a project sponsor under the Act shall be expended for administrative costs.

(b) No less than 90 percent of the Federal funds provided to a project sponsor under the Act shall be expended for enrollee costs.

(1) As to the allocation of enrollee costs, no less than 80 percent of the Federal funds provided to a project sponsor under the Act shall be expended for enrollee wages and enrollee fringe benefits.

(2) Funds allocated to enrollee costs other than enrollee wages and fringe benefits may be expended for other enrollee costs as defined in paragraph (d) of this section.

(c) No portion of the Federal financial assistance provided to a project sponsor under the Act shall be expended directly or indirectly for the purchase, erection, or repair of any building except for minor remodeling of a public building necessary to make it suitable for use by project administrators.

(d) The following definitions apply for the purposes of this section:

(1) "Administrative costs" include, but are not limited to salaries, wages and fringe benefits of project administrators; costs of consumable office supplies used by project staff; costs incurred in the development, preparation, presentation, management and evaluation of the project; the costs of establishing and maintaining accounting and management information systems; cost incurred in the establishment and maintenance of advisory councils; travel of project administrators; rent, utilities, custodial services and indirect costs allowable to the project; training of staff and technical assistance to contractor and subgrantee staff; costs of equipment and material for use by staff; indirect costs allowable to the project; training of staff and technical assistance to contractor and subgrantee staff; and audit services. Project sponsors may be able to lower these costs by using enrollees in the administration of the project. In such event, wages, fringe benefits, and travel costs for such persons shall be charged as enrollee costs;

(2) "Enrollee wages" means wages paid to enrollees for their hours of employment, including orientation and pre-placement training, under the project;

(3) "Enrollee fringe benefits" means fringe benefits provided to enrollees for their hours of employment, including orientation and pre-placement training, under the project;

(4) "Other enrollee costs" include, but are not limited to (i) enrollee transportation costs, (ii) enrollee training costs, including costs for instructors, rental of facilities, supplies, materials, equipment, tuition, and other costs directly attributable to the training of enrollees as are allowable, (iii) enrollee supportive services including special counseling and incidentals necessary for successful enrollee participation such as work shoes, badges, uniforms, safety and eyeglasses, and tools, where such incidentals are not available through local resources.

§ 89.35 Sponsor contribution to the costs of the project.

(a) The Secretary shall pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under this part, except that the Secretary is authorized to pay all of the costs of any such project which is (1) an emergency or disaster project or (2) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce or with other appropriate Federal agencies.

(b) Except as specifically exempted by the provisions of paragraph (a) of this section, project sponsors shall contribute no less than 10 per centum to the costs of the project. The sponsor contribution shall be from non-Federal sources. The sponsor contribution may be in cash or in-kind. The Secretary shall attribute fair market value to services and facilities contributed from non-Federal sources.

Subpart D—Grant Administration

§ 89.36 General.

(a) This Subpart D sets forth the requirements of the Department of Labor which relate to the administration of grants under the Act. Project agreements under the Act entered into between the Department and units of State and local government shall take the form of a grant.

(b) The administrative requirements contained in this Subpart D reflect those authorized and required by OMB Circular A–102. This Subpart D explicates the administrative requirements contained in OMB Circular A–102 as they apply specifically to grants under the Act.

§ 89.37 Cash depositories.

(a) The grantee may, at its own discretion, include grant funds received under this grant within its established system of funds control or may establish a separate bank account for those funds made available under the grant.

(b) A separate bank account may be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee, the Federal Government, and the banking institutions involved.

(c) Any moneys advanced to the State or local governments which are determined to be "public moneys" (owned by the Federal Government) must be deposited in a bank with FDIC insurance coverage and the balances exceeding the FDIC coverage must be collaterally secure, as provided for in 12 U.S.C. 265.

(d) Consistent with the national goal of expanding the opportunities for minority business enterprises, State and local governments shall be encouraged to use minority banks.

§ 89.38 Bonding and insurance.

The grantee shall apply its normal bonding and insurance requirements, including fidelity bonds, to protect the interest of the Federal Government.

§ 89.39 Retention and custodial requirements for records.

(a) The grantee shall maintain all records pertinent to the grant program in accordance with its established procedures with the exception that financial records, supporting documents, statistical records, and all other records pertinent to this grant program shall be retained for a period of 3 years, with the following qualifications:

(1) The records shall be retained beyond the 3-year period if audit findings have not been resolved;

(2) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after its final disposition;

(3) When grant records are transferred to or maintained by the Federal grantor agency, the 3-year retention requirement is not applicable to the grantee.

(b) The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

(c) The substitution of microfilm copies in lieu of original records may be authorized by the Federal grantor agency upon request of the grantee.

(d) The Federal grantor agency shall request transfer of certain records to its custody from the grantee when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the Federal grantor agency may make arrangements with the grantee to retain any records which are continuously needed for joint use.

(e) The Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the grantee and its subgrantees which are pertinent to this grant program for the purpose of making audit, examination, excerpts and transcripts.

(f) No restrictions are placed on the grantee which will limit public access to the grantee's records except when records must remain confidential for the following reasons:

(1) To prevent a clearly unwarranted invasion of personal privacy;

(2) To specifically comply with a Federal Executive Order or statute requiring the record to be kept secret;

(3) To protect commercial or financial information obtained from a person or a firm on a privileged or confidential basis; or

(4) To avoid the disclosure of any other information which can be exploited for the purpose of personal gains.

§ 89.40 Single State agency not required.

There is no requirement contained in the Act nor will any requirement be imposed by the Department to the effect that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of grant projects under the Act.

§ 89.41 Program income.

(a) This section sets forth standards applicable to grantees in accounting for program income related to programs under the grant. For the purpose of this section, program income means gross income earned by the grant-supported activities.

(b) In accordance with section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), the States and any agency or instrumentality of a State, who are project sponsors under the grant, shall not be held accountable for interest earned on grant funds pending their disbursement for program purposes.

(c) Units of local government shall be required to return to the Federal Government interest earned on advances of grant funds (42 Comp. Gen. 289).

(d) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the requirements set forth in § 89.48 of this part pertaining to property management.

(e) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of $200 annually shall be returned to the grantor agency.

(f) All other program income earned during the grant period shall be retained by the grantee and shall be added to funds committed to the program and be used to further eligible program objectives.

(g) The grantee is required to record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions.

§ 89.42 Matching share.

As stated in § 89.35 of this part the required non-Federal contribution to the costs of the project shall be no less than 10 percent of the total costs of the project except as otherwise provided in § 89.35. The criteria and procedures for the allowability and evaluation of cash and in-kind contributions made by the grantee in satisfying the matching share requirement shall be those set forth in OMB Circular A–102, Attachment F.

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§ 89.43 Standards for grantee financial management systems.

(a) This section sets forth the Federal grantor agency's standards for financial management systems of grants awarded to grantees under the Older American Community Service Employment Act.

(b) The grantee's financial management systems shall provide for:

(1) Accurate, current, and complete disclosure of the financial results of the grant program in accordance with the grantor's reporting requirements. The grantor requires reporting on an accrued expenditure basis. If the grantee's accounting system is not kept on that basis, the grantee shall develop such information through an analysis of the documentation on hand or on the basis of best estimates;

(2) Records which identify adequately the source and application of funds for the grant program. The non-Federal matching share must be identified and supported by documentation and records comparable to that required for the Federal share. These records shall contain information pertaining to the grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and incomes;

(3) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes;

(4) Comparison of actual with budgeted amounts for the grant, and the relationship of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor;

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantees, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements. Cash on hand and on deposit will be limited to an estimated 3 days requirement;

(6) Procedures for determining the allowability and allocability of costs in accordance with the provisions of OMB Circular A–87, 41 CFR 1–3, or 41 CFR 1–15, whichever is applicable;

(7) Accounting records which are supported by source documentation and procedures to assure that these records will be retained for the 3-year period as prescribed elsewhere; and

(8) Audits to be made by the grantee or at his discretion to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audit with reasonable frequency, usually annually, but not less frequently than once during the life of the grant, considering the nature, size, and complexity of the activity.

(9) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) Grantees shall require subsponsors (i.e., recipients of subproject agreements which are passed through by the grantee) to adopt all of the above standards in their financial management-systems.

§ 89.44 Financial reporting requirements.

(a) This section provides the grantee with the Federal grantor agency's basic financial and accounting policies and procedures for controlling and reporting program funds relating to grants awarded under the Older American Community Services Employment Act.

(b) The following definitions apply for the purposes of this section:

"Accrued expenditures" are the charges incurred by the grantee during a given period requiring the provision of funds for: (1) Goods and other tangible property received; (2) services performed by employees, contractors, subgrantees, and other payees; and (3) amounts becoming owed under programs for which no current services or performance are required;

"Accrued income" is the earnings during a given period which is a source of funds resulting from (1) services performed by the grantee, (2) goods and other tangible property delivered to purchasers, and (3) amounts becoming owed to the grantee for which no current services or performance are required by the grantee;

"Disbursements" are payments in cash or by check;

"Federal funds authorized" represent the total amount of the Federal funds authorized for obligations within the grant award document or any amendment thereto, and establish the ceilings for obligation of Federal funds;

"In-kind contributions" represent the value of noncash contributions provided by (1) the grantee, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of charges for real property and equipment, and value of goods and services directly benefiting and specifically identifiable to the grant program;

"Obligations" are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period;

"Outlays" represent charges made to the grant project or program. Outlays will be reported on an accrued expenditure basis;

"Program income" represents earnings by the grantee realized from the grant-supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income will be reported on an accrued income basis;

The "unobligated balance" is the portion of the funds authorized by the Federal grantor agency which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized; and

"Unpaid obligations" represent the amount of obligations incurred by the grantee which have not been paid.

(c) The grantee will be responsible for maintaining a system of financial records which will provide the financial information necessary to complete the following reports: Financial Status Report, Report of Federal Cash Transactions, and Request for Advance or Reimbursement.

(1) The Financial Status Report shall be prepared and submitted in accordance with the following guidelines:

(i) The grantee will prepare and submit the Financial Status Report to coincide with the ending dates of Federal fiscal year quarters. This report should be sent by the grantee to be received by the ARDM no later than 30 days after the end of the reporting period;

(ii) The grantee shall prepare and submit a final Financial Status Report within 90 days after completion of the grant. An extension to reporting due dates may be granted when requested by the grantee;

(iii) The grantee shall submit an original and two copies of the completed Financial Status Report for each reporting period to the ARDM.

(iv) The Financial Status Report shall specify two separate functional cost areas. They are (A) Administrative costs and (B) Enrollee costs.

(2) The Report of Federal Cash Transactions shall be prepared and submitted in accordance with the following guidelines:

(i) When funds are advanced to the grantee through letter of creditor or by individual written requests, the grantee shall prepare and submit on an accrued basis a "Report of Federal Cash Transactions." This report will be used by the grantor to monitor cash advanced to the grantee and to obtain cash outlay information for the grant;

(ii) The grantee shall submit an original and two copies of the completed "Report of Federal Cash Transactions" not later than 15 working days following the end of the quarterly reporting period to the ARDM.

(3) The Request for Advance or Reimbursement shall be prepared and submitted in accordance with the following guidelines:

(i) When funds are advanced on an indivdual request basis, the grantee shall prepare and submit on an accrued basis a "Request for Advance or Reimbursement" for all advances or reimbursements;

(ii) Procedure for requesting an advance are outlined in § 89.46 of this part.

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§ 89.45 Monitoring and reporting of project performance.

The grantee shall monitor and report program performance for grants under the Older American Community Services Employment Act as set forth below:

(a) The grantee shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved.

(b) Grantees shall submit the Senior Community Service Employment Program Quarterly Progress Report (QPR). The QPR shall be prepared on the format established by the Department in accordance with the instructions appearing thereon. The QPR will provide vital management information relating to:

(1) Enrollment levels, turnover, and placements into unsubsidized employment;

(2) Aggregate characteristics of project enrollees; and

(3) Allocation of employment positions among specific community service areas.

(c) The grantee shall submit the Quarterly Progress Report to the Federal grantor agency with the Financial Status Reports, in the frequency established by § 89.44.

(d) The grantee shall, prior to any reporting period, report to the Federal grantor agency the following type of conditions that may have a significant impact on the grant project as soon as they become known:

(1) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods; this disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation; and

(2) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

(e) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in § 89.47 of this part, the grantee shall submit a request for budget revision.

(f) The Federal grantor agency will make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be required.

§ 89.46 Grant payment requirements.

(a) Grant payments shall be made to grantees in such a manner as to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the actual disbursement thereof by the grantee. Any cash on hand or on deposit in excess of a 3-day supply will be considered as excessive to the grantee's immediate needs.

(b) Grant payments are made to grantees either through letter of credit, by an individual written request, or a reimbursement by Treasury check. The grant payment procedures set forth in OMB Circular A–102, Attachment J, shall govern payment for grants under the Act.

§ 89.47 Budget revision procedures.

(a) This section sets forth requirements for grantees with respect to reporting deviations from the grant budget and in requesting approvals for budget revisions.

(b) The grant budget as used in this section means the approved financial plan, as contained in the project agreement, for both the Federal and non-Federal shares to carry out the purpose of the grant. This plan is the financial expression of the project as approved during the grant application and award process.

(c) The grantee shall request prior approvals promptly from the grantor agency for budget revisions whenever:

(1) The revision results from changes in the scope or the objective of the grant-supported project;

(2) The revision indicates the need for additional Federal funding;

(3) The grant budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or 5 percent of the grant budget, whichever is greater. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the grantor agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended;

(4) The grant budget is $100,000, or less, and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed 5 percent of the grant budget. The same criteria apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for a grant, except that the grantor agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended;

(5) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs; or

(6) The revisions pertain to the inclusion of reimbursable costs requiring prior approval in accordance with the provisions of OMB Circular No. A–87.

(d) All other changes to grant budgets do not require approval. These changes include (1) the use of grantee funds in furtherance of program objectives over and above the grantee minimum share included in the approved grant budget, and (2) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(e) Grantees shall notify the grantor agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the grantee by more than $5,000 or 5 percent of the Federal grant, whichever, is greater. This notification shall be made no later than the 1st day of the 8th month of the fiscal year in which the grant was executed. The Secretary reserves the right to reduce the amount of Federal funds obligated under the grant by the amount indicated by the grantee as being excessive to the requirements of the project. The notification requirement contained in this section shall not be in effect for Fiscal Year 1974 nor shall it be in effect for any grant which was executed after the 8th month of the fiscal year.

(f) When requesting approval for budget revisions, grantees shall use the budget forms which were used in the grant application. However, grantees may request by letter the approvals required by the provisions of OMB Circular No. A–87.

(g) Within 30 days from the date of receipt of the request for budget revisions, the grantor agency will review the request and notify the grantee whether or not the budget revisions have been approved. If the revision is still under consideration at the end of 30 days, the grantor will inform the grantee in writing as to when the grantee may expect the decision.

§ 89.48 Grant closeout procedures.

(a) This section prescribes uniform closeout procedures for Federal grants under the Act.

(b) The following definitions shall apply for the purpose of this section:

"Grant closeout" is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor;

"Date of completion" is the date when all work under a grant is completed or the date in the grant award document, or any supplement or amendment thereto, on which Federal assistance ends;

"Termination" of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion;

"Suspension" of a grant is an action by a Federal grantor agency which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision to terminate the grant by the grantor agency; and

"Disallowed costs" are those charges to a grant which the grantor agency or its representative determines to be unallowable. (See OMB Circular No. A–87.)

(c) The following procedures are to be observed in the grant closeout process:

(1) Upon request, the Federal grantor agency will make prompt payment to the grantee for allowable reimbursable costs under the grant being closed out;

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(2) The grantee shall immediately refund to the grantor agency any unencumbered balance of cash advanced to the grantee;

(3) The grantee shall submit to the grantor agency within 90 days after the date of completion of the grant all financial, progress, and other reports required as a condition of the grant. Extensions may be allowed upon request of the grantee;

(4) The grantor agency shall make a settlement for any adjustments to the Federal share of costs after these reports are received;

(5) The grantee shall account for any property acquired with grant funds, or received from the Government in accordance with the provisions of § 89.49 of this part;

(6) In the event a final audit has not been performed prior to the closeout of the grant, the grantor agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(d) In the event that the Federal grantor agency determines that a grantee has failed to comply with stipulations, standards, or conditions of the grant agreement, the grantor agency may, on reasonable notice to the grantee, but no less than 7 days, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph (e)(1) of this section. The grantor agency may allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of OMB Circular No. A–87.

(e) Termination of a grant may be accomplished under the following conditions:

(1) The grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The grantor agency shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the grantor agencies under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties; and

(2) The grantor agency or grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal agency shall allow full credit to the grantee for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

§ 89.49 Property management standards.

The grantee may use its own property management standards and procedures providing it also complies with the requirements of the Property Handbook for A–102, Eligible Grantees. This handbook will be provided to each grantee by the Department.

§ 89.50 Procurement standards.

The procurement standards set forth in OMB Circular A–102, Attachment O, shall be followed and enforced by grantees under the Act in their procurement of services, supplies, and equipment necessary to implement the scope of work covered by the grant agreement.

§ 89.51 Allowable costs.

Within the restrictions contained in § 89.34 of this part, entitled "Limitations on Federal Funds.", funds granted under the Act may be expended only for purposes permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations (OMB Circular A–87).

Subpart E—Contract Administration

§ 89.52 General.

This Subpart E provides a reference to those regulations which relate to the administration of contracts under the Act. Project agreements under the Act which are entered into between the Department and organizations other than units of State or local government shall take the form of a cost reimbursement contract.

§ 89.53 Reference to applicable regulations and requirements.

The regulations and requirements contained in 41 CFR, Chapter 1, shall apply to cost reimbursement contracts under the Act.

Subpart F—Assessment and Evaluation

§ 89.54 General.

This Subpart F sets forth the procedures which will be observed by the Department in assessing and evaluating the results and effectiveness of projects under the Act. The Department will assess project sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their project agreements. The Secretary will also evaluate the overall program conducted under the Act to aid in the overall administration of the Act.

§ 89.55 Responsibilities of the Secretary.

(a) As used in this section, the term "assessment" refers to the Federal review of plans and performance of individual project sponsors and the term "evaluation" refers to the Federal study of the overall results and effectiveness of projects under the Act.

(b) The Secretary has the responsibility to determine that the project sponsor is operating in general accordance with its project agreement in carrying out the purposes and provisions of the Act, and has demonstrated maximum efforts to implement the provision in its prior year's agreement.

(1) The Secretary will assess the projects in order to determine compliance with assurances and provisions contained in the project agreements, compliance with the purposes and provisions of the Act, and performance in the achievement of objectives specified in the project agreement.

(2) Such assessment will be conducted through the review of required periodic reports and, as necessary, be supplemented by special reports from the project sponsor, the examination of records maintained by the project sponsor, selective on-site reviews, including in certain instances, the investigation of allegations or complaints, or other examination as deemed necessary and appropriate by the Secretary.

(3) Assessment may also be conducted for purposes of offering technical assistance and recommendations for corrective actions to project sponsors as considered necessary.

(c) The Secretary has the responsibility to provide for the continuing evaluation of all programs and activities conducted pursuant to the Act. Such studies will include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implications for related programs;

(4) Extent to which needs of the target client group are being met;

(5) Adequacy of mechanisms for the administration of the program;

(6) Opinions of participants about the strengths and weaknesses of the project; and

(7) The extent to which artificial barriers restricting employment and advancement opportunities in organizations receiving funds under the Act have been removed.

(d) The Secretary will compile, on a State, regional, and national basis, information obtained from periodic reports or special reports, surveys, or samples required from project sponsors, including information related to:

(1) Enrollee characteristics;

(2) Levels of enrollment and turnover in enrollment;

(3) Allocation of enrollment positions among specific areas of community service; and

(4) Total dollar cost per enrollment position.

(e) Evaluations carried out in accordance with paragraph (c) of this section may be conducted directly by the Department or through contract, grant or other arrangement as the Secretary deems necessary or appropriate.

§ 89.56 Limitation.

The Secretary will not, in arranging for evaluation of any project under the Act, utilize for such evaluation any nongovernmental individual, institution, or organization which is associated with that project as a consultant, technical advisor or in any similar capacity.

§ 89.57 Consultation with other agencies.

The Secretary will consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education and Welfare, and any other related Federal agency administering related programs with a view to achieving optimal coordination with other such programs and will promote the coordination of projects under the Act with other public and private programs or projects of a similar nature.

Signed at Washington, D.C. this 4th day of June, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74–13176 Filed 6-7-74;8:45 am]

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June 11, 1974—Pages 20465–20571

federal register

TUESDAY, JUNE 11, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 113
Pages 20465–20571

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4297

Father's Day, 1974

By the President of the United States of America

A Proclamation

For many Americans, Father's Day is best celebrated by showering the male head of the household with carefully chosen gifts.

These gifts are symbolic, of course, of the year-round love and gratitude which children feel for both of their parents. From their fathers frequently come the strength and stability which children of all ages need in order to grow up to be constructive, confident men and women. Fathers offer guiding hands for children to pass successfully through the difficulties and awkwardness of youth. And fathers bring harmony and balance to life in the home.

Nineteen seventy-four is an especially poignant time to celebrate Father's Day, since this year no young American soldiers are being sent to fight anywhere in the world. A nation at peace: this is the legacy that all fathers want to leave their children and is ultimately the greatest gift of all on Father's Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with a joint resolution of Congress approved April 24, 1972, do hereby request that June 16, 1974 be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of June, in the year of our Lord nineteen hundred seventy-four, and of the independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-13520 Filed 6-7-74;4:01 pm]

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EXECUTIVE ORDER 11786

Inspection of Tax Returns by the Committee on the Judiciary, House of Representatives

By virtue of the authority vested in me by sections 6103(a) and 6106 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a), 6106), it is hereby ordered that the Committee on the Judiciary, House of Representatives, or any duly authorized subcommittee thereof is authorized, in connection with House Resolution 803, authorizing and directing an investigation to determine whether grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America, to inspect all tax returns of President Nixon for the years 1969 through 1972, including other records, reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence relating to such returns. Whenever a return is open to inspection by such Committee or subcommittee, a copy thereof shall, upon request, be furnished to such Committee or subcommittee. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
June 7, 1974.

[FR Doc.74-13519 Filed 6-7-74;4:01 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Fedaral Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARMENT OF AGRICULTURE

PART 631—GREAT PLAINS CONSERVATION PROGRAM

Correction

In FR Doc. 74-26655, appearing at page 34644, in the issue for Monday, December 17, 1973, the following changes should be made:

1. In § 631.11(a) (33), delete the 11th and 12th lines from the bottom of the paragraph.

2. In § 631.25(1), first line preceding "where" insert "case".

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.12]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

Sections 1823.466 to 1823.469 of Subpart O of Part 1823 published at 39 FR 3814-3815; 39 FR 4870-4871, are deleted from Chapter XVIII of Title 7, Code of Federal Regulations. Water and waste disposal grants are contained in the new Subpart P of this Part 1823. Sections 1823.461 to 1823.470 are hereby reserved.

(Sec. 7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This deletion is effective on June 11, 1974.

Dated: June 7, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-13430 Filed 6-7-74; 11:31 am]

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

An amendment to Subchapter B, "Loans and Grants Primarily for Real Estate Purposes," adds a new Subpart P, "Development Grants for Community Domestic Water and Waste Disposal Systems," of Part 1823, Title 7, Code of Federal Regulations, which provides the policies and authorizations for making and processing grants to assist in the financing of domestic water and waste disposal facilities in rural areas.

The Farmers Home Admnistration (FmHA) has been making grants under the sections of Subpart O of this Part 1823, being deleted, and which are now being placed, in an expanded form, in this new Subpart P. Since it is necessary that the FmHA proceed with the making of needed grants and not deprive the public of immediate benefits, it is unnecessary and would be contrary to the public interest to delay the program by publishing notice of proposed rulemaking as provided by 5 U.S.C. 553 (b) and (c).

In accordance with the spirit of the public policies set forth in 5 U.S.C. 553, interested persons may submit, on or before Sept. 9, 1974, written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U. S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this amendment shall remain effective until it is amended in order to permit the public business to proceed expeditiously. This new Subpart P reads as follows:

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

Sec.
1823.471 General—water and waste disposal development.
1823.472 Application processing.
1823.473 Eligibility.
1823.474 Compliance with comprehensive water and waste disposal development plan and other regulatory requirements.
1823.475 Regional Commission grant funds.
1823.476 Management assistance.
1823.477 Redelegation of authority.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

§ 1823.471 General—water and waste disposal development.

This Subpart P sets forth Faarmers Home Administration (FmHA) policies and requirements pertaining to grants for the development of water and waste disposal facilities. FmHA shall cooperate fully with appropriate State agencies in the making of grants in a manner which will assure maximum support of the States' strategies for development of rural areas. State and substate A-95 Agencies may recommend priorities for applications. FmHA will give due consideration to all A-95 Agency review comments and priority recommendations in selecting applications for funding. Priority will be given to water facility projects.

§ 1823.472 Application processing.

Applications will be processed in accordance with applicable portions of present Subpart A of this Part, and the following:

(a) Grants may not exceed fifty percent (50%) of eligible project development costs listed in paragraph (c) of this section.

(d) Determining the need for development grant: Grants will be used for projects serving the most financially needy communities, and to reduce family user costs to a reasonable level. Reasonable shall be defined as that which is not less than existing prevailing rates in communities being served by established systems constructed at similar per family user cost, having similar economic conditions, and with families having income levels comparable to those in the applicant community. User costs shall include charges, taxes, and assessments attributable to the project.

(1) Ordinarily a grant will be considered only when the debt service portion of the average family user cost for either water or sewer service exceeds one percent (1%) of the median family income (average income if median income is not available) as determined in accordance with paragraph (b) (3) of this section for those families in the applicant service area and will be limited to an amount necessary to reduce the debt service portion of family user cost to such one percent (1%) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section.

(2) If, after applying the formula described in paragraph (b) (1) of this section FmHA determines that a reasonable family user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce family user costs to not below a reasonable level as defined in paragraph (b) of this section.

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(3) The median family income in the applicant community or those reference communities used in comparing the proposed system with similar systems, will be determined by the FmHA State Director as follows:

(i) The median family income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (1)—C series, which is available for each State.

(ii) For those projects where the FmHA State Director has reason to believe that the census data is not an accurate representation of the median family income within the area to be served, he may determine the median family income taking into consideration the following:

(A) Data from responsible public or private sources.

(B) His knowledge of the community based on available FmHA data gained through individual loans.

(C) The results of a survey conducted by the applicant.

(D) By using a combination of the above.

(4) Preliminary engineering reports and suggested operating budgets included therein will be prepared without taking into consideration a grant.

(c) Use of grant funds: Funds may be used only for the following purposes:

(1) *Domestic water and waste disposal facilities*. Install and improve central community domestic water and waste disposal facilities including:

(i) Facilities for the development, storage, treatment, purification, and distribution of water.

(ii) Sanitary sewer facilities including collecton lines, treatment plants, outfall lines, disposal fields, and stabilization ponds.

(iii) Storm sewers for the collection and disposal of surface drainage.

(iv) Solid waste disposal projects including facilities for the collection, treatment, or disposal of human, animal, agricultural, and other wastes. Items such as garbage trucks and equipment, sanitary landfills, and incinerators are included.

(2) *Acquire land and rights*. Acquiring land, interest in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(3) *Buildings, fences, secondary facilities, and relocation*. (i) Construct buildings of modest design, size, and cost, and fences essential to the successful operation or protection of authorized facilities and to provide storage for tools and supplies needed to operate the facility, and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(ii) Relocate roads, bridges, utilities, fences, and other public or private improvements.

(4) *Services and fees*. Pay costs incidental to establishment of such facilities or for services necessary in accomplishing any of the above purposes, including, but not limited to:

(i) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(ii) Paying for other services necessary in planning and completing the facilities to be financed.

(iii) Acquiring a water supply by the purchase of water stock or membership in a water users association.

(d) Grant limitations: (1) Grant funds may not be used to:

(i) Pay for the construction of any new combined storm and sanitary sewer facilities.

(ii) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(iii) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.

(iv) Purchase firetrucks, hoses, and other firefighting equipment or construct housing for such equipment.

(v) Pay rental for the use of equipment or machinery owned by the association.

(vi) Pay for sales rooms or other purposes not directly related to operation and maintenance of the facility being installed or improved.

(vii) Purchase existing systems.

(viii) Refinance existing indebtedness.

(ix) Pay any portion of the cost of a facility in cases where the annual reserve based on a typical year exceeds one-tenth of the average annual debt service requirement unless State regulatory agencies require a larger reserve, or where operation and maintenance costs are unrealistic.

(x) Pay interest.

(2) An FmHA development grant may not be made in excess of fifty percent (50%) of the eligible development cost.

(3) FmHA grants may be used on projects where other Federal financial assistance (such as Environmental Protection Agency (EPA), Economic Development Administration (EDA), shared revenue, Appalachia, or other Regional Development Commission grants) is available on all or part of the facility. FmHA grants may be used on collection systems where EPA grants are available only on waste treatment plants. If any Federal grants, other than FmHA are made in connection with the proposed project, the amount of any FmHA grant plus the amount of other Federal grants may not exceed fifty percent (50%), or the appropriate EPA percentage for sewage facilities, of the development costs of the project unless such other Federal grants are being made by the Department of Defense, EDA, or a Regional Economic Development Commission. In determining the Federal grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

(4) Facilities previously installed will not be considered in determining the development costs. The amount of any FmHA advance for planning previously made may be included in the development cost.

(e) Grant closing and delivery of funds:

(1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FmHA, these grant funds should be used before FmHA grant funds.

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed.

(i) Grantees shall provide FmHA through the use of Forms AD–627, "Report of Federal Cash Transaction," and AD–629, "Outlay Report and Request for Reimbursement for Construction Programs," a complete factual report regarding financial transactions pertaining to the project to be financed with grant funds.

(ii) Final costs shall be determined and should there remain a cash balance after paying the allowable items as shown on Forms AD–627 and AD–629, the grantee shall immediately refund such balance to FmHA. In the event the required audit has not been performed prior to grant closing, FmHA retains the right to recover an appropriate amount after considering the recommendations on disallowed costs resulting from the audit. FmHA, of course, may also recover amounts which by subsequent investigation are found to have been improperly spent by Grantee.

(iii) Grant funds will be delivered by Treasury check.

(f) Obtaining development grant agreement: Form FmHA 442–31, "Association Water or Sewer System Grant Agreement," will be completed and executed in accordance with requirements of approval and closing instructions. Both County Supervisors and State Directors are authorized to sign the grant agreement on behalf of the FmHA. For grants that supplement FmHA loan funds, the grant should be closed simultaneously with the closing of the loan. The grant will be considered closed when Form FmHA 442–31 has been properly executed. Form FmHA 442–31 provides that the grantee will agree to the following:

(1) Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any necessary modifications thereof prepared by Grantee and approved by Grantor.

(2) Permit periodic inspection of the construction by a designated representative of Grantor during construction.

(3) Manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

(4) Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, or national origin, at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated ____________, 19__, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter Grantee may make such modifications to the rate schedule as Grantee deems necessary to efficiently and economically provide for the financial requirements of the system as long as the rate schedule remains reasonable and nondiscriminatory.

(5) Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

(6) Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

(7) Not transfer or dispose of the system, or any part thereof, being constructed or improved with such grant funds without the written consent of Grantor, and not encumber the project for a period of five years from the date hereof without the written consent of the Grantor.

(8) Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a designated representative of the Grantor.

(9) To execute Form FmHA 400–1, "Equal Opportunity Agreement," to which is annexed a Form FmHA 400–2, "Equal Opportunity Clause," and to incorporate in or attach as a rider to each construction contract for the project involving $10,000 or more a Form FmHA 400–2; to execute Form FmHA 400–4, "Nondiscrimination Agreement," and to execute any other agreements required by Grantor which Grantee is legally authorized to execute. If any such Form has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another Form of the same type need not be executed in connection with this grant.

(10) Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of 5 per centum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

§ 1823.473 Eligibility.

To be eligible for water or waste disposal development grant assistance an applicant must meet the requirements of § 1823.2.

§ 1823.474 Compliance with comprehensive water and waste disposal development plan and other regulatory requirements.

(a) Each grant shall meet the requirements of § 1823.10 and the following. No grant shall be made in connection with any project unless the project—

(1) Will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed,

(2) Is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and

(3) Is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area in which the project is located.

§ 1823.475 Regional Commission grant funds.

When Regional Commission grant funds are administered by FmHA and an FmHA loan or grant is associated with the Regional Commission grant no administrative charges will be made. If no FmHA loan or grant is associated with the Regional Commission grant an administrative charge will be made pursuant to the Economy Act of 1932 (31 U.S.C. 686). A fee of five percent (5%) of the first $50,000 of a Regional Commission grant and one percent (1%) of any amount over $50,000 will be paid FmHA by the commission.

§ 1823.476 Management assistance.

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications to assure that funds are expended for approved purposes.

§ 1823.477 Redelegation of authority.

The State Director is responsible for implementing the authorities contained in this Subpart. He may redelegate such authority to appropriate FmHA employees.

Effective date: This amendment is effective on June 11, 1974.

Dated: June 7, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–13431 Filed 6–7–74;11:30 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4, Amdt. 1]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Section 501 Loans

On May 10, 1974, the Small Business Administration published in the FEDERAL REGISTER (39 FR 16907) a notice of proposed rule making which amends Revision 4, § 108.501–1(f).

It limits the interest rate to 8 percent taking into consideration the cost of money to the Treasury.

The public was invited to comment by May 20, 1974. No comments were received and the proposed amendment is adopted. This amendment is effective as of May 24, 1974.

§ 108.501–1 Section 501 Loans.

* * * * *

(f) *Interest Rate*. The rate of interest on section 501 loans to state development corporations shall be at a rate (not to exceed 8 percent per annum) which shall be established annually at the beginning of each fiscal year by the Administrator, taking into consideration the average market yield on outstanding U.S. Treasury obligations of comparable maturity, plus such additional charge, if any, to cover other costs of the program as the Administrator may determine and as consistent with the section 501 program.

Dated: June 3, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–13304 Filed 6–10–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–EA–32; Amdt. 39–1871]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to amend AD 69–2–1 applicable to deHavilland DHC–6 type airplanes.

Since the publication of AD 69–2–1 experience has indicated the feasibility and need to inspect the total wing front spar fitting P/N C6WM1031–1 and –2. As this inspection further relates to air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended so as to amend AD 69–2–1 as follows:

(1) Add the following subparagraph (3) to paragraph (a):

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(3) At the next inspection required by paragraph (a)(1) above after the effective date of this amendment (amendment 39-1871), inspect the whole fitting in accordance with the procedure and repetitive inspection interval as specified in paragraph (a)(1) above.

This amendment is effective June 18, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 4, 1974.

James Bispo,
Acting Director, Eastern Region.

[FR Doc.74-13288 Filed 6-10-74;8:45 am]

[Docket No. 74-SO-59; Amdt. 39-1867]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series

There have been cracks of the outer wing lower forward beam cap and web on Lockheed Model 382 series airplanes that could result in wing failures. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the outer wing lower forward beam cap and web on Lockheed Model 382 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

Lockheed. Applies to all Model 382 Series Airplanes, Serial Numbers 3948 and 4101 Through 4541 Certificated in all Categories

Compliance as indicated

(a) For airplanes with 5000 or more hours total time in service on the effective date of this AD comply with paragraph (c) within the next 50 hours time in service, and thereafter at intervals not to exceed 1000 hours time in service from the last inspection.

(b) For airplanes with less than 5000 hours total time in service on the effective date of the AD comply with paragraph (c) before the accumulation of 5050 hours total time in service, and thereafter at intervals not to exceed 1000 hours time in service from the last inspection.

(c) Inspect outer wing lower forward beam cap, web, and skin for cracks in the area extending from outer wing stations 153 to 162 and 198 to 207, both left and right.

(1) Inspect outer wing lower forward beam cap at the fastener holes used to attach skin panel and beam web in the area extending from outer wing stations 153 to 162 and 198 to 207, both left and right inside the number 1 and number 4 dry bay areas. Inspection shall be by dye penetrant method in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(2) Inspect outer wing lower forward beam web from top of cap flange upward 3 inches in the area extending from Outer Wing Stations 153 to 162 and 198 to 207, both left and right, inside the number 1 and number 4 dry bay areas. Inspection shall be visual in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, using flashlight after cleaning area to be inspected.

(3) Inspect outer wing lower forward skin panel from aft side of beam cap aft to the first skin panel riser (approximately 2 inches) in the area extending from Outer Wing Stations 153 to 162 and 198 to 207, both left and right, externally. Inspection shall be visual in accordance with Lockheed Alert Service Bulletin A382-169 or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, using flashlight through lower nacelle access doors.

(4) Repair shall be in accordance with Lockheed Service Bulletin 382-169A or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(5) Preventive modification shall be in accordance with Lockheed Service Bulletin 382-169A or later FAA-approved revision, or Lockheed ECP 954, or Lockheed Drawing 3304406, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(d) The inspections required by this AD may be discontinued for those airplanes repaired or reinforced in accordance with paragraph (c) or in accordance with an equivalent repair or reinforcement approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(f) Aircraft may be flown to a base for performance of the inspections required per this AD in accordance with FARs 21.197 and 21.199.

(g) Report inspection findings to Chief, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

Lockheed-Georgia Alert Service Bulletin A382-169, dated May 30, 1974, covers this same subject.

This amendment becomes effective May 30, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia, on May 30, 1974.

P. M. Swatek,
Director, Southern Region.

[FR Doc.74-13289 Filed 6-10-74;8:45 am]

[Docket No. 74-EA-31; Amdt. 39-1870]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Piper PA-24, PA-30 and PA-39 type airplanes.

There have been reports of looseness of the high shear rivets attaching the stabilator torque tube bearing fittings. Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection and repair when necessary.

In view of the effect on air safety which results from the foregoing deficiency, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new Airworthiness Directive:

Piper. Applies to Models PA-24, PA-24-250 and PA-24-260, Serial Nos. 24-1 Through 24-5047; PA-24-400, Serial Nos. 26-2 Through 26-148; PA-30, Serial Nos. 30-1 Through 30-2000; PA-39, Serial Numbers 39-1 Through 39-155, Certificated in all Categories

Compliance required as indicated.

To prevent possible hazards in flight associated with loose high shear rivets which attach the stabilator torque tube bearing support fittings P/Ns 20420-00, -01 and 20419-00, -01 to the aft fuselage, accomplish the following:

1. Within the next 25 hours in service from the effective date of this AD unless previously accomplished, inspect in accordance with paragraph 2.

2. Inspect the stabilator torque tube bearing support fittings for looseness as follows:

a. Remove the tail cone and right rear aft fuselage access door.

b. Grasp the stabilator tip and exert a fore-and-aft force and then an up-and-down force.

c. Simultaneously with 2b, have another person check by feel for any looseness of the stabilator torque tube bearing support fittings.

d. Repeat 2b and 2c at the opposite stabilator tip.

3. If looseness is detected, repair in accordance with Piper Kit No. 760835 Instructions; Hi-Shear Rivet Replacement dated 12/20/73 or equivalent, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repair can be made.

4. Equivalent repairs must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 411, refers to this subject.)

This amendment is effective June 18, 1974.

(Sec. 313(a), 601, 603, of Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 4, 1974.

James Bispo,
Acting Director, Eastern Region.

[FR Doc.74-13290 Filed 6-10-74;8:45 am]

[Docket No. 74-EA-28; Amdt. 39-1872]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Piper PA-23, PA-24 and PA-30 type airplanes.

There have been reports of findings of corrosion on stabilator attachment bolts. The corrosion can affect the structural integrity of the stabilator, which presents a hazard to air safety. Since this deficiency can occur or exist in airplanes of the same type design, an airworthiness directive is being issued which will require periodic inspections and replacement when necessary.

In view of the effeca on air saftey, notice and public procedure hereon are impractical and cause exists to make the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new Airworthiness Directive:

Piper. Applies to Models PA-23-235 and PA-23-250 aircraft Serial Nos. 27-1 through 27-4654, Models PA-24, PA-24-250 and PA-24-260 aircraft Serial Nos. 24-1 through 24-5047, Model PA-24-400 aircraft Serial Nos. 26-2 through 26-148, Model PA-30 aircraft Serial Nos. 30-1 through 30-2000 certificated in all categories

Compliance required as indicated unless previously accomplished. To prevent possible hazards in flight associated with the corrosion of the stabilator attachment bolts, accomplish the following:

1. Within the next 100 hours in service, unless previously accomplished, and at intervals not to exceed three years or five hundred hours in service from the last inspection, whichever occurs first, remove the four (4) stabilator attachment bolts and inspect for corrosion.

2. If corrosion is found, before further flight, replace the bolt, nut and washer with unused parts of the same part numbers or equivalent. The bolt can be replaced with an equivalent corrosion resistent AN bolt.

3. If a corrosion-resistant AN bolt or equivalent is used, compliance with the requirements of the AD may be discontinued.

4. Equivalent parts must be FAA approved.

5. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this AD.

(Piper Service Letter No. 667A refers to this subject.)

This amendment is effective June 18, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on June 4, 1974.

James Bispo,
Deputy Director, Eastern Region.

[FR Doc.74-13291 Filed 6-10-74;8:45 am]

[Airspace Docket No. 74-SO-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 16, 1974, a notice of proposed rule making was published in the Federal Register (39 FR 13668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Cartersville, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

Cartersville, Ga.

That airspace extending upward from 700-feet above the surface within a 9-mile radius of Cartersville Airport (latitude 34°07'30'' N., longitude 84°51'00'' W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on May 30, 1974.

Phillip M. Swatek,
Director, Southern Region.

[FR Doc.74-13292 Filed 6-10-74;8:45 am]

[Airspace Docket No. 74-EA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Areas

On page 11097 of the Federal Register for March 25, 1974, the Federal Aviation Administration published a proposed rule which would alter the Potsdam, N.Y. (39 FR 571) and Ogdensburg, N.Y. (39 FR 557) Transition Areas.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. August 15, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on May 24, 1974.

James Bispo,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Potsdam, N.Y. 700-foot floor transition area by adding, "and within 3.5 miles each side of a 044° bearing from the Potsdam, N.Y. radio beacon (lat. 44°43'24'' N., long. 74°52'59'' W.) extending from the 6.5 mile radius area to 11.5 miles northeast of the radio beacon." following, "long. 74°57'00'' W.".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Ogdensburg, N.Y. 1200-foot floor transition area by deleting, "to point of beginning." and by substituting "44°42'00'' N., 74°54'00'' W.; to 44°36'00'' N., 75°00'00'' W.; to point of beginning.", therefor.

[FR Doc.74-13293 Filed 6-10-74;8:45 am]

[Docket No. 13823, Amdt. No. 920]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

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1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective July 25, 1974.*

Augusta, Ga.—Bush Field, VOR/DME–A, Amdt. 16.
Austin, Minn.—Austin Municipal Arpt., VOR Rwy 17, Amdt. 9.
Austin, Minn.—Austin Municipal Arpt., VOR Rwy 35, Amdt. 9.
Nappanee, Ind.—Nappanee Municipal Arpt., VOR/DME–A, Amdt. 1.
Shelbyville, Tenn.—Bomar Field-Shelbyville Municipal Arpt., VOR Rwy 36, Amdt. 10.

* * * *effective July 18, 1974:*

Rialto, Calif.—Rialto Municipal (Miro Field), VOR–A, Orig., canceled
Wendover, Utah—Wendover AF AUX FLD, VOR/DME–A, Orig.

* * * *effective June 27, 1974:*

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt. VOR–A, Amdt. 5.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., VOR Rwy 10, Amdt. 1, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective June 27, 1974.*

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt. LOC Rwy 10, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 27, 1974.*

Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., NDB Rwy 10, Orig.

* * * *effective May 30, 1974:*

Montgomery, Ala.—Dannelly Field, NDB Rwy 9, Amdt. 13.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective July 11, 1974.*

Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 7L, Amdt. 9.

* * * *effective June 4, 1974:*

Washington, D.C.—Washington National Arpt. ILS Rwy 36, Amdt. 27.

* * * *effective May 30, 1974:*

Atlanta, Ga.—Fulton County Arpt. ILS Rwy 8R, Amdt. 5.
Montgomery, Ala.—Dannelly Field, ILS Rwy 9, Amdt. 18.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIPs, *effective July 25, 1974.*

Springfield, Ill.—Capital Arpt., RADAR–1, Amdt. 1.

Correction

In Docket No. 13757, Amendment 918, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated May 31, 1974, on page 19205, under §§ 97.25, 97.27 and 97.29 effective July 11, 1974—Cleveland Hopkins Int'l. Arpt., Cleveland, Ohio, destroy LOC (BC) Rwy 5R, Orig.; NDB Rwy 5 R/L, Amdt. 8 and disregard cancellation of ILS Rwy 5R, Amdt. 12. NOTE: NDB Rwy 5 R/L, Amdt. 7, effective November 22, 1973 and ILS Rwy 5R, Amdt. 12, remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on June 5, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5670) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74–13287 Filed 6–10–74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–10825]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Audit Requirements of Annual Report of Members, Brokers and Dealers

The Securities and Exchange Commission today announced the adoption of amendments to Form X–17A–5 (17 CFR 249.617) and the Audit Requirements thereto which reflect the additional information necessary to monitor compliance with Rule 15c3–3 (17 CFR 240.15c3–3) as well as developments in the securities industry since 1967 which have affected the auditing and financial regulation of brokers and dealers.

SUMMARY OF THE AMENDMENTS

The principal amendments to the Form relate to the Commission's adoption of Rule 15c3–3 (17 CFR 240.15c3–3) under the Securities Exchange Act of 1934 and require the submission of a schedule in support of the computation of a broker-dealer's "Formula for Determination of Reserve Requirement" ("Reserve Requirement") under Rule 15c3–3 (17 CFR 240.15c3–3) as of the audit date, and the financial questionnaire requires reporting of the amount required to be deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" ("Reserve Bank Account") and any amount on deposit in such account in excess of the Reserve Requirement.

Question 4 of the financial questionnaire has been revised to classify open items with other brokers and dealers, clearing organizations or issuers in accordance with the amounts which are to be included in the calculation of a firm's Reserve Requirements, the amounts includable in aggregate indebtedness under the net capital rules and amounts which are not included in either computation. The revised disclosure is intended to simplify reporting and facilitate review of the questionnaire by self-regulators and the Commission.

In order to determine whether a broker-dealer has an undue concentration of a specific security long in a customer's margin account, the amended Form requires note disclosure of any security in such accounts exceeding 15 percent of the aggregate value of all securities which collateralize all secured margin accounts receivable so that proper determination of any Reserve Requirement adjustments pursuant to Note (B) of the Reserve Requirement computation may be determined. This requirement should not be construed as precluding the respondent from combining accounts as permitted by General Instruction 6 to Form X–17A–5 (17 CFR 249.617).

The Form has also been revised to test the broker-dealer's compliance with the requirements of Rule 15c3–3 (17 CFR 240.15c3–3) to reduce customers' fully paid for and excess margin securities to a broker-dealer's possession or control.

Question 6G.1 will disclose whether instructions to obtain physical possession or control which were properly issued by the margin department were, in fact, accomplished or acted upon by the cashering department or other persons responsible for accomplishing such instructions as required by Rule 15c3–3 (17 CFR 240.15c3–3).

Question 6G.2 will indicate whether or not the margin department or other personnel responsible for the margin function had issued appropriate instructions within the parameters required by Rule 15c3–3 (17 CFR 240.15c3–3).

OTHER AMENDMENTS TO FORM X–17A–5

Question 4 of the financial questionnaire has been amended to require reporting of open items with clearing organizations using a continuous net settlement system. In addition, the Form now requires separate disclosure of free shipments of securities to other broker-dealers as well as redemptions receivable from registered investment companies or other issuers redeeming their securities.

In addition, all cash accounts which are subject to Regulation T of the Board of Governors of the Federal Reserve System will now be reported in Question 6A rather than limiting reporting to those accounts which are considered bona fide cash accounts. As a result of this change, the Audit Requirements of Form X–17A–5 (17 CFR 249.617) have also been amended to require the independent public accountant to review and test respondent's procedures relating to the prompt payment for securities purchased in a Special Cash Account pursuant to Regulation T.

The Audit Requirements of Form X–17A–5 (17 CFR 249.617) have also been amended to require that the scope of the review and tests of the accounting system, internal accounting control and procedures for safeguarding securities shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed.

Finally, review of the procedures for complying with Rule 15c3–3 (17 CFR 240.15c3–3) is also required by these amendments.

COMMISSION ACTION

These amendments are hereby adopted under the Securities Exchange Act of 1934, particularly sections 15(c)(3), 17(a), 10(b) and 23(a) thereof and shall be effective for all audits pursuant to Rule 17a–5 under the Securities Exchange Act of 1934 commencing on or after July 15, 1974.

The text of the amendments to § 249.617 is as follows:

(1) General Instruction B.2 is amended to read as follows:

2. The valuations of customers' fully paid securities and excess margin securities in respondent's possession or control need not be included in the answers. For the purpose of this questionnaire, the terms "fully paid securities," "excess margin securities" and "physical possession or control" shall have the meanings found in the applicable provisions of Rule 15c3–3.

The following questions in Part I of the Questionnaire are amended to read as follows:

Question 1—*Bank Balances and Other Deposits.* State separately total of each kind of deposit (cash and/or market value of securities) with adequate description. This shall include cash on hand; cash in banks, representing funds subject to immediate withdrawal; "Special Reserve Bank Account for the Exclusive Benefit of Customers"; "Special Account for the Exclusive Benefit of Customers"; cash in banks subject to withdrawal restrictions; cash and securities segregated pursuant to regulations of any agency of the Federal Government, any state, any national securities exchange or national securities association; contributions to clearing organizations incident to membership; deposits with clearing organizations in connection with commitments; guaranty and margin deposits; good faith deposits (see Note 3 to Question 14); drafts with securities attached deposited for collection.

NOTES: 1. In support of the amount in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" submit a schedule of the computation required under Rule 15c3–3(e) in the form prescribed in Exhibit A of Rule 15c3–3. The computation shall be as of the audit date and shall be accompanied by a reconciliation of the amounts set forth in the schedule with the amounts reported in this Questionnaire. A schedule shall be submitted even though no deposit was required to be maintained as a result of the computation unless the broker-dealer is exempt from Rule 15c3–3 by any provision of paragraph (k) of that rule. If the broker-dealer was not required to maintain a "Special Reserve Bank Account for the Exclusive Benefit of Customers" because he was exempt from Rule 15c3–3, a note shall so state.

2. The amount reported for "Special Reserve Bank Account for the Exclusive Benefit of Customers" shall indicate the required deposit and any amount in excess of requirements shall be classified as "Amount on Deposit in Special Reserve Bank Account for the Exclusive Benefit of Customers in Excess of Requirement and Subject to Immediate Withdrawal."

Question 2—*Money Borrowed and Accounts Carried by Respondent by Other Banking and Brokerage Houses, Secured by or Containing Customers' Collateral.*

A new Note 3 is added:

NOTES: * * *

3. State separately the market value of securities collateralizing a loan on behalf of the respondent which securities are reportable as customer securities as defined in Rule 15c3–3.

The caption to Question 4 is amended to read as follows:

Question 4—*Other Open Items With Brokers and Dealers, Clearing Organizations and Issuers.*

Items A, B and Note 1 are amended and Items E, F and Note 3 added as follows:

State separately totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, and classify as follows:

A. Securities borrowed (i.e., amount to be received from others upon return to them of securities borrowed by respondent):
1. Items includable in "Formula for Determination of Reserve Requirement."
2. Other.

B. Securities failed to deliver (i.e., amount to be received from brokers and dealers upon delivery of securities sold by respondent):
1. Items includable in "Formula for Determination of Reserve Requirement."
2. Other.

C. Securities loaned (i.e., amounts to be paid to others upon return of securities loaned by respondent):
1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."
2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."
3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."
4. Items includable only in "Formula for Determination of Reserve Requirement."

D. Securities failed to receive (i.e., amount to be paid to brokers and dealers upon receipt of securities purchased by respondent):
1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."
2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."
3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."
4. Items includable only in "Formula for Determination of Reserve Requirement."

E. Balances with clearing organizations utilizing a continuous net settlement system (representing securities borrowed or failed to deliver; and securities loaned or failed to receive):
1. Items excludable from aggregate indebtedness and "Formula for Determination of Reserve Requirement."
2. Items includable in aggregate indebtedness but excluded from "Formula for Determination of Reserve Requirement."
3. Items includable in both aggregate indebtedness and "Formula for Determination of Reserve Requirement."
4. Items includable only in "Formula for Determination of Reserve Requirement."
5. Other (See Note 3).

F. Free shipments (i.e., amount to be received from others for securities already delivered to them not accompanied by documents requiring payment upon delivery or for which payment was not received upon delivery).

G. Redemptions Receivable (i.e., amount to be received from issuers or their agents for securities submitted for redemption):
1. Includable in "Formula for Determination of Reserve Requirement."
2. Other.

NOTES: 1. Where it is impractical or unduly expensive to allocate all securities to each category in A, B, C, D, E, F and G proper allocation shall be made to the extent feasible and all other such ledger balances and security valuations shall be reported in the case of receivables as "Other" and in the case of liabilities and related security valuations in C.3, D.3 and E.3.

2. State separately or in a footnote the totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations, for transactions outstanding 30 calendar days or longer included in the answers to Question 4.B (Securities Failed to Deliver); and Question 4.D.3 (Securities Failed to Receive). The amounts reported for Question 4.B shall be classified in accordance with the period that the transactions have been outstanding: 30 to 39 calendar days; 40 to 49 calendar days; 50 to 59 calendar days; and 60 or more calendar days.

3. Where it is impractical or unduly expensive to allocate the ledger balance to each category in E, a net amount may be reported and the balance shall be so indicated. Security valuations shall be allocation to E.1, 2, 3 and 4 to the extent feasible and all other such security valuations shall be reported under E.3 (in the case of net short valuations) or E.5 (in the case of net long valuations).

The caption to Question 5 is amended to read as follows:

Question 5—*Valuation of Securities and Spot (Cash) Commodities in Box, Depositories, Transfer and Transit.*

The present note is redesignated Note 1 and the following Note 2 is added:

NOTES: 1. Question 5 requires entries in short valuation column only.

2. State separately or in a footnote the market value of securities which have been in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days immediately preceding the audit date. The market value of securities in transfer in excess of 40 days which have been confirmed only by the independent public accountant in connection with his audit shall be included in such footnote or classification.

Question 6—*Customers' Security Accounts*

Items A, G and Note 1 are amended and Items H, I and Notes 6 and 7 are added as follows:

State separately totals of ledger debit balances; ledger credit balances; long security valuations; short security valuations and classify as follows:

A. Cash accounts (i.e., accounts subject to Section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System) which have both unsettled money balances and positions in securities.
1. Accounts with debit balances.
2. Accounts with credit balances.

B. Secured Accounts:
1. Accounts with debit balances.
2. Accounts with credit balances.

C. Partly secured accounts (accounts liquidating to a deficit):
1. Accounts with debit balances.
2. Accounts with credit balances.

D. Unsecured accounts.

E. Accounts with credit balances having open contractual commitments.

F. Accounts with free credit balances.

G.1 Securities for which instructions to reduce to possession or control had been issued and which were not in possession or control as of the examination date:

(a) Required by Rule 15c3–3 to be in possession or control but for which no action was required by the respondent as of the audit date or required action was taken by respondent within the time frames specified pursuant to Rule 15c3–3.

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(b) Required to be in possession or control as of the audit date for which the required action was not taken by respondent within the time frames specified by Rules 15c3–3 (Note 7).

2. Market value of excess margin securities and fully paid securities in cash accounts having either credit or no money balance for which instructions to place in possession or control were not reflected on the books and records of the respondent as of the audit date.

(a) Arising from "temporary lags which result from normal business operations" permitted pursuant to Rule 15c3–3.

(b) Not arising from "temporary lags which result from normal business operations" permitted pursuant to Rule 15c3–3.

H. Fully paid securities borrowed from customers pursuant to specific agreement.

I. Allowance for customers' accounts doubtful of collection.

NOTES: 1. All unsecured cash accounts shall be reported under D and partly secured accounts deemed doubtful of collection shall be reported under C.

* * * * *

6. State separately or in a footnote, description, quantity, price and valuation of any, specific security (other than an exempted security) which is collateral for margin accounts included in the long security valuations at B.1 and C.1 and which exceeds in aggregate value 15 percent of the aggregate value of all securities which collateralize all margin accounts receivable reported at these two questions. A specific security is deemed to be collateral for a margin account only to the extent it represents in value not more than 140% of the customer debit balance in a margin account.

7. State separately or in a footnote whether securities reported in 6G(1)(b) above were subsequently reduced to possession or control by the respondent. Also state the number of individual items which were reported in 6G(1)(b) above.

Question 8—*Accounts of Officers and Directors.*

The Note is redesignated Note 1 and Note 2 is added:

NOTES: 1. * * *

2. All "excess margin" and "fully paid securities" of officers and directors shall be reported together and Notes 6 and 7 to Question 6 shall not apply to this Question.

Question 9—*General Partners' Individual Accounts.*

A new Note 3 is added as follows:

NOTES: 1. * * *

3. All "excess margin" and "fully paid securities" shall be reported together and Notes 6 and 7 to Question 6 shall not apply to this Question.

Question 10—*Trading and Investment Accounts of Respondent.*

A new Note 4 is added as follows:

NOTES: * * *

4. State separately or in a footnote both long and short security valuations attributable to principal purchases or sales from or to customers which are included in the answer to Question 10.A.

Question 13—*Other Accounts, etc.*

This Question is amended to read as follows:

State details (ledger balances, valuations of securities and spot (cash) commodities; status of future commodity positions; and any other relevant information) of any accounts which have not been included in one of the answers to the above questions. These shall include: accounts for exchange memberships; furniture, fixtures, and other fixed assets; valuation reserves; funds provided or deposited by the respondent as margin in joint accounts; revenue stamps; dividends receivable, payable and unclaimed; floor brokerage receivable and payable, commissions receivable and payable, advances to salesmen and other employees; commodity difference account; goodwill; organization expense, prepaid expenses and deferred charges; liability reserves; mortgages payable; other liabilities and deferred credits; market value of securities borrowed (other than for delivery against customers' sales) to the extent to which no equivalent value is paid or credited (other than securities borrowed from customers which are reported in Question 6.H); drafts payable (issued in settlement of customers' credit balances); long security count difference valuations; short security count difference valuations, and other accounts not specifically mentioned herein.

NOTES: * * *

3. State in a footnote the number of securities in which there were long security count differences; the number in which there were short security count differences; and the total number of securities in which there were positions as of the date of the accountant's report.

4. State separately or in a footnote as of the audit date (a) the market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days, (b) market value of short security count difference valuations over 30 calendar days old, and (c) ledger credit balances and short security valuations in all suspense accounts over 30 calendar days.

AUDIT REQUIREMENTS

The introductory paragraph and Items 2, 10 and 11 are amended as follows:

The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. The scope of such review and tests shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination would be disclosed. The audit shall include all procedures necessary under the circumstances to substantiate the assets and liabilities and securities and commodities positions as of the date of the responses to the financial questionnaire and to permit the expression of an opinion by the independent public accountant as to the financial condition of the respondent at that date. Based upon such audit, the accountant shall concurrently comment upon any material inadequacies found to exist in: (a) The accounting system; (b) the internal accounting control; (c) procedures for safeguarding securities and (d) the practices and procedures whose review is specified in Items 8, 9, 10 and 11 below; and shall indicate any corrective action taken or proposed. If the audit did not disclose any material inadequacies, the accountant shall so report.

The independent public accountant may perform audit procedures at any time which he may deem appropriate; however, if the procedures prescribed in Items 2, 3, 4 and 6(c)–(g), excluding Item 6(e)(v), are performed at a date other than the audit date, then all such aforementioned procedures shall be performed as of the same date, which shall not be more than 190 days prior to the financial statement date.

The scope of the audit shall include the following procedures, but nothing herein shall be construed as limiting the audit or permitting the omission of any additional audit precedures which an independent accountant would deem necessary under the circumstances. As part of his audit the independent public accountant shall:

* * * * *

(2) Account for by physical examination and comparison with the books and records: all securities, including customers' fully paid and excess margin securities; material amounts of currency and tax stamps; warehouse receipts; and other assets on hand, in vault, in box or other otherwise in physical possession. Control shall be maintained over such assets during the course of the physical examination and comparison.

* * * * *

(10) Review and test respondent's procedures relating to compliance with the requirement for the prompt payment for securities pursuant to section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; and,

(11) (a) Review the procedures followed in making the periodic computations and deposits required under the provisions of paragraph (e) and Exhibit A of Rule 15c3–3.

(b) Review the procedures followed in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required under the provisions of Rule 15c3–3.

(c) If respondent is exempt from Rule 15c3–3, the independent public accountant shall ascertain that the conditions of the exemption were being complied with as of the examination date and that no facts came to his attention to indicate that the exemption had not been complied with during the period.

* * * * *

Section 249.617—No change in description in text.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1974.

[FR Doc.74-13319 Filed 6-10-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

PART 314—NEW DRUG APPLICATIONS

Special Packaging

In a proposal published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34329), the Commissioner of Food and Drugs set forth guidelines to define when premarket clearance is required for anticipated packaging changes for drugs as a result of "special packaging" standards promulgated by the Consumer Product Safety Commission pursuant to section 3 of the Poison Prevention Packaging Act of 1970.

Seven comments were received: five from pharmaceutical manufacturers, one from a pharmaceutical manufacturer's association, and one from a government agency. A summary of these comments and the Commissioner's responses are as follows:

1. The majority of the comments expressed concern over the requirement for advance approval of changes in the closure system where the composition of the material in contact with the drug (e.g., cap liner, inside surface of the plastic laminate, etc.) remains unchanged and the only other change is in the outer shell of the closure. It was argued by some that in this instance there would be no adverse effect on water vapor and gas transmission and therefore immediate implementation should be permitted. Some felt that this type of change could be put into effect immediately if certain supporting data and necessary commitments for ongoing tests are submitted. These comments also stated that the requirement that the package be "at least comparable" to that provided for in the approved application is unduly rigid and fails to take into account difference in physical characteristics and capabilities of various types of closures and the virtual impossibility of proving "comparability" of some of these.

While the Commissioner recognizes that in some cases a liner or innerseal which is identical to that in the approved application may provide the necessary protection for the drug product, data are not available to substantiate a claim that an across-the-board exemption can be provided for all changes of this type. The Commissioner has accepted, and this was the intent of the proposal, that if the closure component in contact with the drug remains the same, the change to the composition and/or physical characteristics of the outer cap or lid may be placed into effect before approval of the supplements provided certain supporting data and necessary commitments are submitted. Further, the Commissioner recognizes the difficulties which may occur in requiring comparability of special packaging with that provided in an approved application which may actually be more than adequate to protect the integrity of the product. Therefore, § 314.8(d)(5) (21 CFR 314.8(d)(5)) has been modified to provide that changes in the composition and/or physical characteristics of the lid, or the cap liner when an innerseal is used, provided there is no change in the closure component in contact with the drug (cap liner or innerseal) and in the torque of the closure, may be made in advance of approval of the supplemental application. Such applications shall include, however, data showing that the package is satisfactory as a barrier to moisture and gas transmission or 3 months accelerated stability data which include assay data, as well as data on other significant properties of the product at room temperature and at exaggerated temperatures and conditions of high humidity. In the event that the change in the package is in the composition and/or configuration of the cap, but not in the cap liner, other data or information which demonstrate the adequacy of the liner will be accepted in lieu of moisture and gas transmission or the accelerated stability studies. The applicant must also agree to test the stability of initially marketed batches of the drug.

2. Several comments addressed the issue of application/removal torque or tightness of the closure and the protection it provides the product when applied consistently as specified in the approved new-drug application thus making it unnecessary to require time-consuming and expensive stability testing.

The Commissioner disagrees that tightness of the container/closure alone should be controlling in this regard. It is an important factor which must be considered in developing packaging standards along with the physical and chemical characteristics of the container/closure systems for drug products and in cognizance of this, as indicated above, the regulation has been modified to add tightness of the closure as an additional parameter for testing when compared with the currently approved packaging. Such data when submitted along with accelerated stability data or data showing that the package is satisfactory as a barrier to moisture and gas transmission may be used to justify changes put into effect in advance of approval of a supplemental application providing no change has been made in the composition of the container and the closure component in contact with the drug remains unchanged.

3. One comment stated that stability data other than that relating to vapor and gas transmission may be more appropriate for a particular drug product and that it should be permitted to demonstrate the suitability of a package.

The Commissioner agrees that appropriate stability studies may actually provide a more accurate assessment of the adequacy of a particular contained closure system for a drug product. Accordingly, the regulation has been amended to provide for the alternative submission of accelerated stability data.

4. Comments were submitted concerning the implication that all marketed batches produced must be tested for stability.

The Commissioner finds that this implication was unintentional, and the final order has been modified to state explicitly that only initially marketed batches of the drug are to be tested and that reports be submitted at specified intervals.

5. A comment questioned the requirement that the applicant withdraw from the market any batch found to fall outside the approved specifications for the drug, thus requiring a recall or market withdrawal of a product regardless of whether the deviation was minor and irrespective of any pertinent facts. The comment contended that recalls or withdrawals for miniscule violations tend to dilute the effectiveness of such removal actions and provide little or no additional protection to the public health. Several examples were presented.

The Commissioner advises that it is not the policy of the Food and Drug Administration to require recalls or withdrawals for minor deviations from acceptable specifications. In order to clarify this intent the final order has been modified to indicate that if the applicant does not believe the deviation is significant and does not justify a withdrawal from the market, the deviation shall be discussed with the Food and Drug Administration.

6. A general comment was made that clarification is necessary to show that these regulations have been written to include all forms of packaging such as bottles, plastic blisters, strip packages, etc.

The Commissioner concludes that although it is not necessary for the regulation to be amended in this regard, such is the intent of the requirements of § 314.8. Supplements for changes in these types of packaging must have prior approval.

7. A single comment expressed concern that implementation of these requirements at this time might cause reversals in industry plans to implement "special packaging" and cause discontinued marketing of necessary life-saving drugs. Extension of the April 15, 1974 "special packaging" deadline for prescription drug packaging was requested.

The Commissioner concludes that he has no authority to extend the deadline for use of "special packaging" which currently lies with the Consumer Product Safety Commission. The Commission stated in comments submitted on the proposed regulations that it has no reason at the present time to believe that special packaging adequate to protect the purity and effectiveness of drugs is not available, thus enabling manufacturers to comply with requirements of both the Federal Food, Drug, and Cosmetic Act and the Poison Prevention Packaging Act. The Commission also stated that it believes that the time provided from the date on which a packaging standard is proposed until the effective date of the subsequent final order is adequate to allow the affected industry to comply with the requirements of such packaging standards as well as to obtain the necessary Food and Drug Administration approval of a supplemental new-drug application, and that the Commissioner of Food and Drugs, in promulgating packaging standards for drugs prior to the activation of the Consumer Product Safety Commission on May 14, 1973, made the finding that special packaging was available which would protect the integrity of drugs. As expressed in its comment, the Commission is, however, willing to consider those individual cases where unusual circumstances may result in a drug manufacturer who has acted in good faith being unable to comply with requirements imposed by the Food and Drug Administration to assure purity and effectiveness of the drug within the effective date specified in the packaging standards.

The Commissioner emphasizes that these regulations require that supplements submitted to provide for special packaging be plainly marked "Special Container Packaging Supplement." Such identification is to expedite the handling and review of such supplements.

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On March 29, 1974, there was published in the FEDERAL REGISTER (39 FR 11680) a recodification of Part 130 of the Food and Drug Regulations. These amendments reflect the recodified section numbers rather than the section numbers used in the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 701; 52 Stat. 1050–1053, as amended; 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 59 Stat. 463, as amended (21 U.S.C. 352, 255, 357, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 310 and 314 of Title 21 of the Code of Federal Regulations are amended as follows:

1. In § 310.3 by adding a new paragraph (l) as follows:

§ 310.3 Definitions and interpretations.

* * * * *

(l) "Special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970 means packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

* * * * *

2. In § 314.8, by adding a new paragraph (a)(4)(vi), by revising the last three sentences in (a)(4), by adding new paragraphs (a)(5) (xi) and (xii) and (d)(5) as follows:

§ 314.8 Supplemental applications.

(a) * * *

(4) * * *

(vi) A change in container to provide for "special packaging" as defined in § 310.3(l) of this chapter pursuant to the requirements of regulations under the Poison Prevention Packaging Act of 1970. The mailing cover and supplement shall be plainly marked "Special Container Packaging Supplement."

Any number of changes may be submitted at any one time; but if they fall into different categories as listed in paragraph (a)(4) (i) through (vi) of this section, the proposed changes should be covered by separate communications. Where, however, a change necessitates an "overcap" to the existing closure of a submitted in a single communication. For example, a change in tablet potency would require other changes such as in components, composition, and labeling and should be submitted in a single communication.

(5) * * *

(xi) Changes which provide for "special packaging" as defined in § 310.3(l) of this chapter which are in the form of an "overlap" to the existing closure of a container without any other changes in the container/closure system. The report or written communication shall contain information as to the manufacturer of the safety closure and any identification applied to such closure.

(xii) Addition to the labeling of such statements as required by the Poison Prevention Packaging Act of 1970 or regulations promulgated thereunder.

* * * * *

(d) * * *

(5) Changes which provide for "special packaging" as defined in § 310.3(l) of this chapter other than the use of an additional closure as provided for in paragraph (a)(5)(xi) of this section, where the composition of the container, the torque (tightness) of the container, and the composition of the closure component in contact with the drug (cap liner or innerseal) remain the same as provided in the approved new-drug application. Each such supplement shall include:

(i) A representative market package and any identification applied to such package and

(ii) Preliminary data showing that the package is satisfactory as a barrier to moisture and gas transmission or 3 months accelerated stability data which include assay data, as well as data on other significant properties of the product at room temperature and at exaggerated temperatures and conditions of high humidity. In the event that the sole change in package is in the composition or configuration of the cap (outer shell not in contact with the drug) other data or information which demonstrate the adequacy of the liner alone to serve as an effective barrier will be acceptable in lieu of moisture and gas transmission or accelerated stability data. For any changes instituted under the provisions of this paragraph, the applicant shall submit a written commitment that he will test the stability of initially marketed batches of the drug; submit the information at intervals of 3 months beginning with the date of initial packaging during the first year following such date, at intervals of 6 months during the second year following such date, and at yearly intervals thereafter for as long as necessary to support or establish an assigned expiration date, unless otherwise ordered in a written communication by the Food and Drug Administration; and withdraw from the market any batch found to fall outside the approved specifications for the drug or discuss the deviation with the Food and Drug Administration if the applicant believes the deviation is not significant.

* * * * *

Effective date. This order shall be effective July 11, 1974.

(Secs. 502, 505, 507, 701; 52 Stat. 1050–1053, as amended; 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 59 Stat. 463, as amended (21 U.S.C. 352, 355, 357, 371))

Dated: June 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13193 Filed 6-10-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Utah Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Utah plan. On March 23, 1973 (38 FR 7584), the Administrator set forth a regulation limiting sulfur dioxide emissions from the first operating unit of Utah Power and Light Company's Huntington Canyon power plant located in the Utah portion of the Four Corners Interstate Region. The basis for the regulation was the diffusion modeling performed by the National Oceanic and Atmospheric Administration (NOAA) for the Southwest Energy Study, which indicated that emissions from the first operating unit at Huntington Canyon would violate the primary and secondary short-term national ambient air quality standards for sulfur dioxide.

Subsequent to the promulgation of the sulfur dioxide regulation, the Administrator received the results of smoke and fluorescent particle tracer studies conducted at the Huntington Canyon site by Air Resources Laboratory, NOAA, and North American Weather Consultants, a firm retained by Utah Power and Light Company. These studies indicated that the dispersion rate of sulfur oxides under stable conditions was significantly greater than the rate used in the original NOAA model and that a correction factor was appropriate to compensate for the initial dilution of the plume before it reaches the effective stack height.

Based on projections developed from the results of these studies, the Administrator determined that emissions from the first operating unit of the Huntington Canyon power plant would not violate the short-term national standards for sulfur dioxide. On December 7, 1973, (38 FR 33777), the Administrator proposed to withdraw the sulfur dioxide regulation promulgated for the facility, revoke the extension provided for the attainment of the primary standards for sulfur dioxide, amend the Federal compliance schedule to exclude sulfur dioxide control for the first operating unit at Huntington Canyon, and indicate that ambient levels of sulfur dioxide in the Utah portion of the Four Corners Interstate Region are below the national standards. A public hearing on the proposed amendments was held in Salt Lake City on March 20, 1974. There was no challenge to the technical information supporting the proposals. Consequently, the Administrator is promulgating the amendments as proposed.

In order to insure that the national standards are not exceeded at Huntington Canyon, The Administrator intends to utilize his authority under Section 114 of the Act to require Utah Power and Light Company to perform ambient air quality monitoring. Should such monitoring indicate that some degree of control is necessary for the power plant to achieve the national standards, the Administrator will propose the required regulations.

Since these amendments remove, rather than enlarge or amplify, previously existing regulations, the Administrator has determined that good cause exists for not deferring the effective date of this promulgation. In addition, immediate effectiveness will allow Utah Power and Light to proceed with certainty in conducting its affairs and will afford other interested parties an opportunity to immediately seek judicial review.

(Sec. 110(c), 301(a), Clear Air Act (42 U.S.C. 1857 et seq.))

Dated: June 4, 1974.

JOHN QUARLES,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

§ 52.2322 [Amended]

1. In § 52.2322, paragraph (d) is revoked.

§ 52.2325 [Amended]

2. In § 52.2325, paragraph (c) is revoked.

3. In 52.2327, paragraph (b) is revised to read as follows:

§ 52.2327 Compliance Schedules.

* * * * *

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to § 52.2330 (c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.2330 (b) shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b)(2) of this section.

(i) Any owner or operator in compliance with § 52.2330(c) on the effective date of such section shall certify compliance to the Administrator no later than 120 days following the effective date of § 52.2330(c).

(ii) Any owner or operator who achieves compliance with § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b)(1) of this section may, no later than 120 days following the effective date of § 52.2330 (b) or (c), submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2330 (b) or (c) as expeditiously as practicable but no later than July 31, 1975.

(3) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; and final compliance.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.2331 [Amended]

4. In § 52.2331, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region with the letter "c".

[FR Doc.74-13280 Filed 6-10-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

United States-Mexico FM Broadcasting Requirement; Correction

In the matter of amendment of the Commission's rules and regulations to effectuate the United States-Mexico FM Broadcasting Agreement.

The Order, adopted March 28, 1974, promulgating amendments to various Rules and Regulations to further implement the United States-Mexico FM Broadcasting Agreement (FCC 74-309; 39 FR 12989; 46 F.C.C. 2d 153), is hereby corrected. In the Note to § 73.207(a), which was supplemented to set forth additional mileage separations to Mexican channel assignments and authorizations, for Class D to Class B, the 1st Adjacent Channel mileage should read "60" instead of "69".

Released: June 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13326 Filed 6-10-74;8:45 am]

V 39 113 JUN 11 74 XUM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 283]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appear for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Mississippi	Osceola, city of	June 5, 1974. Emergency.	Dec. 17, 1973		
Delaware	Kent and Sussex Counties.	Milford, city of	do	May 24, 1974		
New York	Ontario	Richmond, town of	do	May 17, 1974		
Oregon	Douglas	Canyonville, city of	do			
Do	Jackson	Eagle Point, city of	do			
Texas	Jim Wells	Alice, city of	do	Dec. 28, 1973		
Washington	Walla Walla	Waitsburg, city of	do	Apr. 12, 1974		
West Virginia	Kanawha	South Charleston, city of	do			
Wisconsin	St. Croix	New Richmond, city of	do	Dec. 28, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-13255 Filed 6-10-74;8:45 am]

[Docket No FI 284]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appear for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Illinois	Madison	Madison, city of	May 28, 1974. Emergency.	Nov. 23, 1973		
Do	Randolph	Sparta, city of	do	Mar. 1, 1974		
Minnesota	Anoka	Columbia Heights, city of	do	May 10, 1974		
Do	Nobles	Worthington, city of	do	May 3, 1974		
Nebraska	Hall	Grand Island, city of	do	Apr. 5, 1974		
New Hampshire	Hillsborough	Amherst, town of	do	Mar. 22, 1974		
New Jersey	Mercer	Washington, township of	do	May 17, 1974		
New York	Ontario	Naples, town of	do			
Oregon	Yamhill	Unincorporated areas	do			
South Dakota	Pennington	do	do			
Virginia	Brunswick	Lawrenceville, town of	do	May 24, 1974		
Wisconsin	Buffalo	Mondovi, city of	do	Jan. 9, 1974		
Do	Dane	Oregon, village of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-13256 Filed 6-10-74;8:45 am]

[Docket No. FI 285]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Crittenden	West Memphis, city of	June 6, 1974. Emergency.	Nov. 30, 1973		
Colorado	Jefferson	Edgewater, city of	do			
Idaho	Bonneville	Unincorporated areas	do			
Illinois	Alexander	do	do			
Do	Du Page	Bloomingdale, village of	do	Mar. 1, 1974		
Kansas	Summer	Wellington, city of	do	Feb. 15, 1974		
Michigan	Genesee	Flushing, city of	do	May 17, 1974		
Do	Oakland	Lathrup Village, city of	do			
Pennsylvania	Allegheny	Brentwood, borough of	do			
Do	Columbia	Stillwater, borough of	do			
Do	Luzerne	West Hazleton, borough of	do			
Do	Northumberland	Northumberland, borough of	do			
Washington	Klickitat	Unincorporated areas	do			
Wisconsin	Bayfield	do	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 31, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-13257 Filed 6-10-74;8:45 am]

[Docket No. FI 286]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appear for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Florida	Palm Beach	Palm Beach, town of	June 7, 1974. Emergency.			
Illinois	Cook	South Holland, village of	do	Mar. 15, 1974		
Michigan	Sanilac	Worth, township of	do			
Minnesota	Aitkin	Aitkin, city of	do	Jan. 9, 1974		
New York	Genesee	Pavilion, town of	do	Mar. 29, 1974		
Oregon	Jackson	Medford, city of	do			
Pennsylvania	Lebanon	Mt. Gretna, borough of	do			
South Dakota	Pennington	Box Elder, city of	do			
Texas	Hardin	Silsbee, city of	do			
Vermont	Windsor	Norwich, town of	do			

(National Flood Insurance Act of 1968 (title XII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 31, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-13258 Filed 6-10-74;8:45 am]

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[Docket No. FI 287]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the East column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Illinois	Cass	Unincorporated areas	June 10, 1976. Emergency.			
New Jersey	Bergen	Saddle Brook, Township of	do	Mar. 8, 1974		
Pennsylvania	Butler	Penn, township of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 3, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-13259 Filed 6-10-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 35]

STUDENT RIGHTS AND DUE PROCESS PROCEDURES

Notice of Proposed Rulemaking

JUNE 6, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given that it is proposed to add a new Part 35 to Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations This addition is proposed pursuant to the authority contained in 5 U.S.C. section 301.

The purpose of this addition is to establish rules and regulations regarding the rights and due process procedures pertaining to students in Bureau of Indian Affairs schools.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed addition to Field Administrator, Indian Education Resources Center, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, New Mexico 87103, on or before July 11, 1974.

It is proposed to add a new Part 35 to Subchapter E or Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

Sec.
35.1 Purpose.
35.2 Application to Bureau schools.
35.3 Rights of the individual student.
35.4 Due process.
35.5 Application to schools under Bureau contract.

AUTHORITY: 5 U.S.C. sec. 301.

§ 35.1 Purpose.

The regulations in this part govern establishing programs of student rights and due process procedures in Bureau of Indian Affairs schools and in schools that are operating under contract with the Bureau of Indian Affairs.

§ 35.2 Application to Bureau schools.

All Bureau of Indian Affairs schools shall be governed by the regulations set forth in this part and said regulations shall be expressly included as a part of the local school regulations of each Bureau of Indian Affairs school. Upon admission, all students of Bureau of Indian Affairs schools shall be given a copy of the school regulations governing the conduct of students and shall be notified of any amendments thereto.

§ 35.3 Rights of the individual student.

Individual students at Bureau of Indian Affairs schools have, and shall be accorded, the following rights:

(a) The right to an education.

(b) The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.

(c) The right to make his or her own decisions where applicable.

(d) The right to freedom of religion and culture.

(e) The right to freedom of speech and expression, including symbolic expression, such as display of buttons, posters, choice of dress, and length of hair, so long as the symbolic expression does not unreasonably and in fact disrupt the educational process or endanger the health and safety of the student or others.

(f) The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.

(g) The right to peaceably assembly and to petition the redress of grievances.

(h) The right to freedom from discrimination.

(i) The right to due process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.

§ 35.4 Due process.

Due process shall include:

(a) Written notice of charges within a reasonable time prior to a hearing. Notice of the charges shall include reference to the regulation allegedly violated, the facts alleged to constitute the violation; and notice of access to all statements of persons relating to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decision.

(b) A fair and impartial hearing prior to the imposition of disciplinary action absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation the official may impose disciplinary action not to exceed a temporary suspension, but shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing which fully comports with due process, as set forth herein, as soon as practicable thereafter.

(c) The right to have present at the hearing the student's parent(s) or guardian(s) (or their designee) and to be represented by lay or legal counsel of the student's choice. Private attorney's fees are to be borne by the student.

(d) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses.

(e) The right to a record of hearings of disciplinary actions, including written findings of fact and conclusions in all cases of disciplinary action.

(f) The right to administrative review and appeal.

(g) The student shall not be compelled to testify against himself.

(h) The right to have allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

§ 35.5 Application to schools under Bureau contract.

Non-Bureau of Indian Affairs schools which are funded under contract with the Bureau of Indian Affairs must also recognize these student rights.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-13324 Filed 6-10-74;8:45 am]

National Park Service

[36 CFR Part 7]

NATCHEZ TRACE PARKWAY, TENNESSEE-ALABAMA-MISSISSIPPI

Trucks, Trailers, Buses and Towed Vehicles; Possession of Beer and Alcoholic Beverages

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of May 18, 1938 (52 Stat. 407, as amended; 16 U.S.C. 460), 245 DM–1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Regional Director Southeast Regional Order No. 5 (37 FR 7721), it is proposed to revise § 7.43 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the revision and additions is to clarify the use of the Natchez Trace Parkway motor road by trucks, trailers, buses and towed vehicles, and to establish restrictions on the posses-

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sion of beer and alcoholic beverages on the parkway.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision and additions to the Superintendent, Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, Mississippi 38801, on or before July 11, 1974.

Paragraph (c) (1) and (4) of § 7.43 is revised, and paragraphs (c) (5), (6), (7), and (d) are added, to read as follows:

§ 7.43 Natchez Trace Parkway.

* * * * *

(c) *Vehicles*—(1) *Trucks.* Trucks over one ton rated capacity are not permitted on the parkway. Trucks, not exceeding one ton rated capacity, are permitted to travel on the Natchez Trace Parkway when used solely for transportation of persons, their baggage, camping equipment and related articles for recreational purposes only. Trucks used for the purpose of hauling non-recreational materials are not permitted.

* * * * *

(c) *Vehicles*—(4) *Recreational vehicles.* Recreational vehicles, including but not limited to self-propelled mobile homes, campers, housetrailers, and vehicles up to 1½ ton rated capacity, when such recreational vehicles are used solely to carry persons for recreational purposes together with their baggage, camping equipment, and related articles for vacation or recreational purposes, are permitted on the parkway.

(5) *Trailers.* Trailers are permitted when used non-commercially to transport baggage, camping equipment, horses for recreational riding, small boats and other similar items used for vacation or recreational purposes, provided they meet the following criteria:

(i) Utility type trailers must be enclosed or covered and are not to exceed 5 feet by 8 feet.

(ii) Trailers must be equipped with red taillights, red stoplights and mechanical turn signals. Clearance lights are required on trailers over 6 feet high.

(iii) Trailers carrying over one ton must be properly equipped with brakes, adequate to control the movement thereof and to stop and to hold such vehicle, and designed so as to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(iv) All trailers shall be coupled to the towing vehicle by means of a safety chain or equivalent device in addition to the regular trailer hitch or coupling. No more slack shall be left in safety chains than shall be necessary to permit proper turning and the safety chains shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

(v) Only one trailer of any type may be towed by any one vehicle along the parkway. The towing vehicle and trailer must not exceed 55 feet in length.

(6) *Buses.* Commercial passenger carrying buses, when used for touring purposes, may travel the Natchez Trace Parkway by obtaining special written permission in advance from the Superintendent or his representative. School buses may travel on the parkway without such written permission when transporting people for special recreational or educational purposes.

(7) *Towed vehicles other than trailers.* Such vehicles must be towed with a rigid tow bar which does not require a driver for the towed vehicle. Tow bar must be equipped with safety chains that are so connected to the towed and towing vehicles and to the tow bar that, if the tow bar fails, it will not drop to the ground and the chains shall be of sufficient strength to prevent breakaway of the towed vehicle in the event of such tow bar failure. The towed vehicle must be equipped with brakelights, tail lights, and signal lights in accordance with applicable State regulations. The towing vehicle and towed vehicle must not exceed 55 feet in length.

(d) *Beer and alcoholic beverages.* (1) The possession of beer or any alcoholic beverage in an open or unsealed container, is prohibited except in designated picnic, lodging, residence, and camping areas, in accordance with applicable State and local regulations.

(2) The possession of beer or any alcoholic beverage in an open or unsealed contained in any motor vehicle is prohibited in accordance with applicable State or local laws.

BRUCE W. BLACK,
Acting Superintendent,
Natchez Trace Parkway.

[FR Doc.74-13301 Filed 6-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 799]

PREPARATION OF ENVIRONMENTAL STATEMENTS

Proposed Guidelines

Pursuant to the guidelines of the Council on Environmental Quality (CEQ), as published in the FEDERAL REGISTER on August 1, 1973 (38 FR 20549), appearing as 40 CFR Part 1500, and the proposed USDA guidelines published in the FEDERAL REGISTER on November 19, 1973 (38 FR 31935), the Agricultural Stabilization and Conservation Service herewith publishes its proposed guidelines for the preparation of environmental statements required by section 102(2) (C) of the National Environmental Policy Act of 1969 dated January 1, 1970, Pub. L. 91-190. These proposed guidelines were developed in consultation with CEQ.

Before taking action to issue the proposed guidelines in final form, ASCS will consider comments and suggestions received in writing by July 10, 1974. Comments should be sent to the Administrator, ASCS, Washington, D.C. 20250.

Issued in Washington, D.C., on May 31, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Sec.
799.1 Purpose and authority.
799.2 Policy.
799.3 Implementing in ASCS.
799.4 Identifying major actions significantly affecting the environment.
799.5 Preparation of environmental statements.
799.6 Consultation, review and public involvement.
799.7 Lead agency.
799.8 Review of EIS prepared by another agency.
799.9 CEQ requests.
Appendix 1—Cover page format.
Appendix 2—Summary sheet format.
Appendix 3—Outline of environmental statement content.
Appendix 4—Circulation of environmental statements.

AUTHORITY: Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321); E.O. 11514, 35 FR 4247; 38 FR 20550.

§ 799.1 Purpose and Authority.

(a) Section 102(2) (C) of the National Environmental Policy Act (Pub. L. 91-190) requires the submission of an environmental statement with "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment". The act and Executive Order 11514 mandate that Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation.

(b) The Council on Environmental Quality (CEQ) issued Guidelines for Preparation of Environmental Impact Statements in the FEDERAL REGISTER on August 1, 1973. Proposed USDA guidelines for filing environmental statements (EIS) were published in the FEDERAL REGISTER on November 19, 1973 (38 FR 31935). These guidelines provide for the implementation of section 102(2)(C) of the National Environmental Policy Act (NEPA) in administering programs of the Agricultural Stabilization and Conservation Service.

§ 799.2 Policy.

(a) *ASCS mission.* The mission of the Agricultural Stabilization and Conservaition Service is to provide services both to the farmers and consumers through the administration of domestic agricultural programs as provided by law. These programs are designed to:

(1) Encourage a level of agricultural production which will assure ample supplies of food and fiber for American consumers and for an adequate response to improved export sales opportunities;

(2) Provide farmers with production freedom so that they may use their resources in the way they feel will earn them the most income from the marketplace;

(3) Protect farm income—through guaranteed prices with deficiency payments which would be triggered by depressed market prices, through commodity loans to producers to help assure orderly crop marketing, and through payments to eligible farmers compensating for crop production losses suffered due to natural disasters; and

(4) Assist farmers in their long-term role as conservationists in protecting basic natural resources and improving the quality of the environment.

In carrying out this mission under the authority of the Agriculture and Consumer Protection Act of 1973, which continues the market-oriented approach to farm programs established by the Agricultural Act of 1970, ASCS has the added responsibility of helping farmers gain a better understanding of modern marketing methods to enable them to utilize the marketplace as a source of income.

(b) *General.* ASCS administers various commodity and related land use programs through State, county, and community committees established in accordance with provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act of 1935, as amended. The programs are based upon specific legislative authorities; provisions for national programs within these authorities are developed by the Washington staffs on specified program divisions under the supervision of the agency Administrator. A number of the programs administered by ASCS provide direct and/or indirect financial assistance to individual landowners and operators. In some instances, the assistance may be to a combination of such producers or an organization composed of landowners and operators. The environmental assessment and EIS process shall be carried out in harmony with the intent of the various programs and of those to whom assistance is to be provided to the extent feasible.

(c) *Assessing environmental quality and impacts of proposed actions.* (1) In accordance with national policy and directives, and as early as possible and in all cases prior to the agency decision concerning recommendations for or favorable reports on proposals for legislation and other major actions (administrative actions) significantly affecting the quality of the human environment, ASCS will in consultation with other appropriate Federal, State and local agencies and the public, assess in detail the potential environmental impact in order to avoid or minimize adverse effects wherever possible and to restore or enhance environmental quality to the fullest extent practicable. Alternative actions that will avoid or minimize adverse impacts should be explored. The long- and short-range implications of the proposed actions to man, his physical and social surroundings and to nature should be evaluated.

(2) Assessments of the environmental impacts of the proposed action should be undertaken as early as possible and should be considered along with the economic, technical and other related studies of the proposed action or program provisions. A draft EIS should be prepared on administrative actions where provided for in these guidelines and accompany the proposal through the agency review process. The draft statement is to be submitted to CEQ and circulated for comments as outlined in § 799.5(e).

§ 799.3 Implementing in ASCS.

(a) *Responsible official.* The administrator of ASCS, or his designee, is the responsible Federal official for carrying out the purpose of NEPA for all ASCS programs. County committees, State committees, and directors of Washington divisions, within their respective areas of responsibility, through the ASCS member of the USDA Environmental Quality Executive Committee (EQEC), shall assist the Administrator in assessing compliance with the policies and purposes of NEPA generally, and, in particular, in determining whether the quality of the human environment will be significantly affected in implementing agency programs and whether an environmental statement is or is not needed.

(b) *Offices responsible for preparing environmental statements*—(1) *Washington divisions.* Legislative proposals and favorable legislative reports, and multi State and national programs or major revisions of national programs.

(2) *State committees.* Major actions on a State or area basis within a State.

(3) *County committee.* Major actions within a county. The environmental statement will be forwarded through the appropriate agency channels to the ASCS member of EQEC for review and submission to the Administrator.

§ 799.4 Identifying major actions significantly affecting the environment.

(a) (1) The identification of major actions significantly affecting the quality of the environment is to be carried out against the background of ASCS' own program responsibility.

(2) In considering what constitutes a major action significantly affecting the environment, the responsible official should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when ASCS, over a period of years, puts into a project or program individually minor but collectively major resources. In all such cases, an EIS should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from such an ASCS project or program. In all cases where the proposed environmental impact of which is likely to be highly controversial a statement shall be prepared. Broad public reaction will generally be necessary for deeming that a controversy exists.

(b) ASCS actions covered or excluded:

(1) *Actions which normally require an EIS.* Environmental statements will be prepared on all national commodity programs for which a set-aside or diverted acreage program is in effect and all conservation programs. The programs in this category include:

(i) Wheat, feed grains, cotton or any other commodity program for which a set-aside or diverted acreage program is in effect.

(ii) Rural Environmental Conservation Measures Program

(iii) Emergency Conservation Program

(iv) Water Bank Program

(v) Other conservation type programs

(2) *Actions normally excluded from the prepaartion of an EIS.* The following or similar types of actions will not generally be considered as major federal actions significantly affecting the human environment and are excluded from the EIS process and negative determination.

(i) Individual farm participation in ASCS programs.

(ii) Conservation land treatment projects.

(iii) Installation of water conservation measures.

(iv) Installation of erosion control and land stabilization measures.

(v) Rehabilitation of farmlands as a result of a natural disaster or other work of improvement which is covered by a program statement such as the Emergency Conservation Measures Program.

(3) *Other major ASCS actions which may require an EIS.* Major actions (programs or projects) which do not fall under the criteria established by paragraph (b) (1) or (2) of this section will require a decision by the responsible Federal official whether to prepare an EIS based on individual considerations. The decision made is to be based on an appropriate environmental assessment of environmental factors and significant effects, including beneficial and adverse effects. Significant adverse effects may be those which degrade the environment, curtail the use of the environment, or serve only short-term needs. Assessment is to cover secondary effects such as socioeconomic impacts as well as direct effects.

(i) Identifying major actions which may or may not significantly affect the environment. At least the following environmental factors are to be assessed by the committee as appropriate to determine whether an EIS is needed:

Upland wildlife habitat.
Bottom land wildlife habitat.
Wildlife migration routes.
Bottom land hardwoods.
Stream fisheries including potential not presently productive.
Wetlands.
Endangered animals and plants.
Natural streams.
Man-altered streams.
Archeological and historical resources.

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Water quantity.
Air quality.
Appearance of the landscape.

(ii) The degree of public interest, potential controversy, urban or rural setting, and economic and social impacts should also be assessed. Factors are to be quantified and qualified to the extent practicable as to the total amount in the area, the amount affected by the proposed actions, and the percent of the total resources in the area which will be affected. No single or multiple effect of factors can give the absolute answer. The data, once assembled will provide an indication of the probable impact and aid in making a judgment as to whether an EIS is needed.

(4) *Negative determination.* On major ASCS actions where an assessment indicates no significant impact on the environment and no major controversy, the decision office should document the basis for the negative determination. This may include the State or county committee minutes where that level is the decision office. Information assembled in assessing the environmental impacts should be retained in appropriate files. A list of actions on which EIS's will not be prepared will be maintained and available for public inspection.

(5) *Statement on continuing programs.* Where a final EIS has been issued on a program, a new EIS will not be required in the next program year unless significant changes are made in the operations of the program. If significant changes are made, a new draft statement shall be prepared and circulated as provided in § 799.5.

Significant changes in operations may include, but is not limited to, important changes in the conduct of the program, scope of the program is significantly expanded, the program may be changed as a result of controversial impacts on the environment, etc. The CEQ should be advised of the decision that a new EIS is not required.

§ 799.5 Preparation of environmental statements.

(a) *Types of statements.* An EIS is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by Federal and State agencies and the public as outlined in Appendix 4. A final EIS reflects the results of the draft review process. It is also filed with CEQ and each Federal and State agency, organization, group or individual who furnished substantive comments on the draft EIS or who requests a copy.

(b) *EIS development.* (1) The draft EIS is to be prepared early in the decisionmaking process in conjunction with other technical and economic studies. It should be circulated for public review before the significant program or project provisions are announced. The draft EIS must fulfill and satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for the final EIS by Section 102(2)(C) of NEPA. Comments received during preliminary consultations on the draft EIS and the final EIS will be carefully evaluated and considered in the decisionmaking process.

(2) Applicants or consultants on certain type projects may be requested to furnish analyses and information in connection with the project. This material may be used in the preparation of the EIS.

(3) A systematic, interdisciplinary approach integrating the natural, economic, social science, and environmental design arts should be used in the preparation of an EIS. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings and to nature will be examined.

(4) The EIS's will be documents complete enough to stand on their own, yet they should be succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Attention should be given to the substance of the information conveyed rather than to the particular form, length or detail of the EIS.

(c) *Content of environmental statements.* The following points must be addressed in the EIS: (See Appendix 3 for outline.)

(1) *Description.* The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action or program. Where relevant, maps, photographs, and other materials may be used. Give the relevant background information on the project or program including its purpose, the origin of the proposal, the social, economic or environmental objective. The description should include, as appropriate, population and growth assumption used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. The sources of data used should be identified (i.e., OBERS projection). The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they can't be resolved must be thoroughly addressed. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features. The interrelationships of this proposed action with other projects and possible cumulative effects shall be presented.

(2) *Environmental impacts.* This requires an analysis of both the anticipated favorable and adverse impacts of the proposed action as it affects both the national and international environment. The environment in this case includes both the natural environment and the social and economic environment. Discuss both primary and secondary effects.

(i) Identify, analyze, and discuss the full range of social, physical, and biological factors which change as a result of direct or indirect effects of the proposed program or project. Examples of areas of environmental impact are: air quality, weather modification, water quality, fish and wildlife, noise, radiation, hazardous substances, energy supply, land use, soil, plants, outdoor recreation, historic, architectural and archeological preservation, impacts on low-income populations, and employment. Refer to CEQ Guidelines, Appendix II.

(ii) Both primary and secondary consequences should be considered in the analysis. The implications, if any, of the proposed program or project on population distribution or concentration should be objectively estimated and an assessment made of the probable effects of such changes in population patterns upon the resource bases, including land use and public services of the area in question as well as economic impacts on employment, unemployment, changes in local culture, social and other economic factors.

(iii) The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is that project inputs generally cause primary impacts and projects outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impact may, in fact, be more important or more damaging than primary impacts.

(iv) Summarize any environmental effects which are considered as favorable. This listing should contain only sufficient detail to identify the items.

(v) Discuss any planned measures to minimize and mitigate any probable adverse environmental impacts of the proposed action.

(3) *Summary of probable adverse environmental effects which cannot be avoided.* Identify and discuss the nature and extent of probable adverse effects and explain why they cannot be avoided. Such adverse effects may include water, air, sound, or visual pollution; undesirable land use patterns; damage to life systems; threats to health; or other urban congestion consequences adverse to the environmental goals set out in section 101(b) of NEPA.

(4) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Discuss the extent of trade-offs between short- and long-term impacts.

(5) *Irreversible and irretrievable commitment of resources.* This requires the agency to identify the extent to which the action curtails the range of potential beneficial uses of the environment.

(6) *Alternatives to the proposed action.* The intent of this section is to assure that the responsible officer has identified the objective(s) and formulated the alternatives to achieve the objectives based upon a rigorous exploration and objective evaluation. The range of alternative means to reach the objectives of the proposed action including alternatives as to location, design, scale, sequence, and timing. All reasonable alternatives and their environmental impacts should be discussed. The alternatives should be described, and the analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. Examples of categories of alternatives that must be considered in connection with specific actions are as follows:

(i) The alternative of taking no action.

(ii) Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

(iii) Alternatives related to different designs or details of the proposed program or project which would present different environmental impacts. In each case, the analysis of alternatives should be sufficiently detailed and rigorous and permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative.

(7) *Other Federal policies and considerations.* There should be included an indication of what other interests and consideration of Federal policy are thought to offset the adverse environmental effects.

(8) *Consultation with appropriate Federal agencies and review by States and the public.* (i) In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases. Also, list the agencies and groups to whom the draft environmental statement will be sent.

(ii) In the final environmental statement, this section will include a discussion of comments on the draft environmental statement. Comments received from Federal, State and local agencies, leading national organizations and substantive comments received from individuals which influence decisionmaking are to be attached.

(d) *Cover page and summary sheet for environmental statements.* The EIS will include a cover page and a summary sheet constructed as shown in Appendix 1 and 2.

(e) *Distribution of environmental statements.* (1) The EIS is to be forwarded to the CEQ and then made available to other Federal agencies, State Clearinghouses, known interested organizations or groups, and the public. Statements issued by this agency will be forwarded to CEQ by the Administrator or his designee, where required under the USDA Guidelines, through the USDA Coordinator of Environmental Quality Activities. Preparing offices will submit the prepared EIS to the ASCS member of EQEC for review, assigning report number, and preparation of transmittal memorandum before submission to the Administrator for approval.

(2) Five (5) copies of the draft EIS and five (5) copies of the final EIS will be supplied to CEQ. The EIS's will be circulated for review and comment as required by the CEQ Guidelines, as summarized in Appendix 4.

(3) EIS prepared on legislation is to accompany the legislative proposal or report. The proposal or report should make reference to the EIS. The Office of Budget and Finance will forward the copies to CEQ. Following clearance of the legislative proposal or report by OMB, the EIS will be made available to the Congress and the public.

§ 799.6 Consultation, review and public involvement.

(a) *Consultation.* (1) Prior to the development of draft environmental statements, preparing office shall consult with interested parties, including appropriate Federal, State and local agencies. Comments and views of such interested parties may be considered in developing the draft environmental statement. Appendix II, CEQ Guidelines should be consulted for possible agencies which should be consulted.

(2) In addition, the NEPA process is to the extent possible, to meet the consulting and coordinating requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act, and section 4–f of the Department of Transportation Act, 49 U.S.C. 1653(f).

(b) *Circulation for review and comment, Federal, State and local agencies and time limit.* (1) The draft EIS shall be circulated for review and comment by Federal, State and local agencies having jurisdiction by law or special expertise with respect to environmental impacts and shall be made available for comment by the public.

(2) A time limit of not less than sixty (60) days from the date of transmittal to CEQ will be observed to receive comments by reviewers. To the maximum extent practicable no administrative action is to be taken for 30 days after the final statement has been furnished to CEQ and made available to all who commented on the draft statement or who requests a copy. The EIS's will be circulated for review and comment as outlined in Appendix 4.

(c) *Expedited procedures.* Where emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of paragraphs (a) and (b) of this section, the agency will work through the Office of the Coordinator of Environmental Quality Activities in consulting with the CEQ about alternative arrangements.

(d) *Public Information and involvement.* (1) The agency will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding and involvement in plans and programs with environmental impact in order to obtain views and information on alternative courses of action as required in Executive Order No. 11514 of March 5, 1970.

(2) It is an objective of the USDA to involve the public in developing its policies and in formulating and implementing its programs. To assist in accomplishing these objectives, the agency may utilize timely and effective procedures such as direct verbal contact, public meetings, printed materials, news media, public notices, and hearings, as appropriate.

(3) When hearings are held relating to environmental concerns, draft environmental statements should be available at least fifteen (15) days in advance of the meeting. In determining whether a recorded public hearing is needed the officials responsible for the program or activity should consider (i) the magnitude of the proposal in terms of potential environmental impact, (ii) the degree of controversy or opposing views, (iii) complexity of issues and (iv) the degree of public review of the proposal already achieved.

(e) *List of statements.* The ASCS member of EQEC will maintain a list of the environmental statements under preparation by this agency. The list will be furnished to CEQ on a quarterly basis as required in the CEQ Guidelines and will be available for public inspection. A listing of those major actions for which it has been decided an EIS is not required will be maintained.

(f) *Availability of EIS's.* Draft and final EIS's will be made available to the public as required in the CEQ guidelines as summarized in Appendix 4. A notice will be placed in the FEDERAL REGISTER to advise the public of the proposed program or activity, the availability of the draft or final EIS and where a copy may be obtained. This action will be coordinated by the ASCS member of EQEC.

§ 799.7 Lead agency.

In certain instances, several USDA agencies may have program responsibilities relative to a major Federal action with significant environmental impact. If ASCS is designated as the lead agency, the ASCS Member of EQEC will coordinate the input of all concerned agencies in development of the EIS. In actions involving several departments the role of ASCS will be determined in consultation with the USDA Office of the Coordinator of Environmental Activities and the CEQ.

§ 799.8 Review of EIS prepared by another agency.

ASCS will review and comment on EIS's initiated by other agencies as re-

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quested by the Office of the Coordinator. This review and development of comments will be coordinated by the ASCS Member of EQEC.

§ 799.9 CEQ requests.

In order to assist the CEQ in fulfilling its responsibilities under NEPA and Executive Order 11514, ASCS will give careful consideration to requests by CEQ for reports, and other information and actions dealing with issues arising in connection with the implementation of NEPA. This involvement will be coordinated by the ASCS member of EQEC.

APPENDIX 1

COVER PAGE FORMAT

The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

	DRAFT (or Final) Environmental Statement
Title [1]	RURAL ENVIRONMENTAL CONSERVATION PROGRAM
Report Number [2]	USDA–ASCS–ES (Adm.) 74–1–D
Responsible Official [3]	Kenneth E. Frick, Administrator Agricultural Stabilization and Conservation Service
Performing Organization [4]	Agricultural Stabilization and Conservation Service State and County Offices
Date Prepared	January 1974
Sponsoring Agency	Prepared by
Name and Address [5]	U.S. Department of Agriculture Agricultural Stabilization and Conservation Service Washington, D.C. 20205

[1] Name of program or project on which EIS is prepared.

[2] Indicates the following: USDA–ASCS–Environmental Statement, Administrative type statement (Leg. for legislative statement), program year 1974, sequential number 1 within that year, draft or "F" for final statement. The sequential number will be assigned by the Washington office.

[3] Name and title of responsible official.

[4] For State or county statement show appropriate title.

[5] Address of responsible official.

APPENDIX 2

FORMAT—SUMMARY SHEET

USDA Environmental Statement

(Statement Title)

Prepared in Accordance with Section 102(2)(C) of Public Law 91–190

SUMMARY SHEET

I. ( ) Draft ( ) Final

II. Agricultural Stabilization and Conservation Service (ASCS) (Name, address and telephone number of individual who can be contacted for additional information about the proposed action or the statement.)

III. ( ) Administrative ( ) Legislative

IV. Brief description of action: (This should indicate what States (and counties) are particularly affected and other Federal actions in the area, if any, are discussed in the statement.)

V. Summary of Environmental Impacts:

VI. Summary of Alternatives Considered:

VII. Comments:

For draft statements, list all Federal, State, and local agencies and other sources from which comments have been requested.

For final statements, list all Federal, State, and local agencies and other sources from which written comments have been received.

VIII. Date Statement Made Available to CEQ and the Public:

Draft statement on ____________.[1]

Final statement on ____________.[1]

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[1] Leave date blank for completion when delivered to CEQ. Enter final statement only when appropriate.

APPENDIX 3

OUTLINE OF ENVIRONMENTAL STATEMENT CONTENT

USDA (ASCS) Environmental Statement

(Statement Title)

Type of Statement:
  Draft ( )
  Final ( )
Type of Action:
  Administrative ( )
  Legislative ( )

I. Description:[1]

II. Environmental Impacts:[1]

III. Summary of Probable Adverse Environmental Effects Which Cannot be Avoided:[1]

IV. Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:[1]

V. Any Irreversible and Irretrievable Commitments of Resources:[1]

VI. Alternatives to the Proposed Action:[1]

VII. Other Interests and Consideration of Federal Policy Thought to Offset the Adverse Enironmental Effects of the Proposed Action:[1]

VIII. Consultation with Appropriate Federal Agencies and Review by States and the Public:[1]

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[1] See Section 799.5(c) for discussion of the content of each section of the statement.

APPENDIX 4

CIRCULATION OF ENVIRONMENTAL STATEMENTS

After sign-off by the responsible ASCS official, and where required, the USDA Coordinator of Environmental Quality Activities, the draft and final EIS's will be forwarded for review and comment as follows:

Draft environmental statements

	Copies
Federal and State agencies, interested organizations, public:	
Council on Environmental Quality.	5.
Environmental Protection Agency.[1]	5.
Department of the Interior	5.
Department of Commerce	5.
Department of Health, Education, and Welfare.	5.
Other Federal agencies having special expertise or jurisdiction by law on areas of environmental impact.	1 each.
State clearinghouses (OMB Circular A–95, attachment D) (for national programs having national scope circulate to all States, otherwise only to States where the program or project EIS is applicable).	
Organizations, groups, individuals with expertise or known special interest in the program or project and its environmental impacts.	1 each.
Public upon request	1.

Final environmental statement

To the Federal and State agencies, organizations and groups listed above for the draft statement and to any other public body, private organization or individual who made substantive comments on the draft statement.

Statements on legislation

Following clearance by OMB of the related legislative proposal or report, the EIS will be circulated as provided above and made available to the Congress.

[FR Doc.74–13139 Filed 6–10–74;8:45 am]

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[1] Draft environmental statements must be submitted to the Environmental Protection Agency (EPA) for review and comment in accordance with section 309 of the Clean Air Act, as amended. For regional, State and county actions, the EIS will be sent to the appropriate Regional Administrator.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR OCCUPATIONAL EXPOSURE TO INORGANIC ARSENIC

Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on the occupational exposure to inorganic arsenic. The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor is studying the criteria and would appreciate public participation on the issues of whether a new standard for inorganic arsenic should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for inorganic arsenic. The issues are set forth with greater particularity below.

Accordingly, interest persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to inorganic arsenic. Comments are specifically requested concerning:

(1) Whether a new standard on occupational exposure to inorganic arsenic should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with inorganic arsenic;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Docket Officer, Occupational Safety and Health Administration, U.S. Department of Labor, Room 220, 1726 M Street, NW., Washington, D.C. 20210, before August 12, 1974. The communications will be available for public inspection and copying at the above location.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to inorganic arsenic will be available for inspection and copying, upon request, at any of the following addresses:

NATIONAL OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
Technical Data Center
Room 250
1726 M Street, N.W.
Washington, D.C. 20210

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Fifth Floor
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
823 Walnut Street
Waltower Building—Room 300
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
P.O. Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110–A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802, Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 425
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building
436 Dwight Street
Room 504
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Bldg.
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building, Room 8081
400 N. 8th Street, P.O. Box 10186
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
1371 Peachtree Street, N.E., Room 723
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
3200 E. Oakland Park Boulevard
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive—Suite 4
Art Museum Plaza
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554–E 600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29211

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U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 613A
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall, 2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 201
6605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
5760 I—55 North Frontage Rd. East
Jackson, Mississippi 39200

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46204

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734 Federal Office Building
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
220 Bagley Avenue
Detroit, Michigan 48226

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Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
307 Central National Bank Building
2100 Travis Street
Houston, Texas 77002

U.S. Department of Labor
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Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

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546 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 303—Donaghey Building
103 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
Room 108—Federal Building
421 Gold Avenue, S.W.
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 309
Executive Building
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 215
1015 Jackson Keller Road
San Antonio, Texas 78213

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard—Room 554
Saint Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525 Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
1203 South Carson Street
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
121 107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526 Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S. Department of Labor
Occupational Safety and Health Administration
228 Idaho Building
216 North 8th Street
Boise, Idaho 83702

and they will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety and Health
Room 10–A–22
5600 Fishers Lane
Rockville, Maryland 20852

U.S. Department of HEW
National Institute for Occupational Safety and Health
1100 Commerce Street, Room 8–C–53
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
401 North Broad Street
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Street
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Occupational Safety and Health
254 Federal Office Building
50 Foulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The stock number is GPO–1733–00029; the price per copy is $1.50. Payment should be made by check or money order made payable to "Superintendent of Documents—GPO".

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor Order No. 12–71 (36 FR 8754).

Signed at Washington, D.C., this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–13313 Filed 6–10–74;8:45 am]

[29 CFR Part 1910]

STANDARD FOR OCCUPATIONAL EXPOSURE TO SULFUR DIOXIDE

Advance Notice of Proposed Rulemaking

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a recommended standard on the occupational exposure to sulfur dioxide. The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor is studying the criteria and would appreciate public participation on the issues of whether a new standard for sulfur dioxide should be issued on the basis of the criteria or any other information, and, if so, what should be the contents of a proposed standard for sulfur dioxide. The issues are set forth with greater particularity below.

Accordingly, interested persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to sulfur dioxide. Comments are specifically requested concerning:

(1) Whether a new standard on occupational exposure to sulfur dioxide should be issued;

(2) Each section of the standard recommended by NIOSH;

(3) Suitable alternatives to the recommendations of NIOSH;

(4) Work injury and illness experience with sulfur dioxide;

(5) Supported cost data of the estimated costs of coming into compliance with the standard recommended by NIOSH;

(6) Supported data on any possible environmental impact of the recommended standard, and specifically (a) any adverse environmental effects which cannot be avoided should the standard be adopted, (b) alternatives to such standard, (c) the relationship between local short-term uses of man's environmental and the maintenance and enhancement of long-term productivity, and (d) any irreversible commitments of resources which would be involved if the standard should be implemented; and

(7) Any other related issues.

Communications should be submitted to the Docket Officer, Occupational Safety and Health Administration, U.S. Department of Labor, Room 220, 1726 M Street, NW., Washington, D.C. 20210, before August 12, 1974. The communications will be available for public inspection and copying at the above location.

The NIOSH document containing the criteria and the recommended standard on occupational exposure to sulfur dioxide will be available for inspection and copying, upon request, at any of the following addresses:

NATIONAL OFFICE

U.S. Department of Labor
Occupational Safety and Health Administration
Technical Data Center
Room 250
1726 M Street, N.W.
Washington, D.C. 20210

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Fifth Floor
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
823 Walnut Street
Waltower Building—Room 300
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
P.O. Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 425
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110–A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802, Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building

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436 Dwight Street
Room 504
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Bldg.
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building, Room 8081
400 N. 8th Street, P.O. Box 10186
Richmond, Virginia 23240

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Atlanta, Georgia 30309

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Room 204—Bridge Building
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Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive—Suite 4
Art Museum Plaza
Jacksonville, Florida 32207

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Suite 554–E 600 Federal Place
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Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

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Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29211

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 613A
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall, 2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 201
6605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
5760 I—55 North Frontage Rd. East
Jackson, Mississippi 39200

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46204

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734 Federal Office Building
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
220 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
307 Central National Bank Building
2100 Travis Street
Houston, Texas 77002

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U.S. Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 303—Donaghey Building
103 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
Room 108—Federal Building
421 Gold Avenue, S.W.
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 309
Executive Building
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 215
1015 Jackson Keller Road
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U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard—Room 554
Saint Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525 Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
1203 South Carson Street
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
121 107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix, Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526 Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S. Department of Labor
Occupational Safety and Health Administration
228 Idaho Building
216 North 8th Street
Boise, Idaho 83702

and they will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

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National Institute for Occupational Safety and Health
Room 10–A–22
5600 Fishers Lane
Rockville, Maryland 20852

U.S. Department of HEW
National Institute for Occupational Safety and Health
1100 Commerce Street, Room 8–C–53
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
401 North Broad Street
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Street
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Occupational Safety and Health
254 Federal Office Building
50 Foulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

Finally, copies of the NIOSH document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price per copy is $1.55; the stock number is GPO–1733–00030. Payment for each copy should be sent by check or money order payable to "Superintendent of Documents—GPO".

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754).

Signed at Washington, D.C. this 31st day of May 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–13312 Filed 6–10–74;8:45 am]

[29 CFR Parts 1910, 1926, 1915, 1916, 1917, 1918]

GROUND-FAULT CIRCUIT PROTECTION

Advance Notice of Proposed Rulemaking

In accordance with the Williams-Steiger Occupational Safety and Health Act of 1970, the 1971 edition of the National Electrical Code (ANSI C1–1971) has been adopted by reference in §§ 1910.309 and 1926.400. Section 210–7 of the NEC contains the following provision:

"All 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel. This requirement shall become effective on January 1, 1974."

On the basis of the recommendations of the Advisory Committee on Construction Safety and Health and the petition of the National Constructors Association, the January 1, 1974 effective date of the above provision was deferred (38 FR 33397). Also, comments by interested persons were solicited and a public hearing was scheduled (38 FR 33983), and the issues subject to comment were listed (38 FR 35235) as follows:

(1) Voltage level of "all 15- and 20-ampere receptacles."

(2) Clarification of "construction sites."

(3) Clarification of "ground-fault circuit protection for personnel."

(4) Trip level of approved ground-fault circuit protection for personnel.

In response to the Federal Register notices, 61 written comments were received and 36 exhibits were submitted. After careful technical evaluation of all comments received and all evidence submitted at the hearing, it appeared that there might be a need for ground-fault circuit protection for personnel whenever an employee uses electricity in a wet, damp, or conductive location.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor is studying the general application of ground-fault circuit interrupters throughout all industries. A standard similar to the following is being considered:

§ 19__.__ * * * *Ground-fault circuit protection for personnel.* (1) All 120v, 15- and 20-ampere receptacles used by personnel at work sites which are in wet, damp or muddy locations, or are in conductive locations consisting of exposed structural steel or other large grounded metallic surfaces, such as metal floors, tanks, boilers, shall have approved ground fault circuit protection for personnel.

EXCEPTION No. 1: Receptacles used to power fixed lighting shall not have ground fault circuit protection for personnel, nor shall fixed lighting necessary for illumination of the work site be wired to ground fault circuit interrupters (GFCI's).

EXCEPTION No. 2: Receptacles on a portable generator, where the circuit conductors and the frame of the generator are insulated from earth and all grounded surfaces, need not be protected with GFCI's.

(2) The approved ground fault circuit protection for personnel shall be provided by a device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds a predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit. The ground fault current trip level for this device shall be 5 ma ±1. This device shall be used in addition to the equipment grounding conductor when this conductor is required by other provisions of this Part.

EXCEPTION: Ground fault circuit interrupters which have a trip level lower than 4 ma may continue to be used at the user's option.

(3) For the purpose of this paragraph, the following definitions and clarification shall apply:

(i) Damp location: Partially protected locations under canopies, roofed open shelters, and locations subject to a moderate degree of moisture such as basements, barns, etc.

(ii) Wet location: Installations underground or in concrete slabs or masonry in direct contact with the earth; locations of raw concrete, locations subject to saturation with water or other liquids, and locations exposed to weather and unprotected.

(iii) Following are examples of work sites which have environments as indicated in paragraph (__)(1) of this section and at which ground fault circuit protection for personnel is required:

(A) Vehicle repair and service bays,
(B) Wet scrubbing areas,
(C) Vehicle washing areas,
(D) Inside metal tanks or boilers,
(E) Outdoors.

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Accordingly, interested persons are invited to submit by August 9, 1974, written data, views, and arguments concerning a standard on ground-fault circuit protection for personnel to Docket Officer, Room 220, 1726 M Street NW., Washington, D.C. 20210. Comments are specifically requested concerning:

(1) The suggested standard;

(2) Suitable alternatives to the suggested standard;

(3) Supported work injury experience with respect to 120 volt A.C. circuits; and

(4) Supported cost data of the estimated costs of coming into compliance with the suggested standard.

This advance notice of proposed rulemaking is issued under Section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C. this 3rd day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-13311 Filed 6-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-37]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Hot Springs, Va., Control Zone (39 FR 390).

The control zone is presently designated during the hours 0800 to 1800 local time daily. Weather observations to support the control zone designations are provided by Piedmont Airlines personnel. However, due to seasonal schedule changes, the control zone designation must be varied to coincide with weather reporting capability which is dependent on the air carrier. Therefore it is proposed to delete the specificity as to time in the designation, and permit changes by issuance of a NOTAM in the Airman's Information Manual, which may vary from the present 10 hours up to 24 hours.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 11, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hot Springs, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation regulations so as to alter the description of the Hot Springs, Va. Control Zone by deleting the last sentence and by substituting in lieu therefor: "This control Zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective times will thereafter be published in the Airman's Information Manual.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 24, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-13294 Filed 6-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Eagle Pass, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

EAGLE PASS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Pass Municipal Airport (latitude 28°42'00" N., longitude 100°28'45" W.) and within 3 miles each side of the 089° bearing from the Eagle Pass RBN (latitude 28°42'20" N., longitude 100°29'10" W.) extending from the 5-mile radius area to 8 miles east of the Eagle Pass RBN excluding the portion outside the United States.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB-A instrument approach procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13295 Filed 6-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the 700-foot transition area at Intracoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the Intracoastal City, La., transition area is amended as follows:

INTRACOASTAL CITY, LA.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the White Lake, La., VORTAC 062° radial extending from 9 miles NE of the VORTAC to 13 miles NE of the VORTAC and within 3.5 miles each side of the White Lake VORTAC 065° radial extending from 17 miles NE of the VORTAC to 23 miles NE of the VORTAC.

The proposed amendment to the transition area will provide controlled airspace for helicopters executing the proposed COPTER VORTAC 239° Special Instrument Approach Procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13296 Filed 6-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-29]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Sabine Pass, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 11, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

SABINE PASS, TEX.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Sabine Pass, Tex., VORTAC 093° radial extending from the VORTAC to 17.5 miles east of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed COPTER VOR TAC 086° and COPTER VORTAC 266° Special Instrument Approach Procedures.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13297 Filed 6-10-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-28]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Morgan City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 11, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

MORGAN CITY, LA.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Tibby, La., VORTAC 281° radial extending from 11.5 miles west of the VORTAC to 23 miles west of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed Copter VORTAC 096° and Copter VORTAC 276° Special Instrument Approach Procedures.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Forth Worth, Tex., on May 30, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13298 Filed 6-10-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 590]

[Docket No. 74-24; Notice 1]

MOTOR VEHICLE EMISSION INSPECTIONS

Criteria and Procedures

The purpose of this notice is to propose criteria and procedures for motor vehicle emission inspections to be conducted by, or under the supervision of, a State diagnostic inspection demonstration project.

Section 1962(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) requires the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, to establish emission inspection criteria for motor vehicle diagnostic inspection demonstration projects. These projects are carried out with the help of grants and technical assistance of this Department.

The proposed criteria are minimum requirements for exhaust emissions of passenger cars powered by spark-ignition engines, and are based on the studies of the Environmental Protection Agency. Although it is the NHTSA's belief that the proposed criteria would also be appropriate for emissions inspection of light trucks and other light duty vehicles with spark-ignition engines, these vehicles would not be subject to the inspection projects. The proposal is not intended to restrict or replace emission inspection programs already adopted.

Since one of the major purposes of the diagnostic inspection demonstration projects is to determine whether such projects would be both feasible and cost beneficial, the proposed emission criteria are not the lowest motor vehicle emission levels attainable. The criteria are, however, reasonable limits for such inspection programs. Amendments to the criteria will be proposed when appropriate based on the evaluation of data provided

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by the projects and upon recommendations of the EPA.

The two emission pollutants for which criteria are proposed are carbon monoxide (CO) and hydrocarbons (HC). Instruments that can accurately measure these pollutants are readily available and can be utilized in a cost effective manner for the projects. Nitrogen oxides (NOx) are not included in the criteria due to the relative difficulty of their measurement.

Two alternative and mutually exclusive procedures for emission inspections are proposed: the loaded-mode, which requires testing on a chassis dynamometer, and the idle-mode, which does not include dynamometer testing. Either of these testing procedures may be chosen, although the loaded-mode inspection is preferred due to its greater diagnostic capability. For the idle-mode inspection, it is important to avoid the futile exercise of starting an emissions inspection, and then rejecting the vehicle because it has an improper idle speed adjustment. Accordingly, before a vehicle may be inspected for emissions, it must first be determined by the inspection personnel, whether the vehicle has an acceptable idle speed. If not, the vehicle must be rejected, and properly adjusted before being tested for emission concentrations.

In consideration of the foregoing, it is proposed that a new Part 590, Emission Inspections, be added to Chapter V, Title 49, Code of Federal Regulations, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: August 12, 1974.

Proposed effective date: 30 days after publication of final rule.

(Sec. 302(b) (1), Pub. L. 92–513, 86 Stat. 947, 15 U.S.C. 1901; delegation of authority at 49 CFR 1.51.)

Issued on June 1, 1974.

James B. Gregory,
Administrator.

PART 590—EMISSION INSPECTIONS

Sec.
590.1 Scope.
590.2 Purpose.
590.3 Applicability.
590.4 Definitions.
590.5 Requirements.
590.6 Idle-mode inspection.
590.7 Loaded-mode inspection.
590.8 Inspection conditions.

Authority: Sec. 302(b) (1), Pub. L. 92–513, 86 Stat. 947, 15 U.S.C. 1901; delegation of authority at 49 CFR 1.51.

§ 590.1 Scope.

This part specifies standards and procedures for motor vehicle emission inspections by State or State-supervised diagnostic inspection demonstration projects.

§ 590.2 Purpose.

The purpose of this part is to support the development of effective regulation of automobile exhaust emissions and thereby improve air quality, by establishing appropriate uniform procedures for diagnostic emission inspection demonstration projects.

§ 590.3 Applicability.

This part does not impose requirements on any person. It is intended to be implemented by State diagnostic inspection demonstration projects established under Title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961) with respect to emission inspections of passenger cars in use that are powered by spark-ignition engines.

§ 590.4 Definitions.

All terms used in this part that are defined in Part 571 of this chapter, Motor Vehicle Safety Standards, are used as defined in that part.

§ 590.5 Requirements.

A diagnostic inspection demonstration project shall test vehicles in accordance with either the idle-mode inspection of § 590.6, or the loaded-mode inspection of § 590.7.

§ 590.6 Idle-mode inspection.

(a) *Criteria.* The vehicle must meet the following criteria when tested by the idle-mode inspection method.

(1) The vehicle's idle speed, measured with the transmission in the position recommended by the manufacturer for adjusting the idle speed, shall not be more than 100 rpm higher than the idle speed recommended by the manufacturer.

(2) Concentrations of emission samples taken from each exhaust outlet shall not exceed the following levels:

(i) For model years 1967 and earlier: hydrocarbons (HC) 1200 ppm, and carbon monoxide (CO) 9.0 percent.

(ii) For model years 1968 and later: HC 600 ppm, and CO 7.0 percent.

(b) *Method.* Idle-mode inspection is conducted by measuring two emission samples from each exhaust outlet. The first emission sample is collected with the vehicle's transmission in neutral and the engine operating at 2250 rpm. The second sample is collected with the vehicle's transmission in the position recommended by the manufacturer for adjusting the idle speed, and the engine idling.

§ 590.7 Loaded-mode inspection.

(a) *Criteria.* When the loaded-mode inspection is conducted, concentrations of the emission samples taken from each exhaust outlet for each of the three phases of the driving cycle in Table I, conducted in the sequence indicated, shall not exceed the levels given in Table II. For the purpose of determining the weight classification of a motor vehicle for the loaded-mode inspection, 300 pounds are added to the vehicle's curb weight.

Table I

Curb weight plus 300 lb	Driving cycle (speed-load combination)		
	1st phase high cruise	2d phase low cruise	3d phase idle
3,801 lb and up	48 to 50 mi/h at 27 to 30 hp	32 to 35 mi/h at 10 to 12 hp	At idle.
2,801 to 3,800 lb	44 to 46 mi/h at 21 to 24 hp	29 to 32 mi/h at 8 to 10 hp	Do.
2,000 to 2,800 lb	36 to 38 mi/h at 13 to 15 hp	22 to 25 mi/h at 4 to 6 hp	Do.

Table II

High cruise	Low cruise	Idle
1967 and earlier model years		
HC 900 p/m CO 4.5 percent	HC 900 p/m CO 5.5 percent	HC 1,200 p/m. CO 9.0 percent.
1968 and later model years		
HC 450 p/m CO 3.75 percent	HC 450 p/m CO 4.25 percent	HC 600 p/m. CO 7.0 percent.

(b) *Method.* Loaded-mode inspection for the first two phases of the driving cycle described in Table I is conducted by measuring the levels of emission concentrations from each exhaust outlet of a motor vehicle operated on a chassis dynamometer, with the vehicle's transmission in the setting recommended by the vehicle manufacturer for the speed-load combination being tested. For the idle phase, vehicles with automatic transmissions are tested in drive and vehicles with standard transmissions are tested in neutral.

§ 590.8 Inspection conditions.

(a) The vehicle engine is at its normal operating temperature, as specified by the vehicle manufacturer.

(b) An engine speed indicator with a graduated scale from zero to at least 2500 rpm is used for the idle-mode inspection procedure.

(c) The equipment used for analyzing the emission concentration levels—

(1) Has a warm-up period not to exceed 30 minutes;

(2) Is able to withstand sustained periods of continuous use;

(3) Has a direct and continuous meter readout that allows readings for concentration levels of carbon monoxide (CO) from 0–10 pereent, and of hydrocarbon (HC) from 0–2000 ppm hexane; and, if used for the loaded-mode inspection, has at least one additional expanded direct and continuous readout for concentration levels of carbon monoxide and of hydrocarbon, such as from 0–5 percent and from 0–1000 ppm hexane, respectively;

(4) Has an accuracy of better than ±5 percent of the full scale reading for each concentration range;

(5) Permits a reading for each emission concentration level, within 10 seconds after the emission sample has been taken, that is not less than 90 percent of the final reading; and

(6) Has a calibration system using a standard gas, or an equivalent mechanical or electrical calibration system which itself is based on a standard gas.

[FR Doc.74–13355 Filed 6–10–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 293]

[EDR–272; Docket No. 26769]

AIR TAXIS IN ALASKAN BUSH ROUTES

Operations Pursuant to Subcontract Agreements With Certificated Air Carriers

June 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to its Economic Regulations to be identified as Part 293 (14 CFR Part 293) which would (1) require prior Board approval for subcontract agreements involving Alaskan bush routes; and (2) specify guidelines to be followed by the Board in approving such agreements.

The principal features of the proposed amendments are described in the attached Explanatory Statement and the complete text of the proposed rule is attached thereto. The rule is proposed under the authority of Sections 204, 401, 407, 412, 416 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 766, 770, 771 and 788; 49 U.S.C. 1324, 1371, 1377, 1382, 1386 and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 11, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[seal] Edwin Z. Holland,
Secretary.

Explanatory Statement

Heretofore the operation of scheduled air service by air taxis over Alaska bush routes pursuant to subcontract agreements with Board certificated air carriers has been permitted under Part 302, Subpart L of the Board's Procedural Regulations, which does not require prior Board approval for implementation of such agreements. The proposed rule herein will require prior Board approval of such agreements in accordance with procedures specified in Part 302, Subpart P; and will establish guidelines which the Board will consider in reaching decisions on the agreements.

We believe that the need for guidelines was established in the "Alaska Service Investigation," as recommended by Judge Merritt Ruhlen in his initial Decision, March 26, 1971. Judge Ruhlen's recommendation was not adopted at that time, but rather those bush phase issues in the proceeding involving subcontracted service and related issues were remanded so that the Board could consider additional service alternatives prior to reaching a final decision (Order 72–9–91, 72–9–92, September 25, 1972). Principally, the remanded proceedings were ordered specifically to include among the possible service alternatives the issue of "subsidized services by air carriers, whether or not certificated, operating pursuant to a competitive bid contract." However, because of intervening developments, the promulgation of any proposed competitive bid contract system would not now appear to be viable and the issue must be considered moot.[1]

Thus, the range of alternatives available within the issues in the remanded bush phase of the "Alaska Service Investigation" concerning subcontracted bush service, has, as a practical matter, reverted to the limited alternatives that were available prior to the Board's order to remand and expand the scope of the proceeding.

Moreover, it is now evident, based on pleadings received to date in the remanded stage of the proceeding that the further development of the evidentiary record in terms of reliable historic data which the Board stated would be useful in resolving the complex issues in the case, cannot be accomplished in the detail contemplated.

In the light of these considerations, it is argued that issues involving subcontract agreements can and should be resolved now on the basis of policy considerations and existing evidence of record, and that Judge Ruhlen's recommendations in this respect provide a reasonable foundation for such decision.

The Board agrees with this position. Within the relegated scope of real options now open to the Board, we believe that a sufficient basis exists for adopting defined procedures and economic guidelines for processing of subcontract agreements in Alaskan bush markets. Accordingly, we are of the tentative view that the attached proposed rule, patterned after the guidelines recommended by Judge Ruhlen in his initial decision, should be adopted.

The proposed rule contains the following major provisions: (1) It will require air taxi parties to subcontract agreements involving Alaskan bush routes to comply with Part 298, both as a Federal air taxi operator and as a scheduled route operator properly authorized by the State of Alaska. (2) It specifies that the agreements may not be implemented without prior Board approval. (3) It requires the filing of an application for prior Board approval of the agreement, demonstrating, with supporting economic data, that sufficient compensation will be provided to guarantee the sustained operation of a satisfactory level of service by the air tax party to the agreement; that the agreement is of sufficient duration to justify the necessary investment in equipment and facilities by the air taxi; that the certificated air carrier will provide any necessary backup equipment and services that may be required in emergency situations; and that the public be adequately informed that the air taxi operator is operating as an agent of the certificated air carrier who is responsible for the services rendered. The rule also allows interested parties to file answers to the application for approval of the agreement.

The Board's primary concerns are that the agreements provide the basis for a sustained, satisfactory level of reliable bush service—including equitable provisions for whatever reasonable compensation may be required. The applicants will be expected to demonstrate that the provisions of the agreement will fulfill this objective.

We are of the tentative view that the subcontracting parties should propose the method of providing any necessary compensation for the air taxi in each individual agreement. Historically, the record in the Investigation indicates that in some cases the certificated air carrier pays its subcontractor a predetermined rate per round trip, per aircraft mile, or per other unit of operations. Other agreements provide for the certificated carrier to forward to the air taxi a rate for carrying mail that exceeds the actual rate paid by the Postal Service to the certificated air carrier. These types of support arrangements may be satisfactory in specific cases, but the application must contain detailed information, including the projected amounts of gross

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[1] A proposed competitive bid contract system is not within the Board's existing statutory alternatives. A bill was introduced in the 92nd Congress to authorize an experimental contract program involving competitive bids for air routes, but it was not enacted into law, and it has not been reintroduced in the 93rd Congress. Accordingly, there would be no statutory basis for the Board to implement a competitive bid system in Alaska at this time.

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and net additional compensation that will flow to the air taxi party.

Reporting procedures, for the major purpose of monitoring the ongoing results of subcontracted operations, are also specified in the proposed rule.

PART 293—OPERATIONS BY AIR TAXIS IN ALASKAN BUSH ROUTES PURSUANT TO SUBCONTRACT AGREEMENTS WITH CERTIFICATED AIR CARRIERS

Sec.
293.1 Applicability.
293.2 Procedural requirements.
293.3 Standards.
293.4 Reporting requirements.

§ 293.1 Applicability.

This subpart sets forth the rules applicable to the processing of and guidelines applicable to the approval of, section 412 subcontract agreements involving the operation of scheduled air services by an air taxi operator over Alaskan bush routes of a certificated air carrier.

§ 293.2 Procedural requirements.

An agreement submitted pursuant to this part shall be filed in accordance with the provisions of Subpart P of the Board's Rules of Practice in Economic Proceedings (14 CFR Part 302), and in accordance with the following additional provisions:

(a) A copy of every document subject to this part shall be filed with the Board's Alaska Regional Office.

(b) A copy of every document subject to this part shall be served upon the Alaska Transportation Commission.

(c) Contents of an application for prior Board approval of an agreement submitted pursuant to this part shall include economic and other factual data specifically bearing on each of the criteria for approval prescribed in section 293.4.

§ 293.3 Standards.

Subcontract agreements filed pursuant to this part shall comply with the following standards:[1]

(a) The air taxi party to the agreement must (1) be authorized by the State of Alaska to operate as a common carrier in scheduled services, and (2) be in compliance with all provisions of Part 298 as an air taxi operator within the definitions of that Part.

(b) The agreement shall be of sufficient duration to justify the necessary investment in equipment and facilities by the air taxi party. Sufficient duration shall be deemed to be at least one year but may be any period of greater duration as the Board may find the circumstances to indicate.

(c) The agreement shall provide that the air taxi party to the agreement be guaranteed sufficient compensation as may be necessary to support the sustained operation of a satisfactory level of service over the routes described in the agreement. Such compensation shall be determined on the basis of best estimates of both parties to the agreement, as evaluated and modified by the Board, of the projected financial results of operations performed pursuant to the agreement during the fiscal year periods for which the agreement will be effective. A detailed description of the method and projected amount of compensation must be included in the application for Board approval of the agreement.

(d) The agreement shall provide that the certificated air carrier party will provide backup support, including extra equipment in emergency situations in which the air taxi party is unable to meet the demands of the subject routes.

(e) The traveling public affected by the agreement shall be informed by appropriate and conspicuous notice that the air taxi party is operating as an agent of the certificated air carrier party and that the certificated air carrier party is responsible for the services rendered.

§ 293.4 Reporting requirements.

An air taxi party to an agreement approved pursuant to this part shall file, in addition to any reports which may be required under Part 298, such other reports (including detailed data of operating income and expenses in subcontracted operations) as may be prescribed in the Board's order approving such agreement.

[FR Doc. 74-13332 Filed 6-10-74;8:45 am]

[14 CFR Part 298]

[EDR-273; Docket No. 21761]

AIR TAXI OPERATORS

Classification and Exemption

JUNE 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 298 of its Economic Regulations (14 CFR Part 298) to make applicable to air taxi operators in the State of Alaska the aircraft size and weight limitations presently applicable to air taxi operators in the 48 continguous States and the territories.

The principal features of the proposed rule are set forth in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under authority of sections 204(a) and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 11, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Part 298 of the Board's Economic Regulations (14 CFR Part 298) provides for the classification and exemption of air taxi operators.

In the "Part 298 Weight Limitation Investigation," Orders 72-7-61 and 72-9-62, the Board replaced the preexisting 12,500 pound takeoff weight limitation on air taxi aircraft with a more liberal 30 seat/7500 pound payload restriction.[1] This change, however, was made applicable only to air taxi service in the continental United States. The Board decided not to relax the 12,500 pound rule for intra-Hawaii services and to defer any decision as to intra-Alaska operations until after the determination of the bush route issues in the "Alaska Service Investigation." When we remanded the bush routes phase of the "Alaska Investigation," we consolidated into that proceeding the question of whether the Part 298 aircraft weight restrictions should be relaxed in the case of intra-Alaska services.

For reasons detailed in Order 74-6-21, issued contemporaneously herewith, we have now decided to sever the Part 298 issue from the "Alaska Service Investigation." Similarly, we have also concluded that there is no need for further hearings on this question. The question of appropriate air taxi standards for Alaska was in issue in the Part 298 "Weight Limitation Investigation" and the record in that proceeding contains information concerning the nature of certificated services in Alaska and the views of the parties on whether the revised limitations governing air taxi operations should be made applicable to Alaska. No matters requiring resolution through evidentiary procedures have been presented in the materials which have been filed in the remanded Alaska proceeding, nor does it appear likely that any significant additional such matters would emerge if further evidentiary hearings were held. Rather, the changing conditions in Alaska and their significance to the question of appropriate weight limitations are matters susceptible of evaluation and consideration upon the basis of written comment. While the Board well might proceed to decision on the basis of the materials now before it and its informed judgment, we think it desirable to afford interested persons yet another opportunity to comment on the proposed amendment, and hence will proceed by way of notice of proposed rulemaking to provide that opportunity.

Our tentative conclusion is that the air taxi weight limitations now applicable in the continental United States should be extended to intra-Alaska services. In the "Weight Limitation" case, Administrative Law Judge Merritt Ruhlen recommended against a relaxation of the 12,500 pound test, claiming it would cause serious harm to Alaska's unique pattern of certificated air routes, which consists largely of widely scattered, sparsely populated bush points served by heavily subsidized carriers who still operate a substantial number of small aircraft (with takeoff weights below 12,000 pounds). This conclusion was based on Judge Ruhlen's general evaluation of the nature of these markets rather than on specific evidence that a more liberal air taxi standard would result in substantial diversion from certificated airlines. While we agree with Judge Ruhlen's analysis of the special character of Alaskan air transportation, we disagree with his opinion that the State's network of certificated services requires protection against a liberalization of air taxi weight standards. In our judgment, the distinctive nature of Alaskan air transportation is clearly recognized and sufficiently safeguarded by two existing provisions of section 298.21 (c) which will continue in effect. First, under this section an exempted carrier may not operate scheduled services between points served by a certificated airline with at least two scheduled single-plane flights per week, including flag stops. This provision sharply limits any diversionary impact air taxis might otherwise have on scheduled certificated services. Second, the regulation requires Part 298 operators to obtain air taxi authority from the State of Alaska as well, thus assuring that any new services that may result from our proposed amendment will accord with local requirements and needs as determined by the State.[2] Accordingly, we tentatively conclude that our reasons for adopting the 30 seat/7,500 pound test for air taxi operations in the continental United States justify a similar relaxation of aircraft weight standards within Alaska.

PROPOSED RULE

It is proposed to amend Part 298 of the Board's Economic Regulations (14 CFR 298) as follows:

1. Amend § 298.2 by revising the definitions of "Large aircraft" and "Maximum passenger capacity," to read as follows:

§ 298.2 Definitions.

As used in this part:

* * * * *

"Large aircraft" means an aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds: *Provided, however,* That, for the purposes of this part, large aircraft shall include all models of the Convair 240, 340 and 440; Martin 202 and 404; F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

* * * * *

2. Amend § 298.21 by revising paragraphs (a) and (c), the section as amended to read in pertinent part as follows:

§ 298.21 Scope of service authorized: geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in section 298.3(a) and 298.13) in aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less: *Provided, however,* That, with respect to operations conducted within Hawaii said exemption authority shall be limited to aircraft having a maximum takeoff weight of 12,500 pounds or less.[1]

* * * * *

(c) *Air taxi service in Alaska.* No service in air transportation shall be offered or performed by an air taxi operator between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations) : *Provided,* That the operator is prohibited from rendering the above authorized service in air transportation, or holding out to the public expressly or by course of conduct that it renders such service, regularly or with a reasonable degree of regularity between points where a certificated carrier schedules two or more single-plane round trips per week, including flag stops.

* * * * *

[FR Doc.74-13333 Filed 6-10-74;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 409]

DEPRECIATION OF TANGIBLE CAPITAL ASSETS

Proposed Cost Accounting Standard

Notice is hereby given of a proposed Cost Accounting Standard on the Depreciation of Tangible Capital Assets, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirement of Section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 409.80.

Income tax regulations have established bases for selection of depreciation lives and methods of depreciation for assigning depreciation cost to accounting periods. Our research has indicated that contractors often select depreciation lives and methods for contract costing purposes based on what is permitted by these regulations rather than on bases which are representative of the consumption of the service potential of the tangible capital asset. In these circumstances many choices have resulted in unduly accelerating allocation of depreciation cost to earlier cost accounting periods and to final cost objectives within those earlier cost accounting periods.

The proposed Standard would establish the principle that for contract costing purposes the service lives established for tangible capital assets be the expected actual service lives at the date of acquisition. Accordingly, the proposed Standard would require that the service lives used shall be the estimates used for financial accounting purposes unless financial accounting lives are unrealistic, in which case the proposed Standard would require that more realistic estimated service lives be used. The proposed Standard also would require that the method of depreciation used for contract costing purposes approximate the expected consumption of asset services in each cost accounting period. The method of depreciation used for financial ac-

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[1] The standards listed are not intended to be all inclusive. The Board remains free to disapprove an agreement as contrary to the public interest even if the agreement complies with these standards.

[1] ER-748, July 18, 1972, 37 FR 14692, as revised by ER-759, September 15, 1972, 37 FR 19609. By ER-846, effective May 8, 1974, we further clarified and amended the 30 seat/7500 pound payload text by specifying certain aircraft that would not qualify under this standard and by adding an upper limit on air taxi aircraft of 35,000 pounds maximum zero fuel weight. Our present proposal to conform air taxi standards within Alaska to those applicable in the continental United States reflects this recent change.

[2] The Alaska Transportation Commission supports the proposed relaxation of the weight restrictions on Alaskan air taxi aircraft.

[1] The carriers are cautioned that safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

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counting purposes is satisfactory if reasonable in the circumstances.

The Board calls attention to the treatment that would be prescribed in connection with changes in estimated service life, residual value, or method of depreciation. This proposed Standard would require that adjustments be applicable only to the remaining undepreciated cost of the assets, which remaining cost shall be amortized in the current and future periods in accordance with the new determinations. The treatment provided in this proposed Standard for changes in accounting estimates such as changes in expected life is the same as that which Opinion No. 20 of the Accounting Principles Board (July 1971) provides for financial reporting. APB Opinion No. 20, however, provides that changes in accounting principle may involve corrections for cumulative effects in prior periods; a change in depreciation method for existing assets is used (paragraph 22 of the Opinion) as an example of a change in accounting principle requiring changes related to prior periods. For contract costing purposes, the Board does not proposed retroactive changes. Amounts once charged off as depreciation expense should not be reinstated and again be available for charge against future projects. Conversely, if assets have not yet been charged off, it would be equitable that the entire remaining depreciable cost of those assets be identified to cost objectives of future periods.

Included in the proposed Standard is an Appendix A, which was derived from the Internal Revenue Service's Revenue Procedure 71-25. The proposed Standard would use Revenue Procedure 71-25 "Asset Guideline Periods" to establish lower limits for estimated service lives that may be used for contract costing purposes where contractors' accounting records do not support shorter lives.

The proposed Standard is expected to be applied by contractors in situations where depreciation cost is a factor in determining equitable charging rates to be used as a basis for contract costing. For example, the development of rate schedules for construction plant and equipment and ownership costs for comparison to lease or rental costs would be accomplished in conformance with the requirements of the proposed Standard. The proposed Standard also would be used by educational institutions in determining amounts to be compensated for use of buildings, capital improvements and equipment.

The Cost Accounting Standards Board is particularly interested in comments on the above subjects. The Board also solicits comments on any other matter concerning the proposed Cost Accounting Standard which will assist the Board in its consideration of the proposal.

Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this notice, written submissions must be made to arrive no later than August 12, 1974.

NOTE: All written submissions made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

Sec.
409.10 General applicability.
409.20 Purpose.
409.30 Definitions.
409.40 Fundamental requirement.
409.50 Techniques for application.
409.60 Illustrations.
409.70 Exemptions.
409.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 409.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 409.20 Purpose.

(a) The purpose of this Standard is to provide criteria and guidance for assigning costs of tangible capital assets to cost accounting periods and for allocating such costs to cost objectives within such periods in an objective and consistent manner. The standard is based on the concept that depreciation costs identified with cost accounting periods and benefiting cost objectives within periods should be a reasonable measure of the expiration of service potential of the tangible assets subject to depreciation. Adherence to this Standard should provide a systematic and rational flow to benefiting cost objectives of the costs of tangible capital assets over their expected service lives.

(b) This Standard does not cover nonwasting assets or natural resources which are subject to depletion.

§ 409.30 Definitions.

(a) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or the fair value if the asset is traded in on another asset.

(b) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a forecast of the period of usefulness of the asset(s) and is the period over which depreciation cost is to be assigned.

(c) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

§ 409.40 Fundamental requirement.

(a) The depreciable cost of a tangible capital asset (or group of assets) shall be assigned to cost accounting periods in accordance with the following criteria:

(1) The depreciable cost of a tangible capital asset shall be its capitalized cost less its estimated residual value.

(2) The estimated service life of a tangible capital asset (or group of assets) shall be used to determine the cost accounting periods to which the depreciable cost will be assigned.

(3) The method of depreciation selected for assigning the depreciable cost of a tangible capital asset (or group of assets) to the cost accounting periods representing its estimated service life shall reflect the expected consumption of services in each cost accounting period.

(4) Gain or loss upon disposition of a tangible capital asset shall be assigned to the cost accounting period in which the disposition occurs.

(b) The annual depreciation cost of a tangible capital asset (or group of assets) shall be allocated to cost objectives for which it provides service in accordance with the following criteria:

(1) Depreciation cost may be directly charged to cost objectives only when such charges are made on the basis of usage and depreciation costs of all like assets used for similar purposes are charged in the same manner.

(2) Where tangible capital assets are part of, or function as, an organizational unit whose costs are charged to other cost objectives based on a measure of the services provided by the organizational unit, the depreciation cost of such assets shall be included as part of the cost of the organizational unit.

(3) All depreciation costs which are not allocated in accordance with paragraph (b)(1) or (2) of this section shall be included in appropriate indirect cost pools.

(4) Gains or losses from disposition of a tangible capital asset shall be allocated in the same manner as the depreciation cost of the asset had been or would have been allocated for the cost accounting period in which the disposition occurs.

§ 409.50 Techniques for application.

(a) Depreciation of a tangible capital asset shall begin when the asset is ready for use in a normal or acceptable fashion. However, where partial utilization of a tangible capital asset is identified with a specific operation, depreciation shall commence on any portion of the asset which is substantially completed and used for that operation. Depreciation of capitalized spare parts which are normally required for the operation of a

tangible capital asset shall be accounted for over the service life of the asset.

(b) A consistent policy shall be followed in determining the depreciable cost to be assigned to the beginning and ending cost accounting periods of asset use. Although depreciation begins for accounting purposes as of the time an asset is ready for use, the policy may provide for any reasonable starting and ending dates in computing the first and last year depreciable cost.

(c) Tangible capital assets may be accounted for by treating each individual asset as an accounting unit, or by combining two or more assets as a single accounting unit provided such treatment is consistently applied over the service life of the assets or group of assets.

(d)(1) Estimated service lives initially established for tangible capital assets (or groups of assets) shall be their expected actual periods of usefulness. Where service lives used for financial accounting purposes reflect such periods of usefulness, those lives shall be used for contract costing. In no case, however, shall such lives be used if they are shorter than the asset guideline periods established for asset guideline classes under the rules in Appendix A, except as authorized by paragraph (e)(1) of this section. If the contractor's estimated service lives established for financial accounting purposes are unrealistic or shorter than the asset guideline periods under the rules in Appendix A, he shall establish and support, if requested, appropriate estimated service lives for contract costing.

(2) If a contractor accounts for tangible capital assets other than by asset guideline classes established by the rules in Appendix A, the contractor shall, if requested, be required to demonstrate that service lives used are the same as or longer than the asset guideline periods. This shall be accomplished by grouping all tangible capital assets in accordance with the groups required by the rules in Appendix A. If annual depreciation cost computed for any asset guideline class using the asset guideline periods is less than the depreciation cost which would have been computed for those assets using the contractor's established depreciation method, the contractor must make appropriate adjustment to the lives used or support those lives as provided in paragraph (e)(1) of this section.

(e)(1) Shorter estimated service lives than those required by paragraph (d)(1) of this section may be used if the shorter lives are supported by records of past retirement or replacement experience.

(2) The contracting parties may agree in advance on the estimated service life of an individual tangible capital asset where special circumstances warrant a different estimated service life than the life applied to the group in which that asset would be included in the absence of the agreement.

(f)(1) The method of depreciation used for financial accounting purposes shall be used for contract costing unless (i) such method does not reflect the expected consumption of services for the tangible capital asset (or group of assets) to which applied, or (ii) the method is unacceptable for Federal income tax purposes. If the contractor's method of depreciation used for financial accounting purposes does not approximate the expected consumption of services or is unacceptable for Federal income tax purposes, he shall establish and support, if requested, a method of depreciation for contract costing which meets these criteria.

(2) Consumption of asset services may be measured either by the expected activity or by the expected physical output of the assets, as for example: Hours of operation, number of operations performed, number of units produced, or number of miles traveled. An acceptable surrogate for expected activity or output might be a monetary measure of that activity or output such as estimated labor dollars, total cost incurred or total revenues generated by use of tangible capital assets to the extent that such monetary measures can reasonably be related to specific tangible capital assets (or group of assets). The appropriate method of depreciation should be selected as follows:

(i) An accelerated method of depreciation is appropriate where the consumption of asset services is significantly greater in early years of asset life.

(ii) The straight line method of depreciation is appropriate where the consumption of asset services is reasonably level over the service life of the asset (or group of assets).

(iii) A decelerated method of depreciation (e.g., sinking fund method) may be used by the owner of assets that are used by others under a financing lease.

(g) Each original complement of low-cost equipment shall be depreciated to half its depreciable cost over half of the average service life of the original group of items which comprise the original complement. The complement shall not be further depreciated until such time as it can be determined when the complement will be disposed of or when the operational unit for which the complement was acquired will cease operation. At that time the remaining depreciable cost shall be written off over the remaining service life of the complement.

(h) Estimated residual values shall be determined for all tangible capital assets (or groups of assets). Only estimated residual values which exceed 10% of the capitalized cost of the asset must be used in establishing depreciable costs. However, where the declining balance method of depreciation is used the residual value need not be deducted from capitalized cost to determine depreciable costs. No depreciation cost shall be charged which would reduce book value of the tangible capital asset below the residual value.

(i) Estimates of service life, consumption of services, and residual value shall be reexamined periodically for tangible capital assets (or groups of assets). Where changes are made to the estimated service life, residual value, or method of depreciation during the life of a tangible capital asset, the remaining depreciable costs for cost accounting purposes shall be limited to the undepreciated cost of the assets and shall be assigned only to the cost accounting period in which the change is made and subsequent periods.

(j)(1) Gains and losses on disposition of tangible capital assets shall be considered as adjustments of the depreciation costs previously recognized and shall be assigned to the cost accounting period in which disposition occurs. The gain or loss for each asset disposed of is the difference between the amount realized and its undepreciated balance, adjusted for costs of disposal.

(2) Gains and losses on the disposition of tangible capital assets shall not be recognized where: (i) Such gains and losses are processed through the depreciation valuation account (e.g., reserve for depreciation, allowance for depreciation, contra asset valuation), (ii) the asset is given in exchange as part of the purchase price of a similar asset and the gain or loss is included in computing the depreciable cost of the new asset, or (iii) the disposition results from an involuntary conversion and the asset is replaced by a similar asset. In the last case the gain or loss shall be included in computing the depreciable cost of the new asset.

(3) The contracting parties may agree on a different treatment of gains and losses arising from mass or extraordinary dispositions.

(4) Gains and losses on disposition of tangible capital assets transferred in other than an arms-length transaction and disposed of within 12 months from the date of transfer shall be assigned to the transferor.

(k) Where, in accordance with Section 409.40(b)(1), the depreciation costs of like tangible capital assets used for similar purposes are directly charged to cost objectives on the basis of usage, average charging rates shall be established for such assets where the depreciation cost of one or more assets is charged on a usage basis. Any variances between total depreciation cost charged to cost objectives and total depreciation cost for the cost accounting period shall be accounted for in accordance with the contractor's practice for handling such variances.

(l) Depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this Standard if otherwise acceptable under applicable procurement regulations. However, any changes to depreciation methods, estimated service life or estimated residual value must conform to the criteria established in this Standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to (a)(4)(B) of the Contract Clause set out at § 331.50 of this title (4 CFR 331.50).

§ 409.60 Illustrations.

The following examples are illustrative of the provisions of this Standard.

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(a) A contractor purchases a milling machine for its machine shop to replace a milling machine which was fully depreciated and retired from service. Production records, maintained for a group of like milling machines in the machine shop by the contractor, indicate that the milling machines have a capability to produce more units of product in the earlier years of service life than in later years and the number of units produced decrease for each succeeding year of service life. Therefore, the contractor's records support depreciation charges on an accelerated basis for the replacement milling machine. Since the Standard requires that the contractor's method approximate the expected consumption of services, annual charges for depreciation should be higher in early years to reflect the decreasing usage of the asset over time.

(b) The contractor also purchases a lathe for its machine shop. The contractor, as a regular step in its fixed asset procurement process, prepares a summary of estimated revenues to be derived from the use of the lathe to support the company's decision to buy the asset. The summary shows estimated revenues by fiscal year and indicates that, because of inability to hold tolerances, revenues to be derived from use of the lathe will be lower in later years. Therefore, the summary of estimated revenues supports depreciation charges on an accelerated basis for the lathe. Since the Standard requires that the contractor's depreciation method approximate the expected consumption of services, and estimated revenues may be used as a surrogate for actual machine usage, annual charges for depreciation should be higher in early years of asset life.

(c) The contractor desires to charge depreciation of the milling machine described in paragraph (a) of this section directly to final cost objectives. Usage of the milling machine can be measured easily based on units produced. Contractor may charge depreciation cost directly on a unit of production basis provided he uses an average depreciation charge for all like milling machines in the machine shop and charges depreciation for all like milling machines directly to final cost objectives.

(d) The capitalized cost of the milling machine described in paragraph (a) of this section was $50,000. It is estimated that the milling machine will have a residual value of $4,500 upon disposition. Because $4,500 is less than 10% of capitalized cost, annual depreciation charges may be based on capitalized cost of $50,000. However, the asset must not be depreciated below the $4,500 residual value.

(e) (1) A contractor outfits a new office building with miscellaneous low cost furniture and fixtures total $250,000 which he capitalizes as an original complement of low cost equipment. The service life of the new building is estimated at 40 years and it is expected that the building will be operated as an office building for its entire life. It is expected that the furniture and fixtures will have an average life of 12 years and will have a minimal residual value upon disposition. Contractor should depreciate half of the capitalized cost of the original complement over six years. Replenishments to the original complement may be expensed as acquired.

(2) At the beginning of the 15th year of use of the complement, the contractor decides to replace the total complement in that cost accounting period. The net book value of the original complement should be adjusted to actual residual value in that cost accounting period.

(f) A contractor acquires a test facility with an estimated physical life of ten years, to be used on contracts for a new program. The test facility was acquired for $5 million. It is expected that the program will be completed in six years and the test facility acquired will not be required for other products of the contractor. Although the facility will last ten years, the contractor may depreciate the equipment over six years. If the use of a six-year life for this asset would cause the average lives used for the asset guideline class to be shorter than the periods established under the rules in Appendix A, the contracting parties may agree that the asset is to be treated separately for the test of guideline lives.

(g) Contractor acquires a building by donation from its local Government. The building had been purchased new by another company and subsequently acquired by the local Government. Contractor capitalizes the building at its fair value. Under this Standard the depreciable cost of the asset based on that value, if otherwise allowable, may be accounted for over its estimated service life and allocated to cost objectives in accordance with the contractor's cost allocation practices.

(h) A contractor accounts for two groups of assets subject to this Standard. This illustration describes the average estimated service life that shall be used to determine the cost accounting periods to which the depreciation cost will be assigned for contract costing purpose.

[In years]

	Average service lives	
	Group A	Group B
Estimated service life for financial accounting purposes	12	12
Estimated service life for income tax purposes using the lower limit of the asset depreciation range	8	12
Asset guideline periods under Appendix A	10	15
The life which must be used for contract costing in compliance with § 409.50(d)(1)	[1] 12	[2] 15

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[1] Unless such life reflects an unrealistic expectation of actual service life.

[2] Unless contractor can support a shorter service life.

§ 409.70 Exemptions.

None for this standard.

§ 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

(b) This Cost Accounting Standard shall be followed by each contractor for all assets acquired on or after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

APPENDIX

Asset guideline classes and periods

Asset guideline class	Description of assets included	Asset guideline period (in years)
00.0	Depreciable assets used in all business activities, except as noted:	
00.1	Office furniture, fixtures, machines, and equipment: Includes furniture and fixtures which are not a structural component of the building, and machines and equipment used in the preparation of papers or data. Includes such assets as desks, files, safes, typewriters, accounting, calculating and data processing machines, communications, duplicating and copying equipment	10
00.2	Transportation equipment:	
00.21	Aircraft (airframes and engines) except aircraft of air transport companies	6
00.22	Automobiles, taxis	3
00.23	Buses	9
00.24	General purpose trucks, including concrete ready-mix trucks and ore trucks for use over-the-road:	
00.241	Light (actual unloaded weight less than 13,000 lb)	4
00.242	Heavy (actual unloaded weight 13,000 lb or more)	6
00.25	Railroad cars and locomotives, except those owned by railroad transportation companies	15
00.26	Tractor units used over-the-road	4
00.27	Trailers and trailer-mounted containers	6
00.28	Vessels, barges, tugs and similar water transportation equipment, except those used in marine contract construction	18
01.0-79.0	Depreciable assets used in the following activities:	
01.0	Agriculture: Includes only such assets as are identified below and that are used in the production of crops or plants, vines and trees (including forestry); the keeping, grazing, or feeding of livestock for animal products (including serums), for animals increase, or value increase; the operation of dry lot or farm dairies, nurseries, greenhouses, sod farms, mushroom cellars, cranberry bogs, apiaries, and fur farms; the production of bulb, flower, and vegetable seed crops; and the performance of agricultural, animal husbandry and horticultural services.	
01.1	Machinery and equipment, including grain bins and fences but no other land improvements	10
01.2	Animals:	
01.21	Cattle, breeding or dairy	7
01.22	Horses, breeding or work	10
01.23	Hogs, breeding	3
01.24	Sheep and goats, breeding	5
01.3	Farm buildings[1]	25
10.0	Mining: Includes assets used in the mining and quarrying of metallic and nonmetallic minerals (including sand, gravel, stone, and clay) and the milling beneficiation and other primary preparation of such materials	10
13.0	Petroleum and natural gas production and related activities:	

Asset guideline classes and periods—Continued

Asset guideline class	Description of assets included	Asset guideline period (in years)
13.1	Drilling of oil and gas wells: Includes assets used in the drilling of oil and gas wells on a contract, fee or other basis and the provision of geophysical and other exploration services; and the provision of such oil and gas field services as chemical treatment, plugging and abandoning of wells and cementing or perforating well casings; but not including assets used in the performance of any of these activities and services by integrated petroleum and natural gas producers for their own account	6
13.2	Exploration for petroleum and natural gas deposits: Includes assets used for drilling of wells and production of petroleum and natural gas, including gathering pipelines and related storage facilities,[1] when these are related activities undertaken by petroleum and natural gas producers	14
13.3	Petroleum refining: Includes assets used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components	16
13.4	Marketing of petroleum and petroleum products: Includes assets used in marketing, such as related storage facilities and complete service stations,[1] but not including any of these facilities related to petroleum and natural gas trunk pipelines	16
15.0	Contract Construction: Includes such assets used by general building, special trade, heavy construction and marine contractors; does not include assets used by companies in performing construction services on their own account.	
15.1	Contract construction other than marine	5
15.2	Marine contract construction	12
20.0	Manufacture of foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, vegetable and animal fats and oils, and prepared feeds for animals and fowls:	
20.1	Grain and grain mill products: Includes assets used in the production of flours, cereals, livestock feeds, and other grain and grain mill products	17
20.2	Sugar and sugar products: Includes assets used in the production of raw sugar, syrup or finished sugar from sugar cane or sugar beets	18
20.3	Vegetable oils and vegetable oil products: Includes assets used in the production of oil from vegetable materials and the manufacture of related vegetable oil products	18
20.4	All other food and kindred products: Includes assets used in the production of foods, beverages and related production not included in classes 20.1, 20.2, and 20.3	12
21.0	Manufacture of tobacco and tobacco products: Includes assets used in the production of cigarettes, cigars, smoking and chewing tobacco, snuff and other tobacco products	15
22.0	Manufacture of textile mill products:	
22.1	Knitwear and knit products: Includes assets used in the production of knit apparel and other finished articles from yarn	9
22.2	Textile mill products, except knitwear: Includes assets used in the production of spun, woven or processed yarns and fabrics; of mattresses, carpets, rugs, pads, and sheets, and of other products of natural or synthetic fibers	14
22.3	Finishing and dyeing: Includes assets used in the finishing and dyeing of natural and synthetic fibers, yarns, and fabric and knit apparel	12
23.0	Manufacture of apparel and other finished products: Includes assets used in the production of clothing and fabricate textile products by the cutting and sewing of woven fabrics, other textile products and furs; but does not include assets used in the manufacture of apparel from rubber and leather	9
24.0	Manufacture of lumber and wood products:	
24.1	Cutting of timber: Includes logging machinery and equipment and road building equipment used by logging and sawmill operators and pulp manufacturers on their own account	6
24.2	Sawing of dimensional stock from logs: Includes machinery and equipment installed in permanent or well-established sawmills	10
24.3	Sawing of dimensional stock from logs: Includes machinery and equipment installed in sawmills characterized by temporary foundations and a lack, or minimum amount, of lumber-handling, drying, and residue-disposal equipment and facilities	6
24.4	Manufacture of lumber, wood products and furniture; Includes assets used in the production of plywood, hardboard, flooring, veneers, furniture and other wood products, including the treatment of poles and timber	10
26.0	Manufacture of paper and allied products:	
26.1	Manufacture of pulps from wood and other cellulose fibers and rags: Includes assets used in the manufacture of paper and paperboard, but does not include the assets used in pulpwood logging nor the manufacture of hardboard	16
26.2	Manufacture of paper and paperboard: Includes assets used in the production of converted products such as paper coated off the paper machine, paper bags, paper boxes, and envelopes	12
27.0	Printing, publishing and allied industries: includes assets used in printing by one or more of the common processes, such as letterpress, lithography, gravure, or screen; the performance of services for the printing trade, such as book binding, typesetting, engraving, photoengraving, and electrotyping; and the publication of newspapers, books, and periodicals, whether or not carried out in conjunction with printing	11
28.0	Manufacture of chemicals and allied products: Includes assets used in the manufacture of basic chemicals such as acids, alkalines, salts, and organic and inorganic chemicals; chemical products to be used in further manufacture, such as synthetic fibers and plastics materials, including petro-chemical processing beyond that which is ordinarily a part of petroleum refining; and finished chemical products, such as pharmaceuticals, cosmetics, soaps, fertilizers, paints and varnishes, explosives, and compressed and liquified gases. Does not include assets used in the manufacture of finished rubber and plastic products or in the production of natural gas products, butane, propane, and by-products of natural gas production plants	11
30.0	Manufacture of rubber and plastics products:	
30.1	Manufacture of rubber products: Includes assets used for the production of products from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak, such as tires, tubes, rubber footwear, mechanical rubber goods, heels and soles, flooring, and rubber sundries; and in the recapping, retreading, and rebuilding of tires	14
30.2	Manufacture of miscellaneous finished plastics products: Includes assets used in the manufacture of plastics products and the molding of primary plastics for the trade. Does not include assets used in the manufacture of basic plastics materials nor the manufacture of phonograph records	11
31.0	Manufactura of leather: Includes assets used in the tanning, currying, and finishing of hides and skins; the processing of fur pelts; and the manufacture of finished leather products, such as footwear, belting, apparel, luggage and similar leather goods	11
32.0	Manufacture of stone, clay, glass, and concrete products:	
32.1	Manufacture of glass products: Includes assets used in the production of flat, blown, or pressed products of glass, such as plate safety and window glass, glass containers, glassware and fiberglass. Does not include assets used in the manufacture of lenses	14
32.2	Manufacture of cement: Includes assets used in the production of cement, but does not include any assets used in the manufacture of concrete and concrete products nor in any mining or extraction process	20

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Asset guideline classes and periods—Continued

Asset guideline class	Description of assets included	Asset guideline period (in years)
32.3	Manufacture of other stone and clay products: Includes assets used in the manufacture of products from materials in the form of clay and stone, such as brick, tile and pipe; pottery and related products, such as vitreous-china, plumbing fixtures, earthenware and ceramic insulating materials; and also includes assets used in manufacture of concrete and concrete products. Does not include assets used in any mining or extraction processes	15
33.0	Manufacture of primary metals: Includes assets used in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap, the rolling, drawing, and alloying of ferrous and nonferrous metals; the manufacture of castings, forgings, and other basic products of ferrous and nonferrous metals; and the manufacture of nails, spikes, structural shapes, tubing, and wire and cable:	
33.1	Ferrous metals	18
33.2	Nonferrous metals	14
34.0	Manufacture of fabricated metal products: Includes assets used in the production of metal cans, tinware, nonelectric heating apparatus, fabricated structural metal products, metal stampings and other ferrous and nonferrous metal and wire products not elsewhere classified	12
35.0	Manufacture of machinery, except electrical and transportation equipment:	
35.1	Manufacture of metalworking machinery: Includes assets used in the production of metal cutting and forming machines, special dies, tools, jigs, and fixtures, and machine tool accessories	12
35.2	Manufacture of other machines: Includes assets used in the production of such machinery as engines and turbines; farm machinery, construction, and mining machinery; general and special industrial machines including office machines and nonelectronic computing equipment; miscellaneous machines except electrical equipment and transportation equipment	12
36.0	Manufacture of electrical machinery, equipment, and supplies: Includes assets used in the production of machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy:	
36.1	Manufacture of electrical equipment: Includes assets used in the production of such machinery as electric test and distributing equipment, electrical industrial apparatus, household appliances, electric lighting and wiring equipment; electronic components and accessories, phonograph records, storage batteries and ignition systems	12
36.2	Manufacture of electronic products: Includes assets used in the production of electronic detection, guidance, control, radiation, computation, test and navigation equipment and the components thereof. Does not include the assets of manufacturers engaged only in the purchase and assembly of components	8
37.0	Manufacture of transportation equipment: includes assets used in the production of such machinery as vehicles and equipment for the transportation of passengers and cargo:	
37.1	Manufacture of motor vehicles and parts: Includes assets used in the production of automobiles, trucks, trailers, buses and their component parts	12
37.2	Manufacture of aerospace products: includes assets used in the production of aircraft, spacecraft, rockets, missiles and their component parts	8
37.3	Ship and boat building: Includes assets used in the manufacture and repair of ships and boats, but excludes dry docks	12
37.4	Manufacture of railroad transportation equipment: Includes assets used in the building and rebuilding of railroad locomotives, railroad cars, and street railway cars	12
38.0	Manufacture of professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks: Includes assets used in the manufacture of mechanical measuring, engineering, laboratory and scientific research instruments; optical instruments and lenses; surgical, medical and dental instruments, equipment and supplies; ophthalmic goods, photographic equipment and supplies; and watches and clocks	12
39.0	Manufacture of products not elsewhere classified: Includes assets used in the production of jewelry; musical instruments; toys and sporting goods; pens, pencils, office and art supplies. Also includes assets used in production of motion picture and television films and tapes; as waste reduction plants; and in the ginning of cotton	12
40.0	Railroad transportation: includes the assets identified below and which are used in the commercial and contract carrying of passengers and freight by rail. Excludes any nondepreciable assets included in Interstate Commerce Commission accounts enumerated for this class:	
40.1	Railroad machinery and equipment	14
	Includes assets classified in the following Interstate Commerce Commission accounts: [1]	
	Road accounts:	
	(16) Station and office buildings (freight handling machinery and equipment only)	
	(26) Communication systems	
	(27) Signals and interlockers	
	(37) Roadway machines	
	(44) Shop machinery	
	Equipment accounts:	
	(52) Locomotives	
	(53) Freight train cars	
	(54) Passenger train cars	
	(55) Highway revenue equipment	
	(57) Work equipment	
40.2	Railroad structures and similar improvements	30
	Includes assets classified in the following Interstate Commerce Commission road accounts: [1]	
	(6) Bridges, trestles, and culverts	
	(7) Elevated structure	
	(13) Fences, snowsheds, and signs	
	(16) Station and office buildings (stations and other operating structures only)	
	(17) Roadway buildings	
	(18) Water stations	
	(19) Fuel stations	
	(20) Shops and enginehouses	
	(31) Power transmission systems	
	(35) Miscellaneous structures	
	(39) Public improvements construction	
40.3	Railroad wharves and docks [1]	20
	(23) Wharves and docks	
	(24) Coal and ore wharves	
40.5	Railroad powerplant and equipment:	
	Electric generating equipment:	
40.51	Hydraulic	50
40.52	Nuclear	20

Asset guideline classes and periods—Continued

Asset guideline class	Description of assets included	Asset guideline period (in years)
40.53	Steam	28
40.54	Steam, compressed air, and other powerplant equipment	28
41.0	Motor transport—passengers: Includes assets used in the urban and interurban commercial and contract carrying of passengers by road, except the transportation assets included in class 00.2 above	8
42.0	Motor transport—freight: Includes assets used in the commercial and contract carrying of freight by road, except the transportation assets included in class 00.2 above	8
44.0	Water transportation: Includes assets used in the commercial and contract carrying of freight and passengers by water except the transportation assets included in class 00.2 above	20
45.0	Air transport: Includes assets used in the commercial and contract carrying of passengers and freight by air	6
46.0	Pipeline transportation: Includes assets used in the private, commercial, and contract carrying of petroleum, gas, and other products by means of pipes and conveyors. The trunklines and related storage facilities of integrated petroleum and natural gas producers are included in this class [1]	22
48.0	Communication: Includes assets used in the furnishing of point-to-point communication services by wire or radio, whether intended to be received aurally or visually; and radio broadcasting and television:	
48.1	Telephone: Includes the assets identified below and which are used in the provision of commercial and contract telephonic services:	
48.11	Central office buildings: Special purpose structures intended to house central office equipment and which are classified in Federal Communications Commission Account No. 212 [1]	45
48.12	Central office equipment: Includes central office switching and related equipment classified in Federal Communications Commission Account No. 221	20
48.13	Station equipment: Includes such station apparatus and connections as teletypewriters, telephones, booths, and private exchanges as are classified in Federal Communications Commission Account Nos. 231, 232, and 234	10
48.14	Distribution plant: Includes such assets as pole lines, cable, aerial wire and underground conduits as are classified in Federal Communications Commission Account Nos. 241, 242.1, 242.2, 242.3, 242.4, 243, and 244	35
48.2	Radio and television broadcasting	6
49.0	Electric, gas, and sanitary services:	
49.1	Electric utilities: Includes assets used in the production, transmission and distribution of electricity for sale, including related land improvements,[1] and identified as:	
49.11	Hydraulic production plant: Includes dams, flumes, canals and waterways. Also includes jet engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies	50
49.12	Nuclear production plant: Includes et engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies	20
49.13	Steam production plant: Includes jet engines and other internal combustion engines used to operate auxiliary facilities for load shaving purposes or in case of emergencies	28
49.14	Transmission and distribution facilities	30
49.2	Gas utilities: Includes assets used in the production, transmission, and distribution of natural and manufactured gas for sale, including related land improvements [1] and identified as:	
49.21	Distribution facilities: Including gas water heaters and gas conversion equipment installed by utility on customers' premises on a rental basis	35
49.22	Manufactured gas production plant	30
49.23	Natural gas production plant	14
49.24	Trunk pipelines and related storage facilities	22
49.3	Water utilities: Includes assets used in the gathering, treatment, and commercial distribution of water	50
49.4	Central steam production and distribution: Includes assets used in the production and distribution of steam for sale	28
50.0	Wholesale and retail trade: Includes assets used in carrying out the activities of purchasing, assembling, storing, sorting, grading, and selling of goods at both the wholesale and retail level. Also includes assets used in such activities as the operation of restaurants, cafes, coin-operated dispensing machines, and in brokerage of scrap metal	10
70.0	Services: Includes assets used in the provision of personal services such as those offered by hotels and motels, laundry and dry cleaning establishments, beauty and barber shops, photographic studios and mortuaries. Includes assets used in the provision of professional services such as those offered by doctors, dentists, lawyers, accountants, architects, engineers, and veterinarians. Includes assets used in the provision of repair and maintenance services. Includes equipment or facilities used by cemetery organizations, news agencies, teletype wire services, plumbing contractors, frozen food lockers, research laboratories, hotels, and motels (except office furniture and fixtures)	10
79.0	Recreation and amusement: Includes assets used in the provision of amusement or entertainment services on payment of a fee or admission charge, as in the operation of bowling alleys, billiard and pool establishments, theaters, concert halls, amusement parks, and miniature golf courses. Does not include such assets which consist primarily of specialized land improvements or structures, such as golf courses, sports stadia, racetracks, ski slopes, or buildings which house bowling alleys	10

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[1] Includes only property which is "eligible property" as defined in section 1.167(a)-11(b)(2) of the Income Tax Regulations, such as certain special-purpose structures and certain research and storage facilities (but not a building and its structural components).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-13452 Filed 6-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

WASHINGTON AIR IMPLEMENTATION PLAN

Promulgation for Variances and Review of New Sources

On May 31, 1972, the Administrator of the Environmental Protection Agency approved, with certain exceptions, the Washington Air Implementation Plan. Soon thereafter the Natural Resources Defense Council, Inc. (NRDC) challenged the Administrator's approval of the State's variance and new source review procedures in the Ninth Circuit Court Court of Appeals (NRDC v. EPA, Docket No. 72-2147).

NRDC challenges that variance procedures, as developed and implemented by the Department of Ecology and the local air pollution control authorities pursuant to the Revised Code of Washington (RCW) 70.94.181, provide that sources may be granted variances without satisfying the postponement requirements of section 110(f) of the Clean Air Act. In companion cases brought by NRDC in the First, Second and Eighth Circuit Courts of Appeal the Courts determined that the Administrator should not have approved variance provisions in State implementation plans which defer compliance with applicable regulations past the statutory attainment dates for achieving the national ambient air quality standards. (A fourth case decided by the Fifth Circuit reached an even more restrictive result and would preclude EPA approval of variances during both the pre- and post-attainment date periods. The Agency has requested that this case be appealed.) On February 1, 1974, in an attempt to resolve this issue, EPA, under the authority of section 110(c) of the Clean Air Act, issued a 60-day notice to the Department of Ecology requesting that it revise the Washington implementation plan procedures for the granting of variances in a manner consistent with the results reached by the First, Second and Eighth Circuit Courts of Appeal.

NRDC's other contentions in this case relate to the State's new source review procedure. On brief, NRDC contends that the Department of Ecology's and the local agency new source review procedures contained in the State implementation plan are not in strict conformance with Section 110 of the Clean Air Act or the regulations contained in 40 CFR 51.18.

On September 10, 1973, the Department of Ecology submitted statutory changes and regulatory revisions to Sec-

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tions 18-04-100 and 18-04-110 of the Washington Administrative Code (WAC) which resolve most of the issues raised by NRDC. The revised Department of Ecology regulations specifically provide for review of sources to which new source performance standards apply and require the Department to consider the location of a new source and the source's effect on all ambient air quality standards prior to granting approval to construct or modify a source. In addition, the requirement for preconstruction review by the Department within 30 days of receipt on an application has been replaced with more viable procedures. These revisions substantially correct provisions in the implementation plan which EPA now acknowledges should not have been approved as originally submitted.

However, this action by the State does not meet all of NRDC's contentions. Nor, in the estimation of EPA does the September 10 submission cure all the defects inherent in the original plan submission. NRDC contends that State implementation plan regulations allow conditions under which a source can be granted automatic approval of a notice of construction without review and that, within local jurisdictions, new source review procedures do not explicitly require the regulatory agency to review new stationary sources with respect to ambient air quality standards and geographical location. The Agency agrees with these contentions, and advised the State on February 1, 1974, that the plan should be revised to add four categories of sources (Kraft pulp mills, sulfite pulp mills, primary aluminum plants and sawmills) which are not in the list of sources required to register for preconstruction review. In addition, EPA requested that all new source review regulations of local air pollution control agencies contained in the plan which did not satisfy the requirements of section 110(a)(2)(D) and section 110(a)(4) of the Clean Air Act and 40 CFR 51.18 be revised. Accordingly, the Agency finds it necessary to disapprove the implementation plan insofar as those regulations remain inadequate.

NRDC raises several other issues pertaining to the new source review procedures. NRDC argues that RCW 70.94.331(6) does not provide for the enforcement of new source review procedures by the Department of Ecology where a local agency regulation is less stringent. EPA believes the purpose and intent of the air pollution control regulations of the Department of Ecology are to lay the foundation for air pollution control regulations in the entire State and that RCW 70.94.331(6) provides the necessary legal authority to the Department to establish the basic new source review procedure, as well as any other regulations relating to air pollution control. Therefore, EPA is satisfied that RCW 70.94.331(6) provides the Department with the authority to enforce its new source review procedure within a local jurisdiction whose procedure is less stringent than that of the Department of Ecology.

NRDC also contends that the use of the word "any" in the phrase "any ambient air quality standard" of WAC 18-04-110(6)(a) does not adequately refer to the national ambient air quality standards. EPA believes "any" refers to State air quality standards approved in the implementation plan which are at least as stringent as the national ambient air quality standards. Since EPA would not approve State revisions to air quality standards that are less stringent than the national standards, EPA believes NRDC's point is insubstantial.

Finally, NRDC believes that deferral of WAC 18-04 to RCW 80.58 for review of new thermal power plants constitutes a partial circumvention of the requirement to review new sources on the basis of the air pollution abatement considerations set forth in WAC 18-04. EPA concurs with NRDC on this issue.

In addition, EPA finds that all new source review procedures in the Washington implementation plan, as well as in the revised State regulations submitted on September 10, 1973, do not provide for a period of 30 days for public comment after receipt of a notice of construction of a new stationary source. EPA acknowledges that the anticipated adoption of an indirect source regulation by the Department of Ecology in the near future will remove this deficiency, at least in part.

EPA also finds that sawmills as a category of sources are omitted from the requirements to register in WAC 18-04-100 and thereby from new source review. It is conceivable that without prior review, emissions from new or modified sawmills could interfere with the attainment or maintenance of national ambient air quality standards in certain locations in the State of Washington.

Accordingly EPA herein proposes the following:

(1) Disapproval of the variance regulations in the Washington implementation plan.

(2) Disapproval of RCW 70.94.181, the State statute concerning variance,

(3) Disapproval of portions of new source review procedures in State and local agency regulations in the Washington implementation plan,

(4) Approval of portions and disapproval of other portions of the new source review provisions of WAC 18-04-100 and 110, as revised by the Department and submitted on September 10, 1973.

(5) Promulgation for those disapproved portions identified in items (1), (3), and (4), above.

The proposed disapproval and replacement of the variance procedures in the Washington Air Implementation Plan and the proposed disapproval and replacement of portions of the new source review procedures in the Plan, as well as approval of portions of WAC 18-04 submitted as revisions on September 10, 1973, should correct all deficiencies in the Plan cited by the Natural Resource Defense Council, Inc. in its case against the Environmental Protection Agency.

EPA encourages the adoption of consistent procedures for variances as well as new source review by both the State and local air pollution control agencies. EPA believes that the State regulations submitted on September 10, 1973, substantially cure deficiencies raised by NRDC and EPA and that local agency revisions should build upon the underlying foundation set forth by this State regulatory framework. In addition, since EPA's February 1 letter to the State mentioned neither thermal power plants, nor the Agency's 30-day comment period pursuant to 40 CFR 51.18(h), no final action will be taken with respect to these matters for 60-days, the notice period set forth in section 110(c)(3) of the Act. During this timeframe, it is hoped that the State will come forward with provisions curing the defects in these three areas.

Should the Department of Ecology, following publication of these regulations adopt identical or equivalent regulations, EPA will withdraw its proposed regulations. If the State submits acceptable amendments after EPA promulgation, these regulations will be rescinded.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101: Attention: J. Akins. Relevant comments received on or before July 11, 1974 will be considered, and will be available during normal hours at the Region X Office.

This notice of proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

Dated: June 5, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of the Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart WW—Washington

1. Section 52.2475 is amended by adding paragraph (b) as follows:

§ 52.2475 Legal authority.

* * * * *

(b) Revised Code of Washington (RCW) 70.94.181 is disapproved to the extent that it permits granting of variances under the conditions cited in § 52.2480 of this chapter.

2. Subpart WW is amended by adding a new § 52.2480 as follows:

§ 52.2480 Variances.

(a) Washington Administrative Code (WAC) 18-04-150 of the Washington Department of Ecology Regulations and all portions of local agency regulations pertaining to the granting of variances are disapproved insofar as they permit the granting of variances beyond the dates required for attainment of the national standards, without the approval of the Administrator, and for reasons not permitted by the Clean Air Act.

(b) Regulation limiting variances:

(1) No variance from any requirement of the Washington implementation plan shall be granted unless the variance requires compliance with the applicable plan within the time specified in § 52.2478 of this chapter.

(2) A variance may defer compliance with an applicable plan requirement beyond the times set forth in § 52.2478 if:

(i) pursuant to section 110(e) of the Act, the attainment date of national ambient air quality primary standards, which is implemented by the applicable plan requirement, has been extended beyond July 31, 1975, and the source seeking a variance is one of the sources for which the extension has been granted, or

(ii) the conditions and procedures set forth in Section 110(f) of the Act are met.

(3) a variance shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15(b) and (c), and, if applicable, § 51.32 (a)-(e) of this chapter.

3. Section 52.2495 is amended by adding paragraphs (c)-(j) as follows:

§ 52.2495 Review of new sources and modifications.

* * * * *

(c) Washington Administrative Code (WAC) 18-04-100 and 18-04-110, as submitted on September 10, 1973, with the exception of paragraphs (d) through (f) of this section are approved.

(d) Washington Administrative Code (WAC) 18-04-100 of the Department of Ecology Regulations and portions of local agency regulations in the approved implementation plan are disapproved insofar as they do not require sawmills as a category of sources to which registration is required.

(e) Washington Administration Code (WAC) 18-04-110(4) of the Department of Ecology Regulations, as submitted to the Administrator on September 10, 1973, is disapproved insofar as the reference to RCW 80.58 constitutes a partial circumvention of the requirements of WAC 18-04 for new source review of thermal power plants.

(f) Washington Administrative Code (WAC) 18-04-110 of the Department of Ecology Regulations, as submitted to the Administrator on September 10, 1973, is disapproved insofar as it does not provide a 30-day period following receipt of a notice of construction prior to issuance of an approval/disapproval notice to allow for ppublic comment as required by § 51.4 of this Chapter.

(g) Washington Administrative Code (WAC) 18-36-080 (Kraft pulp mills), 18-38-090 (sulfite pulp mills), 18-52-070(3) (primary aluminum plants), and 18-04-110 (Notice of Construction) of the Department of Ecology Regulations in the State implementation plan, and all portions of local agency regulations in the State implementation plan pertaining to new source review, are disapproved insofar as they:

(1) Allow automatic approval of a notice of construction if an order to prevent the construction is not issued within 30 days.

(2) Do not require the reviewing agency to review new stationary sources to determine whether construction or modification will interfere with attainment or maintenance of the national ambient air quality standards.

(3) Do not provide a 30-day period between receipt of a notice of construction prior to issuance of an approval/disapproval notice to allow for public comment.

(h) All portions of local agency regulations in the applicable implementation plan pertaining to new source review are disapproved as they do not explicitly require the local agencies to review the location of new stationary sources.

(i) Regulation for the review of new and modified sources in selected source categories:

(1) This requirement is applicable to the construction or modification of stationary sources throughout the State in the following categories:

(i) Sulfite pulp mills
(ii) Kraft pulp mills
(iii) Primary aluminum plants
(iv) Sawmills
(v) Thermal power plants

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (i)(3) of this section.

(v) Any additional information, plans, specification, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act on an application within 60 days following completion of a 30-day public comment period and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(j) Regulation providing for public comment:

(1) Prior to approval or disapproval of the construction or modification of a stationary source pursuant to WAC 18-04-110 of the Washington Department of Ecology Regulations or paragraph (i) of this section, the reviewing agency shall:

(i) Make preliminary determination whether the stationary source should be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in each region in which the proposed stationary source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the reviewing agency's preliminary determination, and a copy or summary of other materials, if any, considered by the agency in making its preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed stationary source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the reviewing agency's preliminary determination on the approvability of the source.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office (for sources subject to WAC-18-04-110 of the Washington Department of Ecology Regulations); to all other State and local air pollution control agencies having jurisdiction in the region where the stationary source will be located; and to any other agency in the region having responsibility for implementing the procedures required under WAC-18-04-110 of the Washington Department of Ecology Regulations.

(3) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the reviewing agency in making its final decision on the application.

[FR Doc.74-13365 Filed 6-10-74;8:45 am]

[40 CFR Part 120]

NAVIGABLE WATERS OF TERRITORY OF GUAM

Proposed Water Quality Standards

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the navigable waters of the Territory of Guam, pursuant to section 303(b) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1313(b)) (the Act). A notice announcing the intention of the Environmental Protection Agency to review all navigable water quality standards pursuant to the Act was published

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in the FEDERAL REGISTER on December 29, 1972 (37 FR 28775–28780).

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for navigable waters adopted and submitted by the States (and Territories). When he determines that changes in such water quality standards are required to meet requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments of the Act, P.L. 92–500), he must notify the State. If the State does not adopt the required revisions or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator may publish proposed revised water quality standards in accordance with such requirements.

The Territory of Guam prior to October 18, 1972 adopted water quality standards for both interstate waters and intrastate waters. After the enactment of the 1972 Amendments, EPA reviewed both the interstate and intrastate water quality standards pursuant to section 303(a) of the Act. On January 18, 1973 the Regional Administrator notified the Governor of Guam that certain revisions to the interstate water quality standards of Guam were necessary to make the standards consistent with the applicable requirements of the Act. On March 12, 1973 a similar notification was made for intrastate water quality standards.

Guam was required to classify all waters in compliance with the national policy that requires all waters to be protected for recreational uses and for the support and propagation of aquatic life. Several of their port and harbor areas are deficient in their use classification; therefore, it is proposed to extend protection of these beneficial uses throughout Guam's waters.

Numerical limitations on toxic substances were required. A general toxicity standard based on an acute bioassay test is proposed to fulfill this need.

In order to clarify the nomenclature in the Standards of Water Quality for Waters of the Territory of Guam, April 1968, terminology corrections are also proposed.

Guam has not adopted revised interstate and intrastate water quality standards in response to EPA's request as required by the Act. Accordingly, pursuant to section 303(b)(1), EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(b)(2) of the Act requires the Administrator to promulgate water quality standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190-day period prior to promulgation. Thus, the standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the Territory of Guam are the effective water quality standards under Section 303 of the Act for interstate and intrastate waters within the Territory. Where the proposed regulations set forth below are inconsistent with the referenced standards, these regulations, if promulgated, will supersede such standards to the extent of the inconsistency.

The standards document is available for inspection and copying at the Guam Environmental Protection Agency, Public Health and Social Services Department, Mangilao, Guam 96910 and the EPA Regional Office, 100 California Street, San Francisco, California 94111. EPA's information regulations, 40 CFR Part 2, provide that a fee may be charged for making copies.

Interested persons may submit written data, views, or arguments, in triplicate in regard to the proposed regulations to the Regional Administrator, EPA, 100 California Street, San Francisco, California 94111. All relevant material received on or before September 9, 1974, will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended as set forth below.

The proposed new part would be effective immediately upon republication.

(Sec. 303(b), Pub. L. 92–500, 86 Stat. 816 (33 U.S.C. 1313(b)))

Dated: June 4, 1974.

JOHN QUARLES,
Acting Administrator.

§ 120.10 [Amended]

1. In § 120.10 the paragraph entitled "Territory of Guam" is deleted.

2. A new § 120.19 is added as follows:

§ 120.19 **Guam water quality standards.**

Water quality standards included in the document entitled "Standards of Water Quality for Waters of the Territory of Guam, April 1968," are the approved water quality standards for the Territory of Guam, except as amended as follows:

(a) For clarification purposes, corrected terminology shall be read into the Standards as follows:

(1) References to "the Department of Interior" and "the Federal Water Pollution Control Administration" will be taken to mean "the Environmental Protection Agency."

(2) References to "the Secretary" or "the Secretary of Interior" will be taken to mean "the Administrator of the Environmental Protection Agency."

(3) References to the "Water Pollution Control Commission" or "the Commission" will be taken to mean, as appropriate, "the Guam Environmental Protection Agency" or "the Guam Environmental Protection Board."

(4) References to State and Federal laws will be replaced by references to current equivalent laws.

(b) The first two paragraphs of *"WATER USES,* Identification of waters and beneficial uses:"

(1) "Near-shore coastal waters." (pp. 9 and 10 of the Guam standards), shall be replaced with the following paragraph:

All near-shore coastal waters shall be protected for the present and future uses of industrial water supply, propagation of fish and other aquatic life and wildlife (including waters reserved for conservation of native marine biota, shellfish propagation, and commercial and sports fishing), esthetic enjoyment, and recreation. The following near-shore water will also be protected for uses of navigation in addition to uses listed above: Pago Bay, Talafofo Bay, Agfayan Bay, Manell and Mamaon Channels, Port Emnzo (Merizo), Umatac Bay, Outer Apra Harbor, Agana Small Craft Harbor, Inner Apra Harbor and the areas immediately adjacent to docks, piers, wharves, and loading facilities of the new Apra commercial docks, oil and ammunition docks, and Piti channel.

(c) The following provision shall be added to *"STANDARDS FOR WATER QUALITY, Additional Requirements"* (p. 9 of the Guam standards):

5. In all the waters of the territory at all times, toxic substances shall be kept below levels which are deleterious to human, animal, plant or aquatic life, or in amounts sufficient to interfere with the beneficial uses of the water. The presence of toxic substances in a water shal be evaulated by use of a 96-hour bioassay, guided by the document "Standard Methods for the Examination of Water and Wastewater", 13th edition. The survival of the test organisms shall not be less than that in controls which utilize appropriate experimental water. Experimental water shall be obtained from a nearby location having water quality representative of natural conditions at the test location, or other appropriate experimental water defined by the Terirtory and concurred in by EPA. Failure to detemine presence of toxic substances by this method shall not preclude determination of excessive levels of toxic substances on the basis of other criteria or methods.

[FR Doc.74–13281 Filed 6–10–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74–162]

FOREIGN CURRENCIES

Certification of Rates

MAY 30, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74–124 for the following countries. Therefore, as to entries covering merchandising exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
May 20, 1974	$0.0565
May 21, 1974	.0562
May 22, 1974	.0563
May 23, 1974	.0565
May 24, 1974	.0564
Belgium franc:	
May 23, 1974	.026730
Switzerland franc:	
May 22, 1974	.3453
May 23, 1974	.3459

[SEAL]

R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74–13299 Filed 6–10–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PROPOSED F–15 BEDDOWN AT LUKE AIR FORCE BASE, ARIZ.

Notice of Public Hearing

JUNE 7, 1974.

Notice is hereby given that in accordance with the National Environmental Policy Act (42 U.S.C. 4321), the United States Air Force will conduct an informal public hearing in Phoenix, Arizona on the F–15 Beddown at Luke Air Force Base, Arizona. The informal hearings are scheduled to begin at 9 a.m., June 17, 1974, in the Maricopa County Board of Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona.

The draft environmental statement on the R–15 Beddown at Luke Air Force Base discusses the proposal to locate the first squadron of F–15 fighter aircraft at Luke Air Force Base. The purpose of this action is to provide combat crew training in the F–15 in terms of operation and weapon systems delivery. As the F–15 move in, F–4 and F–104 aircraft will be phased out of the base. The overall number of jet aircraft and personnel will remain essentially the same.

Copies of the draft environmental statement have been made available to libraries in Sun City, Avondale, Litchfield Park, Phoenix and Glendale for review. Also the Chamber of Commerce of Avondale, Goodyear, Litchfield Park, Phoenix and Glendale have copies for review. Copies may be obtained from Headquarters USAF, Directorate of Civil Engineering, Environmental Protection Group (PREV), Washington, D.C. 20330.

Since notice of availability was published in the FEDERAL REGISTER (39 FR 15904, May 6, 1974) and copies were made available in the locality affected, the notice of this hearing is considered reasonable under 44 U.S.C. 1508 and further delay in the date of the hearing would serve no useful purpose.

Persons desiring to participate in the hearings are asked to submit a request in writing to the Office of Information, Luke Air Force Base, Arizona 85308, or by calling 602–935–7411, extension 2011.

WALTER G. FENERTY,
Acting Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–13454 Filed 6–10–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

LEWIS K. AMBROSE

Statement of Financial Interest

OCTOBER 4, 1973.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

NAME OF APPOINTEE

Lewis K. Ambrose.

NAME OF EMPLOYING AGENCY

Department of the Interior, Defense Electric Power Administration.

THE TITLE OF THE APPOINTEE'S POSITION

Deputy Director, Area 13.

THE NAME OF THE APPOINTEE'S PRIVATE EMPLOYER OR EMPLOYERS

City of Seattle, Dept. of Lighting.

The statement of "financial interests" for the above appointee is enclosed.

ROGERS C. B. MORTON,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on October 4, 1973, as Deputy Director, Area 13, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Investor's Mutual Incorporated, 1,644.081 Shares.
Investor's Stock Fund Incorporated, 216.167 Shares.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

Rental property—Star Route No. 1, Belfair, Washington, Box 440 (Hood Canal-South Shore Road.)

L. K. AMBROSE.

OCTOBER 24, 1973.

[FR Doc.74–13309 Filed 6–10–74;8:45 am]

LEWIS K. AMBROSE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statements is made as of April 4, 1974.

Dated: April 4, 1974.

L. K. AMBROSE.

[FR Doc.74–13308 Filed 6–10–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The South Kaibab Grazing Advisory Board will meet at 1:00 p.m. July 12, 1974, in the Forest Supervisor's Office, 103 W. Bill Williams Avenue, Williams, Arizona.

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The following items will be discussed:

1. Results of 1974 Advisory Board Election.
2. Election of Advisory Board Chairman.
3. Designation of date for 1974 field day.
4. Review Sycamore Management Plan.
5. Discussion of Havasupai—Rain Tank Use.
6. Presentation of powerline proposals.
7. Review Williams Planning Unit Land Use Plan.
8. Presentation on provisions and management implications of the Endangered and Threatened Species Conservation Act of 1973.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona, telephone 635-4481. Written statements may be filed with the committee before or after the meeting.

Those attending may express their views when recognized by the Chairman.

Dated: June 3, 1974.

KEITH T. PFEFFERIE,
Forest Supervisor.

[FR Doc.74-13307 Filed 6-10-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EASTERN VIRGINIA MEDICAL SCHOOL AND UNIVERSITY OF WISCONSIN

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00328-33-46500. Applicant: Eastern Virginia Medical School, Department of Pathology, 358 Mowbray Arch, Norfolk, Va. 23507. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for the examination of cells, tissues, and tissue cultures infected with viral agents; studies on the ultrastructural mechanisms of kidney disease, and a cytochemical determination of the mechanisms controlling amyloid deposition in duck tissues. The article will be used in an advanced course in electron microscopy which will enable medical students and medical personnel to become highly proficient in the techniques of ultramicrotomy. Application received by Commissioner of Customs: February 11, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number 74-00313-33-46500. Applicant: University of Wisconsin, Department of Anatomy, 1255 Linden Drive, Bardeen Medical Laboratories, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of biological materials, chiefly tissue from the central nervous system of normal and experimental animals. The ultrastructural morphology of nerve cells and their processes will be investigated. The experiments are concerned with the development of neuronal connections in the visual system. Application received by Commissioner of Customs: February 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Acordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-13353 Filed 6-10-74;8:45 am]

METHODIST HOSPITAL OF INDIANA INC.

Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00312-99-90000. Applicant: Methodist Hospital of Indiana, Inc., 1604 N. Capitol Avenue, Indianapolis, Indiana 46202. Article: EMI Scanner. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a teaching program which will involve instruction in the use of the machine and the significance of the information generated. Research will be limited to nonformal clinical research, in particular, studies to determine whether or not and to what degree the article will render other studies redundant. Application received by Commissioner of Customs: January 28, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number: 74-00315-33-90000. Applicant: Ralph K. Davies Medical Center, Castro & Duboce Streets, San Francisco, California 94114. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to investigate and diagnose a large variety of neurologic disorders, the most common of which are cerebral vascular accident (stroke) and brain tumors. The article will also be used in the instruction of students and residents in the natural history of cerebral vascular accidents and brain tumors, particularly where radiation therapy and/or chemotherapy is involved. Application received by commissioner of customs: January 31, 1974. Advice submitted by the department of Health, Education, and Welfare on: May 6, 1974.

Docket Number: 74-00319-33-90000. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to obtain cross sectional pictures of the brain using noninvasive techniques. Patients with suspected brain abnormalities will be studied with the article and the findings will be correlated with those of the standard neuroradiologic and isotopic diagnostic techniques. This technique will be of educational value in teaching the anatomical details of the normal and abnormal brains in the transaxial tomographic mode. Application received by Commissioner of Customs: February 12, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Docket number: 74-00324-33-90000. Applicant: Broward General Medical Center, Neurological Sciences Building, Fort Lauderdale, Fla. 33316. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a computerized axial tomography study of patients with varied neurological diseases involving brain tissue. Such diseases as tumors, strokes and atrophic disorders will be studied. The objectives of this research will be to identify and store pertinent disease data for comparison and use with other patients to preserve and save lives. The article will also be available for study under supervision by neurological residents at the University of Miami Medical School to familiarize the student with usefulness of the equipment in neurology. Application received by Commissioner of Customs: February 7, 1974. Advice submitted by the Department of Health, Education, and Welfare on: May 6, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. We find that the speed accuracy of each article is pertinent to the purposes for which each of the foreign articles cited above is intended to be used. The Department of Health, Education, and Welfare advised in its respectively cited memoranda that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-13348 Filed 6-10-74;8:45 am]

MIDLAND MACROMOLECULAR INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 202230.

Docket number: 73-00253-01-56030. Applicant: Midland Macromolecular Institute, a Division of the Michigan Foundation for Advanced Research, 1910 West St., Andres, Drive, Midland, MI 48646. Article: Molecular weight apparatus, Model 117. Manufacturer: Nissei-Sangyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to make measurements of solutions of various concentrations at various temperatures during studies to obtain a better understanding of properties of high molecular weight compounds and detergents. Specifically, in the high molecular weight compound study to investigate how the solution behavior influences film and fiber formation from solution and in the detergent study to investigate the solubilization of different compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reason: The foreign article can measure molecular weights of at least 10^5. The most closely comparable domestic instrument, the Model 300 series manufactured by Mechrolab, does not measure molecular weights above the order of 2×10^4. The National Bureau of Standards (NBS) advised in its memorandum dated May 7, 1974 that the capability to measure molecular weights of at least 10^6 is pertinent to the applicant's intended research. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-13352 Filed 6-10-74:8:45 am]

M.I.T. HAYSTACK OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 2023.

Docket number: 74-00219-00-41200. Applicant: M.I.T. Haystack Observatory, E18-360, Cambridge, MA 02139. Article: Varian CW Klystron VRE-2102A49. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a component part of a K-band maser microwave radiometric receiver used at a radio radar observatory engaged in radio spectral line studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is to be used as a compatible component to a microwave receiver. The article provides the capability of at least 500 milliwatts output at frequencies above 50 gigahertz. The National Bureau of Standards (NBS) advised in its memorandum dated May 6, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-13347 Filed 6-10-74;8:45 am]

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STANFORD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an appliction for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00479–00–77040. Applicant: Stanford University, 330 Bonair Siding Road, Stanford, Calif. 94305. Article: Fast adiabatic passage RF transition unit. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article is to be a component on the Stanford polarized ion source and will be used to study "spin-dependent" effects of nuclear forces and properties of nuclear states. The article will also be used for education of graduate students in physics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–13350 Filed 6–10–74;8:45 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00316–00–46070. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. Article: Accessories to JSM U3 Scanning Electron Microscope Anti-Contamination Device, Solid Pair Detector and Specimen Heating Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing scanning electron microscope being used for research and instructional functions on the campus in engineering and in biological sciences. Specific applications of these accessories are as follows:

Anti-contamination Device—Prevents contamination of the specimens during electron bombardment.

Specimen heating device — Permits maintaining the temperature of the specimen under observation at elevated levels (up to 450° C) necessary to study many metallurgical phenomena that are thermally activated.

Solid Pair Detector—Separates the microscopic image into two images.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–13349 Filed 6–10–74;8:45 am]

TRENTON STATE COLLEGE ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00469–33–46040. Applicant: Trenton State College, Department of Biology, Trenton, New Jersey 08625. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used as a teaching and research tool. A wide variety of biological tissues will be examined from many organisms including bacteria, algae, invertebrates and vertebrates. In most instances, tissues will be examined following embedding in plastic and thin sectioning. Usually the goal will be to elucidate the ultrastructural components of this tissue in question. In some instances, tissues may have been previously treated either *in vivo* or *in vitro* with experimental drugs or antibiotics. Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74–00470–33–46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research projects:

(A) The physical structure of bacterial plasmids (such as the so-called sex factor F and the resistance factor R responsible for multiple resistance in *E. coli* K–12) will be derived from electron microscopic studies to determine the mapping of the functional sites and/or sequences involved in specialized recombination of such plasmids with bacterial chromosomes. These studies will lead to a basic undertanding of the general mechanisms of gain and loss of genetic material.

(B) The extent to which structural elements may direct the biological function of ribonucleic acids of mammalian viruses and cells will be determined. This research involves the sequence determination or defined segments of polio virus RNA according to established procedures. The results obtained by these studies will help in the understanding of the structure and function of host cell nucleic acids.

(C) A study of the uptake of vaccinia virus in mammalian cells will be undertaken as part of a study of the synthesis and transport of messenger-RNA by vaccinia virus. This research will involve the use of electron microscopy to characterize the mechanisms of viral uptake. This investigation into the molecular biology of animal virus replication undertakes to determine how animal viruses conduct and control their replication cycle and possibly will aid in understanding how the more complicated eukaryotic cell performs similar functions.

(D) Investigation into aspects of ribosome function and structure, such as particle surface structure, is the objective of another line of research. Current work involves a study of the binding of the antibiotics tetracycline and streptomycin to the ribosome. Electron microscopy shall be performed on native and modified particles to determine the nature of the structural changes. Such information will be instrumental in understanding the mechanism and regulation of protein synthesis.

(E) The absorption process of the bacteriophage P22 will be investigated using a variety of mutants of this phage and the electron microscope. This investigation will determine the function of the genes defined by the mutations, using electron microscopic studies and classical phage techniques. This research will provide basic information on the structure and function of the regulatory genes of P22.

(F) Research involving the special structural properties of circular DNA, single-stranded breaks in the molecule, and detailed analyses of the tertiary structure of DNA superhelices. The article will also be used in the following courses to teach students the methodology and techniques of using an electron microscope for visualization of extremely small cellular components, and how to extend the results of these techniques to the possible solution of research problems:

Research project in Microbiology
Experimental Microbiology
Graduate Research
Microbial structure and function
Introduction to Electron Microscopy
Advance Methodology in Electron Microscopy
Introduction to Ultrastructure
Problem Course in Electron Microscopy

Application received by Commissioner of Customs: May 13, 1974.

Docket Number: 74–00472–90–46040. Applicant: U.S. Environmental Protection Agency, National Water Quality Lab., 6201 Congdon Blvd., Duluth, Minnesota 55804. Article: Electron Microscope, Model JEM 100C with scanning attachment and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of cellular ultrastructure in a wide variety of applications which include the following:

1. Fine particle analysis of asbestiform fibers in naturally occurring aquatic and biologic systems.

2. Study of macromolecular structure of purified proteins.

3. Fine particle analysis of naturally occurring materials in Western Lake Superior with respect to on-going physical studies involving water transport, red clay turbidity, light scattering properties of particles, and remote sensing studies.

4. Ultrastructure of naturally occurring indigenous aquatic species e.g., microbial populations, phytoplankton, zooplankton and benthic invertebrates.

5. Ultrastructure studies useful for classification and taxonomy of diatomaceous populations, phytoplankton groups and periphyton communities.

6. Studies on trace metal uptake from fine particles by indigenous biological species.

7. Studies of sedimentary pollen analysis with particular reference to ectexine substructure and diatom stratigraphy as a method of assay of eutrophication levels.

Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74–00473–33–90000. Applicant: Delaware Valley Neurosurgical Association, C–111 Episcopal Hospital, Front Street and Lehigh Avenue, Philadelphia, Pa. 19125. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to noninvasively study the brain anatomy in cerebral neurological causes by computer assisted axial tomography. The article will also be used in training radiology, neurology, and neurosurgical residents. Application received by Commissioner of Customs: May 13, 1974.

Docket number: 74–00474–33–46040. Applicant: Veterans Administration Hospital, 4500 South Lancaster Road, Dallas, Texas 75216. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for high resolution studies of membrane architecture to understand the molecular organization of biological membranes and related structures in terms that will explain their cellular functions. Another area of study will relate to the behavior of cancer cells. Conventional thin section and freeze etching electron microscopy will be utilized in the study of islet cells, their membranes and subcellular components. The morphology of the islet cell membranes of the diabetic verses the nondiabetic islets of Langerhans will be studied in the hope of identifying the underlying defect which may well be morphologic. Other studies of hepatic lysosomal responses to islet cell hormones in diabetes and other catabolic disorders, as well as continuation of studies of capillary basement membrane thickening in diabetes will also be carried out by electron microscopy. Application received by Commissioner of Customs: May 14, 1974.

Docket number: 74–00475–33–46040. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Electron Microscope, Model EM 201C with side entry goniometer stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research in the following projects: Electron microscopic studies to determine the mapping of the functional sites and/or sequences involved in specialized recombination of bacterial plasmids (such as the so-called sex factor F and the resistance factor R responsible for multiple resistance in *E. coli* K–12) with bacterial chromosomes. The extent to which structural elements may direct the biological functions of ribonucleic acids of mammalian viruses and cells will be determined. This research involves the sequence determination of defined segments of polio virus RNA according to established procedures. The results obtained by these studies will help to understand the structure and function of host cell nucleic acids. A study of the uptake of vaccinia virus in mammalian cells will be undertaken as part of a study of the synthesis and transport of messenger-RNA by vaccinia virus. Investigation into aspects of ribosome function and structure, such as particle surface structure, is the objective of another line of research. Other research includes: (a) investigation of the absorption process of the bacteriophage P22 using a variety of mutants of this phage and the electron microscope and (b) an active line of research concerned with the structure and synthesis of the nucleic acids, especially the properties of the circular DNA's.

In addition the article will be used to teach the methodology and techniques of using an electron microscope for visualization of extremely small cellular components, and how to extend the results of these techniques to the possible solution of research problems. Application received by Commissioner of Customs: May 14, 1974.

Docket number: 74–00476–33–46500. Applicant: State University of New York, School of Basic Health Sciences, Health Sciences Center, Stony Brook, New York 11790. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain thin sections for high resolution electron microscopy in a variety of studies in smooth and striated muscle of both vertebrate and invertebrate specimens, ultrastructure of membrane and central nervous system and other cells and tissues. Investigations will involve specifically ultrastructure of frog iris, structural changes in shortening of striated muscle from horseshoe crab and other marine specimens, fine structure of mammalian spinal cord, morphology of a maternally transmitted infectious sex ratio organism in Drosophila, and anatomical organization of avian brain. Information obtained through research is incorporated into teaching material for medical, dental, nursing and allied health students as well as graduate and undergraduate research course work, whenever it can provide clarification or contribution of new data. In addition, postdoctoral fellows, graduate and undergraduate students in elective research projects are trained in techniques and applications of the instruments. Application received by Commissioner of Customs: May 15, 1974.

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Docket Number: 74–00477–33–46500. Applicant: University of South Alabama, College of Medicine, Department of Anatomy, 307 Gaillard Drive, Mobile, Alabama 36688. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of biological materials with applications of specialized techniques to exhibit normal and pathological structures, e.g., histochemistries and immunological labeling, at a subcellular level. Specimens for these studies will be from both human biopsies and experimental animals. Application received by Commissioner of Customs: May 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director,
Special Import Programs Division.

[FR Doc.74–13346 Filed 6–10–74;8:45 am]

UNIVERSITY OF HAWAII

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00118–01–59400. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Article: Quantum Yield Photoreactor. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used to study photochemistry of unsaturated organic hydrocarbons. Specifically, the efficiency of reaction at different temperatures (lower than room temperature) will be examined. It is intended to investigate usually thermally stabile but photochemically labile materials. The major type of reaction to be examined is geometric isomerization and the primary objective is to determine the energy barrier in photochemical reactions or other photophysical processes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of operation at liquid-nitrogen temperatures. The most closely comparable domestic instrument is manufactured by the Moses Company (Moses). The Moses instrument does not provide a capability for operation at liquid-nitrogen temperatures. The National Bureau of Standards advised in its memorandum dated May 9, 1974 that the capability of operation at liquid-nitrogen temperatures is pertinent to the applicant's purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director,
Special Import Programs Division.

[FR Doc.74–13351 Filed 6–10–74;8:45 am]

UNIVERSITY OF PENNSYLVANIA ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 1, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00453–99–46040. Applicant: University of Pennsylvania, School of Veterinary Medicine, 3800 Spruce Street, Philadelphia, Pa. 19174. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching veterinary pathology to second year students and graduate veterinarians pursuing both resident training programs in pathology and doctoral training programs. The courses include the following:

(1) 5001 Pathology—concerned with those basic principles of cell and tissue reaction to disease and those aspects of systemic pathology believed necessary for a student planning a career in practice, teaching or research.

(2) 5401 Small Animal Pathology—presentation of the fundamentals of systematic pathology revelant to small animal practice involving the dog and cat.

(3) 5999 Independent Study and Research—Pathology, Small Animal Pathology.

(4) 606 Veterinary Pathology—involving variable routine and investigative work in general and special veterinary pathology.

All the courses are related to the study of disease and concern themselves with such aspects relevant to the etiology—cause and pathogenesis—mechanism and effects—morphology or structural changes of disease. The article will also be used for conventional training enabling students to learn and understand the techniques, and value of electron microscopy. Application received by Commissioner of Customs: May 7, 1974.

Docket number: 74–00461–33–46040 Applicant: Florida State University, Department of Biological Sciences, Tallahassee, Florida 32306. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended for the following research projects:

(1) The study of synaptogenesis in the developing nervous system of cephalopods.

(2) High resolution autoradiography for the study of the neurogenetic patterns in the olfactory system of frog and rat.

(3) Ultrastructural studies on the degenerative-regenerative patterns in the olfactory system of frog and rat.

(4) The comparative ultrastructural make up of the vertebrate olfactory mucosa.

(5) Interreceptor contacts in the olfactory mucosa of mammals.

(6) Study of sensory structures in Schistosome cicariae.

(7) Ultrastructural studies of degenerative patterns in the thalamic nuclei of cat.

(8) Morphology and ultrastructure of Bacillariophytes.

(9) Ultrastructural studies of axon membranes in different functional conditions.

(10) Chemical and electrical synaptic contacts in the taste buds of rat.

(11) Fine structure of the capitular filaments of the cöenocytic green alga *Penicillus capitatus;* Fine structural aspects of the development of juvenile plants in Penicillus capitatus; and Fine structure of the fungus-alga association in *Cladophora Fuliginosa.*

The article will also be used in the following teaching programs:

(1) Bio 339—Submicroscopic anatomy of vertebrates organs and tissues.

(2) Bio 406—Neurobiology.

(3) Bio 608—Advanced Neurology.

Application received by Commissioner of Customs: May 9, 1974.

Docket number: 74–00467–33–46040. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of biological materials consisting of human and experimental animal tissues, both normal and pathological; mammalian cells grown in tissue culture under a variety of experimental conditions; subcellular fractions; and virus preparation. Experiments to be conducted will include an examination of the normal behavior and structure cells in culture and tissues; the localization of specific subcellular sites of interaction of inducing or transforming chemicals utilizing electron microscope autoradiography; and an examination of induced acute and long-term functional and structural alterations. In addition the article will be used in the course "Introduction to Transmission Electron Microscopy," which is concerned with methodology and will include an introduction to preparation of tissue, cells, and subcellular fractions for thin sectioning; cytochemical techniques, electron microscope autoradiography; use of the electron microscope; and photographic procedures. Application received by Commissioner of Customs: May 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. Stuart,
Director,
Special Import Programs Division.

[FR Doc.74–13354 Filed 6–10–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

STATE OF OREGON'S PROPOSED ACTION PLAN

Availability for Review

The Oregon Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Oregon State Highway Division, Public Affairs Office, 104 State Highway Building, Salem, Oregon 97310.
2. Oregon State Highway Division, Metropolitan Office, 5821 N.E. Glisan Street, P.O. Box 13160, Portland, Oregon 97213.
3. Oregon State Highway Division, Region I Office, 9200 McLoughlin Blvd., P.O. Box 02157, Portland, Oregon 97202.
4. Oregon State Highway Division, Region II Office, 206 E. Salem Highway Building, P.O. Box 30, Salem, Oregon 97310.
5. Oregon State Highway Division, Region III Office, 1523 S.E. Cobb Street, P.O. Box 1128, Roseburg, Oregon 97470.
6. Oregon State Highway Division, Region IV Office, The Dalles-California Highway, P.O. Box 1249, Bend, Oregon 97701.
7. Oregon State Highway Division, Region V Office, 2111 Adams Avenue, P.O. Box 850, Salem, Oregon 97850.
8. Oregon Division Office—FHWA, Standard Insurance Building, 477 Cottage Street, N.E., Salem, Oregon 97308.
9. FHWA Regional Office—Region 10, Room 301 Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204.
10. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400-7th Street, S.W., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 3, 1974.

Issued on June 5, 1974.

Norbert T. Tiemann,
Federal Highway Administrator.

[FR Doc.74–13325 Filed 6–10–74;8:45 am]

Hazardous Materials Regulations Board

TRANSPORTATION OF HAZARDOUS MATERIALS

Special Permits Issued

Pursuant to Docket No. HM–1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during May 1974:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6878	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship nonflammable compressed gases in non-DOT Specification 110A600W tank car tanks.	Motor vehicle, rail freight.
6879	Parker Company, Detroit, Mich., to ship certain corrosive liquids in DOT Specification 5 drums, and in stainless steel drums erroneously marked.	Motor vehicle, rail freight.
6880	Amchem Products, Inc., Ambler, Pa., to ship certain corrosive liquids in DOT Specification 57 steel portable tanks constructed of materials that will not react dangerously with or be decomposed by the commodity.	Motor vehicle, rail freight.
6881	PPG Industries, Inc., Pittsburgh, Pa., to ship paints and certain flammable liquids in DOT Specification 52 magnesium portable tanks overdue for retest, and aluminum portable tanks having 575 gallon capacity.	Motor vehicle, rail freight.
6882	Allied Chemical Corporation, Morristown, N.J., to ship Monochlorodifluoromethane in a steel portable tank constructed in accordance with the ASME Code, Section VIII, Div. 1.	Motor vehicle:
6884	MSA Research Corporation, Evans City, Pa., to ship metallic potassium in solid form in 30-gallon DOT Specification 5C stainless steel (16 gauge) drums.	Motor vehicle.
6885	TRW Systems Group, Redondo Beach, Calif., to ship Helium—Radioactive devices in a non DOT Specification Inconel 718 nonrefillable pressure vessel.	Motor vehicle.

Alan I. Roberts,
Secretary.

[FR Doc.74–13322 Filed 6–10–74;8:45 am]

WILLIAM M. BENKERT

Designation as Board Member

By Departmental Order 1100.11 dated July 27, 1967, and superseded by Order 1120.10A dated December 11, 1972, there was established within the Department of Transportation a Hazardous Materials Regulations Board. A notice appeared in the Federal Register (32 FR 14569), announcing the establishment of this Board and listing the names of the Departmental representatives serving on the Board. That notice stated that any changes and additions in the designations and authorities would be published as made. Such changes were published in Docket No. HM–1; Amendment No. 170–1 (36 FR 16658) and in a Notice of Change of Members published August 13, 1971 (36 FR 15134). The purpose of this notice is to publish a change in the designation of the Coast Guard member which has taken place.

The Commandant, U.S. Coast Guard, on May 7, 1971, designated the Chief, Office of Merchant Marine Safety as his delegated representative for membership on the Board. Rear Admiral William F. Rea III was serving and has served since that time as Chief, Office of Merchant Marine Safety and consequently, as the Coast Guard member on the Hazardous Materials Regulations Board. On May 28, 1974, the Commandant of the Coast

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Guard advised the Chairman of the Board that effective June 3, 1974, Rear Admiral William M. Benkert would relieve the incumbent and assume the post of Chief, Office of Merchant Marine Safety. Simultaneously, effective on the same date, the Commandant designated Rear Admiral William M. Benkert as the Coast Guard member of the Hazardous Materials Regulations Board.

Issued in Washington, D.C., on June 5, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74-13323 Filed 6-10-74;8:45 am]

Office of the Secretary

TRANSPORTATION OF HAZARDOUS MATERIALS IN AIR COMMERCE

Notice of Conference

Interested persons are invited to participate in a public conference to be held by the Department of Transportation on October 2nd to discuss what can be done to improve on the safe transportation of hazardous materials shipments via aircraft. The conference will begin 9 a.m. and will be held at the Shoreham Americana Hotel, Washington, D.C.

Our purpose in conducting the conference is to review the growing concern of the Congress and the Department of Transportation with respect to the carriage of hazardous materials and to explore with interested persons the need for more definitive action. Recent experience in the transportation of hazardous materials and evidence of non-compliance with applicable standards for packaging, labeling, documentation and handling of such materials, has given rise to varied recommendations for legislative and regulatory actions. Some recommended actions include proposed restrictions concerning the acceptability of such products for transportation by aircraft, particularly when the carriage of passengers is also involved.

We desire to consider the need for further refinement of Federal Regulations taking into account the feasibility of developing new mechanisms for industry surveillance and self-policing. Should the creation of industry screening and checking systems acceptable to the Department prove feasible, acceptance of hazardous materials may be conditioned upon evidence of conformance with such screening and checking procedures.

We would also like to consider means for increasing the effectiveness of Federal surveillance, including inspections at shippers' plants, freight forwarder facilities, the activities of brokers, and sample inspections of the contents of packages presented for shipment. In other words, what regulatory or other programs could we employ to be assured that all persons participating in the giving, handling, and moving of hazardous materials into air commerce are performing their functions in a manner that will preclude unsafe conditions when such materials are carried aboard aircraft?

Prior documentation concerning the views of interested persons would be especially helpful for this conference. Accordingly, it is requested that the Department be furnished a statement of interested persons containing their views as to the dimensions of the problem of hazardous materials shipment particularly, and the most effective solutions of the problems which have been identified. Such statements should be transmitted to the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, not later than August 1, 1974. Persons desiring to participate and to receive subsequent documentation which may be considered at the conference are requested to notify the Department at the above address not later than August 1, 1974. A detailed agenda of the conference will be distributed to persons intending to participate by August 22, 1974.

BENJAMIN O. DAVIS,
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.74-13535 Filed 6-7-74;4:34 pm]

ATOMIC ENERGY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, which revised Technical Specifications for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits plant warm-up and low power (<5%) testing with one emergency feedwater pump disabled. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 6, 1974, (2) Amendment No. 1 to License No. DPR-50, with any attachments, (3) Amendment No. 2 to License No. DPR-50, with any attachments, and (4) the Commission's related Safety Evaluation, dated May 10, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2), (3) and (4) may be obtained upon request, addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 4th day of June 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-13285 Filed 6-10-74;8:45 am]

NUCLEAR PROPULSION SYSTEMS FOR MERCHANT SHIPS

Notice of Consideration

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has received a Preliminary Safety Evaluation Report (PSAR) for the Competitive Nuclear Merchant Ship Program from the United States Department of Commerce, Maritime Administration (MarAd), which is concerned with the possession, use and operation of pressurized water nuclear reactors (the facilities) in the propulsion system of merchant ships. Each unit would operate at steady-state power levels not to exceed 315 megawatts thermal. The Commission will consider whether there are any essential issues which would preclude the licensing of such facilities under existing Commission Regulations.

These ships are to be owned and operated by one or more major shipping firms which have not yet been identified. The nuclear powered ships will be operated from the United States of America to ports of call to be identified by the owner/operator.

The PSAR is concerned with a reference design of a very large crude carrier (VLCC). The first ship is expected to be delivered by mid-1980; the remaining ships are to follow at approximately one-year intervals. The initial MarAd proposal contemplates the construction of three such ships. The successful completion of this program may result in a fleet of 100 to 500 nuclear powered ships. The PSAR is available for review at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

All interested persons who desire to submit written comments or suggestions for consideration by the Commission should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, ATTN: Public Proceedings Branch by July 15, 1974.

Dated at Bethesda, Maryland, this 5th day of June 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-13283 Filed 6-10-74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued three guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 4, "Environmental and Siting Guides."

Regulatory Guide 4.4, "Reporting Procedures for Mathematical Models Selected to Predict Heated Effluent Dispersion in Natural Water Bodies," provides a uniform reporting format for those license applicants who use mathematical models to predict thermal dispersion from heated discharges. Implementation of this guide in the Environmental Report will enable the Regulatory staff to assess proposed mathematical models in a thorough, yet timely, manner.

Regulatory Guide 4.5, "Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil," describes soil sampling procedures that provide a uniform basis for quantifying and reporting plutonium in soil data. This guide also describes a radiochemical procedure which is acceptable to the Regulatory staff as a basis for performing plutonium in soil analysis.

Regulatory Guide 4.6, "Measurements of Radionuclides in the Environment—Strontium-89 and Strontium-90 Analyses," references sets of radiochemical procedures that are acceptable to the Regulatory staff as bases for analyzing strontium-89 and strontium-90 in bio-environmental samples.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted, and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).
Cooling Water System—Protection of Aquatic Organisms (Entrainment).
Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
Nuclear Power Plants—General Environmental Siting Guides.

Dated at Rockville, Maryland, this 3d day of June 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-13284 Filed 6-10-74;8:45 am]

RESEARCH AND DEVELOPMENT IN GEOTHERMAL ENERGY

Invitation to Comment

I. *Introduction and objectives.* The Atomic Energy Commission (AEC) is interested in receiving comments, recommendations and suggestions concerning arrangements appropriate to conduct during FY 1975 and into the early 1980's of research and development work and pilot projects aimed at establishing the technical, economic and practical feasibility of electric and non-electric power production from geothermal resources, including possible cooperative programs between the AEC and other organizations. Responses received will be utilized in the further development of AEC's long-range geothermal program plan. The geothermal program objective is to stimulate and facilitate early and significant commercial utilization of these resources for power production. This program is a part of the national geothermal energy research and development effort and is designed to contribute toward meeting overall national energy needs.

II. *Federal Government Geothermal Program.* The Federal Government's participation in the national geothermal program is being conducted cooperatively by several Federal agencies, and is being coordinated by the National Science Foundation, and encompasses the following elements.

A. Increasing the present knowledge of the location, nature and extent of the nation's geothermal energy resources.

B. Identification and resolution of the environmental, legal and institutional barriers to geothermal resource utilization.

C. Advancement, thru technology development, of the operational efficacy and efficiency of relevant components, devices and techniques as required to achieve practical geothermal resource utilization.

D. Acceleration of the commercial production of electricity and nonelectric power from geothermal resources.

III. *AEC Geothermal Program Plan.*[1] The AEC geothermal program plan covering the period FY 1975 thru the early 1980's focuses on elements II C and D above and includes:

A. *Advanced Research and Technology.* Involving, but not necessarily limited to, research and development related to drilling in hostile geothermal environments, methods of well completion, materials and equipment for extracting hot corrosive fluids, monitoring and controlling emissions and wastes and practical binary cycles that use low temperature working fluids.

B. *Resource Utilization Projects.* Involving research and development related to, and construction and operation of, approximately 10 MWe pilot plants representative of one or more different types of geothermal resources: high temperature (>180° C) low salinity convective (HT/LS), high temperature (>180° C) high salinity convective (HT/HS), geopressurized sedimentary (GP), low temperature (<180° C) low salinity convective (LT/LS), and hot dry rock (HDR). Each facility would serve as a flexible test bed for research and engineering development as well as for demonstration of electrical generation and other uses of geothermal heat.

IV. *Tentative Program Implementation Plan.* As a basis for the comments, recommendations and suggestions hereby being requested, the AEC has developed for consideration a tentative plan, set forth in Attachment "A", for conduct of its geothermal research and development and demonstration program. This encompasses such matters as proposal submission, content, evaluation and selection, as well as cost sharing and disposition of any demonstration plants following project completion. The AEC's purpose is to seek comments on this tentative plan and not, at the present time, to invite the submission of proposals.

All interested persons who desire to submit written comments, recommendations and suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before July 11, 1974. Public comments received after the aforementioned thirty day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Maryland, this 6th day of June 1974.

PAUL C. BENDER,
Secretary of the Commission.

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[1] In addition to the applied research and development activities described herein, the AEC also supports basic physical research in geothermal science.

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ATTACHMENT "A"

TENTATIVE PLAN FOR IMPLEMENTATION OF THE AEC GEOTHERMAL RESEARCH AND DEVELOPMENT AND DEMONSTRATION PROGRAM

The following tentative plan has been developed as a basis for the comments, recommendations and suggestions being requested. The submission of proposals is not being sought at this time.

A. Proposals may be submitted by academic institutions and units of state and local governments, by non-academic, nonprofit or profit organizations, by individuals, or by a combination of these.

B. Proposals may be submitted at any time, but R&D proposals on hand usually will be considered in groups beginning in July and January of each year.

C. Evaluation of proposals will be conducted by the AEC staff, which may be supplemented by representatives from the AEC national laboratories and other Federal agencies and by representatives from the academic and industrial communities. All proposers will be deemed to have consented to the review by such representatives of the AEC. Information and materials which the AEC and proposers mutually agree to be of a privileged nature will be held in confidence to the extent permitted by law. (Reference AECPR–9–3.150–3)

D. Preference will be given to proposals which offer cost sharing of the proposed work by the proposer or other interested private organizations. The proposing organizations' views as to the final disposition of pilot plants will be a factor in the consideration of proposals for pilot plants, recognizing that it would be AEC's desire to sell its interest in such plants following completion of the proposed work. Any proposals for these plants that are accepted by the AEC will have to be beneficial to the program and in the best interests of the Government. More formal solicitations may be issued for proposals on pilot plants.

E. The AEC will select for negotiation of contracts those research and development proposals which do not unnecessarily duplicate research work already underway or contemplated by AEC; are not already known by AEC or other Federal agencies; have previously unrecognized merit or value; and which offer the greatest total value. While the estimated cost to the government and an offering of cost sharing will be considered in determining which proposals offer the greatest value, the primary basis for selection will be the showing made in the proposal relative to such factors as:

1. How the proposed work is expected to contribute toward meeting energy needs.
2. Description of the theoretical and experimental methods to be employed and program plan through completion.
3. Qualifications of the proposing organization and participating personnel.

There is no commitment to the making of any particular number of awards. Where proposals submitted for research and development involve work previously known to or contemplated by AEC or other Federal agencies, it may be necessary to solicit additional proposals for such work and undertake competitive negotiations with all such proposers.

F. Preliminary to submitting a formal proposal, proposers may, if they wish, submit a preproposal letter setting forth the substance of the proposed work in order to establish whether the AEC has any interest in the research and development area involved.

[FR Doc.74–13455 Filed 6–10–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 20820, etc.; Order 74–6–21]

ALASKA SERVICE INVESTIGATION AND CERTAIN OTHER MATTERS

Order Severing Issues; Directing Applicants and Parties to Comment on Certain Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1974.

In the matter of Alaska Service Investigation (Bush Routes Phase), Docket 20826, *et al.*; Kodiak-Western Alaska Renewal Proceeding, Dockets 23604, 23605, 23757, 24103, and 25502; Howard J. Mays Revocation/Munz Northern Certification Proceeding, Dockets 25655 and 25450; Part 298 Weight Limitation Investigation, Docket 21761.

The Bureau of Operating Rights, the Alaska Transportation Commission and certain applicants have filed various pleadings[1] which, collectively, seek major changes in the scope of the remanded proceeding for the purpose of expediting the resolution of the outstanding issues. In its motion the Bureau contends that there are basic deficiencies in the evidentiary materials thus far submitted which preclude a meaningful trial of important issues, and that the case should not go forward unless essential data and information begins to be supplied through reporting requirements.[2] In these circumstances the Bureau suggests that the Board sever and separately adjudicate those issues which can be processed without reference to the deficient evidentiary materials. The pleadings of all parties and applicants are addressed to the Bureau's motion, and for the most part are in accord that certain issues should be severed.

Upon consideration of the Bureau's motion, answers and other pleading related thereto, the Board has concluded that the matters delineated hereafter should be severed and separately processed. In reaching this decision, we are reversing our earlier determination that all issues related to bush operations should be adjudicated in a single proceeding.[3] Our feeling at that time was that a consolidated proceeding would best fill certain gaps in the preexisting evidentiary record and could provide a meaningful forum for considering service alternatives at Alaskan bush points. Our experience since then, however, indicates that the present scope of the case creates severe practical problems which could delay the entire proceeding for a very substantial period.

Thus, at the core of the remanded case are the issue of whether Alaska's and Wien's authority at certain Alaskan bush points should be deleted or suspended and the related question of whether the Board should approve service alternatives at these and other bush points. The alternatives now placed in issue—which the parties have addressed in shaping the present record—are (a) the certification of air taxis, (b) subcontract arrangements between certificated airlines and air taxis under standards to be established by the Board, and (c) subsidized services by airlines, whether or not certificated, operating pursuant to a competitive bid contract.

However, because of changed circumstances since the scope of issues was formulated, a meaningful evaluation of these service alternatives is not feasible at this time. First, the system of competitive bid contracts we intended to consider is no longer a practical option. Such a system would have required Congressional authorization; and while a bill with that purpose was introduced in the 92nd Congress, it was not enacted and has not been reintroduced. The elimination of the service option may well affect the position of some of the parties towards the other alternatives to existing bush service. This fact, alone, raises doubts about the continuing value of much of the record evidence.

Next, because many air taxis maintain only general records, they have not been able to provide the kind of detailed data on the operating costs and general profitability of subcontracted operations that we had hoped to receive. This evidentiary gap stands in the way of a serious consideration of Alaskan subcontracting arrangements at this time. Moreover, the fact that this service alternative cannot be meaningfully examined on the existing record also means that the Board cannot evaluate other possible courses of action (for example, the deletion or suspension of Alaska or Wien at certain bush points and the certification of air taxis in their stead) which must be weighed in conjunction with the option of subcontracted services. Our proposed Part 293, discussed below and in notice of proposed rule making EDR–272, would help cure the deficiency in available evidence by requiring air taxis to provide detailed reports of their operating results as subcontractors for certificated airlines.[4] However, even assuming the adoption of the proposed regulation, the fact remains that the necessary data will not be available for some time.

Proceeding to a hearing on the existing evidence would be counter-productive and could provide burdensome to Alaska communities and air taxis who might be required to squander their limited financial resources in a case marked from the start by an inadequate record. Under the circumstances, we are left with only two viable procedural options: (1) To delay the entire investigation until the defects in the record are cured, or (2) to sever for immediate adjudication those essentially side issues which can be separated from the core of the case (and to move forward also on certain noncontroversial aspects of the mainline issues), while deferring the remaining central portion of the proceeding. In view of the rapidly changing conditions in Alaska and the time that has already elapsed since the "Bush Phase" was first remanded, we have decided to opt for the second approach because it will permit expeditious resolution of those issues as to which a satisfactory record has been compiled without undermining our ability to go forward with the rest of the case at such time as the necessary evidence becomes available.

Accordingly, we have determined to take the following actions in respect to the matters raised by the Bureau, other parties and the applicants.

1. *Application of Kodiak-Western Alaska Airlines, Inc.* We are in accord with the Bureau that the renewal of the Kodiak-Western Alaska certificate, Dockets 23604 and 23605, and the proposed King Salmon-Kodiak link between the two elements of the carrier's system, Docket 23757, should be severed and set for separate hearing as promptly as possible. Under "Ashbacker" principles the application of Wien for King Salmon-Kodiak authority in Docket 24103 will be consolidated for contemporaneous consideration. The application of Peninsula Airways, Inc., for the King Salmon-Kodiak authority and other points on the Kodiak-Western Alaska system in Docket 25502 will be similarly consolidated.

We will not consolidate the balance of Peninsula's application, which involves some points now served by Reeve Aleutian Airways since this is not required by "Ashbacker" considerations. While our action herein has the effect of splitting Peninsula's application into two parts, we have decided not to expand the route issues beyond the minimum necessary to process those matters that can readily go forward independently of the main proceeding. To do otherwise would lead to the creation of two main proceedings dealing generally with the bush issues. Wien's objection that separate treatment for Kodiak-Western Alaska route issues constitutes a piecemeal approach is, of course, well taken. However, as set forth earlier, this drawback is outweighed by countervailing considerations.

2. *Howard J. Mays Revocation Proceeding.* The Bureau has proposed, without opposition from any party, that the Board sever and separately dispose of the related issues of the termination and revocation of the Mays' certificate and the transfer of that certificate to Munz Northern, Docket 25655. The Bureau also proposes that those portions of the Munz certificate application, Docket 25450, that parallel the points served by Mays should be consolidated. Munz Northern agrees with the Bureau but suggests that all of its certificate application should be heard in the severed proceeding.

The Board agrees with the Bureau that the related revocation, termination and transfer issues should be heard in a separate proceeding. However, because there is no "Ashbacker" consideration, as was the case in respect to the Kodiak-Western Alaska applications, there is no legal requirement for us to hear the Munz Northern certificate application. Based on the rationale for going forward with severable issues, set forth above, the Munz application should not be consolidated with the Mays issues since it covers bush points that are not distinguishable from those at issue in the main proceeding. On the other hand, we recognize that the posture of Munz in this case is unique in that it claims to be successor in interest to the Mays certificate. Accordingly, since Munz may not be able to establish a legal basis for the transfer, the Board has determined, in its discretion, to consolidate the Munz application insofar as it relates to authority similar to that held by Mays. If, however, Munz presses for consolidation of its application on the grounds that the whole application should be tried in one proceeding the Board is tentatively of the view that the application should be heard in the main case.

3. *298 Weight Limitations Rule.* Among the parties and applicants, only Wien objects to the Bureau's proposal that the Board sever the issue of whether the present limitation applicable to Alaska under Part 298 of the Board's Regulations should be modified to conform with the revised standard in the same rule applicable to the 48 contiguous states (30 revenue seats, 7,500 pounds maximum payload weight).[5] Wien suggests that the Board adopt without further proceedings the conclusion of the Administrative Law Judge as set forth in the Initial Decision in the "Part 298 Limitation Investigation," Docket 21761, to the effect that the current limit should remain in force. We reject such an approach. The Board believes that all parties and applicants should have a full opportunity to express views on this question, particularly in light of rapidly changing conditions in Alaska since the Initial Decision was handed down on September 27, 1971.[6] No party has suggested that rulemaking procedures would be insufficient for this purpose in response to the Bureau's motion. Accordingly, there is issued herewith a notice of proposed rulemaking, EDR–273, to amend Part 298 in the manner described.

4. *Deletions of Alaska and Wien Authority Pursuant to section 401 (g) at Points No Longer Served by Means of Show Cause applications.* No party or applicant has objected in substance to the Bureau's proposal that the Board should act to delete from the certificate authority of both Wien and Alaska those points that no longer receive service for various reasons. Although Wien requests that the Board adopt the Administrative Law Judge's decision concerning the points to be deleted, we believe that, as in the case of the weight rule, the Board should be apprised of the latest available information. Accordingly, Wien and Alaska will be directed to file applications to the Board requesting that the Board issue an order to show cause why the points named in the applications should not be deleted. Show cause procedures will serve to establish whether there is any opposition to such deletions and, to the extent there is none, the deletions can be effected without reference to the main proceeding.

5. *Main Proceeding.* We now turn to various questions related to the issues that remain in the "Bush Phase" of the present proceeding.

The Alaska Transportation Commission has recommended that the Board adopt, on an interim basis, a rule designed to regularize and rationalize contracts under which Wien and Alaska provide air services through subcontracting carriers. The Commission suggests that for this purpose the Board adopt the findings and conclusions of the Administrative Law Judge which are set forth at pages 56–62 of the Initial Decision. No party has opposed this suggestion, and in our view it has considerable merit as an interim measure pending the final resolution of the various issues relating to subcontract operations, which have

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[1] Initially, the Bureau of Operating Rights filed a motion to sever and establish alternate procedures. Answers to the Bureau's motion were filed by the Alaska Transportation Commission, Wien Air Alaska, Kodiak-Western Alaska Airlines, Peninsula Airways, Polar Airways (together with a motion for leave to file a late answer), Munz Northern Airlines, (Richard F. Galleher), Tanana Air Taxi, Yukon Air Service, Parkair and Southeast Skyways.

The Bureau also filed a reply, together with a motion for leave to file an unauthorized document. Answers to the Bureau's reply were filed by Parkair, Tanana Air Taxi and Yukon Air Service and the Alaska Transportation Commission (together with motions for leave to file unauthorized documents).

The motions for leave to file will be granted in order to afford the Board the opportunity to consider the complete views of all parties.

[2] The Bureau's recommendation, as modified in its reply to Wien's answer to the Bureau's motion, urges that subcontracting parties be required to submit regular financial and operating reports while the remaining procedural steps in the case are in progress.

[3] See Orders 72–9–91, September 25, 1972; 73–4–29, April 5, 1973; and 73–6–22, June 7, 1973.

[4] The Board could, of course, impose such a reporting requirement independently of Part 293. However, a detailed reporting requirement for existing subcontract arrangements could well prove burdensome to many air taxis; on the other hand, such a requirement in the context of the new subcontracting standards we are proposing (which would guarantee air taxis sufficient compensation and other support to sustain their operations) would be appropriate.

[5] The Alaska Transportation Commission appears to favor the amendment.

[6] In addition, we tentatively disagree with Wien's view that the existing air taxi weight limits within Alaska should be retained, for reasons set out in Notice of Proposed Rulemaking EDR–273.

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been and remain a principal issue of the "Bush Phase."

In this connection, Wien suggests that the certificate applications of the subcontractors are defensive in character, having been filed only because the Board is considering changes in the present subcontract arrangements at bush points, including the certification of air taxis at Alaska or Wien points now served by subcontractors. In view of this allegation and the fact that we are now proposing standards embodying various guarantees that make subcontracting more stable and attractive, we are concerned that subcontractors may not pursue their certificate applications. Accordingly, the Board will direct all applicants to advise the Board whether they will prosecute their certificate applications if the proposed rule is adopted. These pleadings will be filed on the dates specified for responses to notice of proposed rulemaking EDR–272. If it appears that the applications will be withdrawn, there will be no need to pursue the reporting requirements suggested by the Bureau, and the remaining proceeding will be simplified. The Board will rule on this aspect of the Bureau's motion upon receipt of the comments. If, however, the main case does proceed to hear applications for route authority now conducted pursuant to subcontracts, the issues will be limited to the certification of new carriers to operate in lieu of Wien or Alaska (which would be suspended or deleted), reliance on Part 298 carriers (which would also be licensed by the state), or the continuation of subcontract arrangements subject to guidelines mandated by rule.[7]

Accordingly, it is ordered, That:

1. The application of Kodiak-Western Alaska Airlines, Inc., for renewal of its certificate of public convenience and necessity, Dockets 23604 ad 23605, and the certificate amendment application for authority to link up the carrier's system over a route between Kodiak and King Salmon, Docket 23757, together with the application of Wien Air Alaska, Inc., for Kodiak-King Salmon authority, Docket 24103, and that portion of the application of Peninsula Airways, Inc., Docket 25502, wherein the carrier seeks certificate authority over portions of the Kodiak-Western Alaska combined system, be and they hereby are severed from the Bush Routes Phase of the "Alaska Service Investigation" and redesignated as "The Kodiak-Western Alaska Renewal Proceeding;" such proceeding to be set for hearing before an Administrative Law Judge at a time and place to be hereafter designated;

2. The issue of the termination pursuant to section 401(f) of the Act or the revocation pursuant to section 401(g) of the Act of the certificate of public convenience and necessity of Howard J. Mays, together with the application of Richard F. Galleher and Munz Northern Airlines, Inc., for transfer of the Mays certificate, Docket 25655, and that portion of the application of Munz Northern Airlines, Inc., in Docket 25450 wherein the carrier seeks certificate authority paralleling the certificate of Howard J. Mays be and they hereby are severed from the Bush Routes Phase of the "Alaska Service Investigation" and redesignated as the "Howard J. Mays Revocation/Munz Northern Certification Proceeding"; such proceeding to be set for hearing before an Administrative Law Judge at a time and place to be hereafter designated;

3. The issues of (a) whether the public convenience and necessity require air service at Alaskan bush points by carriers operating pursuant to a competitive bid contract and (b) whether Part 298 of the Board's Economic Regulations should be amended to relax the existing 12,500 pound takeoff weight limitation applicable to air taxis operating within Alaska, shall be removed from consideration in the "Bush Routes Phase of the Alaska Service Investigation." By contemporaneous notices of proposed rulemaking, the Board is proposing (1) to establish standards for subcontracting arrangements between certificated airlines and Alaskan air taxis in EDR–272, and (2) to extend the 30 seat/7,500 pound payload standard already applicable to Part 298 operations in the continental United States to air taxi operations within Alaska in EDR–273.

4. On or before July 11, 1974,

(a) Each applicant seeking certificate authority over routes now served pursuant to subcontract agreements with Alaska Airlines, Inc., or Wien Air Alaska, Inc., is directed to advise the Board whether it will prosecute its certificate applications if the guidelines for Alaska subcontract operations proposed in EDR–272 are adopted.

(b) All parties are directed to advise the Board concerning additional steps believed necessary to expedite our adjudication of the remaining issues in the remanded proceeding;

5. Alaska Airlines, Inc., and Wien Air Alaska, Inc., be and they hereby are directed to file with the Board within 30 days of the date of this order motions for issuance of an order to show cause why the certificate authority of the respective carriers at points no longer receiving certificated services, either directly or through a subcontracting arrangement, should not be permanently deleted pursuant to section 401(g) of the Act;

6. Except to the extent granted herein the Motion of the Bureau of Operating Rights to sever and to establish alternate remanded procedures be and it hereby is deferred;

7. The motions of the Bureau of Operating Rights, the Alaska Transportation Commission, Polar Airways, Inc., Parkair, Inc., Tanana Air Taxi, Inc., and Yukon Air Service, Inc., for leave to file otherwise unauthorized documents be and they hereby are granted; and

8. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–13331 Filed 6–10–74;8:45 am]

[Docket No. 26776; Order 74–6–30]

CHARTER AUTHORITY OF CANADIAN FOREIGN AIR CARRIERS

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1974.

On May 8, 1974, the Governments of United States and Canada executed the Nonscheduled Air Service Agreement (Agreement) governing nonscheduled air services between their respective countries. The Agreement establishes a new regulatory regime in which the operation of charter flights by all air carriers specifically designated by the governments of each country to provide charter service pursuant to the Agreement will henceforth be governed in accordance with principles and conditions mutually agreed upon by the governments, as set forth in the Agreement and the diplomatic notes attached thereto.

Fifty-seven Canadian carriers now hold sixty-five foreign air carrier permits issued by the Board pursuant to section 402 of the Act each authorizing, to varying degrees, charter foreign air transportation between Canada and the United States: eighteen of these permits authorize ordinary charter-only service; forty-one authorize charter flights with aircraft under 12,500 pounds; four authorize on- and off-route charter flights as an incidental authorization to scheduled services; two authorize only on-route charters as an incident to scheduled service authority.[1] All Canadian carriers presently holding foreign air carrier permits have been designated by the Government of Canada to provide charter service in accordance with the terms of the Agreement. Each permit contains a condition making it "subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation * * * that may become effective during the period this permit remains in effect to which the United States and Canada shall be parties."

Upon consideration of the Agreement, and in light of section 1102 of the Act which requires the Board to exercise its duties consistent with any obligation assumed by the United States in any agreement between the United States and a foreign country, the Board proposes to issue to all Canadian carriers designated by their government under the agreement and currently holding foreign air carrier permits, new foreign air carrier permits containing authority limited to

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[7] The proceeding will not attempt to identify points for low-bid contract services since consideration of the necessary legislation is no longer active.

[1] See Appendix A.

that authorized by the charter bilateral, and subject to the conditions of that Agreement and the Exchanges of Notes attached thereto. In addition, three Canadian carriers holding foreign air carrier permits authorizing charter foreign air transportation have authority to perform Canadian-originating and terminating circle tour charters, authority which is not within the scope of the charter bilateral agreement. The Board will issue separate permits to these carriers maintaining this nonbilateral authority in effect subject, however, to a requirement for prior approval of each flight as discussed hereinafter.

The charter regime established by the Agreement differentiates only between charter operations conducted with "small aircraft" and operations conducted with "large aircraft."[2] Since, pursuant to the charter bilateral agreement, the terms and conditions applicable to the respective foreign air carriers will be standard for each class of operation, the new charter permits will follow a standard form, except that those Canadian carriers designated solely for small aircraft operations will be issued a permit restricting their operations accordingly.

The proposed issuance of the respective permits will facilitate the prompt implementation of the terms of the new charter bilateral agreement, while at the same time maintaining the outstanding authorizations of the various carriers which are not covered by the bilateral agreement. This will be in accordance with the spirit of the bilateral and collateral Exchange of Notes providing for prompt implementation of the Agreement.[3]

Accordingly, the Board tentatively finds and concludes that it is in the public interest to (a) issue new and/or amended permits to all of the foreign air carriers already holding permits which have been designated by the Government of Canada to provide charter service pursuant to the terms of the Nonscheduled Air Service Agreement between the United States and Canada, in the form and manner set forth in the specimen permits contained in Appendix B;[4] (b) cancel the existing permits of all Canadian carriers authorizing charter foreign air transportation (except as an incident to scheduled service authority); and (c) issue an additional permit to Eastern Provincial Airways, Ltd. Nordair Ltee-Nordair Ltd., and Pacific Western Airlines, Ltd. in the form and manner set forth in Appendix C, setting forth only the authority contained in the subject carriers' existing permits which is not the subject of the Agreement and therefore not embraced by the permits issued pursuant to paragraph (a), above.[5]

The scheduled route permits of Air Canada, Atlantic Central Airlines Limited, Canadian Pacific Air Lines, Ltd., Nordair Ltee-Nordair Ltd., Pacific Western Airlines, Ltd., and Trans-Provincial Airlines, Ltd., currently confer authority to operate charters as an incident to their route authority. To insure that the purely U.S.-Canada charter authority of the Canadian route carriers is confined to that authorized by the Agreement and their charter permits (with respect to charters covered by the Agreement) we will require that charters between the United States and Canada operated pursuant to the ancillary authority in the route permits of these carriers shall be subject to prior Board approval. We therefore tentatively find and conclude that it is in the public interest to implement Section 212.4(b) of the Board's Regulations so as to require prior approval of such on-route charter flights performed by these six carriers pursuant to their foreign air carrier permits authorizing scheduled foreign air transportation.[6] This action is consistent with the condition in the outstanding permits of these carriers which in effect makes them subject to the charter bilateral conditions. This action will take effect upon the issuance of the permits discussed in paragraph (a), above.

In addition, the Board tentatively finds and concludes that it is in the public interest to implement condition (4) of the foreign air carrier permits authorizing Eastern Provincial Airways (1963) Ltd., Nordair Ltee-Nordair Ltd., and Pacific Western Airlines, Ltd., to perform Canada-originating circle tour charters so as to require advance approval of such flights. Since these flights are not under the Agreement (yet involve, on at least one flight leg, a traffic movement which mighto therwise be under the Agreement) we wish to determine on a case-by-case basis public interest in their operation, including reciprocity and the effects, if any, on traffic flow under the Agreement.

Finally, we tentatively find and conclude that, considering their successful operations under existing permits and our previous findings in this respect, the Canadian carriers listed in Appendix A remain fit, willing, and able properly to perform the services authorized in the permits proposed to be issued and to con-

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[2] Large aircraft are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds. Small aircraft are defined as aircraft which are not large aircraft.

[3] An Exchange of Notes on Transitional Arrangements, signed in conjunction with the bilateral, provides in part:

"2. Any carrier designated by the Government of Canada shall, pending issuance of an amended foreign air carrier permit under the Agreement, be allowed to operate nonscheduled air services between the respective territories of the United States and Canada as provided for in the Agreement to the maximum extent the Civil Aeronautics Board is legally empowered to do so (e.g., by waiver of its regulations), provided such carrier holds a valid and outstanding foreign air carrier permit." By Order 74–5–37, May 8, 1974, the Board proposed to grant waivers of its charter regulations which, in effect, would permit such implementation pursuant to this provision.

[4] We intend that finalization of the action proposed herein will dispose of the pending applications for renewal of outstanding permits for small aircraft operations by Aeroplane Rental Services Ltd. (Docket 25031), Air Ambulance Service (Docket 25070, application filed in the name of Province of Saskatchewan, Central Vehicle Agency), Air Niagara (Docket 25029), Air-West Airlines Ltd. (Docket 25013), Execaire Aviation Ltd. (Docket 25032), Guelph Air Services '67 Ltd. (Docket 25068), Harrison Airways Ltd. (Docket 25030), Ignace Airways, Ltd. (Docket 25069), Kingston Flying Club (Docket 25143), Lac La Croix Quetico Air Services Ltd. (Docket 25061), Laurentian Air Services Ltd. (Docket 25014), Laurentide Aviation, Ltd. (Docket 25109), Metroair, Ltd. c.o.b. Metro Air Taxi (Docket 24990), Midwest Airlines, Ltd. (Docket 25015), Millardair, Ltd. (Docket 24898), Parsons Airways, Ltd. (Docket 25016), Peninsula Air Service, Ltd. (Docket 25006), Prince Edward Flying Club (Docket 25062), Seneca Air Services, Ltd. (Docket 25067), Skycharter Aircraft Sales, Ltd. (Docket 25038), St. Catharines Flying Club (Docket 25043), Survair Ltd. (Docket 24996), Toronto Airways Ltd. (Docket 25046), Waterloo-Wellington Flying Club (Docket 25044), West Coast Air Services Ltd. (Docket 24995), Wong Airways Ltd. (Docket 25046), Waterloo-Well-25033), Won-Del Aviation Ltd. (Docket 24988). In addition, it will dispose of the applications of Canadian Pacific Air Lines, Ltd. (Docket 25250) and International Jet Air Ltd. (Docket 26684) for amendment to include ITC authority, and the application of Aeroplane Rental Services Ltd. (Docket 25096) for use of aircraft having a 30 pas-

[5] The additional permits for the three named carriers will continue their charter authority to the extent it is not governed by the Agreement, *i.e.*, circle tour charter flights (including inclusive tour charter flights) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and point or points in any country other than Canada and the United States. As indicated below however, this auhority will be subject to a requirement for prior Board approval of each flight. The duration of the additional permits governing this limited authority will remain the same as the existing termination date for such authority (*i.e.*, December 31, 1977). See Orders 73–5–51· 73–7–143; and 73–7–144.

[6] No such approval is required for charters operated pursuant to the new Part 214 charter permit. However, all such charters must comply with the conditions contained in that permit. In effect, the prior approval requirement will only apply to charter flights which originate in the United States and terminate in Canada or which originate in Canada and terminate in the United States. Flights which involve points outside of the United States or Canada will not be subject to prior approval. However, in the proceeding, "Charter Regulations Applicable to Foreign Route Air Carriers" (Docket 26509, Order 74–3–71), the Board has proposed to curtail such authority for all foreign route carriers in several respects. The six Canadian carriers are parties to the proceeding and their ultimate charter authority (including the right to operate fifth freedom charters and circle tour charters) will be governed by the Board's disposition of that case.

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form to the Act and the rules and regulations issued thereunder.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not (1) make final the tentative findings and conclusions herein; (2) subject to the approval of the President pursuant to section 801 of the Act (a) issue foreign air carrier permits to the carriers listed in Appendix A in accordance with the appropriate designation of each carrier in the form and manner set forth in Appendices B and C, and (b) cancel all now outstanding foreign air carrier permits held by Canadian air carriers which authorize charter foreign air transportation, except those authorizing such air transportation incidental to an authorization of scheduled foreign air transportation; (3) implement Part 212.4(b) of the Board's Regulations as proposed herein; (4) implement condition (4) of the foreign air carrier permits authorizing circle tour charters as proposed herein; and (5) except to the extent proposed to be granted herein, deny the pending applications for renewal of authority of Canadian air carriers authorized to conduct nonscheduled small aircraft operations, for amendment of authority held by Canadian Pacific Air Lines Ltd. and International Jet Air Limited to add ITC authority, and for amendment by Aeroplane Rental Services Ltd. for use of aircraft having a 30 passenger/7,500 pound maximum;

2. Any interested person having objections to the tentative findings and conclusions set forth herein or to the issuance of the proposed foreign air carrier permits or the proposed implementations of Part 212.4(b) and condition (4) shall file such objections within 21 days after the date of this order, and file with the Board and serve on the persons specified in paragraph 5, below, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to and stating the specific grounds of any such objections supported by statistical data and other materials and evidence relied upon to support the stated objections; reply comments, if any, may be filed seven days after the date for filing objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. This order shall be served upon all Canadian holders of, and Canadian applicants for, foreign air carrier permits; all holders of certificates of public convenience and necessity; the air taxi operators listed in Appendix B to Order 74-5-37; the Departments of State and Transportation; and the Ambassador of Canada.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

CARRIERS WHICH WERE DESIGNATED BY THE GOVERNMENT MAY 8, 1974, FOR SMALL AIRCRAFT OPERATIONS ONLY AND ARE HOLDERS OF FOREIGN AIR CARRIER PERMITS

Adastra Aviation Limited.[1]
Aeroplane Rental Services Limited.[1]
Aero Trades (Western) Ltd.[1]
Air Ambulance Service, Department of Public Health, Province of Saskatchewan, Canada (designated as Province of Saskatchewan, Central Vehicle Agency).[1]
Aircadia Ltd.[1]
Air Halifax Limited.[1]
Air Niagara Limited.[1]
AirWest Airlines Ltd.[1]
Air Windsor Limited.[1]
Atlantic Central Airlines Limited.[1, 2]
Canadian Voyageur Airlines Limited.[1]
Chinook Flying Service Ltd.[2]
Collingwood Air Services Limited.[1]
Commuter Air Services Ltd.[1]
Execaire Aviation Limited.[1, 2]
Flightexec Limited.[1]
Gravenhurst Aviation Limited.[1]
Guelph Air Services Limited.[1]
Ignace Airways Limited.[1]
J. V. Aviation Limited.[1]
Kingston Flying Club.[1]
Lac La Croix Quetico Air Services Limited.[1]
Laurentian Air Services Limited.[1]
Laurentide Aviation Limited.[1]
Metroair Limited c.o.b. Metro Air Taxi.[1]
Millardair Limited.[1, 2]
Ontario Central Airlines Limited.[2]
Parsons Airways Limited.[1]
Peninsula Air Service Limited.[1]
Prince Edward Flying Club.[1]
St. Catharines Flying Club.[1]
Seneca Air Services Limited.[1]
Skycharter Aircraft Sales Limited.[1]
Starline Aviation Limited.[1]
Superior Airways Limited.[2]
Survair Ltd.[1]
Toronto Airways Limited.[1]
Trans-Provincial Airlines Ltd.[2]
Waterloo-Wellington Flying Club.[1]
West Coast Air Services Ltd.[1]
Won-Del Aviation Ltd.[1]
Wong Aviation c.o.b. Central Airways.[1]

CARRIERS WHICH WERE DESIGNATED BY THE GOVERNMENT OF CANADA MAY 8, 1974, WITHOUT LIMITATIONS AND ARE HOLDERS OF FOREIGN AIR CARRIER PERMITS

Air Canada.[2]
Canadian Pacific Air Lines, Limited.[2]
Eastern Provincial Airways (1963) Ltd.[2]
Gateway Aviation Limited.[1 3]
Great Lakes Airlines Limited.[2]
Harrison Airways Limited.[1 2]
International Jet Air Ltd.[3]
Mackenzie Air Ltd.[3]
Midwest Airlines Ltd.[1 2]
Nordair Ltee—Nordair Ltd.[3 4]
North Canada Air Limited c.o.b. NORCAN AIR.[3]
Pacific Western Airlines, Ltd.[2 4]
Quebecair.[2]
TransAir Limited.[3]
Wardair Canada Ltd.[3]

APPENDIX B

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Name is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any points or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada and in the United States, as are now, or may hereafter be, prescribed in Annex B of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement.[1]

This permit shall be subject to the following terms, conditions, and limitations:

(1) The authority of the holder to perform United States originating large aircraft charter flights shall be subject to the provisions of Part 214 of the Board's Economic Regulations and Part 378 of the Board's Special Regulations. The authority of the holder to perform United States originating small aircraft charter flights shall be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group. The authority of the holder to perform Canadian-originating charter flights shall be subject to the Air Carrier Regulations of the Canadian Transport Commission. The holder shall, nevertheless, not be authorized to provide charters of a type other than as authorized by Annex B of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations or supersession to that Agreement.

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[7] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[1] Permit grants authority to conduct casual, occasional or infrequent nonscheduled individually ticketed or individually waybilled air services with aircraft under 12,500 pounds.

[2] Permit grants scheduled route authority and charter authority pursuant to Part 212.

[3] Permit grants authority for charter flights only.

[4] Permit grants scheduled route authority and on-route charter authority only, without specific reference to Part 212.

[1] Annex B(II)(B) and (III)(B) presently authorize the following types of large and small aircraft charters originating in Canada: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, Advance Booking, and Inclusive Tour; and split passenger charters of the types set forth, subject to Canadian Transport Commission Regulations which presently do not permit Advance Booking Charters for small aircraft. Annex B(II)A presently authorizes the following types of large aircraft charters originating in the United States: Single Entity Passenger, Single Entity Property, Pro Rata Affinity, Mixed (Entity/Pro Rata), Inclusive Tour, Study Groups, Overseas Military Personnel, and Travel Group; and split passenger charters of the types set forth. United States originating small aircraft charters are governed by the definition set forth in condition (1). (Annex B, (III)(A), (I)(C).)

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided,* That the Board may authorize the performance of charter flights not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "large aircraft" flights of persons; (ii) "large aircraft" flights of property; (iii) "small aircraft" flights of persons; and (iv) "small aircraft" flights of property.[2]

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) Flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) Flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving (a) on a Canadian-originating large aircraft flight operating under a contract for charter transportation to be provided solely by the holder (even if a different aircraft is used), or (b) on a Canadian-originating small aircraft flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey. *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ______. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however,* That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ________________________________.

Secretary.

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on ___________ in Order ___________.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Name is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B (III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement: *Provided,* That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those regulations.[1] The authority of the

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[2] Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, defines a "large aircraft" as an aircraft having both: (1) A maximum passenger capacity (as determined by CAB Regulations) of more than 30 seats or a maximum payload capacity (as determined by CAB Regulations) of more than 7,500 pounds; and (2) a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) greater than 35,000 pounds. A "small aircraft" is defined as an aircraft which is not a "large aircraft."

[1] Annex B(III)(B) presently authorizes Canadian originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

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holder to perform United States originating charters shall, in accordance with Annex B (III)(A) of such nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on Board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey; *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts of liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ------------. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however,* That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ------------.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on ------------ in Order ------------.

APPENDIX C

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Eastern Provincial Airways (1963) Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey, by any means of transportation, includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved, and that this condition shall not prevent the holder, under the above authorization, from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.

(2) The authority of the holder to perform inclusive tour charters originating in Canada

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shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability inusrance in the amount of $1,000,000 or more to meet potential liablity claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ------------ and shall terminate on December 31, 1977: *Provided, however,* That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties, then and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ---- day of ------------.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on ------------ in Order ------------.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Nordair Ltee—Nordair Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey by any means of transportation includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved, and that this condition shall not prevent the holder, under the above authorization from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.

(2) The authority of the holder to perform inclusive tour charters originating in Canada shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ------------ and shall terminate on December 31, 1977: *Provided, however,* That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement, to which the United States and Canada are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

IN WITNESS WHEREOF, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed thereto, on the ------ day of ------------.

[SEAL]

Secretary.

Issuance of this permit to the holder approved by the President of the United States on ------------ in Order ------------.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER

Pacific Western Airlines, Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanying baggage which originste and terminate at a point or points in Canada and serve a point or points in the United States and a point or points in any country other than Canada and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

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(1) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any person whose journey, by any means of transportation, includes a prior, subsequent, or intervening movement to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved and that this condition shall not prevent the holder, under the above authorization from serving a point or points in any foreign country between the point of origin and the point of termination of the charter flight in Canada.

(2) The authority of the holder to perform inclusive tour charters originating in Canada shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Air Transport Committee of the Canadian Transport Commission authorizing the performance of such charters.

(3) The exercise of the privileges granted by this permit, except with respect to the authorization to perform inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(4) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(5) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(6) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(7) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(8) The holder (a) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (b) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(9) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ____________ and shall terminate on December 31, 1977: *Provided, however*, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall becomes parties, then and in that event, this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ______ day of ____________.

[SEAL] *Secretary.*

Issuance of this permit to the holder approved by the President of the United States on ____________ in Order ____________

[FR Doc.74–13334 Filed 6–10–74;8:45 am]

CIVIL SERVICE COMMISSION

ACTION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Domestic and Anti-Poverty Operations, Office of the Associate Director for Domestic and Anti-Poverty Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13335 Filed 6–10–74;8:45 am]

DEPARTMENT OF THE AIR FORCE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Research and Development), Office, Assistant Secretary (Research and Development), Office, Secretary of the Air Force.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13337 Filed 6–10–74;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Regional Economic Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13336 Filed 6–10–74;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (House Affairs), Office of the Assistant Secretary of Defense (Legislative Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRAY,
Executive Assistant to the Commissioners.

[FR Doc.74–13338 Filed 6–10–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Associate Administrator for Policy Control and Coordination, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13340 Filed 6–10–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.2201a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Special Assistant for Labor Relations, Immediate Office of the Secretary to Assistant to the Secretary for

Labor Relations, Immediate Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13342 Filed 6–10–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Indian Services, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13341 Filed 6–10–74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13339 Filed 6–10–74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Monday, June 10, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent,

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–13343 Filed 6–10–74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the positions of:

Associate Director for Health Affairs, Office of Health Affairs
Associate Director for Public Affairs, Office of Public Affairs
Chief, Evaluation Division, Office of Planning, Research, and Evaluation
Associate Director for Congressional Relations Office of the Associate Director, Office of Congressional Relations, Office of Congressional and Public Affairs
Associate Director for Program Review, Office of the Associate Director, Office of Program Review
Chief, Inspection Division, Office of General Counsel
Deputy Assistant Director for Program Development, Office of Program Development.
Chief, Communications Development Division, Office of Program Development

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13344 Filed 6–10–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Notice of Availability

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1974 and May 15, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 28, 1974.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1, 1974 and May 15, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
D-AEC-00106-00	Liquid metal fast breeder reactor program	3	A
D-ACE-06126-TX	Comanche Peak steam electric station units 1 and 2, Texas.	LO-2	A
Department of Agriculture:			
D-DOA-24067-MD	Sewage wastewater treatment plants, Beltsville Agricultural Research Center, Md.	ER-2	D
D-AFS-60436-WA	Colville, Okanogan, Wenatchee National Forests, vegetation management, Washington.	LO-1	K
D-AFS-65061-MT	Big Tepee Creek timber sale, Montana	ER-2	I
D-AFS-65082-MT	South Fork of Swan Creek timber sale, Montana	LO-1	I
D-AFS-65067-MO	Cedar Creek purchase unit, Clark National Forest, Mo.	LO-1	H
D-AFS-65102-MT	Inch Mountain planning unit, Kootenai National Forest, Mont.	ER-2	I
Corps of engineers (Civil works):			
D-COE-32487-FL	Tampa Harbor project, maintenance, dredging, and spoil disposal, Florida.	ER-2	E

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Identifying number	Title	General nature of comments	Source for copies of comments
D-COE-32503-VA	Maintenance and dredge, Lynnhaven Inlet, bay and connecting waters, Virginia.	LO-2	D
D-COE-34112-ID	Lucky Peak Dam and Lake, Boise River, Idaho	EU-2	K
D-COE-34119-KY	Laurel River Lake, Cumberland River Basin Dam construction, Kentucky.	ER-2	E
D-COE-35118-MN	Duluth-Superior Harbor, Minn	LO-2	F
D-COE-35119-FL	Oyster shell dredging, Tampa and Hillsborough Bay, Fla.	ER-2	E
D-COE-35120-CA	Santa Cruz Harbor, maintenance and dredging, Santa Cruz County, Calif.	LO-1	J
D-COE-36371-MA	Hayward Creek flood protection, Massachussetts	LO-2	B
D-COE-36373-VA	Clearing and snagging, Indian Creek, Va	LO-2	D
D-COE-36374-CO	Flood control on Wolf Creek at Granada, Colo	LO-1	I
D-COE-36376-IL	Blue Waters ditch improvement, East St. Louis, Ill	ER-2	F
D-COE-36378-VA	Shoreline protection for Hampton Institute, Hampton, Va.	LO-1	D
Department of Commerce:			
D-DOC-69003-FL	Interamerican Trade and Cultural Center (Interama), Dade County, Fla.	LO-2	E
D-EDA-28004-NH	Proposed water filtration and treatment plant, Berlin, N.H.	ER-2	B
Department of Defense:			
D-USN-11040-NC	U.S. Navy Atlantic Fleet air combat range, Pamlico, N.C.	LO-2	E
D-USN-11050-TT	Farallon de Medinilla bombardment range, Mariana Islands, Trust Territories.	LO-1	J
Department of the Interior:			
D-BLM-65074-CA	Proposed Big Butte timber sale, Mendocino and Trinity Counties, Calif.	ER-2	J
D-NPS-61227-WA	Proposed development concept plan, Diablo Lake Resort, Ross Lake National Recreation Area, Wash.	LO-1	K
D-NPS-61238-SC	Ft. Sumter and Ft. Moultrie National Monument, and development, South Carolina.	LO-2	E
D-NPS-61249-NM	Carlsbad Caverns National Park, N. Mex	ER-1	G
D-SFW-61242-FL	J.N. "Ding" Darling Wilderness Area, Lee County, Fla	LO-2	E
D-SFW-64035-AZ	Proposed Kofa Wilderness Area, additions to Kofa National Wildlife Refuge, Ariz.	LO-1	J
Interstate Commerce Commission:			
D-ICC-53033-00	Ex parte 270, railroad freight rate—iron ore, scrap iron, and steel.	ER-2	A
National Capitol Planning Commission:			
D-NCP-89135-DC	Downtown urban renewal area, residential section, Washington, D.C.	LO-2	D
D-NCP-89136-DC	H Street urban renewal area, Washington, D.C	LO-2	D
D-NCP-89137-DC	Shaw School urban renewal area, Washington, D.C	LO-2	D
Tennessee Valley Authority:			
D-TVA-85016-AL	Elkmont rural village, Lower Elk River area, Alabama	LO-2	E
Department of Transportation:			
D-FAA-51846-MN	Runway construction and extension, Marshall, Minn	LO-1	
D-FAA-51839-TX	William P. Hobby Airport, Houston, Tex	ER-2	G
D-FAA-51840-TX	Houston Intercontinental Airport, Tex	ER-1	G
D-FAA-51848-NC	Johnston County Airport, Smithfield, N.C	LO-2	E
D-FAA-51850-MS	Brookhaven Municipal Airport, Brookhaven, Miss	LO-2	E
D-FAA-51835-OR	Portland Hillsboro Airport, Hillsboro, Oreg	LO-1	K
D-FAA-51852-TX	City-County Airport, Tulia, Tex	LO-2	G
D-FHW-42171-TX	USH 75 from 131 in Sherman, north to Texas-Oklahoma line, Texas.	LO-2	G
D-FHW-42172-NM	Gallup Bypass and U.S. 66 in Gallup and McKinley Counties, N. Mex.	ER-2	G
D-FHW-42184-CA	Interstate Route 15, Escondido, San Diego, Calif	LO-1	J
D-FHW-42190-WA	Washington Forest Highway, Route 19, Tonasket-San Poil Highway, Wash.	LO-1	K
D-FHW-42199-WI	Monroe Bypass, State Highway 11, Green County, Wis	LO-1	F
D-FHW-42200-KS	U.S. 69, Bourbon County, Kans	LO-2	H
D-FHW-42213-CA	Route 99, Sacramento and Sutter Counties, (IR 5-SR 70), Calif.	LO-2	J
D FHW 42216 MS	Lee and Itawamba Counties, U.S. 78, Mississippi	LO 2	E
D-FHW-42217-SC	Beaufort County, U.S. 278, improvements, S.C	LO-2	E
D-FHW-42220-WA	Washington Forest Highway, Route 7, Mountain Loop Highway, Wash.	LO-1	K
D-FHW-42226-SD	F020-6, Miner County, and F020-7, Lake County, S. Dak	ER-2	I
D-FHW-42228-ND	Bottineau County Road, Metigoshe West, N. Dak	LO-1	I
D-FHW-42165-TN	Widening of Chickamaugh Dam Bridge, Hamilton County, Tenn.	LO-2	E
Department of Treasury:			
DS-TRE-81158-CO	Proposed new Denver Mint, Colorado	LO-2	I

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between May 1, 1974, and May 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-65043-CA	Fox Unit Plan, Six Rivers National Forest, Del Norte County, Calif.	The final statement adequately assesses the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-AFS-85077-OO	Cooperative Gypsy Moth suppression and Regulatory Program, 1974.	EPA generally agreed with the proposed program but identified a proposed use of carbaryl for spraying recreational vehicles as an unregistered use of the chemical, however, the Department of Agriculture has stated they will request this registration.	A
Corps of Engineers (Civil Works):			
FS-COE-32071-FL	Jacksonville Harbor, Sections 1 and 2, Florida.	EPA generally agreed with the project as proposed.	E
F-COE-31070-GA	Closure of Academy Creek, Brunswick Harbor, Ga.	EPA requested the COE to supplement the final statement to enable the Agency to complete a full environmental evaluation of the project.	E
F-COE-34081-TX	Aubrey Lake Project, Elm Fork of the Trinity River, Tex.	EPA had no objections to the project as proposed.	G
F-COE-99003-NY	U.S. Postal Service, Manhattan Vehicle Maintenance Facility, New York.	This project has been further studied and modified by the Corps of Engineers in response to EPA questions and recommendations on two draft environmental impact statements. Housing above the vehicle maintenance facility will be adequately protected from air contaminants. Additional emissions to the surrounding area will be minimal while existing ambient noise levels will remain high.	C
Department of the Interior:			
F-IBR-31038-CA	San Luis Water District Distribution Works, California.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-IBR-31042-AZ	Gila Gravity Main Canal, Rehabilitation and Betterment, Arizona.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
Department of Transportation:			
F-FAA-51335-KY	Wayne County Airport, Monticello, Ky.	EPA generally agreed with the project as proposed.	E
FS-FHW-41404-TX	Highway 190, west of Molanville to Balton, Bell County, Tex.	EPA requested that the air quality analysis provide more information on background levels of hydrocarbons in the vicinity of the proposed project.	G
FS-FHW-41866-TX	State Highway 31 from 34th St. in Corsicana to the Hill County Line, Navarro County, Tex.	EPA requested to improve air quality analysis the provision of total pollutant loads for CO and photochemical oxidants under existing conditions.	G
F-FHW-41881-AZ	McConnico-Kingman and Kingman Interstate Freeway, Mojave County, Ariz.	The final statement adequately assessed the environmental impact of the proposed action and responds to the various concerns raised with respect to the draft statement.	J
F-FHW-42208-OK	U.S. 69, Muskogee and Wagoner Counties, Okla.	EPA requested that additional information be provided with respect to air quality analysis.	H
F-FHW-42254-OH	State Route 76 near the Village of Holmesville, Holmes County, Ohio.	EPA did not review the draft, however, EPA generally had no objections to the project as proposed.	F

APPENDIX IV:—*Regulations, legislation and other Federal agency actions for which comments were issued between May 1, 1974, and May 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Commerce:			
R-NOA-90004-00	15 CFR Part 922—Marine Sanctuaries, Program Guidelines.	EPA found the proposed guidelines to be generally adequate; however, it requested that some examples of limited use be stated in the guidelines, and that procedures for modifying or discontinuing a sanctuary also be detailed. In addition, EPA also suggested modification of several other sections of the guidelines, to aid in strengthening them from an environmental viewpoint.	A
Department of the Interior:			
R-BIA-01025-00	25 CFR 183—Leasing, Osage Reservation Lands for Oil and Gas Mining.	The Environmental Protection Agency has reviewed the proposed regulations and found them to be generally adequate, but suggested measures for strengthening their effectiveness and interpretation. General comments were centered about the responsibilities of the "mining superintendent" whereas more specific comments related to control and abatement of pollution arising from the mining operations.	A
Department of Transportation:			
R-CGD-99078-00	33 CFR Part 159—Marine Sanitation Devices, Proposed Certification Procedures and Design and Construction Requirements.	The Environmental Protection Agency generally agrees with the regulation as written. Technical comments were offered and the terminology, "visible floating solids," was clarified as meaning EPA's standard is intended to be an aesthetic consideration. It was strongly recommended that a statement be included in the final regulation to the effect that Coast Guard certification of flow through devices applies only where devices are not prohibited from use in no-discharge zones by State or Federal Law (sec. 312(F)(3) and 312 (F)(4) of Public Law 92-500).	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 Cali-

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fornia Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 93101.

[FR Doc.74-13028 Filed 6-10-74;8:45 am]

[OPP-32000/65]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before August 12, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 12, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 1363-CO. Acme Chemical Company, 2506 North 32nd Street, Milwaukee, Wisconsin 53245. *Acco Algicide 15-01.* Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32991-R. Ashland Chemical Co., Box 6066, Kansas City, Kansas 66106. *Glidco Pine Oil—150.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6414-T. Bain Pest Control Service, 347 Central Street, Lowell, Massachusetts 01852. *Checker Brand 72% Chlordane Spray Kills Ants and Lawn Insects.* Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 960-ROL. Balcom Chemicals, Inc., P.O. Box 667, 240 22nd Street, Greeley, Colorado 80631. *Clean Crop Methyl Parathion-Toxaphene 3-6 EC.* Active Ingredients: Methyl Parathion 25.8%; Toxaphene 51.5%; Xylene 8.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6125-RT. Bixon Chemical Company, 50-19 97th Place, Corona, New York 11368. *Food Plant Fogging Insecticide.* Active Ingredients: Pyrethrins 0.5%; Piperonly Butoxide, Technical 5.0%; Petroleum Distillate 94.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4-131. Bonide Chemical Co., 2 Wurz Avenue, Yorkville, New York 13495. *Captan—50% WP.* Active Ingredients: Captan N-(trichloromethyl) thio-4-cyclohexene-1,2-dicarboximide 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-R. Cealin Chemicals, 6141 Arlington Expressway, Jacksonville, Florida 32211. *Trichlorin.* Active Ingredients: Potassium Dichloroisocyanurate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34132-E. Cealin Chemicals, 6141 Arlington Expressway, Jacksonville, Florida 32211. *Duochlorin.* Active Ingredients: Sodium isocyanurate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUEL. Ortho Division, Chevron Chemical Company, 940 Hensley Street, Richmond, California 94804. *Ortho Weed-B-Gon Lawn Weed Killer.* Active Ingredients: Butoxy propyl esters of 2,4-dichlorophenoxyacetic acid 21.4%; Butoxy propyl esters of silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8203-EG. Chipman Chemicals Limited, P.O. Box 3100, Station C, Hamilton, Ontario L8H7K5. *Chipman 2,4-D Amine 80 2,4-D Liquid Weedkiller.* Active Ingredients: 2,4-D Acid 43.06%; Dimethylamine 14.72%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 192-RRN. Dexol Industries, 1450 West 228th Street, Torrance, California 90501. *Dexol Fruit & Vegetable Spray.* Active Ingredients: Rotenone 1.1%; Other Cube Extractive 2.2%; Pyrethrins 0.8%; Petroleum Distillate 3.2%; Aromatic Petroleum Hydrocarbons 84.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 352-GAE. E. I. Du Pont De Nemours & Company (Inc.), 6054 DuPont Building, Wilmington, Delaware 19898. *Du-Pont Lannate WP Methomyl Insecticide.* Active Ingredients: S-methyl-N-[(Methylcarbamoyl)oxy]thioacetimidate 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8764-ET. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92502. *Fungicide Conc. 2020.* Active Ingredients: Benomyl Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-EA. FMC Corporation, Citrus Machinery Division, P.O. Box 552, Riverside, California 92502. *Fungicide conc. 1015.* Active Ingredients: Benomyl Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-EOTA. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Pyrenone Multi-Purpose Insecticide code 250-15.* Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 4.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34139-R. G & G Chemical Co., Inc., 1550 Carroll Avenue, San Francisco, California 94124. *Formula 4026 Sanitizer-Cleaner.* Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9998-G. Gardner Corporation, 311 Whelis Street, P.O. Box 35, West Monroe, Louisiana 71291. *Pine + Plus Pine Odor Disinfectant.* Active Ingredients: Pine Oil 9.00%; Soap 8.50%; Ortho-benzyl-para-chlorophenol 5.00%; Isopropyl alcohol 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8544-RL. General Pool Supply, 8700 Bellanca Avenue, Los Angeles, California 90045. *Sani-Tab 300.* Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651-RE. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. *Hunter's Disinfectant Concentrate 510.* Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Sodium Carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OGU. Kerr-McGee Chemical Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *KM Fasco Susperse Nu-Tri-Hi-Cop.* Active Ingredients: Copper as metallic 70.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OGN. Kerr-McGee Chemical Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125. *Fasco Toxaphene Bait-8.* Active Ingredients: Toxaphene (Technical Chlorinated Camphene containing 67% to 69% Chlorine) 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943-RA. Lea Chemicals, P.O. Box 868, Marianna, Florida 32446. *Lea Bowl White Disinfectant.* Active Ingredients: Isopropanol 10.0%; Hydrogen Chloride 7.86%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; phosphoric acid 4.50%; nonyl phenoxy polethoxy ethanol 3.0%; Bis (tri-n-butyltin) oxide 0.95%; Essential oils 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGRI. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, Minnesota 55427. *MGK Pyrocide Fogging Formula 7221.* Active Ingredients: Pyrethrins 0.6%; Piperonyl butoxide, technical 3.0%; Petroleum distillate 96.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800-RE. Midwest Agricultural Warehouse Co., 200 South Main, Fremont, Nebraska 68025. *Clean Crop Captan—Heptachlor Seed Protectant.* Active Ingredients: N-[(trichloromethyl) thio]-4-cyclohexene-1,2-dicarboximide 10.0%; Heptachlorotetrahydro-4,7-methanoidene (Heptachlor) 25.0%; Related Compounds 9.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-REI. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Dormant Emulsion.* Active Ingredients: Petroleum Oil 80.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RET. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Moyer Dormant Soluble.* Active Ingredients: Petroleum Oil 99.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1258-OIR. Olin Corporation, P.O. Box 991, Little Rock, Arkansas 72203. *Olin Calcium Hypochlorite Sanitizer—40%.* Active Ingredients: Calcium Hypochlorite 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROT. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford 1922 Disinfectant—Detergent.* Active Ingredients: Isopropanol 11.12%; Tetrasodium ethlylenediamine tetraacetic acid 4.00%; Sodium o-benzyl-p-chlorophenate 3.75%; Sodium para-tertiary butylphenol 3.28%; Sodium xylene sulfonate 3.20%; Sodium lauryl sulfonate 3.00%; Sodium 4-chloro-2-cyclopentyl phenate 2.35%; Sodium 2,4,5-trichlorophenate 2.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ROA. Oxford Chemicals, P.O. Box 80202, Atlanta, Georgia 30341. *Oxford BiopHect Disinfectant—Detergent.* Active Ingredients: Dodecylbenzene sulfuric acid 19.2%; Isopropanol 16.3%; Phosphoric acid 4.5%; P-tertiary-butyl phenol 4.1%; O-benzyl-p-chlorophenol 3.8%; 4-chloro-2-cyclopentyl phenol 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13680-RT. Ozark Chemical Company, 413 East 10th Street, No. Little Rock, Arkansas 72203. *Sanadine Liquid Iodine Bearing Detergent/Sanitizer.* Active Ingredients: Nonylphenoxpoly (ethyleneoxy) ethanol Iodine Complex (providing 1.75% available iodine) 8.75%; Phosphoric Acid 8.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4389-TN. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington 98033. *Master Cax, A Heavy Duty Cleaner-Santizer-Deodorizer.* Active Ingredients: Sodium Hydroxide 30%; Sodium Carbonate 30%; Trisosodium Phosphate 15%; Sodium Dichloro-s-triazinetrione 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389-AO. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington 98033. *Pole Top Fluid.* Active Ingredients: Pentachlorophenol 8.6%; Other chlorinated phenols and related compounds 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4389-AI. Pacific Chemical, Division Pace National Corporation, 500 7th Avenue South, Kirkland, Washington 98033. *Alldet—76 Detergent-Sanitizer for Food Processors.* Active Ingredients: Sodium metasilicate 16.0%; Sodium carbonate 15.0%; Sodium dichloro-s-triazinetrione 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-87. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentex Pyronyl 75—an Insecticide for Formulating Use.* Active Ingredients: Piperonyl Butoxide, Technical 75.00%; Pyrethrins 7.50%; Deodorized Kerosene 17.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11963-R. Roman Chemical Corp., P.O. Box 1462, Rome, Georgia 30161. *Roman Mint 7 Disinfectant-Detergent Sanitizer-Deodorizer.* Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeda under 2(b) of interim policy.

EPA File Symbol 11963-L. Roman Chemical Corp., *Roman Lemon 7 Disinfectant-Detergent Sanitizer-Deodorizer.* Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-U. Roman Chemical Corp. *Roman Pine 13 Disinfectant-Detergent Sanitizer-Deodorizer.* Active Ingredients; Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-G. Roman Chemical Corp. *Roman Lemon 15 Disinfectant-Detergent Sanitizer-Deodorizer.* Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-E. Roman Chemical Corp. *Roman Mint 15 Disinfectant-Detergent Sanitizer-Deodorizer.* Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl Salicylate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11963-A. Roman Chemical Corp. *Roman Pine 6 Disinfectant-Detergent Sanitizer Deodorizer.* Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3682-UN. E. W. Smith Chemical Company, 15020 East Proctor Avenue, Industry, California 91746. *Quel-3.* Active Ingredients: (5-Benzyl-e-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related Compounds 0.409%; Aromatic petroleum hydrocarbons 91.471%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3682-UR. E. W. Smith Chemical Company, 15020 East Proctor Avenue, Industry, California 91746. *Quel-24.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methlypropenyl) cyclopropanecarboxylate 24.30%; Related compounds 3.30%; Aromatic petroleum hydrocarbons 66.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715-GR. Speer Products, Inc., P.O. Box 9383, Memphis, Tennessee 38109. *Speer Dairy Aerosol for Milk Houses and Animals.* Active Ingredients: Pyrethrins 0.500%; Piperonyl Butoxide, Technical 4.000%; Petroleum Distillates 8.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4887-RTE. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park, Georgia 30337. *Stephenson Chemicals Formula 382.* Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 2.00%; Related Compounds 0.27%; Aromatic Petroleum Hydrocarbons 90.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 675-GA. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *New Tergiquat Germicidal Cleaner.* Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 2.3%; Tetrasodium ethylenediamine tetraacetate 1.9%; Didecyl dimethyl ammonium chloride 0.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13153-R. The Vas-Ko Company, Inc., 900-02 Summit Street, Toledo, Ohio 43604. *Sanz-M.* Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11656-RU, Western Farm Service, Inc., 2401 Crow Canyon Road, San Ramon, California 94583. *Western Farm Service Parathion 8 Emulsifiable Liquid.* Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl thiophosphate 78.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RA. Western Farm Service, Inc. *Western Farm Service Ethyl-Methyl 6-3.* Active Ingredients: Parathion: O,O-diethyl o-p-nitrophenyl phosphorothioate 54.0%; O-O-dimethyl O-p-nitrophenyl phosphorothioate 27.0%; Aromatic Petroleum Derivative Solvent 5.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RG. Western Farm Service, Inc. *Western Farm Service Methyl Parathion 5 Emulsive.* Active Ingredients: Methyl Parathion (O,O-dimethyl O-p-nitrophenyl phosphorothioate) 55.5%; Aromatic Petroleum Solvent 23.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11656-RL. Western Farm Service, Inc. *Western Farm Service, Inc., Parathion 4.* Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 47.6%; Aromatic Petroleum Derivative Solvents 46.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 984-56. Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pennsylvania 17067. *Whitmoyer Tryad—A Multiple-Use Cleanser, Disinfectant and Deodorant.* Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.00%; Sodium hydroxide 3.00%; Tetrasodium Salt of EDTA 0.66%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 9639-RN. Willard Products, 70 Chemical Way, Redwood City, California 94063. *CL-90 Pool Chlorine Tablets.* Active Ingredients: Trichloro-s-triazinetrione 99.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639-RG. Willard Products, 70 Chemical Way, Redwood City, California

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94063. *Willard Muriatic Acid.* Active Ingredients: Hydrogen Chloride 31.45%. Method of Support: Application proceeds under 2(c) of interim policy.

Republished Items

The following items represent a correction and/or change in the list of Applications Received previously published in the Federal Register of May 20, 1974 (39 FR 17796).

EPA Reg. No. 655–70. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. *Prentox Rotenone 5% Oil Concentrate.* Active Ingredients: Rotenone 5.00%; . . . Methyl Naphthalenes 85.00%. Originally published as Methyl Napthalenes 85.00%.

EPA File Symbol 5741–O. Spartan Chemical Company, Inc., 110 North Westwood Avenue, Toledo, Ohio 43607. *Spartan's Sparquat 256 Germicidal Cleaner.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; . . . . Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; . . . Originally published as Alkyl (C14 50%, C12 40%, C16 10%) Benzy Dimethyl Ammonium Chloride 5.000%.

Dated: May 31, 1974.

John B. Ritch, Jr.,
Director, Registration Division.

[FR Doc.74–13146 Filed 6–10–74; 8:45 am]

AMERICAN CYANAMID CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1496) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the insecticide S[(*tert*-butylthio) methyl]*O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities field corn grain, fodder, and forage at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a thermionic detector.

Dated: June 1, 1974.

John B. Ritch, Jr.,
Director,
Registration Division.

[FR Doc.74–13370 Filed 6–10–74;8:45 am]

[OPP–32008]

ELI LILLY & COMPANY

Registration of a Pesticide Product Containing Chlorophenothane (DDT)

Pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), Eli Lilly & Company applied to the Environmental Protection Agency to register a pesticide product containing chlorophenothane (DDT). Notice of receipt of this application was published in the Federal Fegister (38 FR 22509).

On the basis of the information furnished by the applicant, this pesticide product was registered under the Act as amended on May 9, 1974, as follows:

EPA Reg. No. 1471–98. Eli Lilly & Co., Indianapolis, Indiana 46206. Lilly Liquid No. 31, Topocide Benzyl Benzoate Compound, Topical. Active Ingredients: Benzyl Benzoate 12%; Benzocaine 2%; Chlorophenothane (name used in medicine and pharmacy for DDT) 1%. Uses: For infestations with *Phthirus pubis* (crab louse) *Sarcoptes scabiei* (scabies), and *Pediculus capitis* (head louse).

Registration of this product is consistent with the Order of the Administrator of June 14, 1972, which was published in the Federal Register of July 7, 1972 (37 FR 13399). This Order did not cancel those uses of DDT intended for public health disease control, health quarantine, and prescription drugs. Registration is in no way to be construed as an endorsement or approval of this product by the Environmental Protection Agency.

A copy of the registered label for this product is on view to the public at the Environmental Protection Agency, 401 M Street, SW., Room B31—East Tower, Washington, D.C. 20460, during normal working hours (8 a.m. to 4:30 p.m.), Monday through Friday.

Dated: June 5, 1974.

James L. Agee,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.74–13366 Filed 6–10–74;8:45 am]

FMC CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1482) has been filed by FMC Corp., 100 Niagara Street, Middleport, New York 14105, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methlycarbamate); its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl - *N* - methylcarbamate; and its phenolic metabolites 2,3-dihydro-2,2-dimethyl -7 - benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity strawberries at 0.5 part per million, of which no more than 0.2 part per million is carbamates.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolites is a gas chromatographic procedure using a nitrogen specific detector. The phenolic metabolites are first converted to their 2,4-dinitrophenyl ethers by reacting with 1-fluoro-2,4-dinitrobenzene.

Dated: June 1, 1974.

John B. Ritch, Jr.,
Director,
Registration Division.

[FR Doc.74–13367 Filed 6–10–74;8:45 am]

INTERIOR DEPARTMENT

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1494) has been filed by the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20250, proposing establishment of tolerances (40 CFR Part 180) for residues of phosphine from use of the rodenticide zinc phosphide in or on the raw agricultural commodities rangeland grasses, forbs (broadleaf herbs), and shrubs at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the rodenticide is one in which zinc phosphide is hydrolyzed to phosphine gas which is then measured by a gas chromatographic procedure using a flame photometric detector.

Dated: June 1, 1974.

John B. Ritch, Jr.,
Director,
Registration Division.

[FR Doc.74–13368 Filed 6–10–74;8:45 am]

UPJOHN CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1500) has been filed by The Upjohn Co., Kalamazoo, MI 49001, proposing revision of the existing tolerance (40 CFR 180.200) for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity apricots at 20 parts per million to allow postharvest application.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure utilizing an electron capture detector.

Dated: June 1, 1974.

John B. Ritch, Jr.,
Director,
Registration Division.

[FR Doc.74–13369 Filed 6–10–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 9

Notice of Public Meeting

June 5, 1974.

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the CTAC Panel 9 Committee on June 24, 1974, to be held at the RCA Laboratory, Main Entry, Princeton, New Jersey. The time of the meeting is 10 a.m.

The agenda is as follows:

(1) Approval of Minutes.
(2) Report on Steering Committee Activities.
(3) Review of Panel 9 Final Report.
(4) Final Report of Subcommittee Data System Survey.
(5) Draft of Recommendations to FCC.
(6) Establish Date, Time and Place for Next Meeting.

Any member of the public may attend or may file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. Cort Wilson, FCC, 1919 M Street NW., Washington, D.C. 20554—(202) 632–9797.

Dated: June 4, 1974.

Federal Communications Commission,
[seal] Vincent J. Mullins,
Secretary.

[FR Doc.74–13328 Filed 6–10–74;8:45 am]

[Mexican List 272]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

May 10, 1974.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
XEEL (PO 1000-D/150-N, ND, U).	Fresnillo, Zac., N. 23°10′35″, W. 102°51′ 35″.	*610 kHz* 5000-D 1000-N	DA-2	U	III				1-1-75 (Probable).
XEOP (PO 250-D/200-N, ND).	Villa Frontera, Coah., N. 26°55′30″, W. 101°26′50″.	*920 kHz* *1000-D* 250-N	ND-175	U	III	226	90	246	1-1-75 (Probable).
XEOL (PO 500-D/100-N, ND).	Teziutlan, Pue., N 19°48′28″, W. 97° 21′32″.	*990 kHz* *1000-D* *200-N*	ND	U	II				7-1-74 (Probable).
XEUM (PO 250, ND, U)	Valladolid, Yuc	*990 kHz* *500-D* 250-N	ND	U	II				4-1-74 (Probable)
XERED (PO 50,000-D/10,000 N, ND—change in call letters from XERCN).	Mexico, D.F	*1110 kHz* 50,000	DA-N	U	II				1-1-74.
XERRF (in operation since 1-1-74).	Merida, Yuc., N. 21°00′00″, W. 39°36′36.5″.	*1150 kHz* 1000-D 350-N	ND-177	U	III	197	90	197	1-1-74.
XEZT (in operation since 3-20-74).	Puebla, Pue., N. 19°02′30″, W. 98°11′52″.	*1250 kHz* 500-D 250-N	ND	U	III				3-20-74.
XESC (under construction).	Sabinas, Coah	*1250 kHz* 1000	ND-175	D	III	177	90	177	10-1-74 (Probable).
XECH (under construction).	Cd. Camargo, Chih., *N. 27°40′19″, W. 105°10′40″.*	*1270 kHz* 1000-D 150-N	ND-*175*	U	III	*151*	*120*	*161*	8-1-74 (Probable).
XEXC (assignment deleted—see 1480 kHz).	Taxco, Gro	*1270 kHz* 250-D 100-N	ND	U	III				
XERPL (in operation since 2-10-74).	Leon, Gto	*1270 kHz* 1000-D 150-N	DA-D	U	III				2-10-74.
XEUU (under construction).	Colima, Col., *N. 19°15′08″, W. 103°42′ 55″*	*1280 kHz* 500-D 150-N	ND-172	U	III	192	90	148	8-1-74 (Probable).
XEHIT (PO 250-D/100-N, ND).	Puebla, Pue	*1310 kHz* *500-D* 100-N	ND	U	III				5-1-74 (Probable).
XEUAS (provisional operation with 5000W-D since 1-1-74).	Culiacan, Sin., *N. 24°48′34″, W. 107° 23′58″*	*1330 kHz* 5000-D 1000-N	DA-N *ND-190*	U	III	*185*	*120*	*185*	1-1-74
XELS (under construction).	Armeria, Col., *N. 18°55′00″, W. 103° 57′35″.*	*1360 kHz* 1000-D 100-N	*ND-175*	U	III	*165*	90	*165*	8-1-74 (Probable).
XEWF (PO 250, ND U)	Cuernavaca, Mor., N. 18°55′00″, W. 94°14′00″	*1420 kHz* *500-D* 250-N	ND	U	III				7-1-74
XETT (under construction).	Tlaxcala, Tlax., *N. 19°17′59″, W. 98° 14′22″*	*1450 kHz* 500	*ND-190*	D	III	*172*	*120*	*172*	5-1-74 (Probable).
XEPY (PO 250 ND, U)	Merida, Yuc., *N.* 20°58′30″, W 89°37′ 20″	*1450 kHz* *1000-D* 250-N	ND-174	U	IV	151	90	151	9-1-74

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Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
XEACE (in operation since 12-1-73).	Mazatlan, Sin., N. 23°17'01", W. 106°25'09".	*1470 kHz* 1000	*ND-206*	U	III	*246*	*120*	*246*	12-1-73.
XECAV (correction of an error, notified in List No. 271 with 350W, ND, U).	Durango, Dgo., N. 24°02'52", W. 104°39'20".	*1470 kHz* *1000-D* 250-N	ND-175	U	III	148	100	151	
XEXC (in operation since 1-15-74).	Taxco, Gro., N. 18°33'17", W. 99°36'00".	*1480 kHz* 1000-D 125-N	ND-173	U	III	157	120	115	1-15-74.
XEPOP (under construction).	Puebla, Pue.	*1490 kHz* 250	ND	U	IV				1-1-75.
XEDV (in operation with 500W since 12-1-73).	El Oro, Mex., N. 19°40'33", W. 100°08'01".	*1550 kHz* 500	ND-181	D	II	148	90	159	12-1-74.
XEFP (New).	Jalpa, Zac.	*1580 kHz* 250	ND	D	II				3-1-75 (Probable).
XEACH (in operation provisionally with 500W, D only since 1-20-74).	Monterrey, N. L., N. 25°40'57.5", W. 100°12'8.96".	*1590 kHz* 5000-D 1000-N	DA-N ND	U	III				10-1-74 (Probable for night operation).

Federal Communications Commission,
Wallace E. Johnson,
Chief, Broadcast Bureau.

[FR Doc.74-13329 Filed 6-10-74;8:45 am]

[Docket Nos. 20067, 20068]

STEAMBOAT BROADCASTING CO. AND BIG COUNTRY RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mountain States Communications, Inc., d/b as Steamboat Broadcasting Co., Steamboat Springs, Colorado, Docket No. 20067, File No. BP-19394; Requests: 1230 kHz, 250 W, 1 kW-LS, U; Big Country Radio, Inc., Steamboat Springs, Colorado, Docket No. 20068, File No. BP-19443; Requests: 1230 kHz, 250 W, 1 kW-LS, U; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The community survey portion of the application of Mountain States Communications, Inc., d/b as Steamboat Broadcasting Co., states that the main sources of income in the Steamboat Springs vicinity are tourism, recreation, agriculture (hay and cattle) and coal mining. While the survey included leaders from three of the four aforementioned groups, the applicant has apparently failed to interview any miners, mine labor leaders, or mine owners. In addition, the applicant's original survey stated that the community leader interviews and general public contacts were conducted by William R. Dunaway and two college students. The amendment to the survey section stated that all interviews were conducted by William R. Dunaway personally. The amendment then went on to state that the list of those interviewed was previously included in the original survey exhibit. As a result, it remains uncertain who, if anyone, was contacted by the two college students. Unless the college students fit the requirements of question and answer 11(a) and (b) of the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), any interviews conducted by them must be disregarded. Accordingly, a Suburban[1] issue will be included.

3. Big Country Radio, Inc., has apparently failed to interview any religious or educational leaders, despite the fact that these groups are significant. Accordingly, an appropriate issue has been included as to this applicant as well.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by the applicants to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 3, 1974.

Released: June 4, 1974.

Federal Communications Commission,
[seal] Wallace E. Johnson,
Chief, Broadcast Bureau.

[FR Doc. 74-13327 Filed 6-10-74;8:45 am]

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[1] Suburban Broadcasters, 20 RR 951 (1961).

SECURITIES AND EXCHANGE COMMISSION

SOURCE CAPITAL, INC. AND COMPUTER EXCHANGE, INC.

[812-3619]

Filing of Application

June 3, 1974.

Notice is hereby given that Source Capital, Inc., 1888 Century Park East, Los Angeles, California 90067 ("Source Capital"), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and The Computer Exchange, Inc., 11 Grace Avenue, Great Neck, New York 11021 ("Computer Exchange"), a Delaware corporation (collectively "Applicants"), have filed an application for an order of the Commission, pursuant to section 17(b) of the Act, exempting from section 17(a) of the Act the proposed repurchase by Computer Exchange from Source Capital of 175,000 shares of Computer Exchange Common Stock (the "Shares") and warrants to purchase an additional 75,000 shares of Computer Exchange Common Stock (the "Warrants") for an aggregate purchase price of $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Pursuant to an agreement dated January 31, 1969 (the "Agreement") between Source Capital and Computer Exchange, a company primarily engaged in the purchase and sale of used computers and related equipment, Source Capital purchased the Shares and Warrants for an aggregate purchase price of $1,500,000. The Agreement granted to Source Capital the right to require Computer Exchange to register under the Securities Act of 1933 ("Securities Act") the Shares, the Warrants, and shares issued upon exercise of the Warrants.

The Shares represent approximately 20 percent of the outstanding Computer Exchange Common Stock. By reason of such ownership, Computer Exchange and Source Capital are "affiliated persons" as that term is defined in section 2(a)(3) of the Act. Apart from Source Capital's ownership of the Shares and Warrants, Applicants represent that there is no relationship between Computer Exchange and Source Capital.

Source Capital's management states the repurchase is in the best interests of Source Capital in that the repurchase price is approximately equal to its estimate of the value of the Shares and Warrants and permits the liquidation of its investment without the attendant costs and market risks of alternative dispositions. Source Capital also states that it will not incur any underwriting or brokerage commissions or expenses. Source Capital and Computer Exchange will each pay one-half of the out-of-pocket expenses of the other party in connection with the transaction to a maximum of $5,000. Source Capital represents that the proposed transaction is consisent with its investment policies.

Computer Exchange's management states that the repurchase of the Shares and Warrants is in its best interests and that of its shareholders because (1) Computer Exchange would thereby avoid the substantial expense of registration of the Shares and Warrants under the Securities Act as well as the substantial and continual expense and burden it would be contractually obligated to incur in keeping a registration statement current with respect to the Warrants and Shares issuable upon exercise hereof; (2) the proposed transaction would serve to avoid the disorderly impact in the over-the-counter market which might result from the offering of the Shares and Warrants; and (3) Computer Exchange is presently in a favorable position to pay the price for the Shares and Warrants, a price substantially less than originally received by Computer Exchange.

Computer Exchange Common Stock is traded in the over-the-counter market. The following table, as set forth in the application, shows the high and low bid prices and the high and low asked prices of Computer Exchange Stock as reported by the National Quotation Bureau, Inc. for the periods indicated.

	High bid	Low bid	High asked	Low asked
1971:				
1st quarter	6⅝	3⅝	7	4⅛
2d quarter	6	4⅝	6¼	5⅛
3d quarter	5⅛	2⅝	6	3⅜
4th quarter	3¼	1¼	3¾	1¾
1972:				
1st quarter	2⅜	1¼	2⅞	1¾
2d quarter	2⅝	1¾	3⅜	2¼
3d quarter	1¾	1⅛	2¼	1¾
4th quarter	1¼	½	1½	1
1973:				
1st quarter	¾	½	1¼	⅞
2d quarter	¾	⅜	1¼	⅞
3d quarter	⅝	⅛	1	½
4th quarter	½	⅛	⅞	⅜
1974: January	⅜	¼	¾	¾

On Feburary 20, 1974, the bid and asked quotations for Computer Exchange Stock were reported to be ¼ and ¾ respectively. There is no public market for the Warrants.

Applicants also represent that the terms of the proposed repurchase of the Shares and Warrants by Computer Exchange is the result of arms-length negotiation and is preferable to the alternative dispositions which may otherwise be undertaken. Applicants further represent that the proposed repurchase is reasonable and fair and does not involve overreaching on the part of any person concerned and that the transaction is consistent with the general purposes of the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person of a registered investment company, acting as principal, to sell to or purchase from such registered investment company any securities or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence established that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purposes of the Act.

Notice is further given, That any interested person may, not later than June 26, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, on order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[seal] George A. Fitzsimmons,
Secretary.

[FR Doc.74-13272 Filed 6-10-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 175]

BEL-FRAN INVESTMENTS LTD., ET AL.

Notice of Receipt of Application for Permission to Acquire Control of State Mutual Savings and Loan Association

June 6, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First City Financial Corporation Ltd., Vancouver, British Columbia, Canada, for approval of acquisition of control of the State Mutual Savings and Loan Association, Los Angeles, California, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 534.4 of the regulations for Savings and Loan Holding Companies. First City Financial is controlled by Bel-Fran Investments Ltd., Bel-Cal Holdings Ltd., and Bel-Alta Holdings Ltd., Edmonton, Alberta, Canada. State Mutual Savings and Loan Association is currently controlled by Far West Financial Corporation. First City Financial intends to effect its acquisition of State Mutual Savings and Loan Association by purchasing for cash shares of Far West Financial Corporation. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before July 11, 1974.

[seal] Eugene M. Herrin,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-13345 Filed 6-10-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 6, 1974 (44 USC

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3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Occupational Safety Priorities Survey, Form CDC 2.4, Single time, Ellett, Safety professionals.
Health Resources Administration:
  A Prototype Course in Rural Prepaid Health Care for Advanced Medical and Dental Students and its Effects on Student Attitudes, Form HRABHRD 0531, Occasional HRD/Planchon, Advanced medical or dental students.
  Intern and Resident Task Inventory Forms, Form HRABHRD 0521, Single time, Reese, Interns and resident physicians.
  Survey of Quality Assurance and Utilization Review Mechanisms, Form HSABCHS, 0404, Single time, HRD/Lowry, 37 HMO-like organizations.
National Institutes of Health:
  Birth Defects and Contraceptive Study, Form NIH CH 18, Single time, Reese, Women who recently delivered.
  Congenital Hearth Disease Study, Form ------, Single time, Reese, Women who recently delivered.

Architectural/Engineering Firm Supplement, Form NIH OD-5, Annual, Sheftel, Architectural/engineering firms.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Fuel Energy Usage in the Residential Construction Industry, Form ------, Single time, Weiner, 48 selected home builders in 16 housing markets.

REVISIONS

DEPARTMENT OF LABOR

Manpower Administration: Employment Security Automated Reporting (ESARS), Form MA 5-44 etc., Monthly, Collins, State employment service offices.

SMITHSONIAN INSTITUTION

Application for Project Support, Form SI 2965, Single time, Caywood, Museums and educational organizations.

DEPARTMENT OF TRANSPORTATION

Departmental: DOT Retail Shipper Questionnaire, Form ------, Single time, Weiner, Retail shippers, wholesalers, distributors, and manufacturers.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
  Request for Withdrawal of Application, Form SSA 521, Evinger (x), Occasional.
  Statement Regarding Wage by Person Having Knowledge Thereof, Form OAR 7013, Occasional, Evinger (x).
  Group Practice-Prepayment Plan Statement of Reimbursement Cost, Form SSA 2017, Quarterly, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management.

[FR Doc.74-13486 Filed 6-10-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0034]

FIRST DAKOTA CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that First Dakota Capital Corporation (First Dakota), Suite 110 Professional Building, 100 South 4th, Fargo, North Dakota 58102, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1974), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit First Dakota to provide a $60,000 financing to Speedo Electronics and Automation, Inc. (Speedo), and receive warrants to purchase 40 percent of the outstanding shares of Speedo. The warrants obtained will have a purchase price per share ranging from $4.00 per share during the first year of the warrant to $5.86 per share during the fifth year.

A portion of the proposed financing, an amount of $25,000, will be used to repay an obligation in full of Speedo's to Mr. John C. Schultz and Mr. John H. Lindsay. The warrants to purchase 40 percent of Speedo's outstanding stock, issued to Messrs. Schultz and Lindsay, in connection with this obligation will be cancelled. Messrs. Schultz and Lindsay are both officers, directors and 10 percent or more shareholders of First Dakota.

Information provided by the Applicant in connection with this application and information contained in the files of the Small Business Administration (SBA) indicate that:

1. The financing provided by Messrs. Schultz and Lindsay to Speedo was initiated in September 1973, at a time when Speedo urgently needed financing to begin its operations.

2. At the time the financing was provided by Messrs. Schultz and Lindsay, it was contemplated that the obligation would be offered to be assigned to First Dakota when it received its small business investment company (SBIC) license.

3. On September 7, 1973, preliminary steps were taken towards meeting the SBA requirements for an SBIC license for First Dakota which culminated in the licensing of First Dakota by SBA on November 9, 1973.

4. First Dakota's proposed long-term financing is needed by Speedo for working capital to meet the expanding needs of its business in designing, manufacturing and installing and selling electrical and electronic controlled systems.

5. Subsequent to the proposed financing, Messrs. Schultz and Lindsay will not individually be connected in any manner with Speedo.

6. On April 12, 1974, First Dakota's board of directors, with Messrs. Schultz and Lindsay abstaining from voting, adopted by unanimous vote a resolution providing for the proposed financing of Speedo. All shareholders of First Dakota are also members of the board of directors.

Pursuant to the provisions of § 107.3 (a) and (b) of the regulations, Messrs. Schultz and Lindsay are considered to be associates of First Dakota. As such, the transaction will require an exemption pursuant to § 107.1004(b)(4) of the regulations.

Notice is hereby given that any interested person may, on or before June 26, 1974 submit to the Small Business Administration (SBA), in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fargo, North Dakota.

Dated: June 3, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-13305 Filed 6-10-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-12]

BETHLEHEM STEEL CORP.

Grant of Variance

I. *Background.* Bethlehem Steel Corporation, Sparrows Point Plant, Sparrows Point, Maryland 21219 made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.23(a)(8) (i) and (ii). The standard requires that every floor hole into which a person can accidentally walk shall be guarded by either a standard railing with toeboard or a floor hole cover hinged in place. Notice of the application for variance was published in the Federal Register on March 16, 1973 (38 FR 7155). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were permitted to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicant manufactures steel rods at its #3 Rod Mill by a compress and tie mandrel in-line method. This process necessitates a floor opening approximately 2½′ by 6′. Standard guardrails have not been installed at the floor opening because the coiled rods could become entangled in them. Spring-loaded floor covers have been discussed, but due to the likelihood of coil tangles, broken straps, etc., their use would not be practical.

The following precautions are taken to protect employees. Chain guardrails, a pipe rail and toeboards are used, unauthorized personnel are not permitted in the area, and extensive safety programs and inspections are in effect.

The applicant originally expected to be in compliance with the standard by the third quarter of 1973 by changing to an off-line compress and tie operation, and completely covering the floor opening. However, on November 16, 1973 the applicant amended its application to state that the expected delivery of necessary parts had not been made. The applicant now expects to have the new system operational and to be in compliance with the standard by June 30, 1974.

III. *Decision.* 29 CFR 1910.23(a)(8) (i) and (ii) requires that every floor hole into which a person can accidentally walk shall be guarded by either a standard railing with toeboard or a floor hole cover hinged in place.

The applicant has shown that a time extension is needed to come into compliance with the standard. It has also shown that it is taking steps to protect its employees by using chain guardrails, pipe rails and toeboards, restricting entry, and utilizing extensive safety programs and inspections.

In the situation described in the application, it is evident that the use of a standard railing or floor hole cover would interfere with necessary work. It is also evident that the employer is making every effort to maintain a workplace free from hazard while making the modifications necessary to come into compliance with the standard.

IV. *Order.* Pursuant to authority in section (6)(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR Part 1905, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that Bethlehem Steel Corporation, No. sign 3 Rod Mill, Sparrows Point Plant be, and it is hereby, authorized to use its present method of safeguarding its floor opening, which utilizes chain guardrails, pipe rail and toeboard, restricting entry to authorized employees, and safety programs and inspections, in lieu of complying with § 1910.23(a)(8) (i) and (ii).

As soon as possible, Bethlehem Steel Corporation, No. sign 3 Rod Mill, Sparrows Point Plant shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall be effective as of June 10, 1974, and shall remain in effect until June 30, 1974, in accordance with section (6)(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of June, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-13306 Filed 6-10-74;8:45 am]

Office of the Secretary

OREGON

Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, establishes a program of extended unemployment compensation which provides for payment of extended unemployment compensation to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to Section 203(b)(2) of the Act, notice is hereby given that Ross Morgan, Administrator of the Oregon Employment Division, has determined that there was a State "on" indicator in Oregon for the week ending May 18, 1974, and that an extended benefit period will commence with the week beginning June 2, 1974.

Signed at Washington, D.C., June 5, 1974.

W. H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-13371 Filed 6-10-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 527]

ASSIGNMENT OF HEARINGS

JUNE 6, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropirate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35967, Household Goods, Increased Rates Nationwide, now assigned June 10, 1974, at Washington, D.C., is cancelled and reassigned for hearing on July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Investigation and Suspension Docket No. M-27742, Household Goods, Increased Rates Nationwide, now being assigned July 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-134958 Sub-6, Hams Express, Inc., now assigned July 8, 1974; MC 111662 Sub-1, Space World U.S.A. Tours, Inc., now assigned July 10, 1974; and MC 134612 Sub-1, Fast Motor Service, Inc., now assigned July 15, 1974, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC-95084 Sub 97, Hove Truck Line, now assigned July 22, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-114273 (Sub 155), Cedar Rapids Steel Transportation, Inc., now assigned July 24, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-F-12115, Illinois-California Express, Inc.—Purchase (Portion)—Rogers Cartage Co., now assigned July 29, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-128383 Sub 40, Pinto Trucking Service, Inc., now assigned August 1, 1974, will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z. (Irvin Klein, Trustee) now being assigned hearing July 10, 1974 (3 days) at New York, N.Y., in a hearing room to be later designated.

MC-134323 (Sub-No. 61), Jay Lines, Inc., now being assigned hearing July 8, 1974 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-F-12128, Gateway Transportation Co., Inc.—Purchase (Portion—Pic-Walsh Freight Co., Inc., and Carrier Service, Inc., and FD 27601, Gateway Transportation Co., Inc., Notes, now assigned July 10, 1974, at St. Louis, Mo., will be held in Room 1612, 1520 Market Street.

MC 124511 Sub 17, John F. Oliver, now assigned July 15, 1974, at St. Louis, Mo., will be held in Room 1612, 1520 Market Street.

MC-C-7901, North American Van Lines, Inc.—Investigation and Revocation of Certificates—now being assigned pre-hearing conference, July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub 277, Ligon Specialized Hauler, Inc., now assigned June 11, 1974, at Columbus, Ohio, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13357 Filed 6-10-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 6, 1974.

An application, as summarized below, has been filed requesting relief from the

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requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 1, 1974.

FSA No. 42839—*Nursery Stock Between Points in Western Trunk Line Territory.* Filed by Western Trunk Line Committee, Agent (No. A–2705), for interested rail carriers. Rates on nursery stock, in carloads, as described in the application, between points in western trunk-line territory.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 221 to Western Trunk Line Committee, Agent, tariff W–2000–J, I.C.C. No. A–4669. Rates are published to become effective on July 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13358 Filed 6–10–74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 6, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–2452 (Sub-No. E5), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Ohio on and south of U.S. Highway 36 from the Indiana-Ohio State to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, on the one hand, and, on the other, points in Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Kane, De Kalb, Ogle, Carroll, Whiteside, Lee Du Page, Will, Kankakee, Kendall, Grundy, LaSalle, Putnam, Bureau, Henry, and Rock Island Counties, Illinois. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E6), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., on the one hand, and, on the other, points in Cook County, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673. The purpose of this filing is to eliminate the gateway of San Pierre, Ind.

No. MC–2452 (Sub-No. E15), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kalamazoo, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Danville, Decatur, Effingham, Galesburg, Jacksonville, Kankakee, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E16), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Joseph and Shoreham, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Decatur, Effingham, Galesburg, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E17), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Three Rivers, Mich., on the one hand, and, on the other, Alton, Beardstown, Bloomington, Cairo, Centralia, Champaign, Chester, Danville, Decatur, Effingham, Galesburg, Jacksonville, Kankakee, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E18), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between the plantsite of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in Jasper County, Ind.

No. MC–2452 (Sub-No. E19), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Aurora, Bloomington, Champaign, Dekalb, Dixon, Elgin, Freeport, Galesburg, Glen Ellyn, Joliet, Kankakee, La Salle, Pekin, Peoria, Quincy, Rockford, Savanna, Waukegan, Rock Island, and Moline, Ill. The purpose of this filing is to eliminate the gateway of points in Jasper County, Ind.

No. MC–2452 (Sub-No. E22), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment), between the plant site of Ford Motor Co., located at the junction of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Lansing, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateway of points in Fulton County, Ind.

No. MC–2452 (Sub-No. E23), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Louisville, Ky., and Davenport, Iowa. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E24), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Grand Rapids, St. Joseph, and Shoreham, Mich., on the one hand, and, on the other, Louisville, Ky. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E25), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, Paducah, Ky. The purpose of this filing is to eliminate the gateway of San Pierre, Ind.

No. MC–2452 (Sub-No. E26), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, Alton, Beardstown, Cairo, Centralia, Champaign, Chester, Danville, Decatur, East St. Louis, Effingham, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E27), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Illinois 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 136. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–2452 (Sub-No. E28), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steven Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., and Louisville, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–2452 (Sub-No. E29), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Steven Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to their lading), between the plantsite of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–2452 Sub-No. E30), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plansite of Bethlehem Steel Corporation, located Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Burlington, Iowa, Paducah, Ky., and St. Louis, Mo. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and San Pierre, Ind.

No. MC–2452 (Sub-No. E31), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in that part of Ohio on, south, and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to Piqua, thence along U.S. Highway 25 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–2452 (Sub-No. E32), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor-

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bor, Porter County, Ill., on the one hand, and, on the other, Davenport, Iowa, and Rock Island and Moline, Ill. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and Chicago, Ill.

No. MC–2452 (Sub-No. E33), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 136. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and Chicago, Ill.

No. MC–2452 (Sub-No. E34), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site of Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ill., on the one hand, and, on the other, Alton, Beardstown, Cairo, Centralia, Champaign, Chester, Danville, Decatur, East St. Louis, Effingham, Jacksonville, Marion, Mt. Vernon, Pekin, Peoria, Quincy, and Springfield, Ill. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and San Pierre, Ind.

No. MC–2452 (Sub-No. E35), filed May 5, 1974. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Ave., Summit, Ill. 60502. Applicant's representative: Steve Zwarycz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Cook County, Ill., and the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in that part of Michigan on and north of Interstate Highway 94, on and east of U.S. Highway 131, on and south of Interstate Highway 96, and on and west of U.S. Highway 27, and to Lansing and Grand Rapids, Mich. The purpose of this filing is to eliminate the gateways of San Pierre, Ind., and points in Cook County, Ill.

No. MC–11220 (Sub-No. E1), filed May 4, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, Ohio, on the one hand, and, on the other, Canton, Bucyrus, Crestline, Galion, Massillon, Shelby, Toledo, and Willard, Ohio; (2) between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio in Lorain, Medina, and Cuyahoga Counties, Ohio, which are west of U.S. Highway 42, outside the Cleveland, Ohio, commercial zone, and within 25 miles of Cleveland, Ohio; and (3) between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio east of U.S. Highway 42 and north of U.S. Highway 224 (except points in the Cleveland, Ohio, commercial zone). Service at Canton, Massillon, and Toledo, Ohio, is restricted to traffic moving to or from Louisville, Ky., or points beyond Louisville. The purpose of this filing is to eliminate the gateway of Hamersville, Ohio.

No. MC–113843 (Sub-No. E81), filed May 3, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods*, from Buffalo, N.Y., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of North Collins, N.Y.

No. MC–113843 (Sub-No. E84), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E85), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E86), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E87), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E88), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags and materials* used in closing paper bags, from East Pepperell, Mass., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E89), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from Boston, Mass., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, points in Pennsylvania on and west of U.S. Highway 219, and points in that part of West Virginia, on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E90), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E93), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Ohio. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E98), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Kentucky. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E100), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points Rhode Island to points in Kentucky. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E102), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N. Y.

No. MC 113843 (Sub-No. E103), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E104), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above) Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates*, from points in Connecticut to points in Texas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-No. E105), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich.

No. MC 113843 (Sub-No. E107), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Boston, Mass., and points within 10 miles of Boston, Mass., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E108), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described by the Commission (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., to Chicago, Ill., Erie, Pa., Cincinnati, Ohio, and Detroit, Mich. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC–113843 (Sub-No. E109), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish*, from Tiverton, R.I., to Cincinnati and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–113843 (Sub-No. E111), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from Boston and Worcester, Mass., to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Gowanda, N.Y.

No. MC–113843 (Sub-No. E110), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Ohio. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E112), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Illinois. The purpose of this filing is to eliminate the the gateway of LeRoy, N.Y.

No. MC–113843 (Sub-No. E116), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Nebraska. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC–113843 (Sub-No. E117), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E118), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E119), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

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No. MC–113843 (Sub-No. E120), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E123), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to points in Ohio. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E124), filed May 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to points in Michigan. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E125), filed May 7, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E126), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Cattaraugus, Chautaugua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E127), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Cattaraugus, Chautaugua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E128), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC–113843 (Sub-No. E129), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC–113843 (Sub-No. E130), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio to Bangor and Portland, Me., Rutland, Vt., and Manchester, N.H. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E131), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Cincinnati, Fostoria, Piqua, and Sandusky, Ohio, to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC–113843 (Sub-No. E132), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Columbus, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E133), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Fostoria, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC–113843 (Sub-No. E134), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Fresh meat*, from Cincinnati, Fostoria, Piqua, Sandusky, and Columbus, Ohio, to points in Maine. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC–113843 (Sub-No. E135), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Frozen potatoes* and potato products, from Presque Isle and Easton, Maine, to points in that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Interstate Highway 59 thence along Interstate Highway 59 to the Tennessee-Georgia State line and Chattanooga, Tenn., and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E136), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Portland, Me., to points in that part of Tennessee on and west of U.S. Highway 231 and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E137), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Houlton, Caribou, and Corinna, Me., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC–113843 (Sub-No. E139), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Piqua, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 7 to junction U.S. Highway 44, thence along

U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E140), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in that part of Kentucky west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

No. MC–113843 (Sub-No. E142), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Cincinnati, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y. (via Canada).

No. MC–113843 (Sub-No. E143), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E144), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Cleveland, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E145), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined by the Commission, from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus, and Martins Ferry, Ohio, to Springfield, Mass. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC–113843 (Sub-No. E146), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC–113843 (Sub-No. E150), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E151), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in Cattaraugus and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E153), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island, to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E155), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and frozen foods), from Boston, Mass., to points in that part of Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Hamlin, N.Y., and Detroit, Mich.

No. MC–113843 (Sub-No. E157), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–114019 (Sub-No. E54), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, other than frozen, from Nashville, Tenn., and Bowling Green, Ky., to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Effingham, Ill.

No. MC–114019 (Sub-No. E55), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (a) from Sparrows Point and Baltimore, Maryland, New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania, to points in Minnesota and Wisconsin, (b) from the origin territory described in (a) above to points

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in Missouri. The purpose of this filing is to eliminate the gateways of points in Ohio and Lafayette, Ind.

No. MC-114019 (Sub-No. E56), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff and Gehring, Nebr., to Bellevue, Bowling Green, and Covington, Ky., and Nashville, Tenn., and points in that part of Wisconsin on, south, and east of a line beginning at the junction of the Wisconsin-Illinois State line and Wisconsin Highway 78, thence along Wisconsin Highway 78 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 54, thence along U.S. Highway 54 to Lake Michigan, restricted to the transportation of shipments moving from, to, or between warehouses or other facilities of wholesale or retail food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky., Cincinnati, Ohio, or Chicago, Ill.

No. MC-114019 (Sub-No. E65), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories therefor*, and *paper cartons* used in the packing or shipping of glass containers, from Winchester, Ind., to Sparrows Point and Baltimore, Md., and points in Connecticut and New Jersey, within 30 miles of New York, N.Y., points in New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and points in Pennsylvania. The purpose of this filing is to eliminate the gateways at any point in Ohio.

No. MC-114019 (Sub-No. E49), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles, equipped with mechanical refrigeration, from (1) Moberly, Milan, and Macon, Mo., to points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the junction of the Minnesota-South Dakota State line and U.S. Highway 16, thence along U.S. Highway 16 to its junction with South Dakota Highway 42, thence along South Dakota Highway 42 to its junction with South Dakota Highway 37, thence along South Dakota Highway 37 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to the Wyoming-South Dakota State line; (2) from Marshall, Mo., to points in that part of South Dakota on and north of a line beginning at the junction of Minnesota-South Dakota State line and Interstate Highway 90, thence along Interstate Highway 90 to its junction with South Dakota Highway 45, thence along South Dakota Highway 45 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18, to the Wyoming-South Dakota Border. The purpose of this filing is to eliminate the gateway of Waseca, Minn.

No. MC-114019 (Sub-No. E50), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, (a) from Fairmont and Waseca, Minn., to points in Indiana, New York, and Pennsylvania, and points in New Jersey within the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission; (b) from Fairmont and Waseca, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland, and points in that part of Kentucky on and east of Kentucky Highway 45, and points in that part of Michigan on, south and east of a line beginning at the junction of the Indiana-Michigan State line and Michigan Highway 66, thence along Michigan Highway 66 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to its junction with Michigan Highway 25, thence along Michigan Highway 25 to the St. Clair River at Port Huron; (c) from Fairmont and Waseca, Minn., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., Lafayette, Ind., or points in Ohio.

No. MC-114019 (Sub-No. E51), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, except in bulk, from Nashville, Tenn., and Bowling Green, Ky., to points in Colorado, on and north of U.S. Highway 6, Wyoming, those in Nebraska on and north of U.S. Highway 34 from the Colorado-Nebraska State line to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Interstate Highway 275, thence along Interstate Highway 275 to the Nebraska-Iowa State line, South Dakota, North Dakota, Minnesota, Wisconsin, and points in Iowa on and north of U.S. Highway 6 from the Nebraska-Iowa State line to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with Iowa Highway 22, thence along Iowa Highway 22 to the Iowa-Illinois State line, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Utica, Ill.

No. MC-114019 (Sub-No. E52), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils and edible oil products* in containers, in vehicles equipped with mechanical refrigeration, and *related advertising matter*, in mixed loads with the above specified commodities, (a) from Chicago, Carbondale, and Peoria, Ill., Evansville and Indianapolis, Ind., Louisville, Ky., St. Louis, Mo., and Madison, Wis., to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland on and east of U.S. Highway 15, Massachusetts, New Hampshire, New Jersey, points in Pennsylvania and New York on and east of U.S. Highway 62, Rhode Island, Vermont, and the District of Columbia; (b) from Detroit and Grand Rapids, Mich., Ft. Wayne, Ind., and Toledo, Ohio, to points in Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Virginia, points in Pennsylvania on and east of the Pennsylvania Turnpike Extension, and points in New York on and east of Interstate Highway 87, and the District of Columbia; (c) from Bellevue and Covington, Ky., Cincinnati and Dayton, Ohio, to points in Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, and those points in Maryland on and east of U.S. Highway 15, and the District of Columbia. The authority described in (a), (b), and (c) above is restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC-114019 (Sub-No. E53), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, cover, caps, and accessories therefor and paper cartons* used in the packing and shipping of glass articles, (a) from Richmond, Ind., to points in Minnesota, North Dakota, South Dakota, and Nebraska; (b) from Richmond, Ind., to Bowling Green, Ky., and Nashville, Tenn.; (c) from Richmond, Ind., to that part of Pennsylvania east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the New York-Pennsylvania State line, points in Connecticut and New Jersey within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Streator, Ill., Louisville, Ky., or Springfield, Ohio.

No. MC-114019 (Sub-No. E72), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. Joseph, Mo., to Chicago, Ill., and points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateway of Quincy, Ill., or Lafayette, Ind.

No. MC-114019 (Sub-No. E73), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in that part of the Lower Peninsula of Michigan on and east of a line beginning at the junction of Michigan Highway 66 and Lake Michigan thence south along Michigan Highway 66 to its junction with U.S. Highway 94 and thence east on U.S. Highway 94 to Detroit, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jefferson, Md., and Toledo, Ohio.

No MC 114019 (Sub-No. E74), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale and retail grocery business houses*, between Nashville, Tenn., and Bowling Green, Ky., on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and those in West Virginia on and north of U.S. Highway 50, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 114019 (Sub-No. E75), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Alexandria and Richmond, Ind., and Aurora, Ill., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 3 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and that part of Pennsylvania, east of U.S. Highway 219, restricted to the transportation of shipments moving from, to, or between building, roofing, or insulating material manufacturing plants, or warehouses (or facilities) of such plants. The purpose of this filing is to eliminate the gateway points in Ohio.

No. MC-114019 (Sub-No. E76), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen when transported in the same vehicles with frozen foods*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in that part of Iowa on and north of a line beginning at the junction of the Illinois-Iowa State line and Iowa Highway 22, thence along Iowa Highway 22 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in Nebraska on and north of a line beginning at the juntcion of the Iowa-Nebraska State line and U.S. Highway 275, thence along U.S. Highway 275 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, and points in North Dakota and South Dakota, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind., and Chicago, Ill.

No. MC-114019 (Sub-No. E77), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Seabrook, N.J., to points in Indiana, Illinois (except Chicago), Michigan (except Detroit and Grand Rapids), Missouri, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, Lafayette, Ind., and Chicago, Ill.

No. MC-114019 (Sub-No. E78), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Moberly, and Milan, Mo., to Chicago, Ill., points in Indiana, on and north of U.S. Highway 50, points in the Lower Peninsula of Michigan, and points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Quincy, Ill., and Lafayette, Ind.

No. MC-124078 (Sub-No. E5), filed May 9, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in North Carolina in and east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, N.C., and points in South Carolina in, south, and east of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Richmond County, Ga.

No. MC-124673 (Sub-No. E1), filed May 11, 1974. Applicant: FEED TRANS-

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PORTS, INC., P.O. Box 2167, Amarillo, Texas 79105. Applicant's representative: Joe T. Lanhan, Suite 1102, Perry Brook Bldg., Austin, Texas 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(a) *Dry livestock feed cottonseed products*, in bulk, and *alfalfa meal and pellets* in bulk between points in that part of Oklahoma (excluding Cimarron County), west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to Oklahoma City, Okla., thence west along U.S. Highway 66 to the Oklahoma-Texas State line, on the one hand, and, on the other, those points in Curry, Eddy, Union, and Chaves County, N. Mex., and Bent and Prowers Counties, Colo. The purpose of this filing is to eliminate the gateway of points in that part of Texas west and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas–New Mexico State line.

(b) *Dry livestock feedstuffs*, in bulk from points in Curry, Eddy, and Chaves Counties, N. Mex., to points in Kansas, points in Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to Denver, Colo., thence on and east of the western and southern boundaries of Arapahoe, Elbert, Lincoln, Kiowa, Bent, and Prowers Counties, Colo. The purpose of this filing is to eliminate the gateway of Hale County, Texas.

(c) *Dry mixed animal feeds*, including *cottonseed products, alfalfa meal and pellets*, in bulk, from points in Kansas south and west of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line, to points in that part of New Mexico, on, south, and east of a line beginning at the Texas-New Mexico border, thence west along U.S. Highway 70 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Hale County, Texas.

(d) *Dry livestock feedstuffs*, in bulk, from points in that part of Texas west and north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas-New Mexico State line and south of the northern boundaries of Bailey, Lamb, Swisher, Floyd, Motley, Cottle, Foard, Hardeman, and Wilbarger Counties, Tex., to points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 287 to Denver, thence along Interstate Highway 25 to the Colorado-New Mexico State line (excluding points in Baca County, Colorado). The purpose of this filing is to eliminate the gateway of Hale County, Tex.

(e) *Dry livestock feedstuffs*, in bulk from points in Lubbock, Crosby, Dickens, King, Knox, Hardeman, Foard, Cottle, Motley, and Floyd Counties, Tex., to points in New Mexico on and east of U.S. Highway 85 (except Lea, Eddy, Chaves, and Roosevelt Counties, N. Mex.). The purpose of this filing is to eliminate the gateway of Hale County, Tex.

(f) *Dry livestock feedstuffs*, in bulk from points in that part of Texas bounded by a line beginning on the Texas-New Mexico State line and extending eastward along U.S. Highway 380 to junction with the eastern boundary of Kent County, thence north along the eastern boundaries of Kent, Dickens, and Motley Counties, thence west along the northern boundaries of Motley, Floyd, Hale, Lamb, and Bailey Counties, to the Texas-New Mexico State line, thence south along the Texas-New Mexico State line to the junction U.S. Highway 380 (the point of beginning), from points in Swisher County, Tex., to points in Kansas. The purpose of this filing is to eliminate the gateway of Hale County, Texas.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13362 Filed 6-10-74;8:45 am]

[Notice 101]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 11, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 1, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75089. By order of May 2, 1974, the Motor Carrier Board approved the transfer to Oak Harbor Freight Lines, Inc., Seattle, Wash., of the operating rights in Certificate No. MC-127960 issued May 31, 1974, to Henry Vanderpol, doing business as Oak Harbor Freight Lines, Seattle, Wash., authorizing the transportation of various commodities between specified points and areas in Washington. Carl A. Jonson, 300 Central Bldg., Seattle, Wash. 98104, attorney for applicants.

No. MC-FC-75100. By order of June 4, 1974, the Motor Carrier Board approved the transfer to Ashdown Road, Inc., Ballston Spa, N.Y., of the operating rights in Certificates Nos. MC-70585 and MC-75085 (Sub-No. 3) and the Certificate of Registration in No. MC-75085 (Sub-No. 2) issued December 31, 1942, October 13, 1967, and November 26, 1968, respectively, to Tanney's Motor Transportation, Inc., Latham, N.Y., covering the transportation of general commodities, with usual exceptions, to and from Albany, N.Y., and other named points in New York. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, registered practitioner for applicants.

No. MC-FC-75157. By order of June 5, 1974, the Motor Carrier Board approved the transfer to Thompson Tours, Inc., Mickleton, N.J., of License No. MC-130041 issued July 1, 1968, to Earl M. Thompson, doing business as Tri-County Travelers Club, Mickleton, N.J., authorizing the holder to engage in operations as a broker in connection with the transportation of passengers and their baggage beginning and ending at points in Gloucester, Salem, and Cumberland Counties, N.J., and extending to points in the United States (including Alaska but excluding Hawaii). Jacob P. Billig, Esq., Billig, Sher & Jones, P.C., Suite 300, 1126 16th Street NW., Washington, D.C. 20036.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13360 Filed 6-10-74;8:45 am]

[Notice 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 4, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 297 (Sub-No. 6 TA), filed May 22, 1974. Applicant: WOODLAND TRUCK LINE, INC., 635 Park Street, P.O. Box 87, Woodland, Wash. 98674. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Woodland, Wash., and its commercial zone and Spirit Lake, Wash., as follows: From Woodland, Wash., over Interstate Highway I-5 to the junction of Washington Highway 504, thence over Washington Highway 504 to Spirit Lake, and return over the same route, serving all intermediate points, and their commercial zones, and the off-route point of Longview, Wash., and its commercial zone, and points within 10 miles of Washington Highway 504, for 180 days. RESTRICTION: Service not authorized between Longview and Kelso, Wash., on the one hand, and, on the other, Portland, Oreg., and Vancouver, Wash.

NOTE.—Applicant requested that tacking be authorized with applicant's authority under MC 297 to enable service from Portland, Oreg., and it is also requested that interline be permitted at Longview and Kelso, Wash. SUPPPORTING SHIPPERS: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 16961 (Sub-No. 5 TA), filed May 22, 1974. Applicant: HUTCHINS TRUCKING COMPANY, a Corporation, 1000 Congress Street, P.O. Box 95 West End Station, Portland, Maine 04102. Applicant's representative: George M. Hutchins (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk) from Northboro, Mass., to South Portland, Maine, with no transportation for compensation on return, except as otherwise authorized, for 90 days. RESTRICTION: Restricted to service in behalf of Legion Square Supermarket, South Portland, Maine. SUPPORTING SHIPPER: Legion Square Supermarket, 101 Ocean Street, South Portland, Maine 04106. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 47583 (Sub-No. 16 TA), filed May 24, 1974. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Avenue, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and material, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials* including products necessary in the installation thereof except commodities in bulk, from Kansas City, Kans., to points in Iowa and also from Pauline, Kans., to points in Iowa, Nebraska, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Certain-teed Products Corp./CSG Group, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 52460 (Sub-No. 148 TA), filed May 23, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from St. Louis, Mo., to points in Tennessee, Kentucky, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Mobil Oil Corporation, Richard J. W. Lehman, Supv. Truck Analysis, P.O. Box 900, Dallas, Tex. 75221. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 149 TA), filed May 23, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine*, in bulk, in specialized tank trailers, from Rocky Mountain Arsenal, Ladora, Colo., to Anniston Army Depot, Anniston, Ala., for 180 days. SUPPORTING SHIPPER: Department of Defense, Curtis L. Wagner, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 60014 (Sub-No. 36 TA), filed May 22, 1974. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and accessories therefor (except commodities which by reason or size or weight require the use of special equipment)*, from the plantsite of Johns Manville Products Corporation at or near Wilton, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia, Pennsylvania, and West Virginia, for 180 days. SUPPORTING SHIPPER: Johns Manville Products Corporation, Greenwood Avenue, Waukegan, Ill. 60085. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 90870 (Sub-No. 1 TA), filed May 23, 1974. Applicant: GLEN RIECHMANN, doing business as RIECHMANN TRUCK SERVICE, R.R. 2, Alhambra, Ill. 62001. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Channels, trays, junction boxes, fabricated metal panels and fittings and accessories therefor*, from Troy and Highland, Ill., to points in Alabama, Georgia, Texas, Louisiana, Mississippi, Indiana, Arkansas, Tennessee, and Kentucky, for 180 days. SUPPORTING SHIPPER: Thomas R. Gold, Sr., President, B-Line Systems, Inc., 509 West Monroe, Highland, Ill. 62249. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC102616 (Sub-No. 902 TA), filed May 22, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except cement) from the site of X-Rail Systems, Inc., at Cincinnati, Ohio, to points in Ohio, Indiana, Illinois, Pennsylvania, Kentucky, Michigan, and West Virginia, restricted to products having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: X-Rail Systems, Inc., 20 Park Place, Newark, N.J. 07102. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 103051 (Sub-No. 311 TA), filed May 17, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North, same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Transylvania County, N.C., to points in Bartow County, Ga., for 180 days. SUPPORTING SHIPPER: Chemical Products Corporation, P.O. Box 449, Cartersville, Ga. 30120. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

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No. MC 103602 (Sub-No. 8 TA), filed May 22, 1974. Applicant: SKJONSBY TRUCK LINE, INC., 48 N. 23rd Street, Fargo, N. Dak. 58102. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from points in North Dakota, and South Dakota, to points in North Dakota, South Dakota, Minnesota, Montana, and Wyoming, for 180 days. RESTRICTION: Restricted to the transportation of traffic having a prior movement by rail from the plantsites and facilities of J. I. Case Company. SUPPORTING SHIPPER: J. I. Case Company, Inc., 700 State St., Racine, Wis. 5344. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 106119 (Sub-No. 21 TA), filed May 28, 1974. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, Spartanburg, S.C. 29302. Applicant's representative: Robert R. Odom, P.O. Box 5504, Spartanburg, S.C. 29301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except propane), in bulk, in tank vehicles, (1) from points in South Carolina (except Georgetown, S.C.), to points in North Carolina and Georgia; (2) from points in North Carolina, to points in South Carolina and Georgia; and (3) from points in Georgia, to points in South Carolina and North Carolina, for 180 days. SUPPORTING SHIPPERS: There are approximately 160 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 107496 (Sub-No. 955 TA), filed May 24, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Casper, Wyo., to Tempe, Ariz., for 150 days. SUPPORTING SHIPPER: Amoco Oil, 200 East Randolph Drive, Chicago, Ill. 60601. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108207 (Sub-No. 390 TA), filed May 24, 1974. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75207. Applicant's represenative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Gerald T. Holland, Disrict Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 109533 (Sub-No. 1 TA), filed May 23, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corportion, 110 Commerce Road, P.O. Box 1216 (Box zip 23209), Richmond, Va. 23224. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Frederick, Md., and Cumberland, Md., serving all intermediate points: (a) From Frederick over U.S. Highway 40 to Cumberland and return over the same route, and (b) from Frederick over U.S. Highway 340 to Charles Town, W. Va., thence over West Virginia Highway 9 to junction West Virginia Highway 29, thence over West Virginia Highway 29 to the West Virginia-Maryland state line, thence over Maryland Highway 51 to Cumberland and return over the same route; (2) between Hagerstown, Md., and Martinsburg, W. Va., over U.S. Highway 11, serving all intermediate points; and (3) between Hancock, Md., and Berkeley Springs, W. Va., over U.S. Highway 522, serving all intermediate points, for 180 days.

NOTE.—In connection with the above routes, serving all points in Allegany, Garrett, and Washington Counties, Md., as off-route points. Applicant states that in MC-F-11380 (Overnite Transportation Company—Purchase—Tidewater Express Lines, Inc.) it will tack or interline. SUPPORTING SHIPPERS: There are approximately 55 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 110988 (Sub-No. 311 TA), filed May 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk (sulphuric and phosphoric), from Depue, Ill., to points in Indiana (3,000 tons sulphuric, 1,000 tons phosphoric), Iowa (2,000 tons sulphuric, 2,000 tons phosphoric), Wisconsin (2,000 tons sulphuric, 1,000 tons phosphoric), for 180 days. SUPPORTING SHIPPER: Mobil Oil Corporation, 150 E. 42nd Street, New York, N.Y. 10017 (W.H. Broderick, Manager, Distribution & Traffic). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 440 TA), filed May 28, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. (NHP-PO) 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic pumps, hydraulic motors, pressed metal tank heads, and underground tunnel supports*, restricted to packages or articles weighing in the aggregate no more than 25 pounds from one consignor to one consignee on any one day, and (2) *business papers, records, audit and accounting media of all kinds, drawings and blueprints*, between Youngstown, Ohio, and Butler, Ind., for 90 days. SUPPORTING SHIPPER: Commercial Shearing, Inc., 1775 Logan Avenue, Youngstown, Ohio. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114897 (Sub-No. 112 TA), filed May 20, 1974. Applicant: WHITFIELD TANK LINES, INC., P.O. Drawer 9897, 300–316 N. Clark Road, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from El Paso, Tex., to the site of Duval Corp. Esperanza Mine Properties located in Pima County, Ariz., approximately 30 miles southwest of Tucson, Ariz., for 180 days. SUPPORTING SHIPPER: J. H. Smith, Domestic Traffic Manager, Duval Sales Corporation, 300 The Main Building, Houston, Tex. 77002. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 115268 (Sub-No. 8 TA), filed May 22, 1974. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Glenn R. Rippeon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating oil*, in bulk, in tank vehicles, from Harrisonburg and Richmond, Va., to the Pepco Company at Bismark, W. Va., for 180 days. SUPPORTING SHIPPER: Minute Man Fuels, Inc., 400 Freeman Avenue, Chesapeake, Va. 23324. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 115654 (Sub-No. 27 TA), filed May 22, 1974. Applicant: TENNESSEE CARTAGE CO., INC., No. 1 Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials, supplies, equipment, and ingredients* used in manufacturing, packaging, and distribution of frozen foods (except in bulk), between the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at or destined to the plant and warehouse facilities of The Quaker Oats Company, at or near Jackson, Tenn., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill. 60654. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 115841 (Sub-No. 474 TA), filed May 24, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Off: 1215 Bankhead Highway West, P.O. Box 10327 (Box zip 35202), Birmingham, Ala. 35204. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Leitchfield, Ky., to points in the United States (except Kentucky, Alaska, and Hawaii), for 180 days. SUPPORTING SHIPPER: Albany Cheese, Inc., P.O. Box 156, Leitchfield, Ky. 42754. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116544 (Sub-No. 149 TA), filed May 23, 1974. Applicant: ALTRUK FREIGHT SYSTEM INC., 700 East Fairveiw Avenue, P.O. Box 636 Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Co., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. LaSalle Street, Chicago, Ill. 60604. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117375 (Sub-No. 10 TA), filed, May 20, 1974. Applicant: BRANSON TRUCK LINE, INC., 1309 Highway 56 East, Lyons, Kans. 67544. Applicant's representative: Hiatt, Spurgeon, Crockett & Hiatt, 308 Casson Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, from Moline, Rock Island, and Canton, Ill., Memphis, Tenn., Louisville, Ky., to Hutchinson, Kans., and to Great Bend, Kans., for 180 days. SUPPORTING SHIPPERS: International Harvester Company, P.O. Box 1725, Hutchinson, Kans. 67501; Gibson-Titus Stafford, Inc., Great Bend, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 117954 (Sub-No. 21 TA), filed May 24, 1974. Applicant: H. L. HERRIN, JR., 3420 Airline Highway, P.O. Box 1106, Metairie, La. 70004. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T–9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118130 (Sub-No. 68 TA), filed May 23, 1974. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203 (b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, South Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to the transportation of traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 118142 (Sub-No. 70 TA), filed May 22, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Arizona, California, Colorado, Kansas, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah, for 180 days. RESTRICTION: Restricted to the transportation of traffic having an immediate prior move by water. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum building, Wichita, Kans. 67202.

No. MC 118151 (Sub-No. 3 TA), filed May 23, 1974. Applicant: R. L. LETSON, 611 Ft. Worth Street, Weatherford, Tex., 76086. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile Ala., to points in Minnesota, Idaho, Montana, North Dakota, South Dakota, and Washington, restricted to traffic having an immediate prior move by water, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 9A27 Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

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No. MC 119789 (Sub-No. 202 TA), filed May 24, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 E. Irving Blvd., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* (except commodities which because of size or weight require the use of special equipment), from Louisville, Ga., to points in Texas, for 180 days. SUPPORTING SHIPPER: Convoy Servicing Company, 3020 So. Haskell Avenue, Dallas, Tex. 75223. SEND PROTESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123169 (Sub-No. 10 TA), filed May 22, 1974. Applicant: McKEVITT TRUCKING LIMITED (Ontario, Canada Corp.), 420 Fort William Road, P.O. Box 567, Station P, Thunder Bay, Ontario, Canada. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filled super-calendar rolls*, between points on the International Boundary line between the United States and Canada located at Sault Ste. Marie, Mich., and Pigeon River, Minn., on the one hand, and, on the other, Appleton and Green Bay, Wis., and Kalamazoo, Mich., for 180 days. SUPPORTING SHIPPER: Abitibi Provincial Paper, P.O. Box 450, Thunder Bay, Ontario, Canada. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 123392 (Sub-No. 62 TA), filed May 20, 1974. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelly Dr., Route 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen, and liquid argon*, between points in Wisconsin, Minnesota, North Dakota, South Dakota, and Illinois, for 180 days.

NOTE.—Applicant will tack with carrier's Sub 31. SUPPORTING SHIPPERS: Alex Mills, Distribution Manager, Midwest Region, Liquid Air, Inc., 5300 South East Avenue, Countryside, Ill., and R. L. Mathews, Operations Manager, Airco, Inc., 2001 W. 16th Street, Broadview, Ill. 60153. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 124078 (Sub-No. 597 TA), filed May 22, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Hartford, Conn., to points in Rhode Island, restricted to transportation of shipments having immediately prior movement by rail, for 180 days. SUPPORTING SHIPPERS: Penn Central Transportation Company, 540 Six Penn Center Plaza, Philadelphia, Pa. 19104 (W. E. Sheehan, Manager of Pricing), and Alpha Portland Cement Company, Inc., P.O. Box 138, Cementon, N.Y. 12415 (D. W. Heineck, Vice President, Northeastern Region). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124579 (Sub-No 11 TA), filed May 22, 1974. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: Robert E. Wikel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer materials*, in bulk, between the facilities of Chester, Inc., at or near Brookston and Boone Grove, Ind., on the one hand, and, on the other, points in Ohio and Michigan, for 180 days. SUPPORTING SHIPPER: Chester, Inc., P.O. Box 276, Brookston, Ind. 47923. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 127579 (Sub-No. 3 TA), filed May 21, 1974. Applicant: PENN-MAR-VA TRANSPORTATION CORPORATION, P.O. Box 343, Stenersen Lane, Cockeysville, Md. 21030. Applicant's representative: Morton E. Kiel, Suite 6195, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Williamsburg, Va., to Baltimore, Md., Commercial Zone and Glyndon, Md., and *empty used containers* on return, for 180 days. SUPPORTING SHIPPERS: Mr. Lester H. Crowther, Jr., Comptroller, The Winner Distributing Co., 7616 Canton Center Drive, Baltimore, Md. 21224 and Mr. Charles R. Broderick, Jr., The Bees Distributing Co., Inc., Glyndon, Md. 21071. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 129205 (Sub-No. 3 TA), filed May 21, 1974. Applicant: GEORGE D. ELLIS, Waterview, Va. 23108. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in the Baltimore, Md., Commercial Zone, to points in Essex, Middlesex, Gloucester, Mathews, Richmond, Lancaster, and Northumberland Counties, Va., for 180 days. SUPPORTING SHIPPER: Haywood Larry Hicks, Sales Supervisor, Smith-Douglass Div. of Borden Chemicals, Borden, Inc., P.O. Box 279, Tappahanock, Va. 22560. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Bldg., 400 N. Eighth Street, Richmond, Va. 23240.

No. MC 133920 (Sub-No. 7 TA), filed May 6, 1974. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel and crushed stone*, in dump and hopper-type vehicles, (1) from points in Georgia, to points in Florida, Alabama, Mississippi, North Carolina, South Carolina, and Tennessee, and (2) from points in Alabama, to points in Georgia, for 180 days. SUPPORTING SHIPPERS: Kalman Floor Company, Inc., 500 E. Morehead Street, Suite 313, Charlotte, N.C. 28201; J. Roy Martin & Company, S.C. Highway 81, North, Anderson, S.C. 29621; Southeastern Industrial Products, Inc., Tennille Road, Sandersville, Ga. 31083; and Martin Marietta Aggregates, P.O. Box 335, Gray, Ga. 31032. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 134060 (Sub-No. 10 TA), filed May 23, 1974. Applicant. DAVINDER FREIGHTWAY'S LTD., 435 Trunk Road, Duncan, British Columbia, Canada, V9L 2P8. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled pulp*, from ports of entry on the United States-Canada International Boundary line at or near Blaine and Sumas, Wash., to Everett, Wash., for 180 days. SUPPORTING SHIPPER: B. C. Forest Products, Limited, 1190 Melville Street, Vancouver, British Columbia, Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98104.

No. MC 135082 (Sub-No. 8 TA), filed May 24, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinder blowers, grinder mixers, hammer mills, hay mills, burr mills, roller mills, grain buggies, and running gears, attachments and parts* of the above when moving in mixed loads therewith, restricted against commodities, the transportation of which by reason of size or weight require the use of special equipment, from the manufacturing facilities of Wetmore, Inc., located at Tonkawa, Okla., to points in Arizona, Colorado, New Mexico, Montana, and Texas, for 180 days. SUPPORTING SHIPPER: Wetmore, Inc., P.O. Box 307, Tonkawa, Okla. 74653. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135364 (Sub-No. 13 TA), filed May 21, 1974. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76–C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enameled, glazed, and surface coated paper*, from Laflin, Luzerne County, Pa., to points in the United States (except Alaska, Hawaii, Wisconsin, Minnesota, Montana, Wyoming, Florida, and Pennsylvania), under a continuing contract with Fitchburg Coated Products, Inc.; and (2) *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk), from points in New Jersey, New York, Ohio, Michigan, Massachusetts, Delaware, West Virginia, Virginia, Vermont, Maine, California, and New Hampshire, to Laflin, Luzerne County, Pa., under a continuing contract with Fitchburg Coated Products, Inc., for 150 days. SUPPORTING SHIPPER: Fitchburg Coated Products, Inc., P.O. Box 1106, Scranton, Pa. 18501. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135535 (Sub-No. 7 TA), filed May 23, 1974. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67487. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cube van bodies, between the plant site* and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., and between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the Continental United States (except Kansas), and (2) *cube vans*, in drive-away service, between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., and between the plant site and/or storage facilities of El Dorado Industries, Inc., at or near Salina, Kans., on the one hand, and, on the other, points in the Continental United States (except Kansas), for 150 days. SUPPORTING SHIPPER: El Dorado Industries, Inc., Rural Route 2, P.O. Box 266, Minneapolis, Kans. 67477. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 135797 (Sub-No. 26 TA), filed May 10, 1974. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze or engine coolant preparations* (except in bulk or tank equipment), from Texas City, Tex., to points in Arkansas, Louisiana, Missouri, Oklahoma, Kansas, and Tennessee (Brownsville, Covington, Millington, and Ripley only), restricted to shipments consigned to Wal-Mart Stores, Inc., for 180 days. SUPPORTING SHIPPER: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72112. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 135874 (Sub-No. 46 TA), filed May 22, 1974. Applicant: LTL PERISHABLES, INC., 132nd & Q Street, P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Bill White (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Wichita, Kans., to points in Iowa, South Dakota, Nebraska, North Dakota, Minnesota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Del Pero Mondon Meat Co., Sunflower Division, Eston E. Hasty, Sales Manager, 800 E. 37th Street North, Wichita, Kans. 67208. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135884 (Sub-No. 4 TA), filed May 24, 1974. Applicant: STEVE CALDWELL, Rt. 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk replacer, whey and whey-fat mixes*, from the facilities of the Milk Specialties Co. at or near Dundee and Pittsfield, Ill., and Boscobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Texas, Utah, and Washington, for 180 days. SUPPORTING SHIPPER: Steve Caldwell, Route 1, Box 36, Adams, Oreg. 97810. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg.

No. MC 136220 (Sub-No. 10 TA), filed May 23, 1974. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 N. 3rd, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in open top dump trailers, from Texas City, Tex., to Kremlin, Okla., and from Texas City, Tex., to Port Arthur, Tex., on traffic having a subsequent and further out-of-state movement, for 180 days. SUPPORTING SHIPPER: Great Lakes Carbon Corp., Geo. R. Gunter, V. P. and Dir. of Transportation, 299 Park Ave., New York, N.Y. 10017. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136326 (Sub-No. 2 TA), filed May 23, 1974. Applicant: FLORIDA ASSEMBLY & DISTRIBUTION, INC., 201 North Federal Highway, Deerfield Beach, Fla. 33441. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Dade, Broward, and Palm Beach Counties, Fla., for 180 days. SUPPORTING SHIPPER: Industrial Shippers Association, Inc., 3710 South California Avenue, Chicago, Ill. 60632. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 136914 (Sub-No. 3 TA), filed May 23, 1974. Applicant: WALLACE E. BROWN, Rt. 2, Box 130, Grand Junction, Tenn. 38039. Applicant's representative: A Doyle Cloud, Jr., 5100 Poplar Avenue, Suite 2008, Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Gallaway, Tenn., to points in Florida and Michigan, for 180 days. SUPPORTING SHIPPER: Southern Brick and Masonry Manufacturing Co., 5100 Poplar Avenue, Suite 2412, Clark Tower, Memphis, Tenn. 38137. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 138662 (Sub-No. 2) TA), filed May 24, 1974. Applicant: JERRY M. GREEN, doing business as PALACE TRANSFER AND STORAGE CO., 3200 West Picacho, Las Cruces, N. Mex. 88001. Applicant's representative: Edwin E. Piper, Jr., 1115 Sims Building, Albuquerque, N. Mex. 81701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccom-*

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panied baggage, and personal effects, between points in Dona Ana, Otero, Luna, Hidalgo, and Grant Counties. N. Mex., for 180 days. RESTRICTION: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of a pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: SUPPORTING SHIPPERS: Astro International, 623 South Pickett St., Alexandria, Va. 22304; Vanpac Carriers, Inc., 2114 McDonalld Ave., Richmond, Calif. 94801; Asiatic Forwarders, Inc., 335 Valencia St., San Francisco, Calif. 94103; Sun Pak Movers, Inc., 100 West Harrison Plaza, Seattle, Wash. 98119; and Rocky Ford Moving Vans, Inc., 3811 W. Industrial, Midland, Tex. 79701. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139495 (Sub-No. 2 TA), filed May 20, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lamps, advertising materials, and packaging materials,* from the plant site and storage facilities of North American Philips Lighting Corporation at or near Lynn, Mass., to points in California, Colorado, Illinois, Indiana, Missouri, Nebraska, Oklahoma, Oregon, Texas, Wisconsin, Nevada, Tennessee, Georgia, Florida, and Kansas, for 180 days. SUPPORTING SHIPPER: North American Philips Lighting Corporation, Banks Street, Heightstown, N.J. 08520. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139772 (Sub-No. 1 TA), filed May 21, 1974. Applicant: ROBERTS TRUCKING, INC., Route 1, Eldorado, Wis. 54932. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) Cheese and cheese supplies used in pizza making, from Van Dyne, Wis., to points in Illinois, Indiana, Michigan, Minnesota, and Ohio; and (2) *equipment and supplies* used in the manufacture and distribution of cheese and cheese supplies used in pizza making from points in Illinois, Indiana, Michigan, Minnesota, and Ohio to Van Dyne, Wis., under contract to Lone Elm Cheese Factory, Inc., Van Dyne, Wis., for 180 days. SUPPORTING SHIPPER: Lone Elm Cheese Factory, Inc., Van Dyne, Wis. 54979 (Glen Dedow, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139826 TA, filed May 21, 1974. Applicant: COLUMBINE TRANSPORTATION, INC., 4155 Laurel Road, Brunswick, Ohio 44212. Applicant's representative: Thomas Bolan, 83 South Fourth St., Columbus, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of, and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

MOTOR CARRIERS OF PASSENGERS

No. MC 139817 (Sub-No. 1 TA), filed May 20, 1974. Applicant: RICHARD A. POWELSON, doing business as BI-STATE COACH LINES, 36 Princeton Avenue, Gloucester City, N.J. 08030. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special operations, between Borough of Brooklawn, Camden, County, N.J., and the construction site of the Sohio Petroleum Company at or near Trainer, Delaware County, Pa., for 180 days. SUPPORTED BY: Various individuals. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13363 Filed 6-10-74;8:45 am]

[Notice 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 C.F.R. 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 139816 (Sub-No. 1 TA), filed May 23, 1974. Applicant: SOUTHERN FARM SERVICES, INC., P.O. Box 103, Opp, Ala. 36467. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fertilizer,* in bulk, from Cottondale, Fla., to points in Alabama on and south of U.S. Highway 80, and points in Mississippi, and (2) *fertilizer,* in bulk and in bags, from Opp. Ala., to points in Florida and Mississippi, and from points in Mississippi, to Opp, Ala., for 180 days. SUPPORTING SHIPPERS: Goolsby Farm Supply, 400 South Ninth Street, Florala, Ala., 36442; Opp's Cooperative, Inc., P.O. Box 328, Opp, Ala. 36467; and Opp's Farm Supply, Opp, Ala. 36467. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139819 (Sub-No. 1 TA), filed May 20, 1974. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients,* in bags or in bulk; *herbicides,* insecticides, and pesticides when moving in mixed shipments with *dry fertilizer and animal and poultry feed and animal and poultry feed ingredients,* restricted against the shipment of commodities in bulk, in tank vehicles, from the plant site of The Andersons, a partnership, located at or near Maumee, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York, for 180 days. SUPPORTING SHIPPER: The Andersons, P.O. Box 119, Maumee,

Ohio 43537. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 139823 (Sub-No. 1 TA), filed May 23, 1974. Applicant: RALPH MURR, doing business as MURR TRUCKING COMPANY, Route 3, Huntsville, Ark. 72740. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, ingredients, and animal and poultry health products,* in bulk and sack, from Girard, Kans., to points in Benton, Washington, Carroll, and Madison Counties, Ark., for 180 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139825 (Sub-No. 1 TA), filed May 23, 1974. Applicant: A & B TRACTOR SERVICE, INC., 2428 South Hanna Street, Fort Wayne, Ind. 46803. Applicant's representative: Donald R. Clifford, 116 East Wayne Street, Suite 344, Ft. Wayne, Ind. 46802. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *New trailers,* other than trailers designed to be drawn by passenger automobile from the point of manufacture, and (2) *new and used trailers* in subsequent or secondary movements, between points in Indiana, Michigan, Ohio, Illinois, Pennsylvania, Kentucky, Tennessee, and Missouri, for 180 days. SUPPORTING SHIPPERS: North American Van Lines, Inc., P.O. Box 988, Ft. Wayne, Ind. 46801; Truck-Transport Equipment, Inc., 2500 Coliseum Blvd., West Ft. Wayne, Ind. 46808; and Kentucky Manufacturing Company, 2601 South Third St., Louisville, Ky. 40208. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 139830 TA, filed May 23, 1974. Applicant: COLUMBIA DISTRIBUTING CORPORATION, 1009 Airport Blvd., Columbia, S.C. 29202. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal briquettes,* in bags on pallets, from Lake City, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: T. S. Ragsdale Company, Incorporated, P.O. Drawer 937, Lake City, S.C. 29560. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Bldg., 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 139831 TA, filed May 10, 1974. Applicants: R. E. AND R. H. STROZIER, doing business as S & S BOAT REPAIR, 4855 Northway Drive NE., Atlanta, Ga. 30342. Applicant's representative: (R. E. Strozier (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Boats and automation tooling,* between points in Georgia, Alabama, Florida, Tennessee, North Carolina, South Carolina, and Virginia, for 180 days. SUPPORTING SHIPPERS: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 309, Atlanta, Ga. 30309.

No. MC 139832 TA, filed May 23, 1974. Applicant: QUALITY CASKET CARRIERS, INC., 176 Eagle Point Road, Fox Lake, Ill. 60020. Applicant's representative: Harold Bell, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated burial caskets and its components* using specialized trailers containing padded shelves and *equipment to protect the uncrated caskets,* from Chicago, Oak Park, and Prophetstown, Ill., and Milwaukee, Wis., on the one hand, and to points and places to and from, for said shippers throughout the United States of America, except Hawaii and Alaska, for 180 days. SUPPORTING SHIPPERS: National Casket Co., P.O. Box 11, Prophetstown, Ill. 61277; The Merit Co., 2124 W. Chicago Avenue, Chicago, Ill. 60622; Brenner Casket Co., 954 West Washington Blvd., Chicago, Ill. 60607; Curtis Casket Co., 411 So. Blvd., Oak Park, Ill. 60302; Chicago Casket Co., 932 W. Washington Blvd., Chicago, Ill. 60607; and Milwaukee Casket Co., 1418 W. St. Paul Street, Milwaukee, Wis. 53233. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago Ill. 60604.

No. MC 139833 TA, filed May 24, 1974. Applicant. TASCO, INC. P.O. Box 1072, Dumas, Tex. 79029. Applicant's representative: William L. Slover, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, West Virginia, Virginia, Maryland, District of Columbia, Kentucky, Delaware, New Jersey, New York, Michigan, Pennsylvania, Connecticut, Rhode Island, Vermont, New Hampshire, Ohio, Massachusetts, and Maine, restricted to traffic originating at and destined to the named points, for 180 days. SUPPORTING SHIPPER: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 West Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139834 TA, filed May 24, 1974. Applicant: WILLIAM T. PEARCE, 7794 East Evans Creek Road, Rogue River, Oreg. 97537. Applicant's representative: William T. Pearce (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Various electric transformers,* from 500 pounds to 12,000 pounds or more, between White City, Jackson County, Oreg., and various points in California, Arizona, Washington, Nevada, Texas, Colorado, Utah, Idaho, Wyoming, New Mexico, and Montana, for 180 days. SUPPORTING SHIPPER: Standard Transformer Company, 8001 Table Rock Road, Medford, Oreg. 97502. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13364 Filed 6-10-74;8:45 am]

[Notice 102]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75204. By application filed June 3, 1974, R. J. M. TRANSFER CO., 10526 Doe Run, St. Louis, MO 63128, seeks temporary authority to lease the operating rights of LAWRENCE SANDERS, Trustee in Bankruptcy of the Estate of F. W. STRECKER TRANSFER COMPANY, Paul Brown Bldg., St. Louis, Mo. 63101, under section 210a(b). The transfer to R. J. M. TRANSFER CO., of the operating rights of LAWRENCE SANDERS, Trustee in Bankruptcy of the Estate of F. W. STRECKER TRANSFER COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13361 Filed 6-10-74;8:45 am]

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[Notice 2]

TEMPORARY AUTHORITY

Notice of Termination

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
MC-28457(Sub-No. 6)	MC-28457(Sub-No. 7)	Apr. 16, 1974
MC-113843(Sub-No. 192)	MC-113843(Sub-No. 186)	Sept. 28, 1973
MC-119767(Sub-No. 270)	MC-119767(Sub-No. 278)	Sept. 13, 1973
MC-121236(Sub-No. 53)	MC-124236(Sub-No. 61)	Apr. 5, 1974
MC-124796(Sub-No. 98)	MC-124796(Sub-No. 99)	Sept. 6, 1973
MC-126196(Sub-No. 7)	MC-126196(Sub-No. 8)	Sept. 5, 1973
MC-127239(Sub-No. 12)	MC-127239(Sub-No. 11)	Sept. 6, 1973
MC-128217(Sub-No. 5)	MC-128217	Sept. 11, 1973
MC-129350(Sub-No. 13)	MC-129350(Sub-No. 19)	Sept. 10, 1973
MC-129719(Sub-No. 3)	MC-129719(Sub-No. 4)	Sept. 5, 1973
MC-133220(Sub-No. 4)	MC-133220(Sub-No. 5)	Sept. 6, 1973
MC-133485(Sub-No. 6)	MC-133486(Sub-No. 6)	Sept. 10, 1973
MC-135032(Sub-No. 1)	MC-135032(Sub-No. 2)	Sept. 24, 1973
MC-135117(Sub-No. 4)	MC-135117(Sub-No. 3)	Sept. 14, 1973
MC-135144	MC-135144(Sub-No. 1)	Apr. 5, 1974
MC-136083(Sub-No. 2)	MC-136083(Sub-No. 2)	Sept. 7, 1973
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MC-136714	MC-136714(Sub-No. 1)	Sept. 13, 1973
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MC-136942(Sub-No. 1)	MC-136942(Sub-No. 2)	Sept. 19, 1973
MC-136994	MC-136994(Sub-No. 1)	Sept. 4, 1973
MC-138132	MC-138132(Sub-No. 1)	Sept. 20, 1973

SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13359 Filed 6-10-74;8:45 am]

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federal register

TUESDAY, JUNE 11, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 113

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

EMPLOYMENT OF THE HANDICAPPED

Affirmative Action Obligations of Contractors and Subcontractors

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Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER C—REHABILITATION ACT OF 1973

PART 741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

On September 26, 1973, the President signed the Rehabilitation Act, Public Law 92–112, which, among other things, requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. By virtue of authority delegated to me by Executive Order No. 11758, and pursuant to section 503 of the Rehabilitation Act, I hereby issue Title 20, Chapter VI, Subchapter C, Part 741 of the Code of Federal Regulations, setting forth the duties of contractors, subcontractors and agencies.

We find that notice of proposed rulemaking and delay in the effective date would be contrary to the public interest in view of the need for prompt implementation of the affirmative action requirements contained in the Rehabilitation Act, and accordingly such notice and delay are not required under 5 U.S.C. 553 (b) and (d). Therefore, these regulations shall be effective on June 11, 1974.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, U.S. Department of Labor, Washington, D.C., on or before July 26, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

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AUTHORITY: Sec. 503, Pub. Law 93–112, 87 Stat. 393 (29 U.S.C. 793) and Executive Order 11758.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 741.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 503 of the Rehabilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this part apply to all government contracts for personal property or nonpersonal services (including construction) in excess of $2,500. Failure of a contractor to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized herein. The regulations in this part do not apply to any action taken to effect compliance with respect to employment or participation in Federal grant programs under section 504 of the Rehabilitation Act of 1973.

§ 741.2 Definitions.

(a) The term "Act" means the Rehabilitation Act of 1973, Public Law 93–112.

(b) The term "affirmative action clause" means the contract provisions set forth in § 741.3.

(c) The term "agency" means any contracting agency of the government.

(d) The term "Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his designee.

(e) The term "certification" means a signed statement which is issued as a service of such qualified vocational rehabilitation agencies or facilities listed by the Employment Standards Administration and which describes the handicapped individual's disabilities.

(f) The term "construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

(g) The term "contract" means any government contract for the procurement of personal property or non-personal services, including construction.

(h) The term "contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

(i) The term "contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

(j) The term "Employment Standards Administration" means the Employment Standards Administration of the United States Department of Labor, its regional and area offices and any division, branch or bureau thereof engaged in activities under this regulation.

(k) The term "government" means the government of the United States of America.

(l) The term "government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of personal property or non-personal services or for the use of real or personal property, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employees, and (2) federally-assisted contracts.

(m) The term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes or results in a substantial barrier to employment, provided such individual has reasonably benefited in terms of employability from any of the types of services (including certification) provided pursuant to Titles I and III of the Act or their equivalent.

(n) The term "modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(o) The term "person" means any natural person, corporation, partnership or joint venture, unincorporated, association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(p) The term "prime contractor" means any person holding a contract, and for the purposes of Subpart B of this part, any person who has held a contract subject to the Act.

(q) The term "procurement activity" means the organizational element of a federal agency which has responsibility to contract for the procurement of personal property or non-personal services, including construction.

(r) The term "recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(s) The term "rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (d) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the Act.

(t) The term "Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

(u) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(v) The term "subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the Act. The term "first-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

(w) The term "United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

§ 741.3 Affirmative action clause.

Each procuring activity shall include the following affirmative action clause in each of its nonexempt Government contracts (and modifications thereof if not included in the original contract).

EMPLOYMENT OF THE HANDICAPPED

(This clause applies to all nonexempt contracts and subcontracts which exceed $2,500 as follows: (1) Part A applies to contracts and subcontracts which provide for performance in less than 90 days, (2) Parts A and B apply to contracts and subcontracts which provide for performance in 90 days or more and the amount of the contract or subcontract is less than $500,000, and (3) Parts A, B, and C apply to contracts and subcontracts which provide for performance in 90 days or more and the amount of the contract or subcontract is $500,000 or more.)

PART A

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that, if a handicapped individual files a complaint with the Contractor that he is not complying with the requirements of the Act, he will (1) investigate the complaint and take appropriate action consistent with the requirements of 20 CFR 741.29 and (2) maintain on file for three years, the record regarding the complaint and the actions taken.

(c) The Contractor agrees that, if a handicapped individual files a complaint with the Department of Labor that he has not complied with the requirements of the Act, (1) he will cooperate with the Department in its investigation of the complaint, and (2) he will provide all pertinent information regarding his employment practices with respect to the handicapped.

(d) The Contractor agrees to comply with the rules and regulations of the Secretary of Labor in 20 CFR Ch VI, Part 741.

(e) In the event of the Contractor's noncompliance with the requirements of this clause, the contract may be terminated or suspended in whole or in part.

(f) This clause shall be included in all subcontracts over $2,500.

PART B

(g) The Contractor agrees (1) to establish an affirmative action program, including appropriate procedures consistent with the guidelines and the rules of the Secretary of Labor, which will provide the affirmative action regarding the employment and advancement of the handicapped required by P.L. 93–112, (2) to publish the program in his employee's or personnel handbook or otherwise distribute a copy to all personnel, (3) to review his program on or before March 31 of each year and to make such changes as may be appropriate, and (4) to designate one of his principal officials to be responsible for the establishment and operation of the program.

(h) The Contractor agrees to permit the examination by appropriate contracting agency officials or the Assistant Secretary for Employment Standards or his designee, of pertinent books, documents, papers and records concerning his employment and advancement of the handicapped.

(i) The Contractor agrees to post in conspicious places, available to employees and applicants for employment, notices in a form to be prescribed by the Assistant Secretary for Employment Standards, provided by the contracting officer stating contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment and the rights and remedies available.

(j) The Contractor will notify each labor union or representative of workers with which he has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

PART C

(k) The Contractor agrees to submit a copy of his affirmative action program to the Assistant Secretary for Employment Standards within 90 days after the award to him of a contract or subcontract.

(l) The contractor agrees to submit a summary report to the Assistant Secretary for Employment Standards, by March 31 of each year during performance of the Contract, and by March 31 of the year following completion of the contract, in the form prescribed by the Assistant Secretary, covering employment and complaint experience, accommodations made and all steps taken to effectuate and carry out the commitments set forth in the affirmative action program.

§ 741.4 Affirmative action policy.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals. Such action shall apply to employment practice, including, but not limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Contractors shall review their employment practices to determine whether their programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all of the listed activities. The scope of a contractor's efforts shall depend upon all the circumstances, including the extent in which existing employment practices are adequate and the contractor's size and resources.

(1) Internal communication of the contractor's obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the contractor's obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) Periodically informing all employees of the contractor's commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) Enlisting the assistance and support of all recruiting sources (including the State Employment Services, State vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, State education agencies, labor organizations, and social service organizations serving handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of national organizations serving the handicapped, many of which have State or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped", published by the People to People Committee on the Handicapped, 1146 16th Street, NW., Washington, D.C. 20036.)

(5) Engaging in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) Establishment of meaningful contacts with appropriate social service organizations, Vocational Rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees.

(7) Reviewing employment records to determine the availability of promotable and transferrable qualified handicapped individuals presently employed, and to determine whether their present and

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potential skills are being fully utilized or developed.

(8) Use of appropriate media for institutional and employment advertising to indicate the contractor's commitment to nondiscrimination and affirmative action under this part.

(c) *Accommodation to physical and mental limitations of employees.* A contractor must attempt to make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity (2) financial cost and expenses and (3) resulting personnel problems.

§ 741.5 [Reserved]

§ 741.6 Certification of handicap.

(a) Any handicapped individual may request, at any time, a certification of his handicap from any Vocational Rehabilitation agency or facility listed by the Employment Standards Administration. such lists shall be available through local U.S. Department of Labor, Employment Standards Administration offices. The certification shall be in the form prescribed by the Secretary, and shall represent the determination of a facility listed by the Employment Standards Administration that the individual is handicapped and has benefited in employability from a type of service provided pursuant to Title I and III of the Act or their equivalent.

(b) Handicapped individuals filing administrative complaints under this part may do so only upon certification of their handicapping disability or condition as provided in paragraph (a) of this section.

§ 741.7 [Reserved]

§ 741.8 Listing of employment openings.

The mandatory listing obligation of 41 CFR Part 50–250, which requires contractors to list their job openings with State employment services offices shall be utilized by State employment security agencies to refer qualified handicapped individuals.

§ 741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the contracting agency, or, if he has assumed jurisdiction, the Assistant Secretary.

(b) The Secretary shall use his best efforts, directly and through contractors, subcontractors, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in the implementation of, the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor under a Government contract shall include the affirmative action clause prescribed in § 741.3 in each of their nonexempt subcontracts.

§ 741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 741.3) as shall be appropriate to identify properly the parties and their undertakings.

§ 741.22 Incorporation by reference.

The affirmative action clause may be incorporated by reference in Government transportation requests, contracts for deposit of Governmental funds, contracts for issuing and paying U.S. savings bonds and notes, contracts and subcontracts less than $50,000, and such other contracts as the Assistant Secretary may designate.

§ 741.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part and to include such a clause whether or not it is physically incorporated in such contracts. The clause may also be applied by agency regulations to every nonexempt contract where there is no written contract between the agency and the contractor.

§ 741.24 [Reserved]

§ 741.25 Exemptions.

(a) *General*—(1) *Transactions not exceeding $2,500.* Contracts and subcontracts not exceeding $2,500 are exempt from the requirement of the affirmative action clause. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the affirmative action clause.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the procuring activity has reason to believe that the amount to be ordered in any year under such contract will not exceed $2,500. The applicability of the affirmative action clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order exceeds $2,000. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the affirmative action clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) *Facilities not connected with contracts.* The Assistant Secretary may exempt from the requirements of the affirmative action clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the Act.

(b) *Waivers*—(1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Assistant Secretary, may exempt any contract or subcontract from any or all of the affirmative action clause when he deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Assistant Secretary, may also exempt groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where group exemption will substantially contribute to convenience in administration of section 503 of the Act.

(2) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Assistant Secretary in writing within 30 days.

(c) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section other than contracts exempted under paragraph(b) (2) of this section, the Assistant Secretary may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Act. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 741.26 Duties of contracting agencies.

(a) *General responsibility.* Each agency shall cooperate with the Assistant Secretary in the performance of his responsibilities under the Act.

(b) *Designation of agency official.* The head of each agency, or his designee, shall identify and submit to the Assistant Secretary the name, address and telephone number of the official within the agency who is primarily responsible for implementation of this program within the Agency.

(c) *Certification requirement.* The following certification shall be included in all invitations for bids and requests for proposals for contracts to be awarded after January 1, 1976.

HANDICAPPED

The offeror certifies with respect to the Employment of the Handicapped clause as follows:

1. He [ ] has, [ ] has not previously been awarded a contract which included the clause. (*If affirmative, execute 2*).

2. The time specified for contract performance [ ] exceeded 90 days, [ ] did not exceed 90 days. (*If more than 90 days, execute 3*).

3. The amount of the contract was [ ] less than $500,000, [ ] more than $500,000, and he [ ] has, [ ] has not published his program for the employment of the handicapped. (*If more than $500,000, execute 4*).

4. He [ ] has, [ ] has not submitted the required annual report to the Assistant Secretary of Labor for Employment Standards.

5. He [ ] has, [ ] has not made a good faith effort to effectuate and carry out his affirmative action program.

6. He will not award subcontracts to persons or concerns that have not published programs and submitted annual reports as required by the clause.

(d) *Award of contracts.* Effective January 1, 1976, each agency shall follow the procedures described in this paragraph (d) before awarding any nonexempt contracts.

(1) The certification required by this section shall be executed by all offerors prior to the award of a contract.

(2) Failure to execute the certificate shall be deemed a defect in form and not in substance, and the bidder or offeror shall be permitted to satisfy the requirements prior to award (see 41 CFR 1–2.405.)

(3) Awards shall not be made where the certifications indicate that required programs have not been published or annual reports have not been submitted to the Assistant Secretary of Labor for Employment Standards, or a good faith effort has not been made to effectuate and carry out affirmative action program.

(e) *Criteria for good faith efforts.* By October 1, 1975, the Assistant Secretary shall promulgate criteria for defining good faith "effort" to effectuate and carry out an affirmative action program.

§ 741.27 Noncompliance with the Affirmative Action Clause.

Noncompliance with the prime contractor's or subconstractor's obligations under the Affirmative Action Clause is a ground for the imposition by the agency, the Assistant Secretary, prime contractor, or subcontractor of appropriate sanctions. Any such failure shall be reported in writing to the Assistant Secretary by the agency as soon as practicable after it occurs.

§ 741.28 Evaluations by Assistant Secretary.

The Assistant Secretary shall undertake such evaluations as may be necessary to assure that the purposes of Section 503, of the Rehabilitation Act of 1973 are being effectively carried out.

§ 741.29 Complaints.

(a)(1) Any handicapped employee of any contractor or handicapped applicant for employment with such contractor or subcontractor may, by himself or by an authorized representative, file in writing a complaint of alleged violation of the Employment of the Handicapped clause with the contractor or subcontractor. Where established, contractors and subcontractors shall utilize their internal review procedure, which may be governed by the terms of an applicable collective bargaining agreement generally meeting the requirements of this paragraph, to receive complaints from handicapped employees alleging the employer's failure to promote or advance them in employment or otherwise failing to comply with the Act. Procedures utilized under this paragraph shall provide for fair, expeditious and effective processing of complaints. Actions under these procedures shall be processed to completion within 60 days after the complaint is filed. At the completion of the review and appropriate action thereunder, the employer shall inform the complainant of his right to file a complaint with the Department of Labor if the decision is adverse to the employee. A statement describing the procedures under this subsection shall be disseminated to all employees in an effective manner.

(2) No employee may file an administrative complaint with the Employment Standards Administration of the Department of Labor until the internal review procedure, where available, has been accorded 60 days to resolve the matter.

(3) If a contractor does not have an internal review procedure, employees may file administrative complaints directly with the Department of Labor.

(b) Any handicapped employee of any contractor or handicapped applicant for employment with such contractor may, by himself or by an authorized representative, file in writing a complaint of alleged violation of the affirmative action clause. Such complaint is to be filed not later than 180 days from the date of the alleged violation unless the time for filing is extended by the Assistant Secretary upon good cause shown.

(c) Complaints shall be filed with the nearest office of the Employment Standards Administration of the Department of Labor. The Department of Labor may refer complaints to the contracting agency or in the case of multiple contracting agencies, the contracting agency designated by the Assistant Secretary for processing, or they may be processed in accordance with § 741.31.

(d) Complaints will be required to be signed by the complainants or their authorized representatives and to contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a brief statement describing the complainant's job skills or training, if any, job experience or other qualifications for the position, (5) a copy of the complainant's certification, and (6) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of the Federal Agency with which the employer has contracted.

(e) Where a complaint contains incomplete information, the agency or the Assistant Secretary shall promptly seek the needed information from the complainant. In the event such information is not furnished to the agency or the Assistant Secretary within 60 days of the date of such request, the case may be closed.

(f) Upon final resolution of a complaint by the agency, the complainant shall be furnished with a copy of the decision. The complainant may file an appeal with the Secretary requesting assumption of jurisdiction under the provisions of § 741.31. The Secretary shall review the complaint and all relevant material related thereto, including the decision issued by the agency head. If he determines that assumption of jurisdiction under § 741.31 is necessary or appropriate to achieve the purposes of the Act, he shall notify the complainant and agency, and take whatever action he deems appropriate in accordance with the provisions set forth therein.

§ 741.30 Processing of matters by agencies.

(a) *Investigations.* The agency shall institute a prompt investigation of each complaint referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) A summary of his statement, (3) Copies or summaries of pertinent documents, (4) A narrative summary of the evidence disclosed in the investigation as it relates

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to each charge, and (5) Recommended resolution and/or actions.

(b) *Resolution of matters.* (1) If the investigation of a complaint by an agency pursuant to paragraph (a) of this section shows no violation of the affirmative action clause, the agency shall so inform the Assistant Secretary. The Assistant Secretary shall periodically review such findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate. (2) If any complaint investigation indicates a violation of the affirmative action clause, the matter should be resolved by informal means whenever possible. (3) Complaint-initiated hearings shall be conducted in accordance with established agency procedures, except that where the Assistant Secretary has assumed jurisdiction hearings shall be conducted in accordance with the procedures set forth under the Service Contract Act in 29 CFR Part 6. (4) For reasonable cause shown, the Assistant Secretary or his designee or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request from the complainant or contractor.

(c) *Reports to the Assistant Secretary.* Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Assistant Secretary for good cause shown, the agency shall process the complaint and submit to the Assistant Secretary the case record and a summary report containing the following information: (1) Name and address of the complainant; (2) brief summary of findings including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the affirmative action clause; (3) a statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

§ 741.31 Assumption of jurisdiction by the Assistant Secretary.

(a) The Assistant Secretary my inquire into the status of any matter pending before an agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or appropriate to achieve the purposes of the Act, he shall assume jurisdiction over complaints, advise the contracting agency, and proceed as provided herein. Whenever the Assistant Secretary assumes jurisdiction over any matter, he may conduct, or have conducted, such investigation, hold such hearings, make such findings, issue such recommendations and request the contracting agencies to take such action as may be appropriate. The agency shall take such action, as may be appropriate, and report the results thereof to the Assistant Secretary within the time specified.

(b) Hearings convened by the Assistant Secretary shall be conducted in accordance with the rules and regulations promulgated by the Secretary of Labor under the Service Contract Act at 29 CFR Part 6.

§ 741.32 Actions for non-performance.

(a) *General.* In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include, where appropriate, establishing a program for future performance. Where the apparent violation is not resolved by informal means the agency shall proceed in accordance with established agency procedures.

(b) *Specific performance and/or breach.* The agency or Assistant Secretary may, as an alternative or supplement to the administrative remedies set forth herein, seek appropriate judicial relief for breach of contract or specific performance of the affirmative action clause of the contract or both.

(c) *Withholding progress payments.* So much of the accrued payment due on the contract or any other contract between the government prime contractor and the Federal government may be withheld as is authorized under applicable procument law to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be cancelled, suspended or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 741.33 Disputed matters related to the affirmative action program.

Disputes related to matters pertaining to the affirmative action program shall be handled pursuant to standard agency procedures for government contracts and subcontracts unless the Assistant Secretary has assumed jurisdiction under § 741.31, in which case the procedures set forth in that section shall apply.

§ 741.34 Notification of agencies.

The Assistant Secretary of Labor shall notify the heads of all agencies of any sanctions taken against any contrator after such sanctions have been imposed. No agency may issue a waiver under § 741.25(b)(1) to any contractor subject to sanctions without prior approval of the Assistant Secretary.

§ 741.35 Formal hearings.

(a) *Hearing opportunity.* An opportunity for a formal hearing shall be afforded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the agency or Assistant Secretary in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any complaint investigation, is not resolved by informal means and a hearing is requested pursuant to § 741.30(b)(3); or

(2) The Assistant Secretary or an agency proposes to debar the prime contractor or subcontractor and a hearing is requested pursuant to § 741.30(b)(3).

(b) *General procedure.* The Assistant Secretary or the agency head, with the approval of the Assistant Secretary may convene formal hearings pursuant to Subpart B. Such hearings shall be conducted in accordance with procedures prescribed by the contract, unless the Assistant Secretary has assumed jurisdiction under § 741.31, in which case hearings shall be conducted as prescribed in 29 CFR Part 6.

(c) *Decision following hearing.* When the hearing is convened by the Assistant Secretary under the rules set forth in 29 CFR Part 6, the Administrative Law Judge shall make recommendations to the Assistant Secretary who shall make the final decision. Parties shall be furnished with copies of the Administrative Law Judge's recommendations and shall be given an opportunity to file their exceptions to the recommended decision.

(d) *Debarment by an agency.* No decision of an agency to debar a contractor or subcontractor shall be final without the prior approval of the Assistant Secretary.

§ 741.36 Contractor ineligibility list.

The Assistant Secretary shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the Act.

Subpart C—Ancillary Matters

§ 741.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Assistant Secretary. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§ 741.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the agency or the Assistant Secretary against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, performance evaluation, hearing, or any other activity related to the administration of the Act.

§ 741.52 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto by the agency or the Assistant Secretary for the purposes of evaluations and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used in tained in this manner shall be used only in connection with the administration of the Act.

§ 741.53 Rulings and interpretations.

Rulings under or interpretations of the Act, the regulations of the Secretary of Labor, and the regulations contained in this Part 741 shall be made by the Secretary or his designee.

§ 741.54 Effective date.

The regulations contained in this part become effective on June 11, 1974. All solicitations issued after July 11, 1974, shall contain the contract clause required by this regulation, and all contracts executed after October 11, 1974, shall contain the contract clause, regardless of the period of solicitation. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary.

Signed at Washington, D.C., this 5th day of June 1974.

Bernard E. DeLury,
Assistant Secretary for Employment Standards.

[FR Doc.74-13356 Filed 6-10-74;8:45 am]

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Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

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federal register

June 12, 1974—Pages 20573–20668

WEDNESDAY, JUNE 12, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 114
Pages 20573–20668

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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National Advisory Neurological Diseases and Stroke Council; to be held at Bethesda, Maryland (open with restrictions) 6–20 to 6–22–74. 17989; 5–22–74

National Arthritis, Metabolism, and Digestive Diseases Advisory Council; to be held at Bethesda, Maryland (open with restrictions) 6–20–74; (closed) 6–21 and 6–22–74 .... 17250; 5–14–74

National Cancer Advisory Board; to be held at Bethesda, Maryland (open) 6–17–74; (open with restrictions) 6–18–74 .... 17251; 5–14–74

National Cancer Advisory Board: Subcommittee on Carcinogenesis and Prevention; to be held at Bethesda, Maryland (open with restrictions) 6–16–74.............. 17251; 5–14–74

National Heart and Lung Advisory Council; to be held at Bethesda, Maryland (open with restrictions) 6–20; (closed) 6–21 adn 6–22–74. 17252; 5–14–74

National Library of Medicine Board of Regents; to be held at Bethesda, Maryland (open) 6–19–74; (open with restrictions) 6–20–74 . 17251; 5–14–74

Virus Cancer Program Scientific Review Committee B; to be held at Bethesda, Maryland (open with restrictions) 6–19–74 .... 17990; 5–22–74

Office of Education—National Advisory Council on Indian Education; to be held at Washington, D.C. 6–17 and 6–18–74.................. 19249; 5–31–74

Secretary's Advisory Committee on the Rights and Responsibilities of Women; to be held at Washington, D.C. (open) 6–17 and 6–18–74.. 20223; 6–7–74

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Bureau of Land Management—

Oregon State Multiple Use Advisory Board; to be held at Vale District, Oregon (open with restrictions) 6–19 and 6–20–74.. 17453; 5–16–74

National Park Service—

Minute Man National Historical Park Advisory Commission; to be held at Lincoln, Massachusetts (open with restrictions) 6–21–74. 20221; 6–7–74

Pacific Northwest Regional Advisory Committee; to be held at Anchorage Alaska (open with restrictions) 6–17–74 .... 19526; 6–3–74

Southeast Regional Advisory Committee; to be held at Great Smoky Mountains National Park (open with restrictions) 6–20 and 6–21–74. 18676; 5–29–74

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Bureau of Labor Statistics—

Business Research Advisory Council's Committee on Consumer and Wholesale Prices; to be held at New York, New York (open) 6–19–74. 18724; 5–29–74

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Advisory Panel for Economics; to be held at Washington, D.C. (closed) 6–24–74..................... 20000; 6–5–74

Science Adviser and Industry Representatives; meeting to be held at Washington, D.C. (open with restrictions) 6–18–74.................. 20237; 6–7–74

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Fine Arts Committee; to be held at Washington, D.C. (open with restrictions) 6–20–74.................. 20089; 6–6–74

National Review Board for the Center for Cultural and Technical Interchange Between East and West; to be held at Honolulu, Hawaii (open with restrictions) 6–20 and 6–21–74.... 17777; 3–20–74, 18304; 5–24–74

Secretary of State's Advisory Committee on Private International Law-Study Group on Matrimonial Matters; to be held at Baton Rouge, Louisiana (open) 6–19–74.................... 19510; 6–3–74

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National Highway Traffic Safety Administration—Youths Highway Safety Advisory Committee; to be held at Washington, D.C. (open) 6–22 and 6–23–74 .... 20224; 6–7–74

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Advisory Committee on Structural Safety of Veterans Administration Facilities; to be held at Washington, D.C. (open with restrictions) 6–21–74.... 17804; 5–20–74

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 6541.................... Pub. Law 93–297
Clarendon County, S.C., mineral interests, conveyance
(June 1, 1974; 88 Stat. 187)

H.R. 6542...................... Pub. Law 93–299
Clarendon County, S.C., mineral interests, conveyance
(June 1, 1974; 88 Stat. 189)

H.R. 10284.................... Pub. Law 93–301
Marion County, Fla., phosphate deposits, conveyance
(June 1, 1974; 88 Stat. 190)

H.R. 10942.................... Pub. Law 93–300
Migratory Bird Treaty Act, amendments
(June 1, 1974; 88 Stat. 190)

H.R. 12670.................... Pub. Law 93–294
Aviation Career Incentive Act of 1974
(May 31, 1974; 88 Stat. 177)

H.R. 12920.................... Pub. Law 93–302
Peace Corps Act, amendments
(June 1, 1974; 88 Stat. 191)

S. 775............................ Pub. Law 93–296
Research on Aging Act of 1974

(May 31, 1974; 88 Stat. 184)

S. 2835.......................... Pub. Law 93–298
Lyndon B. Johnson Civilian Conservation Corps Center and Lyndon B. Johnson National Grasslands, designation
(June 1, 1974; 88 Stat. 188)

S. 3072.......................... Pub. Lew 93–295
Veterans Disability Compensation and Survivor Benefits Act of 1974
(May 31, 1974; 88 Stat. 180)

S. 3398.......................... Pub. Lew 93–293
Veterans' educational assistance, time extension
(May 31, 1974; 88 Stat. 176)

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presidential documents

Title 3—The President

MEMORANDUM OF MAY 13, 1974

[Presidential Determination No. 74–19]

Determination To Authorize the Ordering of Defense Articles from Department of Defense Stocks and Defense Services for Military Assistance to Cambodia

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 13, 1974.

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the ordering of up to $50 million in defense articles from the stocks of the Department of Defense and defense services to provide military assistance for Cambodia is in the security interests of the United States.

This Determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–13589 Filed 6–10–74;2:24 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 6]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

INCREASE IN SERVICE CHARGES; CHANGE IN WAREHOUSE RECEIPT REQUIREMENTS

Notices of proposed rulemaking with respect to the loan programs for the 1974 crops of extra long staple and upland cotton regarding the operating provisions to carry out the programs were published in the FEDERAL REGISTER on September 11, 1973, and April 2, 1974 (38 FR 24911 and 39 FR 12027), respectively. One response was received which recommended several changes in the operating provisions. After careful consideration of the recommendations it has been determined that the operating provisions will remain basically the same as those for the 1973 crop. However, the following changes have been determined necessary. Because of increased costs in processing documents, the loan service charges will be increased for the 1974 and subsequent crops of cotton. Also, any charges by warehouses for rebanding must be shown on warehouse receipts. Interest on amounts invested by financial institutions shall be at the same rate as is applicable to commodity loans under price support programs.

The Cotton Loan Program Regulations, issued by Commodity Credit Corporation, published in 36 FR 13981, as amended, are hereby further amended as follows:

1. Section 1427.12 is amended to provide for an increase in service charges payable to CCC by producers for each loan disbursed. The amended section reads as follows:

§ 1427.12 Service charges.

A producer shall pay a service charge to CCC for each loan disbursed at the rate of $1.50 per loan plus 25 cents for each bale thereon: *Provided, however,* That for a loan for which the loan documents are prepared by a loan clerk and the Forms A-1 are prepared in a manner which does not require retyping by CCC for machine processing, the fee shall be $1 plus 10 cents for each bale thereon. The service charge to be paid to CCC by the producer shall be in addition to any clerk fee paid to a loan clerk as authorized in § 1427.13. The service charge is not refundable.

* * * * *

2. Paragraph 1427.19(c) is amended to provide for payment of charges, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused. The amended paragraph (c) reads as follows.

§ 1427.19 Warehouse receipts and insurance.

* * * * *

(c) *Storage and receiving charges.* If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show the date through which the storage charges have been paid. For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouseman and CCC. If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact. If the receipt does not show that receiving charges have been paid or waived, the loan amount will be reduced by the amount of the receiving charges specified in the storage agreement: *Provided, however,* That if receiving charges due on the bale include a charge, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused, the warehouse receipt must show such receiving charges and state "Rec. charges due include charge for new set of ties," or similar notation, and the loan amount will be reduced by the amount of the receiving charges shown on the warehouse receipt (this will be the amount payable by CCC if it pays for receiving, notwithstanding the provisions of the storage agreement). In any case where the loan amount is reduced by unpaid storage or receiving charges, the charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status. If the bale is stored at a warehouse which does not have compress facilities or arrangements, and if the bale ties are not suitable for reuse when the bale is compressed, the warehouse receipt must show this fact, and the loan amount will be reduced by the charge which will be assessed by the nearest compress in line of transit for furnishing new bale ties.

* * * * *

3. Paragraph 1427.20 (h) is amended to provide that interest on amounts invested by financial institutions shall be at the same rate as is applicable to commodity loans under price support programs. This change is necessary to more nearly reflect the cost of money to CCC. The amended paragraph (h) reads as follows:

§ 1427.20 Special procedure where note amount advanced.

* * * * *

(h) *Rate of interest.* Interest will be at the same rate as is applicable to commodity loans under price support programs, as announced in a separate notice published in the FEDERAL REGISTER.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.)

Effective date. This amendment shall become effective for all loans made on 1974 and subsequent crops of cotton.

Signed at Washington, D.C. on June 5, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-13534 Filed 6-11-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF AINMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines a portion of Comal County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and Psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, in paragraph (a) (1) relating to the State of Texas, a new subdivision (i) relating to Comal County is added to read:

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§ 82.30 [Amended]

(a) * * *

(1) *Texas.* (i) That portion of *Comal County* bounded by a line beginning at the junction of State Highway 46 and Blanco Road; thence, following the eastern edge of Blanco Road in a southerly direction to Amman Road; thence, following the northern edge of Amman Road in an easterly direction to Bulverde Road; thence, following the western edge of Bulverde Road in a northerly direction to State Highway 46; thence, following the southern edge of State Highway 46 in a westerly direction to its junction with Blanco Road.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective June 6, 1974.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13532 Filed 6-11-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER V—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-481]

PART 563—OPERATIONS

Nationwide Lending

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 563.9 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9) for the purpose of authorizing loans secured by first liens on improved real estate in the Trust Territory of the Pacific Islands. Accordingly, the Board hereby amends § 563.9 to read as set forth below, effective June 12, 1974.

The present § 563.9 would permit the making of insured loans secured by first liens on improved real estate in the Trust Territory of the Pacific Islands as there is no area restriction in paragraphs (c) and (d) of the regulation. In addition, under § 563.9, guaranteed loans as defined in § 561.21, which are secured by real estate, may be made in this region. However, the remaining paragraphs in both §§ 563.9 and 563.9-1 refer to loans or investments in loans made on real estate located within a "State". The definition of "State" in paragraph (g) includes possessions of the United States, but not Trust Territories. Thus, loans authorized would not include loans secured by first liens on improved real estate in the Trust Territory of the Pacific Islands.

In order to correct this situation, § 563.9 is amended by revising paragraph (g) (4) to include within the term "State" the Trust Territory of the Pacific Islands.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 4 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Section 563.9 is amended by revising the section heading and by amending paragraph (g) as follows:

§ 563.9 Nationwide lending.

* * * * *

(g) *Definitions.* As used in this section—

* * * * *

(4) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the possessions of the United States.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Secretary.

[FR Doc.74-13517 Filed 6-11-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

On May 28, 1974, FEDERAL REGISTER Document No. 74-12139 was published in the FEDERAL REGISTER (39 FR 18425), amending Part 71 of the Federal Aviation Regulations by altering the Myrtle Beach AFB, S.C., control zone.

In the amendment, "Conway TACAN 335° radial" was erroneously cited in lieu of "Conway TACAN 355° radial." It is necessary to amend the FEDERAL REGISTER Document to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FEDERAL REGISTER Document No. 74-12139 is amended as follows:

In lines one and four of the amended Myrtle Beach AFB, S.C., control zone description "* * * 335° * * *" is deleted and "* * * 355° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on June 4, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-13378 Filed 6-11-74;8:45 am]

[Airspace Docket No. 74-AL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Colored Airways, Controlled Airspace, Reporting Points and Jet Route

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, reporting points, and a jet route as a result of the conversion and renaming of the following navigational aids:

1. Annette Island, Alaska, RR to Nichols, Alaska, RBN.
2. Fairbanks, Alaska, RR to Chena, Alaska, RBN.
3. McGrath, Alaska, RR to Takotna River, Alaska, RBN.
4. Northway, Alaska, RR to Nebesna, Alaska, RBN.
5. Unalakleet, Alaska, RR to North River, Alaska, RBN.
6. Yakutat, Alaska, RR to Ocean Cape, Alaska, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons in the State of Alaska was circulated January 14, 1972, with a request for comment. No objections were received.

Since these actions simply redescribe airways, controlled airspace, reporting points and a jet route with no substantive alteration to any route structure or airspace dimension, it is a minor matter in which the public is not particularly interested. Therefore, notice and public procedure thereon are unnecessary, and it could be made effective immediately. However, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, these amendments will be made effective September 12, 1974.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation regulations are amended, effective 0901 GMT, September 12, 1974, as hereinafter set forth.

1. § 71.103 (39 FR 305, 1272) is amended as follows:

In G-7 "INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; Fairbanks RR." is deleted and "INT Galena RBN 089° and Chena, Alaska, RBN 269° bearings; Chena RBN." is substituted therefor.

2. § 71.105 (39 FR 305, 1272, 3670, 10115, 15259, 38 FR 34728) is amended as follows:

a. A-1 is amended to read as follows:

From Sandspit, British Columbia, Canada, RBN via Sitka, Alaska, RBN; 31 miles 12 AGL, 50 miles 48 MSL, 112 miles 20 MSL, Ocean Cape, Alaska, RBN; INT Ocean Cape RBN 283° and Hinchinbrook, Alaska, RBN 106° bearings; Hinchinbrook RBN; INT Hinchinbrook RBN 286° and Campbell Lake, Alaska, RBN 122° bearings; Campbell Lake RBN; Squentna, Alaska, RBN; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RBN; Takotna River, Alaska, RBN; 24 miles 12 AGL, 53 miles 55 MSL, 46 miles 40 MSL, Nabesna, Alaska, RBN; 52 miles 12 AGL, 51 miles 25 MSL, to Fort Davis, Alaska, RBN. The airspace within Canada is excluded.

b. In A-2 "Northway, Alaska, RR;" is deleted and "Nabesna, Alaska, RBN;" is substituted therefor, also "Fairbanks, Alaska, RR;" is deleted and "Chena, Alaska, RBN;" is substituted therefor.

c. In A-15 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor; "Northway, Alaska, RR;" is deleted and "Nabesna, Alaska, RBN;" is substituted therefor; "Fairbanks, Alaska, RR;" is deleted and "Chena, Alaska, RBN;" is substituted therefor.

3. § 71.107 (39 FR 306) is amended as follows:

a. In R-27 "Fairbanks, Alaska, RR." is deleted and "Chena, Alaska, RBN." is substituted therefor.

b. In R-39 "McGrath, Alaska, RR;" is deleted and "Takotna River, Alaska, RBN;" is substituted therefor; "Fairbanks, Alaska, RR." is deleted and "Chena, Alaska, RBN." is substituted therefor.

c. In R-50 "Fairbanks, Alaska, RR." is deleted and "Chena, Alaska, RBN." is substituted therefor.

4. § 71.109 (39 FR 306, 10115, 15259, 38 FR 34728) is amended as follows:

a. In B-12 "From McGrath, Alaska, RR," is deleted and "From Takotna River, Alaska, RBN" is substituted therefor.

b. IN B-26 "INT Summit RBN 007° bearing and southwest course Fairbanks, Alaska, RR; Fairbanks RR;" is deleted and "INT Summit RBN 007° and Chena, Alaska, RBN 218° bearings; Chena RBN;" is substituted therefor.

c. In B-38 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor.

d. In B-79 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor; "Yakutat, Alaska, RR, Southeast course." is deleted and "Ocean Cape, Alaska, RBN 213° bearing." is substituted therefor.

5. § 71.171 (39 FR 354, 19449) is amended as follows:

a. In Fairbanks, Alaska (Fairbanks International-Fort Wainwright AAF), "Fairbanks RR E course, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RR." is deleted and "Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RBN." is substituted therefor.

b. In Northway, Alaska "Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR." is deleted and "Nabesna, Alaska, RBN 307° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN." is substituted therefore.

c. In Unalakleet, Alaska "Unalakleet RR, west course, extending from the 5-mile radius zone to 8.5 miles west of the RR." is deleted and "North River, Alaska, RBN 290° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN." is substituted therefor.

d. In Yakutat, Alaska "Yakutat RR," is deleted wherever it appears and "Ocean Cape, Alaska, RBN," is substituted therefor.

6. § 71.181 (39 FR 440, 3670) is amended as follows:

a. In Annette Island, Alaska "Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR;" is deleted and "Nichols, Alaska, RBN, 331° bearing, extending from the RBN to 28 miles NW of the RBN;" is substituted therefor.

b. In Darby, Alaska "Unalakeet, Alaska, RR, extending from 32 miles to 52 miles W of the RR." is deleted and "North River, Alaska, RBN, extending from 32 miles to 52 miles W of the RBN." is substituted therefor.

c. In Northway, Alaska, the text is amended to read as follows: That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Nabesna, Alaska, RBN, extending from 8 miles SE to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Nabesna RBN, extending from 22 miles SE to 42 miles NW of the RBN.

d. In Unalakleet, Alaska "the Unalakleet RR west course extending from the RR to 24.5 miles west of the RR;" is deleted and "the North River, Alaska, RBN 290° bearing, extending from the RBN to 24.5 miles west of the RBN;" is substituted therefor.

e. In Yakataga, Alaska "the west course of the Yakutat, Alaska, RR." is deleted and "the 283° bearing from the Ocean Cape, Alaska, RBN." is substituted therefor.

f. In Yakutat, Alaska "the Yakutat RR," is deleted and "the Ocean Cape, Alaska, RBN," is substituted therefor.

7. § 71.211 (39 FR 632, 10115, 15259) is amended as follows:

a. "Annette Island, Alaska, RR" is deleted and "Nichols, Alaska, RBN" is added.

b. "Fairbanks, Alaska, RR" is deleted and "Chena, Alaska, RBN" is added.

c. In Halibut INT: "southwest course Annette Island, Alaska," is deleted and "236° bearing Nichols, Alaska, RBN." is substituted therefor.

d. In Harbor Point INT: "southeast course Yakutat, Alaska, RR." is deleted and "140° bearing Ocean Cape, Alaska, RBN." is substituted therefor.

e. "McGrath, Alaska, RR" is deleted and "Takotna River, Alaska, RBN." is added.

f. In Muzon LF INT: "southwest course Annette Island, Alaska, RR." is deleted and "236° bearing Nichols, Alaska, RBN." is substituted therefor.

g. "Northway, Alaska, RR" is deleted and "Nabesna, Alaska, RBN" is added.

h. In Porpoise, INT: "southwest course Yakutat, Alaska RR." is deleted and "213° bearing Ocean Cape, Alaska, RBN." is substituted therefor.

i. "Unalakleet, Alaska, RR." is deleted and "North River, Alaska, RBN." is added.

j. "Yakutat, Alaska, RR." is deleted and "Ocean Cape, Alaska, RBN." is added.

8. § 71.213 (39 FR 634) is amended as follows:

"Yakutat, Alaska, RR." is deleted and "Ocean Cape, Alaska, RBN." is added.

9. § 75.100 (39 FR 699) is amended as follows:

In Jet Route No. 525 "Annette Island, Alaska, RR," is deleted and "Nichols, Alaska, RBN," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on June 6, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-13377 Filed 6-11-74;8:45 am]

[Reg. Docket No. 13825; Amdt. 95-247]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

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In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation regulations is amended, effective July 18, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From; to; and MEA

Mordvinoff INT, Alaska; *Fort Randall, Alaska, LF/RBN; 6,000. *5,300—MCA Fort Randall LF/RBN, southwest bound (8,000 MEA required without FH airborne communication equipment).
Fort Randall, Alaska, LF/RBN; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska, Crab INT, Alaska; 3,000.
Crab INT, Alaska; Naknek River, Alaska, LF/RBN; 3,000.
Naknek River, Alaska, LF/RBN; Big Mountain, Alaska, LF/RBN; 4,500.
Big Mountain, Alaska, LF/RBN; Kakhonak, INT, Alaska; 5,000.
Kakhonak INT, Alaska; Kachemak, Alaska, LF/RBN; 6,000.
Kachemak, Alaska, LF/RBN; Wildwood, Alaska, LF/RBN; 4,000.
Wildwood, Alaska, LF/RBN; Delta Island INT, Alaska; 1,900.
Delta Island INT, Alaska; *Campbell Lake, Alaska, LF/RBN; 2,000. *3,800—MCA Campbell Lake LF/RBN, northbound.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Wide Bay INT, Alaska; Woody Island, Alaska, LF/RBN; *7,000. *5,900—MOCA.

Section 95.101 *Amber Federal airway 1* is amended to read in part:

Sandspit, British Columbia, LF/RBN; Muzon INT, Alaska; *#5,000. *4,600—MOCA. #For that airspace over U.S. territory.

Section 95.102 *Amber Federal airway 2* is amended to read in part:

Northway, Alaska, LFR; Delta Junction, Alaska, LF/RBN; 8,000.
Delta Junction, Alaska, LF/RBN; Fairbanks, Alaska, LFR; 5,000.

Section 95.115 *Amber Federal airway 15* is amended to read in part:

Northway, Alaska, LFR; Delta Junction, Alaska, LF/RBN; 8,000.
Delta Junction, Alaska, LF/RBN; Fairbanks, Alaska, LFR; 5,000.

Section 95.240 *Red Federal airway 40* is amended by adding:

Woody Island, Alaska, LF/RBN; Kachemak, Alaska, LF/RBN; 6,000.
Kachemak, Alaska, LF/RBN; Shilak INT, Alaska; 5,000.

Section 95.240 *Red Federal airway 40* is amended to delete:

Kodiak, Alaska, LFR; Homer, Alaska, LFR; 6,000.
Homer, Alaska, LFR; Skilak INT, Alaska; 5,000.

Section 95.303 *Red Federal airway 103* is amended to read in part:

Cleare INT, Alaska; Wessels, Alaska, LF/RBN: 2,000.

Section 95.303 *Red Federal airway 103* is amended to delete:

*5,800—MCA Skilak INT, southeastbound.

Section 95.303 *Red Federal airway 103* is amended by adding:

Wildwood, Alaska, LF/RBN; *Shelak INT, Alaska; 2,000. *5,800—MCA Shelak INT, southeastbound.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

Glenallen, Alaska, LF/RBN; *Delta Junction, Alaska, LF/RBN; 12,000. *9,200—MCA Delta Junction LF/RBN, southbound.

Section 95.627 *Blue Federal airway 27* is amended to delete:

Kodiak, Alaska, LFR; King Salmon, Alaska, LFR; *10,000. *9,700—MOCA.
King Salmon, Alaska, LFR; Oscarville, Alaska, LF-RBN; 7,500.

Section 95.627 *Blue Federal airway 27* is amended by adding:

Woody Island, Alaska, LF/RBN; Naknek River, Alaska LF/RBN; *10,000. *9,700—MOCA.
Naknek River, Alaska, LF/RBN; Oscarville, Alaska, LF/RBN; 7,500.

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

*Huntsville, Alaska, VOR; Rome, Ga., VOR; **4,000. *2,800—MCA Huntsville VOR, southeastbound. **3,500—MOCA.
Esler, La., VOR; Monroe, La., VOR; 3,000.
Grand Isle, Fla., RBN; *Neptune INT, Fla. (via control 1226); **2,500. *5,000—MRA. **1,300—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Biltimore, N.C., RBN; Hickory, N.C., VOR; *8,000. *7,700—MOCA.
Collett INT, N.C.; Hickory, N.C., VOR; 4,000.
Int. 188 M rad Holston Mountain, Tenn., VOR and 121 M brq from Boone, Tenn., RBN; Hickory, N.C., VOR; 8,000.
Crab LF INT, Fla.; Egmont Key, Fla., RBN (via control 1226); *2,000. *1,200—MOCA.
Middleton Island, Alaska, LF/RBN; Porpoise INT, Alaska (via control 1310); *3,000. *2,000—MOCA (VHF/UHF communications available 10,000 ft. and above, HF only below 10,000 ft.).
*Neptune LF INT, Fla.; Crab LF INT, Fla.; **2,000. *5,000—MRA. **1,300—MOCA.

Section 95.1001 *Direct Routes*—U.S. is amended by adding:

Biltimore, N.C., LF/RBN; Barretts Mountain, N.C., VOR; 8,000.
*Collett INT, N.C., Barretts Mountain, N.C., VOR; 5,000. *7,000—MCA Collett INT, northwestbound.
Int. 188 M rad Holston Mountain VOR and 121 M brq from Boone LF/RBN; Barretts Mountain, N.C., VOR; 8,000.
*Neptune INT, Fla.; Cobia INT, Fla. (via control 1226); **2,500. *5,000—MRA. **1,300—MOCA.
Cobia INT, Fla.; Edmont Key, Fla. RBN (via control 1226); *2,500. *1,200—MOCA.
Wessels, Alaska, LF/RBN; Porpoise INT, Alaska (vit control 1310); *3,000. *2,000—MOCA. (VHF/UHF communication available 10,000 ft and above, HF only below 10,000 ft.)

Section 95.5000 *High altitude RNAV routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J812R is amended to read in part:

Alma, Ga., W/P, Sinca, Ga., W/P; 107; 53, Alma; 332°/152° to COP, 332°/152° to Sinca; 18,000; 45,000.
Sinca, Ga., W/P, Cante, Ga., W/P; 86; 43, Sinca; 331°/151° to COP, 328°/148° to Cante; 18,000; 45,000.
Cante, Ga., W/P, Shuto, Ky., W/P; 181; 91, Cante; 344°/164° to COP, 347°/167° to Shuto; 18,000; 45,000.

J869R is added to read:

Sinca, Ga., W/P, Augusta, Ga., W/P; 76; 38, Sinca; 070°/250° to COP, 072°/252° to Augusta; 18,000; 45,000.
Augusta, Ga., W/P, Zolly, S.C., W/P 40; 071°/251° to Zolly; 18,000; 45,000.

J873R is deleted:

Section 95.5500 *High altitude RNAV routes.*

J902R is amended to delete:

Shero, Oreg., W/P, Hyatt, Oreg., W/P; 175.9; 85.2, Shero, 43°56′59″ N., 122°39′57″ W.; 150°/330° to COP, 152°/332° to Hyatt; 18,000; 45,000.

J902R is amended by adding:

Newberg, Oreg., W/P, Hyatt, Oreg., W/P; 176; 85, Newberg; 150°/330° to COP, 152°/332° to Hyatt; 18,000; 45,000.

J911R is amended to delete:

Shero, Oreg., W/P, Dayah, Oreg., W/P; 157.4; 78.7, Shero, 44°59′21″ N., 121°12′09″ W.; 085°/265° to COP, 088°/268° to Dayah; 18,000; 45,000.

J911R is amended by adding:

Newberg, Oreg., W/P, Dayah, Oreg., W/P; 157; 79, Newberg; 085°/265° to COP, 088°/268° to Dayah; 18,000; 45,000.

J913R is amended to delete:

Shero, Oreg., W/P, Paula, Oreg., W/P; 144.0; 77, Shero; 094°/274° to COP, 097°/277° to Paula; 18,000; 45,000.

J913R is amended by adding:

Newberg, Oreg., W/P, Paula, Oreg., W/P; 144; 72, Newberg; 094°/274° to COP, 097°/277° to Paula; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From; to; and MEA

Columbus DME Fix; Billings, Mont., VOR; 6,000.
Helena, Mont., VOR via N alter.; *Watson INT, Mont., via N alter.; 9,400. *10,700—MCA Watson INT, eastbound.
Watson INT, Mont., via N alter.; Baxter INT, Mont., via N alter.; *13,000. *10,900—MOCA.
Miles City, Mont., VOR; Dickinson, N. Dak., VOR; *6,000. *5,400—MOCA.
Mullan Pass, Mont., VOR; Alton DME Fix, Mont.; *9,600. *9,300—MOCA.
Alton DME Fix, Mont.; Missoula, Mont., VOR; 9,000.

Section. 95.6006 *VOR Federal airway 6* is amended to read in part:

Niles INT, Ill.; South Bend, Ind., VOR; 2,600.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Plano INT, Ill.; Valley INT, Ill.; *4,000. *2,000—MOCA.
Valley INT, Ill.; Chicago O'Hare, Ill., VOR; 2,500.
Niles INT, Ill.; South Bend, Ind., VOR; 2,600.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Fox INT, Tex., via W alter; Noria INT, Tex., via W alter; *2,000. *1,300—MOCA.
Noria INT, Tex., via W alter.; Jetty INT, Tex., via W alter.; *4,000. *1,300—MOCA.
Jetty INT, Tex., via W alter.; Corpus Christi, Tex., VOR via W alter.; *1,600. *1,500—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Morton INT, Wyo.; Deer Creek INT, Wyo.; 11,500.
Douglas, Wyo., VOR via E alter.; Casper, Wyo., VOR via E alter.; 7,900.

*Trail DME Fix; Billings, Mont., VOR; 6,000. *6,100—MCA Trail DME Fix, southeastbound.
*Woody DME Fix, Mont., via E alter.; Billings, Mont., VOR via E alter.; 6,000. *6,200—MCA Woody DME Fix, southeastbound.
Forest Grove INT, Mont.; Lewistown, Mont., VOR; 7,700.
Lewistown, Mont., VOR via W alter.; Int. 103 M rad Great Falls VOR and 256 M rad Lewistown VOR via W alter.; *11,000. *10,300—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to delete:

Columbia, S.C., VOR via W alter.; Lexington INT, S.C., via W alter.; *2,200. *1,900—MOCA.
Lexington INT, S.C., via W alter.; Fort Mill, S.C., VOR via W alter.; *3,500. *2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Jackson INT, Ind.; Lafayette, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Bemidji, Minn., VOR; Acock DME Fix, Minn.; 3,400.
Acock DME Fix, Minn.; Brainerd, Minn., VOR; 3,000.

Section 95. 6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; *Trail DME Fix, Mont.; 6,000. *6,100—MCA Trail DME Fix, southeastbound.

Section 95.6086 *VOR Federal airway 97* is amended to read in part:

*Lobster INT, Fla.; Addax INT, Fla.; **2,500. *3,000—MRA. **1,200—MOCA.
Addax INT, Fla.; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Montgomery, Ala., VOR via N alter.; Seman INT, Ala., via N alter.; 2,300.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lewistown, Mont., VOR; Forest Grove INT, Mont.; 7,700.
Simms INT, Mont.; Great Falls, Mont., VOR; eastbound, 6,700. westbound, 9,500.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

*Westpoint INT, Ind.; Jackson INT, Ind.; **4,000, *4,000—MRA. **2,100—BOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Stanley INT, N.C.; Barretts Mountain, N.C., VOR; *3,500. *3,000—MOCA.
Barretts Mountain, N.C., VOR; Mulberry INT, N.C.; 5,000.

Section 95.6134 *VOR Federal airway 134* is amended to read in part:

*Basalt INT, Colo.; **Holy Cross INT, Colo.; eastbound, ***16,000; westbound, ***15,-***. *14,500—MCA Basalt INT, eastbound. **17,000—MCA Holy Cross INT, eastbound. **15,500—MRA. ***14,000—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Orlando, Fla., VOR via S alter.; Oak Hill INT, Fla., via S alter.; 2,200.
Oak Hill INT, Fla., via S alter.; Smyrna INT, Fla., via S alter.; *2,000. *1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Palm Beach, Fla., VOR; Pluto INT, Fla.; 2,000.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Harrisburg, Pa., VOR; Hershey INT, Pa.; 3,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Raymondville INT, Tex., via W alter.; Jetty INT, Tex., via W alter.; *4,000. *1,300—MOCA.
Jetty INT, Tex., via W alter.; Corpus Christi, Tex., VOR via W alter.; *1,600. *1,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Malta INT, Ill.; Chicago O'Hare, Ill., VOR; 3,000.
Chicago O'Hare, Ill., VOR; Neptune INT, Ill.; *4,000. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Vichy, Mo., VOR; Hallsville, Mo., VOR; *2,900. *2,400—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Owen INT, N.C.; Marshall INT, N.C.; 7,000.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Boysen Reservoir, Wyo., VOR; *Pryor DME Fix, Mont.; 11,000. *9,300—MCA Pryor DME Fix, southeast-bound.
Pryor DME Fix Mont.; *Billings, Mont., VOR; 7,000. *6,500—MCA Billings VOR, southeast-bound.
Edgar DME Fix, Mont., via W alter.; Billings, Mont., VOR via W alter.; 7,000.
Dearborn INT, Mont.; Pomac INT, Mont.; *13,000. *11,400—MOCA.
Pomac INT, Mont.; Bonner DME Fix, Mont.; *10,000. *9,600—MOCA.
Missoula, Mont., VOR; Rival INT, Mont.; 10,000.
Rival INT, Mont.; Orofino INT, Idaho; *13,000. *9,400—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Chicago O'Hare, Ill., VOR; Taylor INT, Wis.; *4,000. *2,000—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Valdese INT, N.C.; Barretts Mountain, N.C., VOR; *5,000. *4,000—MOCA.
Barretts Mountain, N.C., VOR; Henry INT, Va.; 5,000.

Section 95.6266 *VOR Federal airway 266* is amended to delete:

Hickory, N.C., VOR; Pine Hall INT, N.C.; *3,500. *3,000—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended by adding:

Barretts Mountain, N.C., VOR; Pine Hall INT, N.C.; *3,500. *3,000—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Palm Beach, Fla., VOR via E alter.; Pluto INT, Fla., via E alter.; 2,000.
Pluto INT, Fla., via E alter.; St. Lucie INT, Fla., via E alter.; *2,000. *1,300-MOCA.
St. Lucie INT, Fla., via E alter.; Bailey INT, Fla., via E alter.; *6,000. *1,300—MOCA.

Section 95.6301 *VOR Federal airway 301* is amended to read in part:

Point Reyes, Calif., VOR; Santa Rosa, Calif., VOR; 3,500.

Section 95.6307 *VOR Federal airway 307* is amended to delete:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 7,000.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,800—MOCA.

Section 95.6343 *VOR Federal airway 343* is amended to read in part:

*Bozeman, Mont., VOR; **Three Forks INT, Mont.; 8,000. *10,500—MCA Bozeman VOR southbound. **8,600—MCA Three Forks INT, westbound.
Three Forks INT, Mont.; *Boulder INT, Mont.; westbound, 9,000; eastbound, 8,000. *10,200—MCA Boulder INT, westbound.

Section. 95.6347 *VOR Federal airway 347* is amended to read in part:

Fairbanks, Alaska, VOR; *Dome INT, Alaska; **5,000. *7,000—MRA. **4,400—MOCA.
Dome INT, Alaska; Tatalina INT, Alaska; *7,000. *5,200—MOCA.
Tatalina INT, Alaska; Chandalar Lake, Alaska, LF/RBN; *#11,000. *8,000—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6428 *VOR Federal airway 428* is amended by adding:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; *7,000. *6,000—MOCA.
Sisters Island, Alaska, VOR; Haines, Alaska, LF/RBN; *10,000. *8,600—MOCA.
Haines, Alaska, LF/RBN; Whitehorse, Yukon Territory, Canada, *#10,000. *9,600—MOCA. #For that airspace over U.S. territory.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Middleton Island, Alaska, VOR; Hope INT, Alaska; *10,000. *8,500—MOCA.

Section 95.7045 *Jet route No. 45* is amended by adding:

From; To; MEA; and MAA

Biscayne Bay, Fla., VORTAC; Vero Beach, Fla., VORTAC; 18,000; 45,000.
Vero Beach, Fla., VORTAC; Ormond Beach, Fla., VORTAC; 18,000; 45,000.
Ormond Beach, Fla., VORTAC; Jacksonville, Fla., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet route No. 77* is amended to read:

Wilmington, N.C., VORTAC; Gordonsville, Va., VORTAC; 18,000; 45,000.
Gordonsville, Va., VORTAC; Westminster, Md., VORTAC; 18,000; 45,000.
Westminster, Md., VORTAC; Huguenot, N.Y., VORTAC; 18,000; 45,000.
Huguenot, N.Y., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

Section 95.7121 *Jet route No. 121* is amended by adding:

Charleston, S.C., VORTAC; Norfolk, Va., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Jacksonville, Fla., VORTAC; Charleston, S.C., VORTAC; 18,000; 45,000.

Section 95.7160 *Jet route No. 160* is amended by adding:

Fort Yukon, Alaska, VORTAC; Komakuk, Yukon Territory, Canada; #18,000; 45,000. #For that airspace over U.S. territory.

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Section 95.7165 *Jet route No. 165* is added to read:

Charleston, S.C., VORTAC; Richmond, Va., VORTAC; 18,000; 45,000.

Section 95.7515 *Jet route No. 515* is is amended by adding:

Bettles, Alaska, VORTAC; Barrow, Alaska, VORTAC; ♯18,000; 45,000. ♯MEA is established with a gap in navigation signal coverage.

Section 95.7515 *Jet route No. 515* is amended to delete:

Bettles, Alaska, VOR; Chip River LF INT, Alaska; 18,000; 45,000.
Chip River LF INT, Alaska; Browerville, Alaska, LF/RBN; 18,000; 45,000.

2. By amending Sub-part D as follows: Section 95.8003 *VOR Federal airway changeover points.*

From; to; changeover point distance from

V–440 is amended by adding:

Middleton Island, Alaska, VOR; Anchorage, Alaska, VOR; 63, Anchorage.

V–100 is amended to delete:

Northbrook, Ill., VOR; Keeler, Mich., VOR; 47, Northbrook.

V–172 is amended to read in part:

Polo, Ill., VOR; Chicago O'Hare, Ill., VOR; 30, Chicago O'Hare.

V–428 is amended by adding:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 50, Biorka Island.
Sisters Island, Alaska, VOR; Haines, Alaska; LF/RBN; 25, Sisters Island.
Haines, Alaska, LF/RBN; Whitehorse, Yukoh Territory, Canada, VORTAC; 19, Haines.

V–307 is amended to delete:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 50, Biorka Island.

V–160 is amended by adding:

Fort Yukon, Alaska, VORTAC; Komakuk, Yukon Territory, Canada; 130, Fort Yukon.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).)

Issued in Washington, D.C., on June 5, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74–13286 Filed 6–11–74;8:45 am]

[Docket No. 13588; Amdt. No. 121–109]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Appendix A—First-Aid Kits

The purpose of this amendment to Appendix A of Part 121 of the Federal Aviation regulations is to extend the effective date of Amendment 121–107, which will amend the requirements for first-aid kits specified in Appendix A to Part 121.

Amendment 121–107 (published in 38 FR 35233) was prescribed with an effective date of June 24, 1974. However, the FAA has determined that Appendix A, as amended, will not permit non-inflatable splints to be stowed nearby a first-aid kit where size precludes stowage within the first-aid kit, nor do all of the Appendix A quantity and content requirements comply with certain federal specifications. Moreover, petitions received from certain Part 121 certificate holders indicate that the June 24, 1974, effective date for compliance is impractical because it does not permit sufficient lead time to accomplish the engineering, planning, scheduling, and installation of the new and additional first-aid kits for each aircraft type and configuration.

Since the FAA intends to issue a notice of proposed rulemaking and propose appropriate changes to the requirements for first-aid kits adopted in Amendment 121–107, the FAA considers it appropriate to extend until January 1, 1975, the effective date for compliance with the installation of first-aid kits requirements adopted in Amendment 121–107.

Since this amendment extends the effective date for compliance with Amendment 121–107, grants relief, and does not impose any additional burden on any person, I find that public notice and procedure hereon unnecessary, and that good cause exist for making this amendment effective on less than 30 days notice.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation regulations is amended, effective June 12, 1974, by deleting the June 24, 1974, effective date prescribed in Amendment 121–107 (published in the FEDERAL REGISTER December 26, 1973; 38 FR 35233), and by substituting in lieu thereof January 1, 1975, as the effective date of that amendment.

Issued in Washington, D.C., on June 3, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–13374 Filed 6–11–74;8:45 am]

[Docket No. 13545; Amdt. No. 152–2]

PART 152—AIRPORT AID PROGRAM

Revised Requirements for Administration

Correction

In FR Doc. 74–12435 appearing at page 19348 in the issue for Friday, May 31, 1974, the penultimate sentence of § 152.69(c) on page 19351 should read as follows:

"In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost."

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Revision of Regulations

In accordance with the provisions of section 402, 79 Stat. 244; 42 U.S.C. 1962d–1, Part 701—Council Organization is hereby revised as follows, effective June 12, 1974.

Subpart A—Introduction

Sec.
701.1 General.
701.2 Creation and basic authority.
701.3 Purpose of the Water Resources Council.
701.4 Functions.
701.5 Organization pattern.
701.6 Location of office.
701.7–701.50 [Reserved]

Subpart B—Headquarters Organization

701.51 The Council.
701.52 Definitions.
701.53 Council decisions by Members.
701.54 Council decisions by Representatives.
701.55 Associate Members.
701.56 Observers.
701.57 Official decisions of the Council.
701.58 Subordinate groups at headquarters.
701.59 Advisory committees.
701.60–701.70 [Reserved]
701.71 The Chairman.
701.72–701.75 [Reserved]
701.76 The Water Resources Council Staff.
701.77 Director—duties and responsibilities.
701.78 Director—delegation of authorities.
701.79 Selection policy for professional personnel.
701.80–701.99 [Reserved]

Subpart C—Field Organization

701.100 Field directors.
701.101 Field committees.
701.102 Existing committees.

AUTHORITY: Sec. 402, 79 Stat. 244; (42 U.S.C. 1962d–1).

Subpart A—Introduction

§ 701.1 General.

This part describes the organization established by the Water Resources Council in discharging its duties and responsibilities. The organization is designed to assure that Council Members will meet at least quarterly and consider and decide major matters before the Council. It provides that Representatives of Council Members together with the Director can take action when necessary and appropriate and, after consideration, submit recommendations to the Council Members on matters requiring their action. It also provides that the Council Members shall be continuously advised of the actions of their representatives and the Council staff. Council Members expect to participate personally in the work of the Council.

§ 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act (42 U.S.C. 1962–1962d–5). The rules and regulations of this part are promulgated under section 402 of the Act (42 U.S.C. 1962d–1).

§ 701.3 Purpose of the Water Resources Council.

It is the purpose of the Water Resources Council to effectuate the policy of the United States in the Water Resources Planning Act (hereinafter the Act) to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise

with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned, within the limitations set forth in section 3 of the Act (42 U.S.C. 1962–1).

§ 701.4 Functions.

The functions of the Water Resources Council are:

(a) To maintain a continuing study and prepare periodically an assessment of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and of the national interest therein.

(b) To maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation.

(c) To appraise the adequacy of administrative and statutory means for coordination and implementation of the water and related land resources policies and programs of the several Federal agencies and to make recommendations to the President with respect to Federal policies and programs.

(d) To establish, after consultation with appropriate interested Federal and non-Federal entities, and with the approval of the President, principles, standards, and procedures for Federal participation in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects, including primary direct navigation benefits as defined by section 7a, P.L. 89–670.

(e) To coordinate schedules, budgets, and programs of Federal agencies in comprehensive interagency regional or river basin planning.

(f) To carry out its responsibilities under title II of the Act with regard to the creation, operation, and termination of Federal-State river basin commissions.

(g) To receive plans or revisions thereof submitted by river basin commissions in accordance with section 204(3) of the Act (42 U.S.C. 1962b(3)), and to review and transmit them, together with its recommendations, to the President in accordance with section 104 of the Act (42 U.S.C. 1962a–3).

(h) To assist the States financially in developing and participating in the development of comprehensive water and related land resources plans in accordance with title III of the Act.

(i) To perform such other functions as the Council may be authorized by law, executive orders, regulations, or other appropriate instructions to perform.

(j) To take such actions as are necessary and proper to implement the Act and to carry out the functions enumerated herein.

§ 701.5 Organization pattern.

(a) The Office of the Water Resources Council is composed of the Water Resources Council, the Chairman of the Water Resources Council, the Water Resources Council Staff headed by a Director, and Field Organizations within its jurisdiction.

(b) The Water Resources Council consists of the following members: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation (pursuant to section 7a, P.L. 89–670), the Chairman of the Federal Power Commission, and the heads of such other agencies as may be added by statute.

(c) The Chairman of the Council is designated by the President.

(d) The Water Resources Council staff is employed, assigned duties and responsibilities, and supervised by the Director.

(e) Administrative consultative and technical committees are established and assigned duties and responsibilities by the Council and are supervised by the Director.

(f) Field organizations are established by or operate under the Council and include field committees formerly under the Inter-Agency Committee on Water Resources and the offices of the Chairmen of Federal-State River Basin Commissions established under title II of the Act.

§ 701.6 Location of office.

The Headquarters is located in the Washington, D.C. area.

§§ 701.7–701.50 [Reserved]

Subpart B—Headquarters Organization

§ 701.51 The Council.

Decisions of the Council are made as hereinafter described in §§ 701.53 and 701.54.

§ 701.52 Definitions.

(a) As used in this part the term "Member" means the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Federal Power Commission, or Alternates appointed in accordance with § 701.53(a) when the Alternate is acting for one of the above-named.

(b) As used in this part the term "Representative" means an individual authorized by a "Member" to act for such member pursuant to § 701.54.

§ 701.53 Council decisions by Members.

Council decisions by Members with respect to the purpose stated in § 701.3 and the functions listed in § 701.4 are determined by majority vote of Members present except that decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act (42 U.S.C. 1962–1(b)), can be made only with his concurrence. In exceptional cases a Council decision may be made by written communication. Such decision requires unanimous approval of the Members.

(a) Each of the Secretaries named in § 701.5 and the Chairman of the Federal Power Commission shall designate in writing those individuals who may act as his Alternate in fulfilling his duties as a Member.

(b) A quorum for the transaction of business consists of four or more Members.

(c) Each Member has equal responsibility and authority in all decisions and actions of the Council and each Member and Associate Member shall have full access to all information relating to the performane of his duties and responsibilities.

(d) No vote shall be taken until each Member and Associate Member shall have had full opportunity to express his views.

(e) Members shall meet regularly at least quarterly, upon the call of the Chairman, or when requested by a majority of Members.

(f) The agenda and related documents for such meetings will be distributed to Members at least 7 days in advance.

(g) Matters specifically reserved for Council decision by Members are:

(1) Actions requiring Presidential action or approval.

(2) Approval of Annual Budget requests and the Annual Operating Program of the Office of the Water Resources Council.

(3) Decisions involving substantial policy issues.

(4) Delegations of authority.

(5) Determination that testimony taken or evidence received shall be taken under oath.

(6) Issuance of invitations to become Associate Members or Observers.

(7) Appointment and termination of the appointment of the Director.

§ 701.54 Council decisions by Representatives.

Council decisions may be made by Representatives except for matters specifically reserved in § 701.53(g) for Council decision by Members. Only one Representative of a Member shall participate officially in a Council decision by Representatives, but up to four individuals may be authorized to act as Representatives of a Member. Council decisions by Representatives shall be by unanimous agreement of the Representatives and the Director, or in his absence the Acting Director. In exceptional cases, a decision may be made by written communication.

(a) The Representatives and the Director shall work to coordinate the water and related land activities for which the Council Members are responsible.

(b) Each Representative and the Director has equal responsibility and authority for Council decisions and shall have full access to all information relating to the performance of his duties and responsibilities.

(c) The Director shall serve as Chairman of meetings of Representatives. The Acting Director, designated in accordance with § 701.77(b), shall serve as Chairman in the absence or disability of the Director or vacancy in that office.

(d) Regular meetings for the transaction of business shall be the second Wednesday of each month, and special meetings shall be at the call of the Di-

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rector or when requested by the Representatives of two Members. The Director will arrange, after consultation with the Representatives, the agenda of items for consideration; shall distribute the agenda for regular meetings and related documents to Representatives at least 7 days in advance of the meeting and as expeditiously as possible for special meetings; and shall insure that all matters within the purpose and scope of the functions of the Water Resources Council are presented for consideration. The Director shall include on the agenda for a regular meeting any matter proposed by any Representative. When items on the agenda have not been fully considered they shall take precedence, in the same order, over other matters to be placed on the agenda for the next regular meeting. The Director or a Representative may introduce matters not on the agenda or change the order of business at a particular meeting with the concurrence of a simple majority of the Representatives present.

(e) A quorum for the transaction of business consists of at least four Representatives of different Members and the Director or in his absence the Acting Director.

(f) Except for the appointment and tenure of the Director, matters specifically reserved for Council decision by Members should be considered by Representatives and the Director and proposals and recommendations formulated and presented at Council meetings of Members. The Council Members shall be advised of minority views, if any, on such proposals and recommendations.

(g) If unanimity of Representatives and the Director is not achieved, after full opportunity for expression of views and reasonable consideration, the Director shall upon his own initiative or upon the request of a Representative present the issue for consideration at the next meeting of Members of the Council. Presentation of the issue shall include a statement of the conflicting positions and recommendations for resolution.

(h) Upon the declaration by any Representative or the Director that an issue involves "substantial policy" (see § 701.-53(g)(3), it shall be referred with recommendations to a subsequent meeting of Council Members for decision.

§ 701.55 Associate Members.

(a) The Chairman, with concurrence of the Council, may invite the heads of other Federal agencies having authorities and responsibilities relating to the work of the Council to become Associate Members. Associate Members, on the same terms and conditions as Members, may designate persons to serve for them as Associate Members and to act for them as Associate Representatives.

(b) Associate Members and their Associate Representatives may participate with Members and Representatives in consideration of all matters relating to their areas of responsibility, except that their concurrence in a decision of the Council is not required. Where such decision affects the authority and responsibility of any non-Member agency within the meaning of section 3(b) of the Act, the Council shall request such agency to take concurrent action along the basis of the Council recommendations.

§ 701.56 Observers.

(a) Chairmen of River Basin Commissions established under title II of the Act shall be Observers.

(b) The Chairman, with the concurrence of the Council, may invite the heads of offices or other officials of the Executive Office of the President or other Federal agencies to become Observers.

(c) Observers may designate persons to attend Council meetings of Members and Representatives. Observers and their representatives will be furnished agenda and other materials on the same basis as Associate Members.

§ 701.57 Official decisions of the Council.

Official decisions of the Council shall be of record. Decisions of record shall be recorded in accepted minutes of duly called regular or special meetings or set forth in resolutions, memoranda, or other documents approved by Members or by Representatives and the Director. Decisions which would affect the authority and responsibilities of heads of other Federal agencies, including Associate Members, within the meaning of section 3(b) of the Act, shall only be made during a regular or special meeting of Members and recorded in the minutes thereof.

§ 701.58 Subordinate groups at headquarters.

The Council may establish administrative, consultative and technical committees. Task Forces; Hearing Panels; and other appropriate subordinate groups to aid in the performance of its work.

(a) Membership on each such group shall be decided by the Council. Members representing Federal agencies shall be named by such agencies. Others shall be named as the Council shall decide.

(b) The Council shall determine the Chairmanship of each such group.

(c) All such subordinate groups shall report regularly to the Council upon their own initiative, or as the Council may direct. In any event, they shall prepare a final report on their assignments prior to termination.

(d) The Director, in consultation with the Representatives, may establish task forces and other subordinate groups to aid in the performance of his duties and responsibilities. The Director shall decide the chairmanship and membership of such groups. Members representing Federal agencies shall be named by such agencies.

(e) Subordinate groups shall be appointed for specific periods and termination dates shall be set forth in establishing documents.

(f) Each duly constituted subordinate group will be provided administrative and secretarial support by the Water Resources Council Staff to the extent possible, directly or through arrangements with other Federal agencies.

§ 701.59 Advisory committees.

The Council may establish standing and ad hoc advisory committees. The establishment, operation, and termination of such committees shall be in accordance with the Federal Advisory Committee Act (PL 92-463) and other pertinent law and directives.

§§ 701.60–701.70 [Reserved]

§ 701.71 The Chairman.

(a) The Chairman shall preside at Council meetings of Members.

(b) The Chairman is the official spokesman of the Council and represents it in its relations with the Congress, the States, Federal agencies, persons, or the public. He shall from time to time report, on behalf of the Council, to the President. He shall keep the Council apprised of his actions under this section.

(c) The Chairman shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council.

(d) In the case of absence, disability, or vacancy, the acting Chairman shall be, in order of precedence, as designated (1) by the President (2) by the Chairman from among the Members, or (3) by the Council from among the Members.

§§ 701.72–701.75 [Reserved]

§ 701.76 The Water Resources Council Staff.

The Water Resources Council Staff (hereinafter the Staff) serves the Council and the Chairman in the performance of their functions and in the exercise of their authorities in accordance with the Act, the rules and regulations and other decisions of the Council, and all other laws, rules, regulations, and orders applicable to the Water Resources Council, and will be organized in accordance with a structure approved by the Council.

§ 701.77 Director—duties and responsibilities.

In addition to his role as Chairman of Representatives in Council meetings, the Director acts as the principal executive officer for the Council and head of the staff. He shall see to the faithful execution of the policies, programs, and decisions of the Council; report thereon to the Council from time to time or as the Council may direct; administer the office and staff of the Council within the limits of the Annual Budget and the Annual Operating Program related thereto; make recommendations to the Council and the Chairman relating to the performance of their functions and the exercise of their authorities; and facilitate the work of the Council and the Chairman. His duties and responsibilities include, but are not limited to, the following:

(a) Acting for the Chairman, represents the Council in its relations with the Congress, States, Federal agencies, persons, or the public under the general supervision and direction of the Council.

(b) Establishes the line of succession as Acting Director among the other officers of the Council below the Deputy Director.

(c) Directs the Staff in its service to the Council and the Chairman in the performance of their functions and in the exercise of their authorities. The Director is responsible to the Council for the organization of the Staff, employment and discharge of personnel, training and personnel development program, assignment of duties and responsibilities, and the conduct of its work.

(d) Insures that the quality of the work of the Staff in its studies, reports, and in other assignments is high, that the professional integrity of its personnel is respected, and that its overall perspective and independence of judgment with regard to water and related land resources matters is approximately maintained within the context of the interagency, intergovernmental, and other staff collaboration that is both necessary and desirable in the fulfillment of the purpose of the Council as set forth in § 701.3.

(e) Prepares and recommends reports on legislation, Executive orders, and other documents requested of the Council.

(f) Prepares and recommends an Annual Budget request in accordance with policies, rules, and regulations applicable thereto. During its consideration by the Office of Management and Budget the President and the Congress, the Director shall seek acceptance of the proposed Annual Budget by every appropriate means. On behalf of the Council, he is authorized in his discretion to make appeals and agree to adjustments. However, to the extent that time and circumstances permit, he shall consult with and obtain the approval of the Council on all substantial appeals and adjustments.

(g) Prepares and recommends the Annual Operating Program to carry out the work of the Council, within the appropriations provided by the Congress and allowances approved by the Office of Management and Budget.

(h) Prepares and recommends proposed rules and regulations, including proposed delegations of authority, for carrying out the provisions of the Act, or other provisions of law which are administered by the Council.

(i) Prepares and recommends reports and materials for public information that are explanatory of the work and accomplishments of the Council.

(j) Appoints representatives of the Staff on Subordinate Groups established by the Council on which the Staff has membership. (See § 701.59.)

(k) Establishes and enforces administrative rules and regulations pertaining to the Staff consistent with applicable laws, Executive orders, Budget Circulars, and other regulations and orders.

§ 701.78 Director—delegation of authorities.

(a) Under the authority of section 403 of the Act (42 U.S.C. 1962d-2), the Director is delegated authority to—

(1) Hold hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reprints thereon as he may deem advisable.

(2) Acquire, furnish, and equip such office space as is necessary.

(3) Use the U.S. mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(4) Employ and fix the compensation of such personnel below the grade of GS-16 as he deems advisable and after consultation with the Representatives such personnel of GS-16 and above in accordance with the civil service laws and the Classification Act of 1949, as amended; assign duties and responsibilities among such personnel and supervise personnel so employed.

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 3109, at rates not to exceed $100 per diem for individuals.

(6) Purchase, hire, operate, and maintain passenger motor vehicles.

(7) Utilize and expend such funds as are deemed advisable for proper administration of the authorities delegated herein. However, contracts and individual modifications thereof in excess of $25,000 shall be submitted to the Council for approval before execution.

(8) Request any Federal department or agency (i) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (ii) to detail personnel to temporary duty with the Council on a reimbursable basis.

(9) Make available for public inspection during ordinary office hours all appropriate records and papers of the Council.

(10) Compute and certify for payment funds to the States in accordance with standards and formula approved by the Council, and perform related functions of the Council contained in section 305 of the Act.

(11) Serve as a duly authorized representative of the Chairman of the Council for the purpose of audit and examination of any pertinent books, documents, papers, and records of the recipient of a grant under title III of the Act, and recommend to the Chairman the appointment of further representatives as may be necessary for such function.

(12) Review, for compliance, State programs approved under title III; conduct full inquiries as the Council may direct; and recommend for Council decision such withholding or reinstatement of payments as is appropriate and authorized by section 304 of the Act.

(b) The authorities delegated in this section may be redelegated by the Director to the extent determined by him to be necessary and desirable for proper administration.

§ 701.79 Selection policy for professional personnel.

In the selection for employment of the professional staff as a whole, the Director shall be guided by the following criteria:

(a) Outstanding character and competence—both personal and professional.

(b) Spread and balance of training and experience in the several relevant professions—ecology; economics; economic geography; engineering; fish and wildlife biology; forestry; hydrology; irrigation; landscape architecture; law; political science; recreation; sanitary engineering; soil conservation; urban and other land planning; etc.

(c) Diversity of prior identification and experience, both planning and operating in Washington and in the field; including personnel with prior identification and experience with Federal, State, or local government, private enterprise, or university teaching and research.

§§ 701.80–701.99 [Reserved]

Subpart C—Field Organization

§ 701.100 Field Directors.

The Council may employ as professional staff Field Directors who shall be designated as chairman of committees or groups established by the Council to develop and prepare regional or river basin assessments or plans. Such Field Directors shall perform their official functions at locations established by the Council.

§ 701.101 Field committees.

The Council may establish or continue already established regional committees to carry out assigned functions at field level.

701.102 Existing committees.

Field Committees operating under the Water Resources Council (formerly under the Inter-Agency Committee on Water Resources) are as follows:

Pacific Southwest Inter-Agency Committee
Arkansas-White-Red Inter-Agency Committee
Southeast Basins Inter-Agency Committee

WARREN D. FAIRCHILD,
Director.

[FR Doc.74-13419 Filed 6-11-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin, Monensin Sodium, 3-Nitro-4-Hydroxyphenylarsonic Acid, Robenidine Hydrochloride

The Commissioner of Food and Drugs has evaluated the following new animal drug applications filed by The Upjohn Co., Kalamazoo, MI 49001:

1. Supplemental application No. 92-482V proposing safe use of 2 grams per ton of lincomycin combined with monensin sodium at a level of 110 grams per ton as monensic acid activity for improved

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feed efficiency in floor-raised broiler chickens.

2. New animal drug application No. 93-106V proposed safe use of 2 grams per ton of lincomycin combined with 30 grams per ton of robenidine hydrochloride for use in chicken feed.

3. New animal drug application No. 92-522V proposing safe use of 2 grams per ton of lincomycin combined with 15 to 45 grams per ton of 3-nitro-4-hydroxyphenylarsonic acid combined with monensin sodium equivalent to 110 grams per ton monensic acid activity in chicken feed. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. In § 121.262(c) by adding a new item 1.23 to Table 1, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

• • • • •

(c) • • •

TABLE 1.—*3-Nitro-4-hydroxyphenylarsonic acid in complete chicken and turkey feed*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
•	•	•	•	•	•
1.23 3-Nitro-4-hydroxyphenylarsonic acid.	15-45	Monensin sodium. + Lincomycin.	110 (as monensic acid activity). 2	For floor-raised broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; 3-nitro-4-hydroxyphenyl-arsonic acid as provided by code No. 031, § 135.501(c) of this chapter; monensin sodium as provided by code No. 014, § 135.501(c) of this chapter; lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of weight gain; as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
•	•	•	•	•	•

2. In § 135e.49 by adding a new paragraph (e)(2) (viii) and (ix) to read as follows:

§ 135e.49 Lincomycin.

• • • • • • •

(e) • • •
(2) • • •
(viii) Robenidine hydrochloride in accordance with § 135e.66.
(ix) 3-Nitro-4-hydroxyphenylarsonic acid, monensin sodium in accordance with § 121.262 of this chapter and § 135e.50.

3. In § 135e.50(f) by revising the text under the "Indications for use" column for item 5 and by adding a new item 6 to the table as follows:

§ 135e.50 Monensin; monensin sodium.

• • • • • • •

(f) • • •

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
•	•	•	•	•	•
5. Monensin sodium.	• • •	• • •	• • •	• • •	For increase in rate of weight gain, improved feed efficiency and as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*:
6. Monensin sodium.	110 (as monensic acid activity).	Lincomycin.......			
		3-Nitro-4-hydroxyphenylarsonic acid.	15-45	§ 121.262 of this chapter, Table 1, item 1.23.	§ 121.262 of this chapter, Table 1, item 1.28.

4. In § 135e.66(f) by revising the table as follows:

§ 135e.66 Robenidine hydrochloride.

• • • • •

(f) • • •

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Robenidine hydrochloride.	30 (0.0033%)	....		For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati*, *E. brunetti*, *E. tenella*, *E. acervulina*, *E. maxima* and *E. necatrix*.
2. Robenidine hydrochloride.	30 (0.0033%)	Lincomycin.	2	For floor-raised broiler or fryer chickens only; do not feed to laying hens; feed continuously as the sole ration; withdraw 5 days before slaughter; lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of gain and improved feed efficiency and as an aid in prevention of coccidiosis caused by *Eimeria mivati*, *E. brunetti*, *E. tenella*, *E. acervulina*, *E. maxima* and *E. necatrix*.

Effective date. This order shall be effective June 12, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: June 5, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-13303 Filed 6-11-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

PAYMENT OF BENEFITS DURING EMERGENCY CLOSING OF SCHOOL

Section 21.4205(c)(1) provides for continued payment of educational benefits within a certified period of enrollment during which the school is closed due to Executive order of the President or for any emergency situation so authorized by Public Law 93-208, effective December 28, 1973. A minor editorial change, unrelated to the substantive change, is being made in § 21.4206(c) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans.

It is found that it is impracticable and contrary to the public interest to give preliminary notice in the FEDERAL REGISTER (§ 1.12 of this chapter) because of the need for an immediate liberalization of the requirements for awarding educational assistance for veterans and eligible persons.

1. In § 21.4205, paragraph (c)(1) is amended to read as follows:

§ 21.4205 Absences.

• • • • •

(c) *Reporting.* (1) Veterans and eligible persons must report each full day of absence from scheduled attendance as well as days when the school was closed for local and school holidays and, if reported enrollment was on an ordinary school year basis, intervals between terms, quarters or semesters. When the school is closed for the weekend, those days will not be reported. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported. At the discretion of the Administrator, days of absence will not be reported for days of nonattendance within a certified period of enrollment during which the school is closed under an established policy based upon an Executive order of the President or due to an emergency situation.

• • • • •

2. In § 21.4206, paragraph (c) is amended to read as follows:

§ 21.4206 Reporting fee.

• • • • •

(c) An additional $1 will be paid to those institutions who have delivered to the veteran or eligible person at registration the educational assistance check representing the advance payment. In order to receive this fee, the institution shall submit to the Veterans Administration a certification of delivery of the check. If the check is not delivered within 30 days after commencement of the student's program, the check is to be returned to the Veterans Administration. (38 U.S.C. 1784)

(72 Stat. 1114; 38 U.S.C. 210)

Section 21.4205(c)(1) is effective December 28, 1973.

Approved: June 5, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-13373 Filed 6-11-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER C—POST OFFICE SERVICES [DOMESTIC MAIL]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

The purpose of this document is to incorporate by reference Chapter I of the Postal Service Manual pursuant to the policy and provisions of 5 U.S.C. 552(a) relating to material deemed published in the FEDERAL REGISTER when the material is readily available to the public. Chapter I of the Manual contains provisions which are substantially identical to the present Subchapter C of 39 CFR Chapter I concerning domestic mail service; therefore, this document involves no substantive change in the regulations.

Chapter I of the Manual is and will remain readily available to all users of the U.S. Postal Service at all United States Post Offices and classified stations and branches during normal business hours. The Postal Service also issues a publication entitled Instructions for Mailers, which reproduces Chapter I of the Manual almost in its entirety, omitting merely a handful of sections containing procedures of interest only to postal employees. This publication is sold in looseleaf, subscription form by the Superintendent of Documents for $5.00. The entire Postal Service Manual, comprising six chapters, may also be purchased in looseleaf, subscription form for $33.00 from the Superintendent of Documents, Washington, DC 20402. The entire Manual may be examined during normal business hours at any of the more than 31,000 United States Post Offices.

All amendments to Chapter I of the Manual will be noticed by publication in the FEDERAL REGISTER and filed at the Office of the Federal Register as they occur. Each notice will recite the issuance of a numbered and dated Transmittal Letter, and will describe the amendments made to particular sections of Chapter I of the Manual. The amended sections will be listed in the daily List of Parts Affected and in the monthly and annual List of CFR Sections Affected. This should assure proper access to these regulations through the finding aids of the Federal Register system. In addition, the Postal Service maintains a subject-matter index to the Manual for the convenience of users, which will be filed at the Office of the Federal Register and periodically updated. For an indefinite period, the initial subscription price of the Manual will entitle subscribers to receive copies of all amendments (including amendments of Chapter I) when issued.

This change in the manner of publication of Postal Service regulations governing domestic mail service establishes a more efficient and economical means of making the material available to the mailing public. It will greatly reduce the amount of duplication of published material appearing in the Manual, the FEDERAL REGISTER and the *Code of Federal Regulations*. The Postal Service believes this can be accomplished without any impairment to the value of the Federal Register system. Indeed, the usefulness of the FEDERAL REGISTER system will be enhanced because the time between the issuance of a change to Chapter I of the Manual and notice of the change in the FEDERAL REGISTER will be shortened. This would come about in part through the elimination of time-consuming preparation of documents for printing in the FEDERAL REGISTER, whose format and internal paragraphing system differs from that of the Manual.

Soon after the effective date of this document users of the Code of Federal Regulations will have the 1974 volume of the Code of Federal Regulations. Each amendment of Subchapter C of the 1974 volume will appear only in the form of a "notice of amendment" of specified sections of Chapter I of the Manual. The Manual sections correspond to the sections in the 1974 volume.

The Postal Service is exempt from the provisions of 5 U.S.C. 553 by reason of 39 U.S.C. 410(a). However, in the spirit of those provisions and notwithstanding the immediate effectiveness of this document, the Postal Service invites public comment upon the effects of this approach to postal regulations and of their availability to the mailing public.

There will be almost one year's experience with this new system before the basic material in the 1974 volume of CFR would be dropped. Accordingly, during this period the Postal Service will receive public comments concerning the new format for postal regulations and information and the experience of working with this system. Comments should identify this document as the basis for communication and be directed to: W. Allen Sanders, Assistant General Counsel, Legislative Division, Law Department, Room 9112, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-05, 3601, 3621, and 50 U.S.C. 1463-64.)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, effective July 1, 1974, Subchapter C is amended by adding Part 111 to read as follows:

Sec.
111.1 Postal Service Manual; incorporation by reference of general information on postal services.
111.2 Availability of Chapter I of the Postal Service Manual.
111.3 Amendments to Chapter I of the Postal Service Manual.
111.4 Approval of the Director of the Federal Register.
111.5 Contents of Chapter I of the Postal Service Manual.

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Authority: 5 U.S.C. 552(a), (39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–18, 3403–3405, 3601, 3621; 50 U.S.C. 1463, 1464.)

§ 111.1 Postal Service Manual: incorporation by reference of general information on postal services.

Section 452(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that "* * * matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, and with 39 U.S.C. section 410(b)(1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, Chapter I of its Postal Service Manual, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, DC, 20260.

§ 111.2 Availability of Chapter I of the Postal Service Manual.

(a) Copies of Chapter I of the Postal Service Manual are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of Chapter I of the Postal Service Manual, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 "L" Street, NW., Room 8401, Washington, D.C., 20408.

(c) Copies of the entire Postal Service Manual may be purchased from the Superintendent of Documents, Washington, D.C., 20402 for $33.00. This price includes entitlement to receive, for an indefinite period, changes in the Postal Service Manual which may be published from time to time. A companion publication entitled Instructions for Mailers excerpts all portions of Chapter I which are directed to the mailing public. This publication is sold to the public on a subscription basis for $5.00 by the Superintendent of Documents.

§ 111.3 Amendments to Chapter I of Postal Service Manual.

Notices of changes made in Chapter I of the Postal Service Manual will periodically be published in the Federal Register. The text of such changes will be filed with the Director, Office of the Federal Register. Subscribers to the Postal Service Manual will automatically receive the amendments from the Government Printing Office.

§ 111.4 Approval of the Director of the Federal Register.

(a) Incorporation by reference of Chapter I of the Postal Service Manual was approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) This approval was granted on June 7, 1974 for the period of one year at the conclusion of which it will expire without further action unless renewed and extended by the Director upon application by the U.S. Postal Service.

§ 111.5 Contents of Chapter I of Postal Service Manual.

Chapter I of the Postal Service Manual contains the following parts:

(a) Subchapter 110—General Information on Postal Service.
(1) Part 111—What this chapter covers.
(2) Part 112—Domestic mail service.
(3) Part 113—Service in post offices.
(4) Part 114—Complaints.
(5) Part 115—Mail treated in confidence.
(b) Subchapter 120—Preparation for mailing.
(1) Part 121—Packaging.
(2) Part 122—Addresses.
(3) Part 123—Nonmailable matter.
(4) Part 124—Matter mailable under special rules.
(5) Part 125—Second-class bulk mailings.
(6) Part 126—Mail addressed to military post offices overseas.
(7) Part 127—Mail sent via Department of State to U.S. foreign service personnel abroad.
(c) Subchapter 130—Mail classification and rates.
(1) Part 131—First class.
(2) Part 132—Second class.
(3) Part 133—Controlled circulation publications.
(4) Part 134—Third class.
(5) Part 135—Fourth class.
(6) Part 136—Air and priority mail.
(7) Part 137—Official mail.
(8) Part 138—For the blind and other handicapped persons.
(9) Part 139—Mixed classes.
(d) Subchapter 140—Postage.
(1) Part 141—Envelopes, postal cards, aerogrammes.
(2) Part 142—Stamps (adhesive).
(3) Part 143—Precanceled stamps.
(4) Part 144—Postage meters and meter stamps.
(5) Part 145—Permit imprints.
(6) Part 146—Prepayment and postage due.
(7) Part 147—Exchanges and refunds.
(8) Part 148—Revenue deficiencies developed by audit.
(e) Subchapter 150—Collection and delivery.
(1) Part 151—General.
(2) Part 152—Who may carry letters.
(3) Part 153—Mail deposit and collection.
(4) Part 154—Conditions of delivery.
(5) Part 155—City delivery.
(6) Part 156—Rural service.
(7) Part 157—Star route box delivery service.
(8) Part 158—Forwarding mail.
(9) Part 159—Undeliverable mail.
(f) Subchapter 160—Special mail services.
(1) Part 161—Registered mail.
(2) Part 162—Insured mail.
(3) Part 163—COD mail.
(4) Part 164—Indemnity claims.
(5) Part 165—Certificates of mailing.
(6) Part 166—Special delivery.
(7) Part 167—Special handling.
(8) Part 168—Certified mail.
(9) Part 169—Post office boxes.
(g) Subchapter 170—Nonmail services.
(1) Part 171—Money orders.
(2) Part 172—Nonpostal stamps and bonds.
(3) Part 173—Postal savings.

[FR Doc.74–13453 Filed 6–11–74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah Plan; Correction

On June 22, 1973 (38 FR 16568), a disapproval of Utah's implementation plan for the State's failure to meet the requirements of § 51.20 was entered in the Federal Register. The notice was incorrect in that a previously revoked section (§ 52.2329) was amended by adding a paragraph (b). To correct this error, the disapproval notice for Utah is republished below in the proper format.

(42 U.S.C. 1857c–5)

Dated: June 6, 1974.

Roger Strelow,
Acting Assistant Administrator for Air and Waste Management.

Subpart TT is amended by adding § 52.2329 to read as follows:

§ 52.2329 Resources.

(a) The requirements of § 51.20 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[FR Doc.74–13538 Filed 6–11–74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbofuran

Two petitions (PPs 1F1163 and 2F1283) were filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate in or on the raw agricultural commodities sugar beet tops at 1 part per million and sugar beet roots at 0.1 part per million (PP 1F1163) and sorghum fodder and forage at 0.5 part per million and sorghum grain at 0.1 part per million (PP 2F1283).

Subsequently, the petitioner amended the petitions by proposing that:

a. The existing regulation (§ 180.254) be expanded to include the phenolic metabolites of carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol).

b. The established tolerance of 20 parts per million for residues in or on alfalfa hay be increased to 40 parts per million (of which no more than 20 parts per million are carbamates).

c. The established tolerance of 5 parts per million for residues in or on corn fodder and forage be increased to 25 parts per million (of which no more than 5 parts per million are carbamates).

d. The established tolerance of 5 parts per million for residues in or on alfalfa (fresh) be increased to 10 parts per million (of which no more than 5 parts per million are carbamates).

e. The established tolerance of 1 part per million for residues in or on peanut hulls be increased to 5 parts per million (of which no more than 1 part per million is carbamates).

f. The proposed tolerance of 1 part per million for residues in or on sugar beet tops (PP 1F1163) be increased to 2 parts per million (of which not more than 1 part per million is carbamates).

g. The proposed tolerance of 0.5 part per million for residues in or on sorghum fodder and forage (PP 2F1283) be increased to 3 parts per million (of which no more than 0.5 part per million is carbamates).

h. The established tolerance of 0.2 part per million for residues in or on rice straw be increased to 1 part per million (of which no more than 0.2 part per million is carbamates).

i. The established tolerance of 0.02 part per million (negligible residue) for residues in milk be increased to 0.1 part per million (of which no more than 0.02 part per million (negligible residue) is carbamates).

j. The established tolerances of 0.1 part per million for residues in or on corn grain and peanuts be increased to 0.2 part per million (of which no more than 0.1 part per million is carbamates).

k. The proposed tolerance of 0.1 part per million in or on sugar beet roots be changed to read "0.1 part per million in or on sugar beets."

Based on consideration given the data submitted in the petitions and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs or poultry and § 180.6(a)(3) applies. Established tolerances for residues in meat and the proposed tolerance for residues in milk are adequate to cover residues resulting from the established and proposed uses and § 180.6(a)(2) and (1) apply respectively to meat and milk.

3. The tolerances established by this order will protect the public health.

4. The tolerances listed in § 180.254a for carbofuran and its metabolites should be combined with the tolerances established by this order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

§ 180.254a [Deleted]

1. By deleting § 180.254a *Carbofuran and its metabolites (including phenolic metabolites); tolerances for residues.*

2. By revising § 180.254 to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

Tolerances are established for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-bensofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the following raw agricultural commodities:

40 parts per million in or on alfalfa hay (of which no more than 20 parts per million are carbamates).

25 parts per million in or on corn fodder and forage (of which no more than 5 parts per million are carbamates).

10 parts per million in or on alfalfa (fresh) (of which no more than 5 parts per million are carbamates).

5 parts per million in or on peanut hulls (of which no more than 1 part per million is carbamates).

3 parts per million in or on sorghum fodder and forage (of which no more than 0.5 part per million is carbamates).

2 parts per million in or on sugar beet tops (of which no more than 1 part per million is carbamates).

1 part per million in or on peppers, potatoes (of which no more than 0.1 part per million is carbamates), and rice straw (of which no more than 0.2 part per million is carbamates).

0.2 part per million in or on corn grain and peanuts (of each, no more than 0.1 part per million is carbamates) and rice.

0.1 part per million in milk (of which no more than 0.02 part per million (negligible residue) is carbamates).

0.1 part per million in or on bananas (negligible residue), sorghum grain, sugar beets, and sugarcane.

0.05 part per million in the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep (of which no more than 0.02 part per million (negligible residue) is carbamates).

Any person who will be adversely affected by the foregoing order may at any time on or before July 12, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th and M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective June 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 7, 1974.

Henry J. Korp,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–13540 Filed 6–11–74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Corrections

In FR Doc. 74–9355 appearing at 39 FR 14676–14683 of the Federal Register of April 25, 1974, the Environmental Protection Agency published final effluent guidelines, and standards of performance and pretreatment standards for new sources, for the major organic products segment of the organic chemicals manufacturing point source category. As published, the final rules contained several errors. Accordingly, in order to correct those errors, the following changes are made, effective immediately.

1. Page 14676, column 1, first paragraph, fifth line, after the word "effluent", delete the comma.

2. Page 14677, column 3, first paragraph, line 12, delete the comma after "BATEA" and insert a period.

3. Page 14678, column 2, section F, sixth line, after the word "Organic", delete the word "Chemicals".

§ 414.20 [Amended]

4. Page 14679, column 3, in the table under the heading "B2-process descriptions", change the word "n-butane" in "Oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.22 [Amended]

5. Page 14680, column 1, last paragraph (b), change the word "n-butane" in "oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.23 [Amended]

6. Page 14680, column 2, last paragraph (b), change the word "n-butane"

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in "oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.25 [Amended]

7. Page 14680, column 3, last paragraph (b), change the word "n-butant in "oxidative-dehydrogenation of n-butane" to "butylene".

8. Page 14680, column 3, § 414.25(b), in the table under the heading "English units (pounds per 1,000 of product)" in the line beginning "TSS____", delete the number ".23" in the second column and substitute therefor ".32".

§ 414.35 [Amended]

9. Page 14683, column 1, § 414.35(a), in the table under the heading "Metric units (kilograms per 1,000 kg of product), in the line beginning "TSS____", delete the number ".94" in the second column and substitute therefor ".094".

10. Page 14683, column 1, § 414.35(a), in the table under the heading "English units (pounds per 1,000 lb of product), in the line beginning "TSS____", delete the number ".94" in the second column and substitute therefor ".094".

Dated: June 6, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-13539 Filed 6-11-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-7—CONTRACT CLAUSES

Subpart 3-7.50—Special Contract Clauses

CONFIDENTIALITY OF INFORMATION

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. Section 3-7.5010 is being revised to state the purpose of the Government's review of the data submitted by the contractor under the terms of the "Confidentiality of Information" clause.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, since the revision is being made in response to a letter from a member of the general public and the clause was previously published in the FEDERAL REGISTER, the public rule making process is deemed unnecessary in this instance.

1. Section 3-7.5010, Confidentiality of information is hereby deleted and the following is substituted in lieu thereof:

§ 3-7.5010 Confidentiality of information.

The clause set forth below shall be used in all contracts where the contractor shall have access to or is expected to generate information which relates to individual person(s) or institution(s). In accordance with the terms of the clause, the contracting officer must designate such information in the contract.

CONFIDENTIALITY OF INFORMATION

The contracting officer may, from time to time, identify elsewhere in this contract any confidential data that the Government will furnish to the contractor or that the contractor is expected to generate.

The contractor shall not disclose any confidential information obtained in the performance of this contract. Any presentation of any statistical or analytical material or reports based on information obtained from the studies covered by this contract will be subject to review by the Government's project officer before publication or dissemination in order to determine whether safeguards of privacy have been observed.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. These amendments shall become effective June 12, 1974.

Dated: June 6, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-13515 Filed 6-11-74;8:45 am]

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

This change to the General Services Administration Procurement Regulations (GSPR) provides for a notice entitled "Notice Concerning Unsolicited Samples, Descriptive Literature, or Brand Name References" which emphasizes that the Government is not responsible for determining whether or not unsolicited material offered with a bid meets the requirements of the specifications.

Section 5A-2.202-70 is revised as follows:

§ 5A-2.202-70 Unsolicited samples, descriptive literature, or brand name references.

(a) The following provision (Article 25 of GSA Form 1424) shall be inserted in each invitation for bids:

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

Where procurement is effected under specifications or purchase descriptions (other than "brand name or equal") and the Government does not specifically request bid samples, descriptive literature, or references to brand names, models, or part numbers as an integral part of the bid, bids which are accompanied by any of the foregoing will be rejected unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions. Where offers contain unsolicited material such as samples, descriptive literature, or references to brand names, models, or part numbers, the Government will not be responsible in any way for determining whether the items which are offered meet the Government's requirements set forth in the applicable specifications or purchase descriptions.

(b) The following notice shall be included in GSA Form 1602, Notice to Prospective Bidders:

NOTICE CONCERNING UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE, OR BRAND NAME REFERENCES

Bidders are cautioned that submission of unsolicited material may result in rejection of bids under the provisions of this solicitation (see Article 25 of GSA Form 1424). It is also emphasized that the Government will not be responsible for determining if unsolicited material offered meets the requirements of the specifications or purchase description of the solicitation.

(c) The following clause shall be included in Solicitations for Offers:

UNSOLICITED SAMPLES

Bidders are cautioned that the submission of unsolicited material will result in rejection of bids under the provisions of this solicitation unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions (see Article 25 of GSA Form 1424). It is also emphasized that the Government will not be responsible for determining if unsolicited material offered meets the requirements of the specifications or purchase description of the solicitation.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on the date shown below.

Dated: May 30, 1974.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.74-13463 Filed 6-11-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-142]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Additional Supply Support To Federal Agencies

This amendment provides policy relating to the use by civil agencies of the inventory control points of the Military Departments as sources of supply, the acquisition by civil agencies of commodities in addition to petroleum products and electronic items from the Defense Supply Agency, and the purchase by all executive agencies of goods and services from the workshops of the blind and other severely handicapped persons.

The table of contents for Part 101-26 is amended as follows:

Subpart 101-26.6—Procurements Sources of the Department of Defense

101-26.601	[Reserved]
101-26.604	[Reserved]

Sec.	
101-26.605	Items other than petroleum products and electronic items available from the Defense Supply Agency.
101-26.606	Supply support available from the inventory control points of the Military Departments.

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

101-26.700	Scope and applicability of subpart.
101-26.701	Purchase of products and services from the blind and other severely handicapped persons.
101-26.702	Purchase of products manufactured by the Federal Prison Industries, Inc.
101-26.703	Marginally punched continuous forms.

Subparts 101-26.8—101-26.47 [Reserved]

Subpart 101-26.6 is amended as follows:

Subpart 101-26—Procurement Sources of the Department of Defense

1. Section 101-26.600 is revised to read as follows:

§ 101-26.600 Scope and applicability of subpart.

This subpart prescribes the policies, procedures, and limitations relating to civil agency use of procurement sources of the Department of Defense (DOD), which include the Defense supply centers of the Defense Supply Agency (DSA) and the inventory control points of the Military Departments. The provisions of this Subpart 101-26.6 are applicable to executive agencies unless otherwise specifically indicated. Other Federal agencies are encouraged to obtain their requirements in the same manner.

§ 101-26.601 [Reserved]

2. Section 101-26.601 is reserved.

3. Section 101-26.602-2 is amended as follows:

§ 101-26.602-2 Procurement of packaged petroleum products.

(a) Packaged petroleum products listed in Federal Supply Catalog C 2510-9999 CA shall be obtained by submitting requisitions prepared in accordance with the FEDSTRIP Operating Guide (§ 101-26.2) to the Defense General Supply Center (DGSC), Richmond, VA 23219, using routing identifier code S9G. Federal Supply Catalog C 2510-9999 CA may be obtained, upon written request, from the Commander, Defense Logistics Services Center, Attn: DLSC-T, Battle Creek, MI 49016. Requisitions for packaged petroleum items not in this catalog and not otherwise included in Defense Fuel Supply Center (DFSC) procurements under the provisions of § 101-26.602-1 may be submitted to DGSC. DGSC will supply the items from inventory or will refer the requisitions to DFSC for purchase and direct delivery to the requisitioner. Packaged petroleum items may be obtained from other Federal activities by agreement with the activity concerned or by local purchase when such action is authorized under the provisions of the DSA local purchases policy contained in subparagraph (b), below.

* * * * *

(d) Billings will be rendered at least monthly on Standard Form 1080 Voucher for Transfers Between Appropriations and/or Funds (Disbursement), supported by a mechanically prepared listing of documents including identification of requisitions and the related punch cards reflecting appropriate data pertaining to the gross sale, the retail loss allowance, and any credits for adjustments applicable to prior billings or for material returned. In addition, an accessorial charge will be made on shipments destined for overseas to cover expenses incident to overseas packing, handling, and transportation. DGSC shall be provided with a continental U.S. billing address for requisitioning activities requiring overseas shipments.

(e) Payments are expected to be made within 15 days of receipt of Standard Form 1080 from DGSC. Payment shall not be deferred until receipt of shipment or withheld pending resolution of adjustments.

(f) Requests for billing adjustments will be submitted to DGSC in accordance with instructions contained in the FEDSTRIP Operating Guide.

4. Section 101-26.603 is revised to read as follows:

§ 101-26.603 Electronic items available from the Defense Supply Agency.

Executive agencies shall obtain their requirements for electronic items listed in Federal Supply Catalog C 2510-9999 CA (FSC group 59, except classes 5940, 5970, 5975, 5977, and 5995) from the Defense Electronic Supply Center (DESC), DSA. Requisitions shall be prepared in accordance with the FEDSTRIP Operating Guide and submitted to DESC, 1507 Wilmington Pike, Dayton, OH 45401, using routing identifier code S9E. Electronic items may be obtained from local purchase sources when such action is authorized under the provisions of § 101-26.602-2(b). DESC may return requisitions for local purchase under the same conditions governing the return of requisitions by DGSC set forth in § 101-26.602-2(c).

§ 101-26.604 [Reserved]

5. Section 101-26.604 is reserved.

6. Sections 101-26.605 and 101-26.606 are added as follows:

§ 101-26.605 Items other than petroleum products and electronic items available from the Defense Supply Agency.

Agencies required to use GSA sources may obtain, on an optional basis, a variety of items available from Defense supply centers (DSC) of DSA, provided the items are not listed in the GSA Supply Catalog or Federal Supply Schedules. A listing of items available is included in Federal Supply Catalog C 2510-9999 CA. A list of DSC's and their corresponding commodity areas along with instructions for obtaining items from these sources are in the FEDSTRIP Operating Guide.

§ 101-26.606 Supply support available from the inventory control points of the Military Departments.

Federal civil agencies may obtain items of supply which are procured and managed by the inventory control points (ICP) of the Army, Navy, and Air Force and are available in the United States, provided that a Federal stock number has been assigned to the items. A list of ICP's and their corresponding commodity areas is in the FEDSTRIP Operating Guide. Agencies should also refer to the FEDSTRIP Operating Guide for additional information concerning supply support from the ICP's and for instructions on obtaining items from these sources.

7. Subpart 101-26.7 is added to read as follows:

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

§ 101-26.700 Scope and applicability of subpart.

This subpart prescribes policy and procedures relating to procurement sources other than those of GSA and the Department of Defense. The provisions of this Subpart 101-26.7 are applicable to executive agencies unless otherwise indicated. Other Federal agencies are encouraged to obtain their requirements in the same manner.

§ 101-26.701 Purchase of products and services from the blind and other severely handicapped persons.

(a) Purchases by executive agencies of products produced by workshops of the blind or other severely handicapped persons which are carried in GSA supply distribution facilities must be made as provided in Subpart 101-26.3.

(b) Purchases by all Federal agencies of products and services offered for sale by workshops of the blind or other severely handicapped persons which are not carried in GSA supply distribution facilities, and purchases by executive agencies under exceptions set forth in § 101-26.301, must be made in accordance with the procurement list published by the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. Products and services offered by the blind shall be given precedence over those offered by other severely handicapped persons. (See § 101-26.702(d) for priority accorded to products manufactured by Federal Prison Industries, Inc.)

(c) Products produced by workshops of the blind or other severely handicapped persons available from GSA supply distribution facilities are identified by Federal stock numbers in the Procurement List identified in paragraph (b), of this section.

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§ 101–26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.

(a) Purchases by executive agencies of prison-made products carried in GSA supply distribution facilities must be made as provided in Subpart 101–26.3.

(b) Purchases by all Federal agencies of prison-made products not carried in GSA supply distribution facilities, or supply items procured under exceptions set forth in § 101–26.301, must be made in accordance with the provisions in the Schedule of Products Made in Federal Penal and Correctional Institutions.

(c) Prison-made products available from GSA supply distribution facilities are identified by Federal stock numbers in the product schedule referred to in (b), above.

(d) Products available from Federal Prison Industries, Inc., shall be accorded priority over products offered for sale by the workshops of the blind and other severely handicapped persons.

§ 101–26.703 Marginally punched continuous forms.

GSA has delegated authority to the U.S. Government Printing Office (GPO) to procure all marginally punched continuous forms for use by Federal agencies except those procured by GSA for stock. Therefore, all Federal agencies shall submit their requirements for such forms in accordance with the provisions of this § 101–26.703.

(a) Except for those marginally punched continuous forms which GSA procures for stock, all requirements for such forms shall be ordered from GPO contracts or other established GPO sources. If an item is available from GSA stock, acquisition shall be from this source.

(b) Requirements for marginally punched continuous forms which are not available from GPO or GSA sources or which exceed the maximum monetary limitations of the GPO contract shall be submitted to GPO for appropriate action. If requirements are less than the minimum orders/shipment limitations of the GPO contract, agencies may procure them directly from commercial sources.

Subparts 101–26.8—101–26.47 [Reserved]

8. Subparts 101–26.8—101–26.47 are reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 12, 1974.

Dated: June 4, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–13462 Filed 6–11–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19939; FCC 74–550; RM–2222.]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Signaling Communications

In re the Amendment of Part 21 of rules and regulations, applicable to Domestic Public Land Mobile Radio Service to Allow "Signaling Communications" by Sub-Audible Means of Information Intended for Reception at Multipoint Mobile and/or Fixed Points.

1. On February 19, 1974, the Commission released a Notice of Proposed Rule Making in the above-referenced proceeding (FCC 74–149, 45 FCC 2d 290). Since that time the petitioner, CSA Applications, Inc., has changed its name to Laser Credit Control, Inc. (Hereinafter "LCC"). The basic purpose of this rule making was set out in paragraph 2 of our Notice:

> Using facilities leased from mobile common carriers, CSA, which is a communications system corporation, seeks to offer one-way delivery of a "package" of digital information to a large number of mobile and/or fixed points. The digital information "package" is intended to be received at many hundreds of retail locations in a given metropolitan area by an "extremely low-cost" combination of a receiver and miniature computer designed and developed by CSA. This miniature computer can carry out simple "inquiry and response" functions necessary in ordinary retail transactions such as credit card verification.

We also set out our reaction to the proposal in paragraph 14 of the Notice:

> Since the service proposed by CSA could apparently be accommodated with no increased use of the radio spectrum, we find it is in the public interest to issue this Notice of Proposed Rule Making.

Provision was made for Comments to be filed on March 29, 1974, and Reply Comments on April 10, 1974.

2. Comments were filed by LCC, Airsignal International, Inc., Airways Communications, Autophone Company, GT&E Service Corporation, the National Association of Radiotelephone Systems (NARS) and RAM Broadcasting Company. Most of these comments need not be summarized in detail, since all favored the proposal and pointed out that it would provide a useful service without requiring any new frequency allocation.

3. While all comments were favorable, some points raised should be mentioned. First, NARS stated that the question it had raised in a previous comment had been answered to its satisfaction by LCC.

4. Next, Airsignal International, Inc., noted its earlier comments in support of LCC's Petition for Rule Making and its "active interest" in LCC's proposed service. Airsignal further stated that it had "reviewed with approavl" the developmental report relating to LCC's service submitted, on behalf of LCC, by United Telephone Company of Ohio. Although Airsignal indicated that its "more detailed comments" would be reserved until "a thorough study of (LCC's) further particularization of its proposal," Airsignal commented that "it clearly wishes to indicate its continuing support of the (LCC) proposal".

5. Finally, the GTE Service Corporation (GT&E), commenting on behalf of the telephone operating companies of the General System, also expressed its support for the proposed amendments of Part 21. GT&E stated that "the proposed rules, if adopted, would not only provide for the establishment of a useful communications service, but would do so without taking valuable spectrum space from existing radio services." If sufficient safeguards are incorporated in the new service, GT&E noted, the proposed digital information service would be offered without interference with sub-audible paging service. GT&E further noted that common carriers must know what equipment will be required "for the appropriate interface of the service with the various mobile services they now provide, such as IMTS, MTS and one-way paging." GT&E further suggested that the amended rules should "include a specific bit rate and time requirement for updating of remote terminals, and the determination of whether only one channel will be utilized or whether the proposed (LCC) receivers will be capable of idle channel hunting." GT&E stated its belief that, with the suggested modifications, "the Commission should adopt the proposed Rules . . ."

6. Reply comments were filed by Airsignal and LCC. Airsignal stated that its problems had been answered by LCC and it now fully supported the proposal. LCC, in its reply, focused primarily on the GT&E comments.

7. With reference to GT&E's comments which request data about the appropriate interface of LCC's service with existing mobile services, LCC noted that the transfer to the IMTS, MTS or one-way paging transmitters would be at the same impedance level as presently used paging tone inputs. As to specifying a bit rate requirement for updating receiver-terminals, LCC believed that this matter is an operational decision and should be determined by radio station operators. It stated that during its tests using United Telephone of Ohio's IMTS facilities, LCC used a single tone with phase reversal keying to provide the digital format; and it used a bit rate of 110Hz. However, other sub-audible frequencies such as 112Hz, 115Hz and so forth could be used equally well, it believed. As noted above, LCC submitted that the bit rate need not—and should not—be specified in the rules but should, as an operational matter, be determined by the station operator.

8. LCC further believed that no time requirement for updating need be specified in the proposed amendments to Part 21, as urged by GT&E, because of the interruptible character of LCC's proposed service in the event the sub-audible channel is required for paging. Further, digital transmission would normally take place in low demand periods such as after midnight. In view of the likely variations in the time necessary for updating and the ability of LCC's service to operate without interference with existing services, LCC submitted that no time requirements for the proposed service need be incorporated in the proposed amendments.

9. LCC concluded that, "after consideration of these operational characteristics of LCC's proposed service, GT&E has indicated to LCC that no modifications are required in the proposed amendments to Part 21. GT&E has authorized LCC to state that it now urges the adoption of the amendments to Part 21 as proposed by the Commission."

10. We agree with LCC that purely operational requirements are not necessary in the amended rules. The carriers who provide this service are under an obligation to maintain control of this operation to operate without interference to their primary operations, and we will make this explicit in the rule adopted herein. From the information contained in the developmental report submitted by United Telephone Company of Ohio, February 14, 1974, concerning their test programming of an LCC system, it appears that this is practicable. Thus we find that the operation proposed is feasible, will benefit the public, and will not require any frequency allocation. In view of this finding, we have concluded that the LCC proposal should be allowed and the rules amended as set out in the Appendix.

11. Authority for the action taken herein is contained in Sections 4 and 303 of the Communications Act of 1934, as amended.

12. Accordingly, *It is ordered,* That effective July 12, 1974 Sections 21.1 and 21.509(e) of the Commission's Rules are amended as set forth below.

13. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 28, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

The specific amendments adopted are as follows:

1. In Part 21, Subpart A, § 21.1 the definition of "signaling communications" is amended to read as follows:

§ 21.1 Definitions.

* * * * *

Signaling communication. One-way communications from a base station to a mobile receiver or to multipoint mobile and/or fixed locations by subaudible means for the purpose of actuating a signaling device in the mobile unit, for communicating information to the desired mobile unit or for communicating information for reception at multipoint mobile and/or fixed locations.

* * * * *

2. Section 21.509(e) is amended to change present paragraph (e) to paragraph (e)(1) and to add a new paragraph (e)(2) as follows:

§ 21.509 Permissable communications.

* * * * *

(e)(1) * * *

(2) Base stations in this service may also be authorized to render one-way signaling communications service by subaudible means to multipoint mobile and/or fixed locations for purposes of communicating information intended for reception at multipoint mobile and/or fixed locations, provided that this does not interefere with normal communications.

* * * * *

[FR Doc.74–13450 Filed 6–11–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

[S–74–7]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Change in Location of Public Hearing

In the matter of the hearing for tunnels and shafts, illumination, scaffolding, motor vehicles, seat belts, pneumatic-tired earthmoving haulage equipment, excavation, cofferdams, and surface transportation of explosives.

On March 18, 1974 a notice was published in the FEDERAL REGISTER (39 FR 10216) that oral data, views and arguments will be received at a public hearing on June 26 and 27, 1974, in the Departmental Auditorium, Constitution Avenue between 14th and 12th Streets NW. Washington, D.C.

The location has been changed to:

June 26, 1974—Department of Commerce Auditorium, 14th Street Between Constitution Avenue and E Street, NW.

June 27, 1974—Council Chamber, Room 500, District Building, 14th and E Streets, NW. Washington, D.C.

Signed at Washington, D.C., this 7th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–13487 Filed 6–11–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

2-MERCAPTOIMIDAZOLINE

Use in Closures and Product Delivery Systems for Drugs and Cosmetics and in Components of Medical Devices; Extension of Time for Comments

A notice of proposed rulemaking published in the FEDERAL REGISTER of May 2, 1974 (39 FR 15306), as amended by a correction published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18660), proposed regulations with regard to discontinuing the use of 2-mercaptoimidazoline in container closures and product delivery systems for drugs and cosmetics and in components of medical devices.

The Commissioner of Foods and Drugs has been requested to extend the time for filing comments on the grounds that additional time is required to obtain data necessary to prepare and file responsive, meaningful comments to the proposal, such as information on safety of 2-mercaptoimidazoline, the extent of its use in the manufacturing process, assessment of available literature to ascertain the extent of conversion to ethylenethiourea as well as extent of dissemination of the material, if any, from containers, manner and levels in which 2-mercapotimidazoline is used, product types involved, availability of alternatives for use as a curing agent, time needed for transition to alternatives and degree of human risk, if any, from inhalation or dermal exposure to 2-mercaptoimidazoline when used as a curing agent in the neoprene gasket sealer of aerosol products. Accordingly, having found good reason, the Commissioner hereby extends the time for submitting comments on this proposal and will consider all comments received not later than close of business August 12, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 505, 512, 701, 52 Stat. 1041, 1049, 1052–1053, 1055, 82 Stat. 347; 21 U.S.C. 321, 351, 355, 360b, 371), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–13459 Filed 6–11–74;8:45 am]

Office of the Secretary

[41 CFR Part 3–50]

DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3–50.8, Disclosure of Information Under the Freedom of Information Act.

This amendment would provide procurement personnel with a policy and procedure for responding to requests for information from the general public, with particular regard as to how such requests are affected by the provisions of the Freedom of Information Act.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 2038, HEW Switzer Building, 330 C Street SW, Washington, D.C. 20201, on or before July 12, 1974. All comments submitted pursuant to this notice will be available for inspection during regular business hours in the Office of Grants and Procurement Management.

Dated: June 5, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

As proposed, the new Subpart 3–50.8 would read as follows:

Subpart 3–50.8—Disclosure of Information under the Freedom of Information Act

Sec.
3–50.800 Scope.
3–50.801 General.
3–50.802 Release of procurement information.
3–50.803 Denial of requests for information.
3–50.804 Resolution of doubtful cases.
3–50.805 Fees.

Subpart 3–50.8—Disclosure of Information under the Freedom of Information Act

§ 3–50.800 Scope.

This subpart provides policy and procedures pertaining to the release of procurement information to the public in accordance with the provisions of the "Freedom of Information Act" (5 U.S.C. 552).

§ 3–50.801 General.

The "Freedom of Information Act" provides that certain Government records shall be made available to the public upon request. This Act has been implemented by the Department in 45 CFR Part 5 (this material also appears in Exhibit 1–120–1 of the General Administration Manual). The Department's policy is one of the fullest responsible disclosure limited only by the obligations of confidentiality and administrative necessities recognized by the Act. Any record requested and properly identified by any member of the public will be made available unless it is exempt from public disclosure. Neither the fact that the person making the request does not have a particular interest in its subject matter, nor that he does not provide justification for the request, is a basis for denying his request.

§ 3–50.802 Release of procurement information.

It is anticipated that the majority of requests for information from the public may be handled by procurement offices in accordance with the following guidelines.

(a) *Information generally available.* (1) Name of contractor, subject matter, date, and amount of contract.

(2) Contract performance review report.

(3) Deficiency report.

(4) Final report.

(b) *Information generally not available.* (1) Trade secrets.

(2) Confidential pricing data contained in a contract proposal if in the contracting officer's judgment it is properly so designated by the offeror.

(3) Proprietary technical data contained in a contract proposal if in the contracting officer's judgment it is properly so designated by the offeror.

(4) Confidential financial information.

(5) Draft of proposed final report submitted for comment prior to acceptance.

(6) Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.

(7) Proposals on which no award is made.

§ 3–50.803 Denial of requests for information.

(a) Written requests for inspection or copying of records shall be denied only by the following officials:

Office of the Secretary	Director of Public Services, Department Information Center Officer, or Regional Public Affairs Officers.
Health Services Administration, Center for Disease Control, Health Resources Administration, and National Institutes of Health.	Director of Public Services, Department Information Center Officer.
Food and Drug Administration	Assistant Commissioner for Public Affairs.
Office of Education	Do.
Social Security Administration	Do.
Social and Rehabilitation Service	Assistant Administrator for Public Affairs.
National Institute of Education	Assistant to the Director for Public Affairs.

In those instances where a contracting officer considers it necessary to deny a written request for information, a statement justifying denial shall be prepared and the concurrence of the Business and Administrative Law Division, Office of General Counsel or cognizant regional attorney shall be obtained. A copy of the request and of the justification for denial shall then be forwarded to the appropriate duly authorized officer for his consideration.

(b) *Oral requests.* Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request he shall be asked to put the request in writing.

§ 3–50.804 Resolution of doubtful cases.

Whenever a contracting officer entertains a reasonable doubt as to whether records requested are or may be exempt from disclosure, he shall promptly request a determination from the Business and Administrative Law Division, Office of General Counsel or from the cognizant regional attorney, and the appropriate public affairs officer.

§ 3–50.805 Fees.

(a) *Policy.* Routine information shall be provided to the general public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees, which shall be fixed in such amounts as to recover the cost to the Government of providing such services. Fees will be charged for the following special services: (1) Reproduction, duplication, or copying of records; (2) certification or authentication of records; (3) searches of or for records.

(b) *Fee schedules.* Fee schedules of the various components of the Department are set forth in 45 CFR Part 5.

[FR Doc.74–13516 Filed 6–11–74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[Economic Regs.; Docket No. 26770; EDR–271]

REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Proposed Standard Allocation Procedures and Reporting of Additional Data

JUNE 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 243 of the Economic Regulations which would establish standard allocation procedures for allocating investment and expenses to Military Airlift Command charter contracts, and require the reporting of additional data on CAB Form 243 "Report of Charter Services Performed for the Military Airlift Command."

The principal features of the proposed amendment are described in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 15, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

Dated: June 4, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

On June 5, 1973, by notice of proposed rulemaking EDR–249/PSDR–35 (38 FR 15368), the Board proposed, in addition to other amendments to Part 288 of the Economic Regulations (14 CFR Part 288) and Part 399—Statements of General Policy (14 CFR Part 399), the establishment of interim final minimum rates applied prospectively to certain foreign and overseas air transportation services for the Department of Defense (DOD) through procurement by the Military Airlift Command (MAC~~). This~~ modification of MAC ratemaking procedure, subsequently adopted in ER–819, August 28, 1973, is based on an expedited analysis of available reported results and other related data. The interim final rates determined are to be effective prospectively and shall not be subject to retroactive adjustment. Moreover, the analyses are to be updated periodically for the latest available data to determine whether or not the interim final rates established should be further adjusted prospectively.

The primary source data for interim final rate analyses are the Form 243 reports submitted by the carriers to the Board covering MAC charter contract operations, which served as the base for the interim rate determinations adopted by the Board in ER–819. DOD comments in response to the Notice took issue with the validity of the carrier reports, pointing out a number of discrepancies in the results reported within and between the carriers. While our review of the DOD comments revealed most of the items raised were not substantive and the reports at that time were reasonably acceptable for the interim rate determinations therein, we are nonetheless concerned about maintaining the reliability of these reported data, particularly in view of the procedural modification for interim final rate determinations. In this connection, a study of the Form 243 reports and related procedures was made which indicates that the inconsistencies and deficiencies in the reporting noted by the DOD are primarily due to the inability under the present regulation to relate the assigned MAC operational investment and cost elements with those reported for these same elements as they are reflected in the Form 41 reports for the system operations. Moreover, the present regulation does not prescribe the bases for assignment and allocation of investment and expenses to MAC operations. Rather, each carrier has been permitted to assign investment and expenses on its own bases, subject to the filing of policy statements for its methodologies. While the carrier allocations have been reasonably acceptable, the fact remains that the variations in methodologies reduced their usefulness for

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analytical purposes. Accordingly, on the basis of the foregoing, and since the services provided for MAC are to a large extent standardized and the rates are fixed on a class basis, we conclude that: (1) Form 243 reporting for such services performed would be improved through prescription of standard allocation methods[1] to be employed in this reporting by all of the participating carriers; and, (2) that an enlargement of the reported data base is required for administration of the recently adopted modification of MAC ratemaking procedure.

Therefore, we are proposing herein additional reporting and standardization of investment and cost assignments for the MAC operations, as reported on the Form 243 directed towards significantly enhancing the reliability of these reports as an analytical base for expedited monitoring and processing of MAC rates. Due to a limited statistical reporting currently required of the supplemental carriers under Part 241, we cannot accomplish complete standardization at this time. However, upgrading of reporting for the supplemental carriers is under consideration, and it is contemplated that in the near future all of the carriers reporting on Form 243 will have a standard Form 41 data base. In the interim, in order to achieve a major part of our objective herein, the assignment bases for operations by supplemental carriers which are not mutually reported with the route operations will temporarily be keyed to what are considered the best bases currently available, At such time as the Form 41 reporting for the supplementals provides data comparable to that now provided by the route carriers, we intend to convert the supplemental carrier assignment standards for MAC services on Form 243 reports to be compatible with those being proposed for the route carriers. We believe that the proposed amendments to Form 243 reporting will strengthen the tie-in to the system data reported on the Form 41, improve the reliability and the consistency of reporting both within and between the carriers, and provide for better cost perspectives relating to the equipment types utilized by all of the participating carriers in the various classes of services performed for MAC. We are very much aware that our proposed amendments to Part 243 will impose an added reporting burden upon the carriers. This was duly considered and weighed against the benefits, which are anticipated to be derived, in reaching our conclusion to issue this Notice. Diligence was extended to keep the report revisions to a minimum. As for the added data requirements, particularly Schedules D–2 (b) and (c), we have closely aligned the format of these reports with the related schedules for similar data submissions for the Form 41 system reports, which we expect will facilitate their preparation—especially if performed through automated data processing.

ADDITIONAL DATA

A. *Investment.* Schedule D–1, Summary of Invested Capital, would be amended to provide separate reporting of assigned investment related to passenger, cargo and mixed traffic services performed under MAC charter contracts during the report period. In addition, we will require memorandum reporting for the net valuation of assigned leased equipment, pursuant to regulatory provisions. The foregoing, coupled with the standard methods for assignment, should provide us with more direct information detail for the carriers' capital costs as they pertain to the different MAC services performed which underlie our rate determinations.

B. *Operating revenues and expenses.* 1. Schedule D–2, Summary of Financial Results of Operations, would be amended to provide separate reporting for passenger, cargo and mixed traffic services. We will also require the carriers to submit a 12-months-to-date summary of these results commencing with the fourth quarter of reporting under this rule. During the first year that the regulation is in effect, the reporting carriers will report the totals to date, each quarter, and use the to-date summaries in lieu of the computations required on an annual basis. For example, after six months' effectiveness in cases where the base for assignment is required on all or one-twelfth of the annual data, the assignment would be made on the basis of all or one-sixth of the six-month totals as is appropriate—etc., all or one-ninth of the nine-month totals. It should also be noted that the reporting of revenues and expenses related to commercial backhaul services is being deleted from this report. This is consistent with the treatment accorded to the results of this service by the Board in ER–819 for the determination of the interim final rates adopted therein.

2. Supplemental Schedules D–2(a), D–2(b) and D–2(c) are added to provide memorandum reports covering out-of-period adjustment entries reflected within the reported data, objective account reporting of direct operating expenses, and objective account reporting for indirect expenses, respectively. We feel that this cost breakdown is necessary for two reasons: (1) To enable the carriers to comply with the standard cost assignments being prescribed herein; and, (2) to provide adequate reported data detail so as to permit analytical focus on selected cost areas which come to the forefront in expedited rate reviews and monitoring.

C. *Service and traffic.* Schedule D–3, Summary of Operating Statistics and Aircraft Utilization, would also be amended to provide separate reporting for passenger, cargo and mixed traffic services performed quarterly and 12 months to date beginning with the fourth quarter after this amendment is effective. During the first year, totals will be accumulated to date. The commercial backhaul miles have been eliminated consistent with the deletion of revenues and expenses for this service. The assignment of aircraft days to MAC services has been specifically defined in the proposed rule. For cost assignment purposes, revenue passengers enplaned, revenue passenger-miles and departures performed have been added to this report. Further, gallons of fuel consumed, reflecting purchases from military and commercial sources, have also been included in the report which we consider a relevant information item for analytical purposes.

STANDARD ALLOCATIONS

The proposed rule sets out in detail the standard allocations, specified where necessary for the different methods to be used by route and supplemental carriers, which are to be applied to the system results in order to obtain the investment and expenses related to MAC contract charter services. Revenues will be reported on Form 243 as directly derived from the performance of MAC operations. The prescribed allocation standards reach to each element of the reported investment and to each expense function and sub-function reporting required herein.

It is proposed to amend Part 243 of the Economic Regulations (14 CFR Part 243) as follows:

1. Amend the Table of Contents by revising the title of § 243.4, changing the present § 243.8 to § 243.11, and adding new §§ 243.8, 243.9, and 243.10. As amended, the table of contents will read:

Sec.

* * * * *

243.4 Standard allocation procedures.

* * * * *

243.8 Schedule D–2(a)—Notes to Summary of Financial Results of Operations—MAC Charter Contracts.
243.9 Schedule D–2(b)—Summary of Direct Expenses—MAC Charter Contracts.
243.10 Schedule D–2(c)—Summary of Indirect Expenses—MAC Charter Contracts.
243.11 Schedule D–3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.

§ 243.1 [Amended]

2. Amend § 243.1 by deleting the definition for Category X charter services.

3. Amend § 243.2 by revising paragraphs (a) and (c) to read:

§ 243.2 Applicability of CAB Form 243 requirements.

(a) This part applies only to certificated air carriers performing Category B, Logair, or Quicktrans charter services under fiscal year contracts with the Military Airlift Command.

* * * * *

(c) List of Schedules in CAB Form 243 report.

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[1] The standards for the proposed cost assignments are based primarily on the allocations which were employed by the Board in its cost analyses made for the Domestic Passenger-Fare Investigation, Docket 21866. (DPFI).

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Quarterly	June 1, Sept. 1, Dec. 1, Mar. 30.
D-1	Summary of Invested Capital—MAC Charter Contracts	do	Do.
D-2	Summary of Financial Results of Operations—MAC Charter Contracts.	do	Do.
D-2(a)	Notes to Summary of Financial Results of Operations—MAC Charter Contracts.	do	Do.
D-2(b)	Summary of Direct Expenses—MAC Charter Contracts	do	Do.
D-2(c)	Summary of Indirect Expenses—MAC Charter Contracts.	do	Do.
D-3	Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.	do	May 10, Aug. 10, Nov. 10, Feb. 10.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

4. Revise § 243.4 to read as follows:

§ 243.4 Standard allocation procedures.

(a) Balance sheet, revenue, and expense classifications shall be allocated in accordance with the standard allocation procedures set forth in the subsequent paragraphs of this section.

(b) Standard allocation procedures for Schedule D–1—Summary of Invested Capital—MAC Charter Contracts.

(1) Working capital—one month's cash operating expenses determined from the expenses reported by type of MAC charter contract, type of service, and type of aircraft on Schedule D–2 shall be reported by similar groupings as working capital on this schedule. In each instance, one month's cash operating expenses shall be determined by multiplying the related 12-months-to-date cash operating expenses reported on Schedule D–2 by one-twelfth.

(2) Flight equipment costs and reserves for depreciation—costs and depreciation reserves for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 (column 7—Costs, column 8—Regulatory Reserves for Depreciation, and column 10—Total Reserves for Depreciation of Schedule B–5 for route air carriers; and Account 1609—Flight Equipment Cost and Account 1619—Reserves for Depreciation of Schedule B–1, and the Regulatory Reserves for Depreciation shown on Schedule B–2.1 for supplemental air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related "aircraft days assigned to service—carrier's equipment" reported on line 19 of Schedule D–3 to the respective aircraft type system "aircraft days assigned to service—carrier's equipment" reported on CAB Form 41 Schedule T–2 (b) or Schedule T–3.1.

(3) Ground equipment costs and reserves for depreciation—costs and depreciation reserves reported on CAB Form 41 Schedule B–1 shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—costs of ground equipment at stations operated solely for MAC charter services shall be directly assigned to MAC operations, and costs of ground equipment at stations operated for both MAC charter services and other services shall be allocated on the basis of the ratios of the related MAC charter aircraft departures to the total aircraft departures by respective type reported for the station on CAB Form 41 Schedules T–3(b) and T–3(c). Ground equipment reserves for depreciation shall be allocated on the basis of the ratios of the ground equipment costs allocated to MAC operations on this schedule to the system ground equipment costs.

(ii) Supplemental air carriers—costs of ground equipment at stations operated solely for MAC charter services shall be directly assigned to MAC operations, and costs of ground equipment at stations operated for both MAC charter services and other services shall be allocated on the basis of the ratios of the related MAC charter airborne aircraft hours flown reported on line 18 of Schedule D–3 to the respective aircraft type system revenue airborne aircraft hours flown reported on CAB Form 41 Schedule T–3.1. System reserves for depreciation shall be allocated on the basis of the ratios of the ground equipment costs allocated to MAC operations on this schedule to the system ground equipment costs.

(4) Developmental and preoperating costs—unamortized costs applicable to aircraft utilized in MAC operations included in the system amounts reported in column 6 of CAB Form 41 Schedule B–10 (Account 1830 of CAB Form 41 Schedule B–1 for Group I supplemental air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating the related flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(5) Other—with respect to capital items for which no allocation basis is otherwise prescribed herein, the carrier shall provide a description of each investment item, the amounts capitalized for each in the MAC services investment, and an explanation of the allocation method utilized. In those instances where the item is related to one of the foregoing investment items listed above, the allocation should be made on the same basis as prescribed for the related items.

(6) Constructive asset value of leased flight equipment—costs and depreciation accumulations for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule B–14 (columns 3 and 4) shall be reported as memorandum items and allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating related owned flight equipment costs and reserves for depreciation (§ 243.4(b)(2)). If type of equipment is totally leased, costs and depreciation accumulations included in system amounts reported on CAB Form 41 Schedule B–14 (columns 3 and 4) shall be allocated to MAC operations on the basis of ratios developed in accordance with the provisions of § 243.4(b)(2).

(c) Standard allocation procedures for Schedule D–2—Summary of Financial Results of Operations—MAC Charter Contracts.

(1) Operating revenues—actual revenues shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(2) Operating expenses—totals of operating expenses reported on Schedules D–2(b) and D–2(c) shall be reported on this schedule by type of MAC charter contract, type of service, and type of aircraft. Expenses not allocated to MAC operations on Schedules D–2(b) and D–2 (c) shall be allocated to MAC operations as follows:

(i) Flight equipment rentals—rental expenses for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule P–5.1 (Group I air carriers) or Schedule P–5.2 (Groups II and III air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating the constructive asset value of the related leased flight equipment (§ 243.4(b)(6)).

(ii) Form 41 components of flight equipment depreciation—depreciation expenses for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule P–5.1 (Group I air carriers) or Schedule P–5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(iii) Developmental and preoperating expenses—expenses applicable to those aircraft types utilized in MAC operations included in the system amounts reported on CAB Form 41 Schedule P–3 (all route air carriers) or Schedule B–10— column 5 (Group II supplemental air carriers) shall be allocated to MAC operations by types of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating developmental and preoperating costs (§ 243.4(b)(4)). Group I supplemental air carriers shall also allocate expenses of aircraft types used in MAC operations on the same basis as the other carriers and, because these carriers do not report these expenses on CAB Form 41, shall indicate the respective

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system expenses in the notes section of this Schedule D–2.

(iv) Interest—system interest expenses reported on CAB Form 41 Schedule P–3 (accounts 87.1, 87.2, and 87.3) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(v) Income taxes—income taxes shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft by multiplying the income before income taxes reported on line 12 of this schedule by the current tax rates.

(d) Standard allocation procedures for Schedule D–2(b)—Summary of Direct Expenses—MAC Charter Contracts.

(1) Flying operations—except for the direct assignment of the actual costs of aircraft fuels acquired from DOD and commercial sources to MAC operations by type of MAC charter contract, type of service, and type of aircraft, system expenses reported on CAB Form 41 Schedule P–5.1 (Group I air carriers) or Schedule P–5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—ratios of the related MAC charter ramp-to-ramp aircraft hours flown reported on line 22 of Schedule D–3 to the respective aircraft type system ramp-to-ramp aircraft hours flown reported on CAB Form 41 Schedule T–2(b).

(ii) Supplemental air carriers—ratios of the related MAC charter airborne aircraft hours flown reported on line 18 of Schedule D–3 to the respective aircraft type system revenue airborne aircraft hours flown reported on CAB Form 41 Schedule T–3.1.

(2) Direct maintenance—flight equipment—except for applied maintenance burden (account 79.6), system expenses reported on CAB Form 41 Schedule P–5.1 (Group I air carriers) or Schedule P–5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)). Maintenance burden costs already allocated by type of MAC charter contract, type of service, and type of aircraft on Schedule D–2(c) (§ 243.4(e)(2)) shall be allocated to account 79.6 on the basis of direct labor incurred under this function.

(3) Regulatory components of flight equipment depreciation — system expenses reported on CAB Form 41 Schedule P–5(a) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(4) Obsolescence and deterioration — expendable parts—system expenses reported on CAB Form 41 Schedule P–5.1 (Group I air carriers) or Schedule P–5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(e) Standard allocation procedures for Schedule D–2(c)—Summary of Indirect Expenses—MAC Charter Contracts.

(1) Direct maintenance-ground equipment—except for applied maintenance burden (account 79.8), system expenses reported on CAB Form 41 Schedule P–6 shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)). Maintenance burden expenses already allocated by type of MAC charter contract, type of service, and type of aircraft on this schedule (§ 243.4(e)(2)) shall be allocated to account 79.8 on the basis of direct labor incurred under this function.

(2) Maintenance burden—system expenses reported on CAB Form 41 Schedule P–6 shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)).

(3) Passenger service—system expenses reported on CAB Form 41 Schedule P–6 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following basis:

(i) Route air carriers—ratios of the related MAC revenue passenger-miles flown reported on line 23 of Schedule D–3 to the respective aircraft type system revenue passenger-miles flown reported on CAB Form 41 Schedule T–2(b).

(ii) Supplemental air carriers—ratios developed for allocating flying operation expenses (§ 243.4(d)(1)(ii)).

(4) Aircraft servicing—system expenses reported on CAB Form 41 Schedule P–7 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related MAC departures (weighted by the standard maximum landing weight) reported on line 21 of Schedule D–3 to the respective aircraft type system departures (weighted by the standard maximum landing weight) reported on CAB Form 41 Schedules T–3(b) and T–3(c). The standard maximum landing weights to be used in weighting departures are as follows:

Aircraft Type	*Standard Maximum Landing Weight (Tons)*
B–747A	282
B–747B	282
B–707–300C	123.5
B–707–321B	107.5
B–707–331/351B	103.5
DC–10–30CF	205.5
DC–8–50F	120
DC–8–61F	229
DC–8–62	120
DC–8–62F	125
DC–8–63/F	137.5
B–727/QC	68.75
L–188C	47.825
L–100–20	65.000
DC–9–30F	44.500

(5) Traffic servicing—system expenses reported on CAB Form 41 Schedule P–8 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related MAC revenue ton-miles flown reported on line 26 of Schedule D–3 to the respective aircraft type system revenue ton-miles flown reported on CAB Form Schedule T–2(b).

(6) Servicing administration—system expenses reported on CAB Form 41 Schedule P–8 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating traffic servicing expenses (§ 243.4(e)(5)).

(7) Aircraft and traffic servicing—system expenses reported on a combined basis (also includes servicing administration expenses) on CAB Form 41 Schedule P–7 (Group II air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—ratios of the related MAC revenue ton-miles flown reported on line 26 of Schedule D–3 to the respective aircraft type system revenue ton-miles flown reported on CAB Form 41 Schedule T–2(b).

(ii) Supplemental air carriers—ratios developed for allocating flying operation expenses (§ 243.4(d)(1)(ii)).

(8) General and administrative—system expenses reported on CAB Form 41 Schedule P–6 (Group I air carriers) [1] or Schedule P–7 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios

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[1] Classified as general services and administration, functional account 6900, on this schedule, and expenses reported are for the passenger service, aircraft and traffic servicing, promotion and sales, and general and administrative functions. Nonrecognized MAC expenses (advertising and promotion, accounts 6960 and 6962) shall not be allocated to MAC operations.

of the related MAC cash operating expenses [2] reported on Schedule D–2 to total system cash operating expenses [2] reported on CAB Form 41 Schedule P–1.1 (Group I air carriers) or Schedule P–1.2 (Groups II and III air carriers).

5. Amend § 243.6 by deleting paragraph (e–1) and revising paragraphs (c) and (e) to read:

§ 243.6 Schedule D–1—Summary of invested capital—MAC charter contracts.

* * * * *

(c) Each indicated balance sheet classification shall be allocated in accordance with the standard allocation procedures in § 243.4(b), and reported by type of MAC charter contract, type of service, and type of aircraft.

* * * * *

(e) The flight equipment depreciation reserve shown on line 3a, "Form 41 components," represents a memorandum entry only, and is not to be considered in the computation of line 4, "Net flight equipment."

(e–1) [Deleted]

* * * * *

6. Amend § 243.7 by deleting paragraphs (c–1) and (g–1) and revising paragraphs (a), (c), (d), (f), (g), and (h) to read:

§ 243.7 Schedule D–2—Summary of financial results of operations—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

* * * * *

(c) Each indicated revenue classification, representing actual revenue earned, shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(c–1) [Deleted]

(d) Each indicated expense classification shall be allocated in accordance with the standard allocation procedures in § 243.4(c), and reported by type of MAC charter contract, type of service, and type of aircraft.

* * * * *

(f) "Operating expenses" shall include all expenses incurred in empty backhauls to one-way MAC charters, consistent with mileages reported on Schedule D–3.

(g) The flight equipment depreciation shown on line 7d(1), "Form 41 components," represents a memorandum entry only, and is not to be considered in the computation of line 9, "Total operating expenses."

(g–1) [Deleted]

(h) Group III air carriers shall report expenses of aircraft servicing, traffic servicing, and servicing administration functions separately on lines 8d(1), (2), and (3). Group II air carriers shall report expenses of combined aircraft and traffic servicing function on line 8d.

7. Revise § 243.8 to read:

§ 243.8 Schedule D–2(a)—Notes to Summary of financial results of operations—MAC charter contracts.

(a) This schedule shall be prepared each calendar quarter.

(b) All substantive matters, such as out-of-period adjustments, included in the data reported on Schedules D–2, D–2(b) and D–2(c) which affect the conclusions to be drawn from the reported data shall be disclosed on this schedule and cross-referenced to the affected schedules by applicable quarter and amounts related to each quarter.

8. Add new § 243.9 to read:

§ 243.9 Schedule D–2(b)—Summary of direct expenses—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241 of the economic regulations in this chapter and the pertinent regulatory policies within Part 399—Statements of General Policy of this chapter.

(c) This paragraph applies only to those carriers whose contracts specify Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services, shall report the respective cost data separately on the schedule.

(d) Each indicated objective account shall be allocated in accordance with the standard allocation procedures in § 243.4(d), and reported by type of MAC charter contract, type of service, and type of aircraft.

(e) Regulatory components, not Form 41 components, of flight equipment depreciation are to be reported on this schedule.

9. Add new § 243.10 to read:

§ 243.10 Schedule D–2(c)—Summary of indirect expenses—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241 of the economic regulations and the pertinent regulatory policies within Part 399—Statements of General Policy.

(c) This paragraph applies only to those carriers whose contracts specify Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services shall report the respective cost data separately on the schedule.

(d) Each indicated objective account shall be allocated in accordance with the standard allocation procedures in § 243.4(e), and reported by type of MAC charter contract, type of service, and type of aircraft.

(e) All air carriers shall follow CAB Form 41 functional reporting requirements when reporting on this schedule, as follows:

(1) Group I air carriers—report expenses separately for direct maintenance—ground equipment, maintenance burden, and general and administrative [3] functions.

(2) Group II air carriers—report expenses separately for direct maintenance—ground equipment, maintenance burden, passenger service, and general and administrative functions; and report combined aircraft and traffic servicing expenses under the aircraft servicing function.

(3) Group III air carriers—report expenses separately for each function on the schedule.

10. Add new § 243.11 (supersedes present § 243.8) to read:

§ 243.11 Schedule D–3—Summary of operating statistics and aircraft utilization—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) This paragraph applies only to those carriers whose contracts specify Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services, shall report the respective operating statistics separately on the schedule.

(c) Data shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(d) Miles flown in Category B, Logair, and Quicktrans charters shall be reported on the basis of the great-circle distance, in statute miles, between airports served. Line 10, "Total revenue aircraft miles flown," shall reflect the total miles flown under MAC contracts and service orders.

(e) Line 9, "Paid ferry miles," shall reflect ferry miles flown in the course of round-trip charters and paid for by MAC as required by § 288.9 of the Economic Regulations.

(f) On trips designated "convertible" by MAC, the miles flown with passengers

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[2] For purposes of this regulation, cash operating expenses for Group I air carriers are flying operation and maintenance expenses; and cash operating expenses for Groups II and III air carriers are the total operating expenses less: depreciation, amortization, and general and administrative expenses.

[3] Classified as general services and administration on CAB Form 41 Schedule P–6. See footnote 2 to § 243.4(e)(8).

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shall be reported on line 7 and not included on line 2; and the miles flown with cargo shall be reported on line 8 and not included on line 4.

(g) Line 11, "Total MAC pay miles" for Category B services shall be the miles which are used with the current rates specified in Part 288 to compute the compensation due the carriers from MAC for the routings specified in the MAC contracts and service orders. For Logair and Quicktrans "Total MAC pay miles" shall be the course-flown statute miles as specified in MAC contracts and service orders.

(h) "Revenue passengers enplaned" reported on line 15 shall reflect the number of revenue passengers who boarded aircraft used in MAC charter operations.

(i) "Available seat-miles flown (passenger)" reported on line 16 shall reflect the aircraft miles flown under each MAC charter contract by aircraft type multiplied by the minimum aircraft load set forth in § 288.8.

(j) "Available ton-miles flown (cargo)" reported on line 17 shall reflect the aircraft miles flown under each MAC charter contract by aircraft type multiplied by the minimum aircraft load set forth in § 288.8.

(k) Line 18, "MAC charter aircraft hours flown (airborne)" shall reflect all hours that relate to "Total revenue aircraft miles flown" (line 10) and "Total empty backhaul miles flown" (line 14).

(l) Line 19, "Aircraft days assigned to service—carrier's equipment" shall be based on aircraft owned and/or acquired through rental or lease as they are actually used in the carrier's MAC charter operations. It shall represent the cumulative number of days or fractions thereof during the report period for MAC services performed by each aircraft, reflecting the time from dispatch of the aircraft to MAC services to the time the aircraft is dispatched for return to commercial air transport operations.

(m) Line 20, "MAC charter hours per aircraft day" shall be determined by dividing line 19, "Aircraft days assigned to service—carrier's equipment" into line 18, "MAC charter aircraft hours flown (airborne)."

(n) "Departures" reported on line 21 shall reflect the number of departures performed in MAC charter operations.

(o) Line 22, "MAC charter aircraft hours flown (ramp-to-ramp/block hours)" shall reflect all hours that relate to "Total revenue aircraft miles flown" (line 10) and "Total empty backhaul miles flown" (line 14).

(p) "MAC revenue passenger-miles flown" reported on line 23 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the number of passengers transported.

(q) "MAC revenue ton-miles flown (passenger)" reported on line 24 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the passenger-tons transported. A standard weight of 200 pounds per passenger shall be used for determining the passenger-tons transported.

(r) "MAC revenue ton-miles flown (cargo)" reported on line 25 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the cargo-tons transported.

(s) "MAC revenue ton-miles flown (total)" reported on line 26 shall represent the total of the ton-miles reported on lines 24 and 25.

(t) "Gallons of fuel—DOD" reported on line 27 shall reflect the number of gallons of fuel obtained from DOD sources for MAC charter operations.

(u) "Gallons of fuel—commercial" reported on line 28 shall reflect the number of gallons of fuel obtained from commercial sources for MAC charter operations.

11. Amend CAB Form 243 by deleting old Schedules D–1, D–2, D–3, D–4, and D–4(a), and by adding new Schedules D–1, D–2, D–2(a), D–2(b), D–2(c), and D–3, as shown in Exhibits A, B, C, D, E, and F which are filed as part of original document.

[FR Doc.74–13250 Filed 6–11–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20071; RM–2179]

FM BROADCAST STATIONS IN PORTLAND, MAINE

Table of Assignments; Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Portland, Maine).

1. On March 6, 1973, Aurovideo, Inc. (Aurovideo), licensee of full-time AM Station WLOB, Portland, Maine, filed a petition proposing the assignment of Class B FM Channel 226 to Portland, Maine. Portland (population 65,116),[1] is the seat of Cumberland County (population 192,528) and the largest city in Maine. It has one daytime-only and three full-time AM stations and three Class B FM stations (Channels 250, 270 and 275). Westbrook (population 14,444), an adjoining community and part of the Portland Urbanized Area, has a daytime-only AM station and Channel 265A assigned (two pending applications). Channel 226 could be assigned to Portland in conformance with the Commission's minimum mileage separation rule and without affecting any other assignment in the FM Table of Assignments. The proposal is subject to Canadian clearance.

2. In support of its proposal, Aurovideo asserts that Portland, with a population of 65,116 persons, has three FM assignments which are all occupied, and would qualify under FCC criteria for a fourth assignment. It points out that unlimited-time AM Station WLOB, of which it is the licensee, is the only AM station licensee without at least one companion facility, i.e., either an FM station, a TV station, or a daily newspaper and that it is competitively disadvantaged even as to co-owned AM–FM facilities in neighboring communities. However, petitioner has not shown in his pleadings that the proposed assignment would be in the public interest. Therefore Aurovideo in its comments should submit information as to economic, sociological and governmental activities to demonstrate the importance of the community and the need for additional service. (See Docket No. 19512, re: Adrian, Michigan, FCC 72–430 and F.C.C. 2d 1021 (1972).) It should also submit information as to whether the proposed operation would provide any area and population with a first or second aural service and a first or second FM service based upon the Roanoke Rapids-Goldsboro, N.C. criteria as to FM service. (Docket No. 19161, re: Anamosa and Iowa City, Iowa, FCC 74–409, adopted April 16, 1974, published May 2, 1974, 39 FR 1234.)

3. The proposed assignment would foreclose future assignment only on Channel 226 in the area of Portland. There would be no preclusion on any of the six pertinent adjacent channels.

4. Although additional information is required to show whether the requested assignment would be in the public interest, we believe that a Notice of Proposed Rule Making should be issued to explore the possibility of making such an assignment. We are therefore inviting comments from all interested persons on the proposal to assign Channel 226 to Portland, Maine.

5. Showings required. Comments are invited on the proposal set forth and discussed above. Proponents are expected to answer questions raised in this Notice and other questions that may be presented in the initial comments. The proponents are expected to state their intentions to apply for the channel, if assigned, and if authorized to promptly build the station. Failure to make these showings may result in denial of the petition.

6. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments (§ 73.202(b)) as follows:

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[1] All population figures are from the 1970 U.S. Census unless otherwise indicated.

City	Channel No.	
	Present	Proposed
Portland, Maine	250, 270, 275	226, 250, 270, 275

8. Pursuant to applicable procedures set out in Section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before July 18, 1974, and reply comments on or before August 6, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: June 4, 1974.

Released: June 5, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–13451 Filed 6–11–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Securities Act Release No. 33–5499]

EXEMPTION FOR CLOSELY HELD ISSUERS

Notice of Proposed Rule, Form and Amendment

The Securities and Exchange Commission today published for comment a proposed Rule 240 (17 CFR 230.240) and related Form 240 (17 CFR 239.240) under the Securities Act of 1933 ("Act"), "Exemption of Certain Limited Offers and Sales by Closely Held Issuers," which would provide under Section 3(b) of the Act an exemption from registration for limited offers and sales of small dollar amounts of securities to a limited number of purchasers by an issuer that after the transaction pursuant to the rule would continue to have a small number of beneficial owners of its securities. The purpose of the proposed rule is to provide an exemption from the registration, but not the anti-fraud, provisions of the Act for offers and sales that take place in raising of capital by small businesses where, because of the size of the offering and the limited number of persons involved, the public benefits of registration are too remote. The proposed rule is available for issuers only; it is not available for resales. In connection with the proposal to adopt Rule 240 and Form 240, the Commission is proposing an amendment to Rule 144 (17 CFR 230.144) under the Act which would specify that securities sold pursuant to Rule 240 would be deemed to be "restricted securities" for the purpose of Rule 144 and could, therefore, be resold pursuant to its provisions.

PROPOSED RULE 240 AND FORM 240

This release contains a general discussion of the background, purpose and general effect of the proposed rule to assist in a better understanding of its provisions. A brief synopsis of each paragraph of the proposed rule is also included. However, attention is directed to the proposed rule itself for a more complete understanding.

BACKGROUND AND PURPOSE

Congress, in enacting the federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these laws, has sought to coordinate and integrate this disclosure system with the exemptive provisions provided by such laws. Proposed Rule 240 is a further effort in this direction.

The legislative history of the Securities Act of 1933 indicates that the main concern of Congress was to provide full and fair disclosure in connection with the offer and sale of securities. However, Congress recognized that there were certain situations in which the protections afforded by the registration provisions of the Act were not necessary. Concerning those specified exemptions from the Act, the House Report stated that "The Act carefully exempts from its application certain types of * * * securities transactions where there is no practical need for its application or where the public benefits are too remote."[1]

Section 3(b) of the Act provides that the Commission may by rules, and subject to such terms and conditions as it may prescribe, "add any class of securities to the securities exempted as provided in this section [Section 3 of the Act], if it finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering." The Commission believes that offers and sales to a limited number of persons of limited dollar amounts of securities by an issuer that has few beneficial owners of its securities both before and after the offers and sales pursuant to the rule are of such limited character and of such small amount that enforcement of the registration provisions of the Act with respect to such transactions may not be necessary in the public interest or for the protection of investors. Notwithstanding the proposed exemption from registration, however, the anti-fraud provisions of the federal securities laws, and the state securities laws, continue to apply to such transactions.

The Commission recognizes that situations exist that represent in many cases a legitimate method of raising capital for small businesses where in view of the size and limited nature of the transaction the federal interest in registration may be remote, particularly in light of the applicability of most state securities laws to such transactions. The states are often in a better position to deal with such transactions. In such cases, the full registration process is uneconomical and unnecessary, and the exemptions from registration offered by sections 3(a)(11) and 4(2) of the Act may not be available because of the nature of the issuer or the nature of the investors. The proposed rule would not be available for offers and sales of interests in limited partnerships, however, because the Commission is presently unaware of any need for such an exemption with regard to limited partnerships and it believes that the potential for abuse in such cases may be great.

GENERAL DESCRIPTION

In brief, the proposed rule provides that offers and sales of securities of the issuer by an issuer are exempt from registration if all the conditions of the rule are met. These conditions relate to the manner of offering, limitations on payment for solicitation of buyers, the aggregate sales price of all securities of the issuer within a consecutive twelve month period, the number of purchasers and beneficial owners, limitations on resales of the securities, and a notice of sales.

The conditions are intended to assure that the offering is indeed one in which the dollar amount involved is small, and in which the persons affected are limited in number. The Commission is also considering the desirability of adding a condition restricting the availability of the proposed rule to securities with a minimum offering price, such as $1 or $5, in order to avoid the possibility of widespread distributions of "penny stock" sold pursuant to the rule. Comment is specifically invited on this point.

The proposed rule would only be available to issuers of securities and would not be available to affiliates of the issuer or other persons for sales of the issuer's securities. The proposed rule provides an exemption for the issuer transaction only, not for the securities themselves. Persons who would acquire securities from issuers in transactions complying with the rule would acquire securities that would be unregistered and that could only be reoffered and resold if registered or pursuant to an exemption from the registration provisions of the Act. In this connection, the proposed amendment to Rule 144 would make Rule 144 explicitly available for resales of securities acquired pursuant to Rule 240, assuming all the conditions of Rule 144 were met.

SYNOPSIS OF THE PROVISIONS OF RULE 240

Preliminary Notes. The Preliminary Notes to the proposed rule are intended to call to the attention of persons using the rule certain restraints outside the

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[1] H.R. Rep. No. 85, 73rd Cong., 1st Sess. 5 (1933).

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rule. The first preliminary note reminds issuers that proposed Rule 240 would provide an exemption from registration only, and not from the anti-fraud or other provisions of the federal securities laws. The second note reminds issuers that state law also applies to transactions under the proposed rule and that the proposed rule does not relieve the issuer from compliance with such law. The third note makes clear that the proposed rule would be available to issuers only and is a transactional exemption, and the fourth restates the Commission's position, as with respect to Rules 144, 146 (17 CFR 230.146) and 147 (17 CFR 230.147), that the proposed rule would not be available to any issuer with respect to any transactions which, although in technical compliance with the rule, were part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration pursuant to the Act would be required.

Definitions: Securities of the Issuer; Proposed Rule 240(a)(1). The term "securities of the issuer" is defined for purposes of the proposed rule to mean all securities of the issuer, its predecessors and its affiliates. Thus, securities of all classes of the issuer would be considered in applying the conditions of the rule, as well as securities of affiliated or predecessor corporation or other entities.

Definitions: Affiliate; Proposed Rule 240(a)(2). The term "affiliate" of or "affiliated" with a person is defined, as it is in Rules 144 and 146 under the Act, to be a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

Definitions: Predecessor; Proposed Rule 240(a)(3). The term "predecessor" is defined in the same manner as in Rule 405 under the Act to include persons a major portion of whose business or assets has been acquired by another person.

Proposed Rule 240(b): Use of the rule. Paragraph (b) provides that the rule is not available for the offer or sale of interests in limited partnerships, whether such offers or sales are made prior or subsequent to the formation of the partnership.

Proposed Rule 240(c): Conditions to be met. This paragraph of the proposed rule provides that transactions by an issuer involving the offer or sale of its securities in accordance with all the terms and conditions of the rule would be exempt from registration under the Act pursuant to section 3(b). The proposed rule thus applies to individual transactions in securities, and not to "offerings."

Proposed Rule 240(d): Manner of offering. The proposed rule provides that the securities cannot be offered or sold by any means of general advertising or general solicitation. The intention of this provision is that the offers and sales generally be made through individual contact between persons who have some knowledge of each other, or some reason to know about each other, and not through newspapers, advertisements or other means of general advertising. Where such means are used, it is difficult to justify an exemption on the basis of the "limited character" of the offering.

Proposed Rule 240(e): Remuneration paid for solicitation. Another condition of the proposed rule is that there be no commission or similar remuneration paid for solicitation of prospective buyers or in connection with the selling of the securities. This provision is based on similar ones in many state securities statutes and is intended to assure that securities are not offered or sold using high pressure tactics or otherwise through organized securities distribution media. The object of the proposed rule is to provide an exemption from registration for informal small business capital raising, not for organized and orchestrated sales efforts.

Proposed Rule 240(f): Aggregate sales price. In order to assure that only a limited quantity of securities is sold, the proposed rule provides as a condition that the aggregate sales price of all securities of the issuer sold by the issuer, its predecessors, or any affiliated issuers in reliance on the rule or otherwise without registration under the Act, during any consecutive twelve month period cannot exceed $100,000. This means that any sales pursuant to section 3 or 4 of the Act during the twelve month period would be included in computing the dollar maximum. The proposed rule does specifically exclude from the computation of the dollar amount two types of securities: notes or similar evidences of indebtedness issued to a commercial bank, and securities issued to 100 percent owned subsidiaries, or to a 100 percent parent of the issuer.

Proposed Rule 240(g): Number of purchasers. The proposed rule contains a limitation on the number of persons who purchase securities (other than registered securities) from the issuer, its predecessors or any affiliated issuers in any twelve month period in order to assure the limited character of any offering. As proposed, the rule limits the number of such purchasers to 25 in any consecutive twelve month period. The proposed rule contains special provisions for computing the number of purchasers, but basically, the computation is made in terms of the number of beneficial owners except in certain instances involving family relationships and where the purchaser is a corporation or trust (unless the entity was formed for the specific purpose of buying the securities). In addition, commercial banks that purchase or hold only notes or similar evidences of indebtedness of the issuer would be excluded, as would 100 percent owned subsidiaries or a 100 percent parent of the issuer.

Proposed Rule 240(h): Number of beneficial owners. The proposed rule provides that immediately before and after any sale pursuant to the rule, there can be no more than 50 beneficial owners of the securities of the issuer. The number of beneficial owners is computed in the same manner as set forth in paragraph (g) for the number of purchasers. The purpose of this condition is to make the rule available only to issuers with a limited number of beneficial owners where the public interest in registration appears to be remote.

Proposed Rule 240(i): Limitations on resale. The condition relating to resale in the proposed rule makes clear that the securities acquired pursuant to the rule are unregistered securities and that they can be resold only with registration under the Act or pursuant to an exemption therefrom. The proposed rule requires that the issuer legend the securities. Actions such as stop transfer instructions and investment letters would, of course, also be in the best interest of issuers to protect them from the consequences of a deferred distribution. The proposed rule also requires that the issuer inform each purchaser of the restrictions on resale.[1]

In connection with such restrictions, the Commission is proposing to amend Rule 144 to provide that Rule 144 would be available for resales of securities acquired pursuant to Rule 240, since such securities would not be "restricted" securities within the existing definition of that term in Rule 144.

Proposed Rule 240(j): Notice of sales. The rule as proposed requires that an issuer proposing to sell securities pursuant to the rule file a notice on Form 240 with the appropriate Regional Office of the Commission at least 10 days before its first sale pursuant to the rule.

Proposed Form 240

The proposed Form 240 is in effect a notice to be filed with the appropriate Regional Office of the Commission before any sales are made pursuant to the rule. The Form is very brief and requires information about the issuer's name, address and telephone number, its officers, directors and principal stockholders and the proposed sales.

Operation of Proposed Rule 240

If adopted, the rule would operate prospectively only since there is now no similar exemption under section 3(b) and such an exemption would not exist until such time as the rule was actually adopted. The staff would issue interpretive letters to assist persons in complying with the rule. As to resales of securities, the staff would continue its present policy of not issuing no-action letters in section 4(1) situations, as set forth in the release accompanying the adoption of Rule 144 (Securities Act Release No. 5223, January 11, 1972) (37 FR 596).

In view of the objectives and policies underlying the Act, the proposed rule would not be available to any issuer with respect to any transaction which, although in technical compliance with the provisions of the rule, was part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration would be required.

Proposed Rule 240 would relate only to transactions exempted by the rule from registration pursuant to section 3(b) of the Act. It would not provide an exemption from the anti-fraud provisions of section 12(2) of the Act or other provisions of the federal or state securities laws.

The proposed rule would be available only to the issuer of the securities and not to affiliates or other persons wanting to resell or otherwise dispose of securities of the issuer. Such disposition would have to be made in compliance with the registration provisions of the Act unless an exemption from such provisions was available. Also, the proposed rule would not relieve issuers of their obligations under relevant state laws.

Commission action: Pursuant to sections 3(b), 4(1) and 19(a) of the Act, the Securities and Exchange Commission proposes to amend Parts 230 and 239 of the Code of Federal Regulations by (1) adding thereunder new § 230.240, (2) amending § 230.144(a)(3), and (3) adding new § 239.240, as set forth below:

1. A new § 230.240 is added as follows:

§ 230.240 Exemption of certain limited offers and sales by closely held issuers.

Preliminary Notes

1. Rule 240 relates to transactions exempted from section 5 of the Act by section 3(b) of the Act. It does not provide an exemption from the anti-fraud provisions of the federal securities laws or from the civil liability provisions of section 12(2) of the Act or other provisions of the federal securities laws.

2. Nothing in this rule obviates the need for compliance with any applicable state law relating to the offer and sale of securities.

3. This rule is available only to the issuer of the securities and is not available to affiliates or other persons for resales of the issuer's securities. The rule provides an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

4. In view of the objectives of the rule and the purposes and policies underlying the Act, the rule is not available to any issuer with respect to any transactions which, although in technical compliance with the rule, are part of a plan or scheme to evade the registration provisions of the Act. In such cases registration pursuant to the Act is required.

(a) *Definitions.* For the purposes of the rule only, the following definitions shall apply.

(1) *Securities of the issuer.* The term "securities of the issuer" shall include all securities issued by the issuer and by any predecessor or affiliates of the issuer.

(2) *Affiliate.* The term "affiliate" of or "affiliated" with a person means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

(3) *Predecessor.* The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

(b) *Use of the rule.* The rule is not available for offers or sales of any interests in a limited partnership, whether such interests are offered or sold prior or subsequent to the formation of the partnership.

(c) *Conditions to be met.* Transactions by an issuer involving the offer and sale of its securities in accordance with all the terms and conditions of this rule shall be exempt from registration under the Act pursuant to section 3(b) of the Act.

(d) *Manner of offering.* The securities shall not be offered, offered for sale or sold by any means of general advertising or general solicitation.

(e) *Remuneration paid for solicitation.* No commission or other remuneration shall be paid or given directly or indirectly for soliciting any prospective buyer or for selling any of the securities.

(f) *Aggregate sales price.* The aggregate sales price of all securities of the issuer sold by the issuer, its predecessors, or any affiliated issuer in reliance upon this rule or otherwise without registration under the Act during any consecutive twelve month period shall not exceed $100,000. For purposes of computing the price of securities sold, the following shall be excluded:

(1) Notes or similar evidences of indebtedness issued to a commercial bank;

(2) Securities sold to any 100 percent owned subsidiary of the issuer or to any 100 percent parent of the issuer.

(g) *Number of purchasers.* There shall be no more than twenty-five persons who purchase from the issuer, its predecessors or any affiliated issuer securities of the issuer sold by the issuer, its predecessors or any affiliated issuer in reliance upon this rule or otherwise without registration under the Act during any consecutive twelve month period. For purposes of computing the number of persons, each person who is, immediately after the purchase, a beneficial owner of the securities shall count as one, except that:

(1) the following shall be deemed to count as one with any person:

(i) any relative or spouse of a person and any relative of such spouse, who has the same home as such person; and

(ii) any trust or estate in which a person or any of the persons related to him as specified in paragraph (g)(1)(i) or (iii) of this section collectively have 100 percent of the beneficial interest (excluding contingent interests); and

(iii) any corporation or other organization of which a person or any of the persons related to him as specified in paragraph (g)(1)(i) or (ii) of this section collectively are the beneficial owners of all of the equity securities (excluding directors' qualifying shares) or equity interests;

(2) there shall be counted as one person and one beneficial owner any corporation or trust, except that if such entity was organized for the specific purpose of acquiring the securities offered, each beneficial owner of equity interest or equity securities in such entity shall count as a separate person and separate beneficial owner; and

(3) there shall be excluded from the computation:

(i) commercial banks which purchase or hold only notes or similar evidences of indebtedness of the issuer; and

(ii) any 100 percent owned subsidiary of the issuer and any 100 percent parent of the issuer.

(h) *Number of beneficial owners.* Immediately before and after any sale pursuant to the rule, the securities of the issuer shall be beneficially owned by 50 or fewer persons. The number of persons who are beneficial owners shall be computed in the manner set forth in paragraph (g).

(i) *Limitation on resale.* Securities sold in reliance on this rule cannot be resold without registration under the Act or exemption therefrom and the issuer shall so inform each person who purchases the securities and shall so legend the securities sold.

(j) *Filing of notice of sales.* At least ten days (Saturdays, Sundays and holidays excluded) prior to the first sale of securities pursuant to this rule, there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal office is located three copies of a notice on Form 240 which shall be signed by a duly authorized officer of the issuer or by a person acting in a similar capacity for a noncorporate issuer.

2. Section 230.144 is amended as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

* * * * *

(a) * * *

(3) The term "restricted securities" means securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering or from the issuer in a transaction in reliance on Rule 240 under the Act.

2. New § 239.240 is added as follows:

§ 239.240 Form 240, report by issuer of sales of securities pursuant to § 230.240 of this chapter.

This form shall be filed by the issuer with the appropriate Regional Office of the Commission not less than ten days, excluding Saturdays, Sundays and holidays, prior to the first sale pursuant to Rule 240.

NOTE.—Copies of proposed Form 240 have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request

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[1] In this regard see Securities Act Release No. 5226 (January 10, 1972) (37 F.R. 600) relating to the applicability of the anti-fraud provisions of the securities laws to disclosure of the restrictions on resale of securities offered pursuant to Section 4(2) of the Act. That release would also be applicable to securities sold in reliance on Rule 240.

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from the Securities and Exchange Commission, Washington, D.C. 20549.

* * * * *

(Secs. 3(b), 4(1), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167; sec. 12, 78 Stat. 580; 84 Stat. 1480; 15 U.S.C. 77c(b), 77d(1), 77s(a)).

All interested persons are invited to submit their views and comments on the foregoing proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before August 2, 1974. Such communications should refer to File No. S7-525. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1974.

[FR Doc.74-13514 Filed 6-11-74;8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 703]

GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

Grant Formula

Notice is hereby given that the Water Resources Council, under the authority contained in section 402 of the Water Resources Planning Act, 79 Stat. 244, 42 USC 1962d-1, proposes to revise §§ 703.3 and 703.5, of 18 CFR, Chapter VI as set forth below.

Part 703 establishes rules and regulations under which States may apply for grants from the Water Resources Council to carry out comprehensive water and related land resources planning.

In the revised § 703.5, below, a change in the formula for computing the grant is proposed. This change is based on the Council experience with its grant program under Title III of the Water Resources Planning Act, 79 Stat. 244, 42 U.S.C. 1962c. The Council believes that these proposed changes will improve the program by providing priority consideration to allocate funds on the basis of participating in regional and river basin planning and the development of State water and related land resources plans.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to amend Part 703, to the Director, Water Resources Council, 2120 L Street NW., Suite 800, Washington, D.C. 20037, on or before July 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 65.001.)

Dated: June 6, 1974.

WARREN D. FAIRCHILD,
Director.

In § 703.3 paragraph (b) is amended and paragraphs (c) and (d) are revised to read as follows:

§ 703.3 Allotments.

* * * * *

(b) * * *

(1) Seven and a half percent of the funds in the ratio that the population of each State bears to the population of all States,

(2) Seven and a half percent of the funds in the ratio that the land area of each State bears to the land area of all the States,

(3) Fifteen percent of the funds in the ratio that the reciprocal of all per capita income of a State bears to the sum of the reciprocals for all States, and

(4) Seventy percent of the funds according to need for comprehensive water and related land resources planning programs in each State as detemined by the Council.

(c) In determining the need of a State for comprehensive water and related land resources planning as specified in paragraph (b)(4) of this section, the Council shall consider the following:

(1) The participation in and contribution to regional and river basin planning for water and related land resource use and development,

(2) Progress in the development of a comprehensive State water plan or components of a State plan,

(3) The complexity and immediacy of the water and related land resources problems, and

(4) Other factors determined to be relevant in specific instances, such as training of personnel to carry out State contribution to comprehensive planning related to paragraphs (c) (1) and (2).

(d) Within 30 days after publication of the President's Budget each year, the Council shall publish a tabulation showing the tentative distribution of funds to each State of the amounts computed under paragraphs (b) (1), (2), and (3) of this section. This computation is based on the appropriation requested by the President for the next fiscal year. This publication does not confer entitlement to such funds; it is simply a preliminary figure that can be used by the States for budgetary planning purposes.

* * * * *

Paragraph (h) of § 703.5 is revised to read as follows:

§ 703.5 Contents of applications.

* * * * *

(h) Need for augmented planning: Include statements on at least the criteria set forth in § 703.0(c) (1), (2), (3), and (4) to assist the Council in appraising the need for comprehensive water and related land resources planning among the States for the purpose of allotting the 70 percent of Federal Title III funds available for distribution on the basis of planning need.

* * * * *

[FR Doc.74-13418 Filed 6-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter I]

[Docket No. 13817; Notice No. 74-20]

RESTRICTED AREA AND CONTINENTAL OPERATIONS RANGE SEGMENTS

Advanced Notice of Proposed Rulemaking

NOTE: This document was published in error as a notice document on May 31, 1974 at 39 FR 19252 and errors were made on pages 19252 and 19253. It is correctly republished here in full as an advanced notice of proposed rulemaking.

The Federal Aviation Administration has received a proposal from the Department of the Air Force that would designate a new restricted area and two new areas where special air traffic rules would apply. These new areas are located adjacent to existing restricted areas located generally north of Nellis AFB near Las Vegas, Nevada. In addition, the Air Force proposal would restructure restricted area R-4807 into three separate areas and would redesignate it and restricted areas R-4806 and R-4809 as joint use airspace.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be sumitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW, Washintgon, D.C. 20591. All communications received on or before August 2, 1974, will be considered by the Administrator before taking action with respect to the subject matter. All comments will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons. Copies of comments will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

Informal meetings to present the Air Force's airspace proposal, together with question and answer sessions, will be held during the comment period in order that interested persons may avail themselves of all aspects and present their views. These meetings are scheduled for June 25, 1974, at 1:00 p.m., and 7:30 p.m., Room 1, Las Vegas Convention Center, Las Vegas, Nevada.

The newly designated areas proposed by the Air Force are part of an overall program entitled a Continental Operations Range (COR), for the operational testing and evaluation of aircraft weapons systems. The COR encompasses an area describing approximately a triangle having corners at Reno, Nevada; Salt Lake City, Utah; and Las Vegas, Nevada. Designation of airspace for the COR program is limited to the one new restricted area and two special use areas described in this notice.

The Air Force proposal envisions a three phase development for the near-term, mid-term, and far-term requirements. The three steps, as planned by the Air Force, cover the development periods from the present through June, 1975, the mid-term through June, 1978, and the far-term through June, 1983. The mid-term and far-term requirements are not projected to include additional airspace. It is anticipated that restricted airspace will be reduced.

The Continental Operations Range is required by the Air Force to develop a realistic operational environment for simulating combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne munitions and performance of combat tactics. Specifically, the military activity to be scheduled within the special rule areas and the new restricted area would include the following: air-to-air combat maneuvering; air-to-ground attack maneuvering; simulated combat search and rescue; simulated combat tactical airlift; reconnaissance missions at low and intermediate altitudes at varying speeds; tests of remotely piloted vehicles; and simulated strategic bombing missions. Activities will be conducted through individual aircraft missions, small formations and, on occasion, large scale exercises.

The two new segments of airspace, requested by the Air Force and identified as "COR North" and "COR East," wherein special air traffic rules apply, would be used for operational testing under simulated combat conditions. The maneuvers would include both high speed, subsonic low altitude and vertical movement tactics. To accommodate this activity, with safety, an area as free as possible from population density and air traffic density is desired. The proposed area was selected on this basis.

The Air Force request for the new restricted area is based upon a need for an area adjacent to existing restricted areas for delivery of weapons that will impact within existing restricted area R-4807. Since flight within the new restricted area could be potentially hazardous to other aircraft, and since there is not adequate radar surveillance within the area to provide separation and insure safety, the new restricted area is considered necessary by the Air Force. This restricted area would be designated joint use, that is, available to the public when not in use by the Air Force. When adequate radar surveillance and control become available, the new restricted area would be revoked and the airspace would become part of the eastern COR airspace.

The Air Force plans to provide extensive instrumentation and communication capability, including expanded radar surveillance. These facilities, although primarily oriented to support the military activity, will be employed also to enhance the safe transit of all aircraft.

The FAA and the Air Force wish to minimize the burden of the Continental Operations Range on nonparticipating aircraft and request public comment concerning alternate airspace options and regulatory concepts that may be available.

Every effort will be made consistent with safety to allow flight through the COR area. Accordingly, visual flight rules (VFR) flight corridors are planned along commonly flown east-west and north-south routes. Although communications are encouraged to aid in providing separation, flight through these corridors would be permitted without radio communication or prior permission. An east-west corridor is proposed as being along V-244 from 1,500 feet AGL up to 12,500 feet MSL, North-south corridors, as shown in the diagram, are proposed for the same altitudes and are generally located above highways for easy identification.

In order to cause the least amount of inconvenience to transiting pilots, existing restricted areas R-4807 and R-4806, which form part of the COR, R-4809, and the new restricted area identified as R-4817, would all be designated as joint use areas. This would provide for release of this airspace for public use when it is not needed by the using agency.

The following diagram describes the Air Force proposal for the COR including restricted areas R-4817, the proposed realignment of restricted area R-4807, R-4808, R-4809, the proposed special rule areas, COR-North and COR-East, and the proposed VFR Flight corridors.

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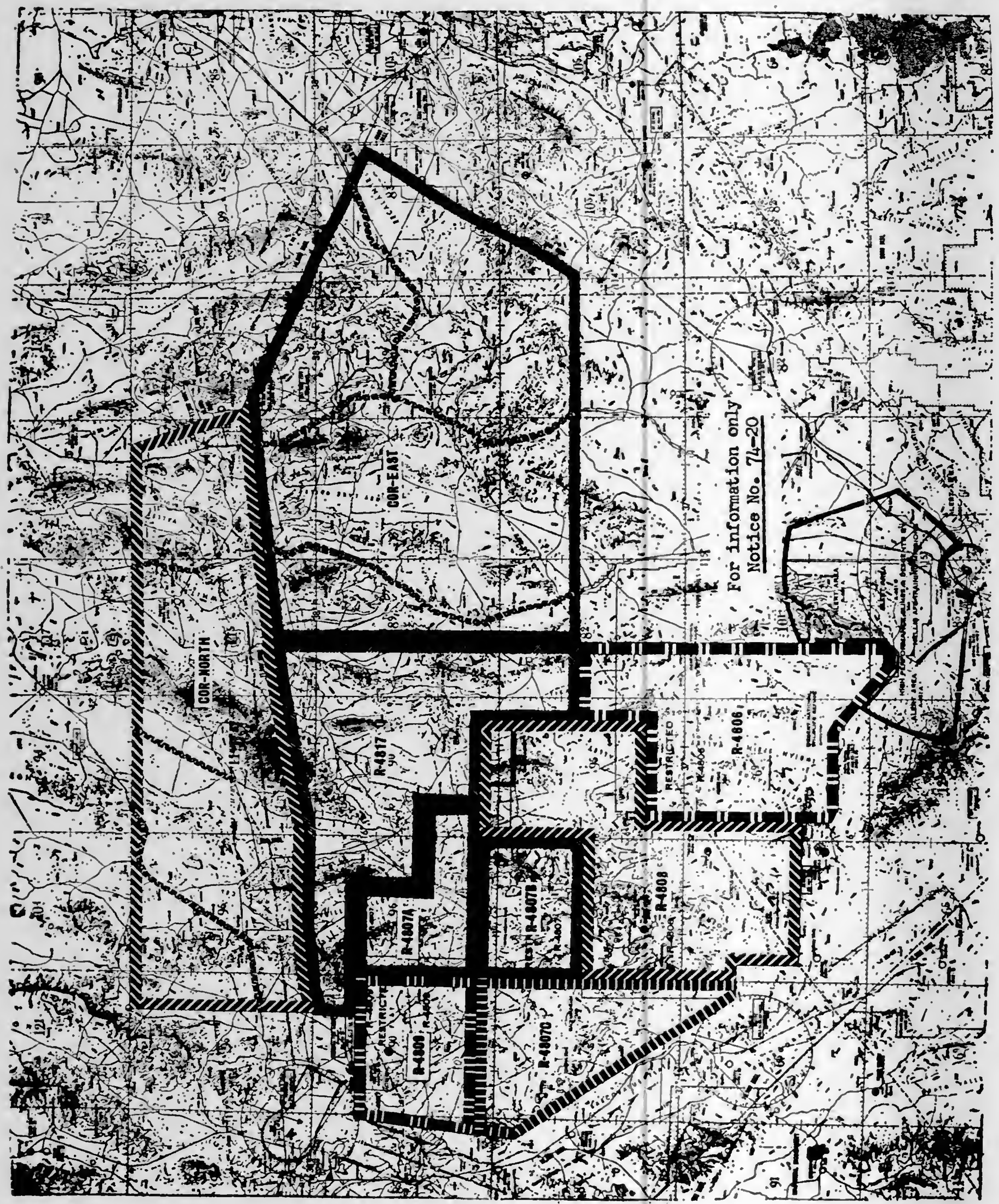

The details of the areas shown on the diagram would be as follows:

1. R–4817 Tonopah, Nevada (as proposed).

Boundaries. Bounded on the E by longitude 115°18'00" W.; on the S., W., and N. by a line from latitude 37°17'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°35'00" W.; latitude 37°33'00" N., longitude 115°35'00" W.; latitude 37°33'00" N., longitude 115°53'00" W.; latitude 37°42'00" N., longitude 115°53'00" W., latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°53'25" N., longitude 116°38'20" W.; latitude 37°59'55" N., longitude 116°38'10" W.; latitude 38°00'10" N., longitude 116°33'30" W.; latitude 38°00'30" N., longitude 116°33'45" W.; latitude 38°01'50" N., longitude 116°19'45" W.; latitude 38°01'40" N., longitude 115°58'40" W.; latitude 38°06'00" N., longitude 115°28'00" W.; to latitude 38°07'00" N., longitude 115°18'00" W.

Altitude. 200 feet AGL to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

2. R–4807 Tonopah, Nevada, would be redesignated as R–4807 A, B, and C.

(a) R–4807A Tonopah, Nevada.

Boundaries. Beginning at latitude 37°53'00" N., longitude 116°30'00" W.; via latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 115°53'00" W.; latitude 37°33'00" N., longitude 115°53'00" W.; latitude 37°33'00" N., longitude 116°30'00" W.; to the point of beginning.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) R–4807B Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°00'00" W.; on the S. by latitude 37°16'00" N.; on the W. by longitude 116°30'00" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(c) R–4807C Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°30'00" W.; on the S. and W. by a line from latitude 36°51'00" N., longitude 116°30'00" W.; via latitude 36°51'00" N., longitude 116°33'30" W.; latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°33'00" N., longitude 117°03'40" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

3. Special Rule Airspace.

Description of area. (a) Continental Operations Range North (COR-North).

Boundaries. Beginning at latitude 37°59'55" N., longitude 116°38'10" W.; via latitude 38°00'00" N., longitude 116°34'00" W.; latitude 38°01'00" N., longitude 116°33'00" W.; latitude 38°01'50" N., longitude 116°19''45" W.; latitude 38°01'40" N., longitude 115°58'00" W.; latitude 38°06'00" N., longitude 115°28'00" W.; latitude 38°07'00" N., longitude 115°18'00" W.; latitude 38°10'50" N., longitude 114°24'40" W.; latitude 38°11'50" N., longitude 114°27'30" W.; latitude 38°30'00" N., longitude 114°35'15" W.; latitude 38°30'00" N., longitude 116°38'00" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Salt Lake City ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) Continental Operations Range East (COR-East).

Boundaries. Beginning at latitude 38°07'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°18'00" W.; latitude 37°17'00" N., longitude 113°58'45" W.; latitude 37°31'00" N., longitude 113°47'30" W.; latitude 37°36'00" N., longitude 113°44'00" W.; latitude 37°41'00" N., longitude 113°40'00" W.; latitude 37°52'20" N., longitude 113°30'30" W.; latitude 38°11'00" N., longitude 114°24'30" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

VFR CORRIDORS

(a) *COR-North—Flyway A.* Beginning at latitude 38°30'00" N., longitude 115°55'00" W.; thence southwest, one NM on either side of U.S. Highway 6 to latitude 38°08'30" N., longitude 116°38'00" W.

(2) *Flyway B.* Beginning at latitude 38°30'00" N., longitude 115°37'00" W.; thence southwest, one NM on either side of a direct line to latitude 38°13'00" N., longitude 115°48'00" W.

(3) *Flyway C.* Beginning at latitude 38°30'00" N., longitude 115°01'30" W.; thence south, one NM on either side of State Highway 38 to latitude 38°16'45" N., longitude 115°01'45" W.

(4) *Flyway D.* V–244 will serve as a VFR flyway for east/west bound traffic between Tonopah and Wilson Creek, Nevada.

(b) *COR-East*—(1) *Flyway A.* Beginning at latitude 37°17'00" N., longitude 115°07'00" W.; thence north one NM on either side of U.S. Highway 93 to latitude 37°31'40" N., longitude 115°13'30" W.; thence northwest one NM on either side of State Highway 25 to latitude 37°32'00" N., longitude 115°14'00" W.; thence north one NM on either side of State Highway 38 to latitude 38°08'30" N., longitude 114°58'05" W.

(2) *Flyway B.* Beginning at latitude 37°17'00" N., longitude 114°28'25" W.; thence north one NM on either side of the Union Pacific Railroad to Caliente, Nevada; thence north one NM on either side of U.S. Highway 93 to latitude 38°10'05" N., longitude 114°35'20" W.

(3) *Flyway C.* Beginning at latitude 37°47'30" N., longitude 114°24'30" W.; thence east one NM on either side of U.S. Highway 25 to Modena, Utah; thence northeast one NM on either side of the Union Pacific Railroad to latitude 37°54'30" N., longitude 113°37'30" W.

Based on the foregoing, FAA solicits the views of all interested persons concerning the Air Force proposal. The FAA is particularly interested in receiving comments regarding the following aspects of the proposal:

1. The present level of VFR activity in the affected areas.
2. The effect of this proposal on present VFR activity.
3. The effect this proposal would have on existing airports underlying the proposed airspace.
4. The suitability of the proposed VFR flight corridors.
5. The effect of this proposal on Instrument Flight Rule (IFR) traffic in the area.
6. The type of communication such as direct telephone, or radio needed by civil users within the proposed airspace.
7. The regulatory options available to assure safe entry and transit through the area, including the possible need for air traffic control clearances.
8. Possible alternatives to the proposed new restricted area and the proposed special rule areas.

Comments are also invited concerning the potential environmental impact of implementing the actions proposed herein. In this connection, a Notice of Intent to prepare an environmental impact statement with respect to the Continental Operations Range was published by the Air Force in the FEDERAL REGISTER (38 FR 31691) on November 16, 1973. Comments concerning the environmental impact of the military use of the airspace discussed in this Notice should be sent to Dr. Billy E. Welch, Special Assistant for Environmental Quality, Department of the Air Force, Washington, D.C. 20330. Comments concerning other potential environmental impact (such as the affect of the Continental Operations Range on civil aircraft fuel usage) should be included in the comments to the rules docket for this notice.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 24, 1974.

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT–1.

[FR Doc.74–12508 Filed 5–30–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SW–31]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Midland, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 12, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with

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this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In Section 71.181 (39 FR 440), the Midland, Tex., transition area is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) and within a 5-mile radius of Mabee Ranch Airport (latitude 32°12'57" N., longitude 102°09'46" W.).

Alteration of the transition area is to provide controlled airspace for an original RNAV instrument approach procedure to the Mabee Ranch Airport and for radar vectoring by the Midland radar approach control facility down to 1,000 feet above the highest obstruction.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on June 4, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–13375 Filed 6–11–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–WA–49]

ALTERATION OF MIAMI, FLA., TERMINAL CONTROL AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Miami, Fla., Terminal Control Area (TCA). This proposal would redefine the lateral boundaries and floor altitudes to contain within the TCA the air traffic patterns intended for use by large turbine-powered aircraft arriving/departing the Miami International Airport. It would also delete airspace not needed within the TCA and more properly used by aircraft operating outside the TCA.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 12, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Planned changes in the approach systems and procedures used, and a reevaluation of the airspace necessary to contain the large turbine-powered aircraft operating at Miami International Airport within the TCA, have given cause to propose this amendment. It is proposed to reduce the radius boundary of the surface area from 8 and 9 miles to 6 miles, raise the floor of the areas east and west of the airport between the 10 and 15 mile radii from 2,000 feet to 3,000 feet, lower the floor of the shelves north and south of the airport from 5,000 feet to 3,000 feet, add an additional area to the northwest of the airport between the 15 and 20 mile radii with a floor of 4,000 feet, extend the area between the 15 and 20 mile radii southeast of the airport with a floor of 3,000 feet, raise the floor within the New Tamiami control zone to 2,000 feet and 3,000 feet, and revise the base of the 1,000 feet floor area to 500 feet and 1,500 feet.

The adjustments would accomplish the following:

1. The revisions south and southeast of the airport would provide manuevering area and final approach airspace for use of the VOR Runway 30 approach by large turbine-powered aircraft.
2. The area northwest of the Miami VORTAC would contain flight paths for transitioning to the VOR Runway 12 approach.
3. Lowering the TCA floor north of Miami International Airport would be for the purpose of containing within rather than beneath TCA airspace, those large turbine-powered aircraft currently operating between Miami and Ft. Lauderdale-Hollywood International Airports, thus reducing the potential of midair collision for these passenger carrying aircraft.
4. Raising the TCA floor altitudes beyond 10 miles east and west of the airport, would make more airspace available for aircraft, operating beneath the TCA, using the VFR flyways of Krome Avenue and offshore Miami Beach. The floor altitude over most of the Biscayne Bay would also be raised.
5. Raising the floors within the New Tamiami airport traffic area would provide much needed relief to the aircraft operating at that airport.

The proposal was discussed at FAA Informal Airspace Meeting No. 85, held in Miami on February 13, 1974. The airspace configuration presented at this meeting differed from that now proposed in that the surface extended over Biscayne Bay within a 6-mile radius of the Miami International Airport where it is now 1,000 feet. Objection was made of containing this additional area within the TCA and several persons requested that a floor of at least 500 feet be established. The primary user needs are seaplane and helicopter operations. A review of the vertical airspace requirements reveals this is possible and this recommendation is contained herein as Area F.

The lowering of the 5,000 feet floor areas, north and south of Miami, to 3,000 feet also received some objection. Lowering the area to the south is primarily to contain the flight paths of aircraft transitioning to the VOR Runway 30 approach. The use of these altitudes is considered to be minimal and should cause little or no interference to current airspace use. Lowering the area to the north received stronger objection. Primarily, this was because VFR flights would not be able to overfly either the Opa Locka or North Perry airport traffic areas and

be able to remain clear beneath the TCA.

It is considered impractical to use a higher en route altitude than 3,000 feet for large turbine-powered aircraft operating between the Miami and Ft. Lauderdale-Hollywood International Airports because of the short distance involved. To have these aircraft continue to operate below the TCA floor does not provide the desired level of protection. Another factor is that nonparticipating aircraft operating beneath TCA floors should be able to expect a greater degree of segregation from these turbine-powered aircraft. Even though an aircraft would not be able to overfly the airport traffic areas, authorization could be obtained from ATC to operate within these areas.

There were no other objections made to the proposed airspace configuration. Except as noted, the consensus was that the proposal was a good compromise of airspace utilization for all users.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by revising the Miami, Fla., TCA to read as follows:

MIAMI, FLA., TERMINAL CONTROL AREA

Primary Airport. Miami International Airport (Lat. 25°47'34" N., Long. 80°17'10" W.)

Boundaries.—Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC (Lat. 25°57'47" N., Long. 80°27'39" W.) 130° radial and north of Lat. 25°52'02" N. (Northwest 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC 130° radial and north of Lat. 25°52'02" N., that airspace south of the Biscayne Bay VORTAC (Lat. 25°40'17" N., Long. 80°10'40" W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 5-statute mile radius arc of the New Tamiami Airport (Lat. 25°38'51" N., Long. 80°25'59" W.), on the south by the Biscayne Bay VORTAC 270° radial, and on the southwest by a 10-mile radius arc of the Miami International Airport.

Area D. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Miami International Airport, excluding that airspace beyond a 15-mile radius of Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Miami VORTAC 090° radial, and extending clockwise from the Biscayne Bay VORTAC 150° radial to the Biscayne Bay VORTAC 270° radial, Areas A, B, and C previously described, and within and underlying Area F described hereinafter.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15-mile and 20-mile radii of the Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Biscayne Bay VORTAC 331° radial.

Area F. That airspace extending upward from but not including 500 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of the Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

(Sec. 307(a), 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on June 6, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–13376 Filed 6–11–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

TECHNICAL SUBCOMMITTEE OF THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. section 10(a)(2)), notice is hereby given that a meeting of the Technical Subcommittee of the Advisory Committee on Explosives Tagging will be held on July 16–18, 1974, at the Hilton Hotel, Park Square, Providence and Arlington Streets, Boston, Massachusetts, 02216, beginning at 9:00 a.m. each day in Room 403.

The Technical Subcommittee will hear and discuss proposals from the public and private research and development sectors concerning candidate systems for the Explosives Tagging Program.

The information which will be presented to, and discussed by, the Technical Subcommittee during the meeting will constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential within the ambit of Title 5, Untied States Code, section 552(b)(4). Accordingly, the meeting of the Technical Subcommittee will, under the authority of section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. section 10(d)), not be open to public.

Any public or private sector research and development agency may present an Explosives Tagging System proposal to the Committee Manager no later than July 1, 1974. Written notification will be sent to that agency indication time and date of their presentation to the Technical Subcommittee.

All communications regarding this Technical Subcommittee meeting should be addressed to Bureau of Alcohol, Tobacco and Firearms, Explosive Tagging Program, Room 8239, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20226, Attention: Mr. Robert Dexter, Committee Manager.

[SEAL] WILLIAM R. THOMPSON,
Acting Director.

JUNE 4, 1974.

[FR Doc.74–13518 Filed 6–11–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 11469 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

MAY 31, 1974.

The Department of Agriculture, on behalf of the Forest Service, has filed application OR 11469 (Wash.) for withdrawal of the lands described below, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for roadside/trailside scenic areas.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than July 9, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, (729 NE. Oregon St.), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

MT. BAKER NATIONAL FOREST

HANNEGAN ROAD (FOREST SERVICE ROAD NO. 402)

Travel Influence Zone

A strip of land 1,320 feet on each side of surveyed centerline of said road from the west line of lot 8, sec. 31, T. 40 N., R. 9 E., to its terminus at Hannegan Campground in the NE¼SE¼, sec. 35, T. 40 N., R. 9 E., through the following sections:

T. 39 N., R. 9 E.,
  Sec. 3, NW¼NE¼, N½NW¼, and SW¼NW¼;
  Sec. 4, N½ and N½S½;
  Sec. 5, N½ and N½SE¼;
  Sec. 6, N½NE¼.
T. 40 N., R. 9 E.,
  Sec. 31, lot 8, N½SE¼, SE¼SE¼;
  Sec. 32, W½SW¼, SE¼SW¼, and SW¼SE¼;
  Sec. 33, S½SE¼;
  Sec. 34, S½NE¼, SE¼NW¼, and S½;
  Sec. 35, SW¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼, S½NW¼, SW¼, W½SE¼, W½E½SE¼, and W½E½E½SE¼.

Whatcom Pass Trail (F.S. Trail No. 674)

Travel Influence Zone

A strip of land 1,320 feet on each side of said existing trail as located on-the-ground from its beginning at the end of the Hannegan Road No. 402 in the NE¼SE¼, sec. 35, T. 40 N., R. 9 E., to where it enters the North Cascades National Park on the east line of the NE¼NE¼, sec. 8, T. 39 N., R. 10 E., W.M. through the following sections:

T. 39 N., R. 9 E.,
  Sec. 1, NE¼, N½NW¼, SE¼NW¼, and N½SE¼.
T. 39 N., R. 10 E.,
  Sec. 5, SW¼SW¼ and S½SE¼;
  Sec. 6, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
  Sec. 7, NE¼, NE¼NW¼ and NE¼SE¼;
  Sec. 8, N½, SW¼, N½SE¼, and SW¼SE¼.
T. 40 N., R. 9 E.,
  Sec. 35, E½E½SE¼NE¼, and E½E½E½SE¼;
  Sec. 36, S½NW¼, SW¼, W½SE¼, and SE¼SE¼.

The area described aggregates approximately 2,898 acres, in Whatcom County, Washington.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–13422 Filed 6–11–74;8:45 am]

WESTERN SLOPE GAS CO.

Pipeline Application

JUNE 3, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a 1,750-foot-long right of way for a four-inch natural gas gathering pipeline across the following lands:

Sixth Principal Meridian, Colorado,
T. 2 N., R. 97 W.,
  Section 28: E½

The pipeline will convey natural gas from the No. 5–Federal–A natural gas well to an existing six-inch pipeline located northwest of Meeker in Rio Blanco County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.74–13421 Filed 6–11–74;8:45 am]

Geological Survey

GREEN RIVER BASIN, COLORADO

Power Site Cancellation 323

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 87 and 93 are hereby canceled to the extent that they affect the following described land:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Power Site Classification 87 of February 14, 1925 (Interpreted 10–13–28 and 10–12–42):

T. 6 N., R. 99 W.,
  Sec. 18, lot 6, SE¼NW¼, and S½NE¼;
  Sec. 28, lot 2;
  Sec. 29, NE¼NW¼.
T. 6 N., R. 100 W.,
  Sec. 13, S½NE¼;
  Sec. 18, lot 5.
T. 6 N., R. 101 W.,
  (Unsurveyed) All lands within ½ mile of Yampa River.
T. 6 N., R. 102 W.,
  (Unsurveyed) All lands within ½ mile of Yampa River.
T. 6 N., R. 103 W.,
  Sec. 1, (unsurveyed) All lands within ¼ mile of Yampa River;
  Sec. 12, E½NE¼, E½SW¼, and SE¼.
T. 7 N., R. 103 W.,
  (Unsurveyed) All lands within ½ mile of Yampa River.

The area described aggregates approximately 17,268 acres.

Power Site Classification 93 of April 16, 1925 (Interpreted 4–16–25 and 4–30–28):

T. 8 N., R. 102 W.,
  Every smallest legal subdivision in unsurveyed secs. 5, 6, and 7, and unsurveyed N½ sec. 8, any portion of which, when surveyed, will lie within the limits of a survey of the Green River made in 1922 by U.S.G.S. in cooperation with the Utah Power and Light Company.
T. 9 N., R. 102 W.,
  Sec. 16, lots 5, 7, 14, 15, and 17, W½NW¼, and NW¼SW¼;
  Sec. 17, lots 1, 3, and 5, N½, N½S½, and SW¼SW¼;
  Sec. 18, NE¼ and E½SE¼;
  Sec. 19, E½E½;
  Sec. 20, lots 2, 4, and 6, NW¼NW¼, S½N½, and S½;
  Sec. 21, lots 6 and 9, S½NW¼ and SW¼;
  Sec. 29, W½NE¼, NW¼, and unsurveyed SW¼;
  Sec. 30, E½NE¼ and unsurveyed E½SE¼;
  Sec. 31, (unsurveyed);
  Sec. 32, W½ (unsurveyed).
T. 7 N., R. 103 W.,
  Sec. 32, Fractional N½;
  Every smallest legal subdivision in that portion of the township unsurveyed which, when surveyed, will lie within the limits of a survey of Green River made in 1922 by the U.S.G.S. (in cooperation with the Utah Power and Light Company).
T. 8 N., R. 103 W.,
  Sec. 26, SW¼NE¼ and unsurveyed SW¼;
  Sec. 35, unsurveyed NW¼ and unsurveyed NW¼SW¼.
T. 7 N., R. 104 W.,
  Sec. 23, lots 9, 10, and 11;
  Sec. 24, lot 1, N½SW¼, SE¼SW¼, and SE¼;
  Sec. 25, lots 1 to 8, inclusive, S½N½, and N½S½;
  Sec. 26, lots 7, 8, and 9.

The area described aggregates approximately 9,866 acres.

The total area of the land described in this notice aggregates about 27,134 acres.

The land described is subject to a permanent reservation created by a Presidential Proclamation of July 14, 1938 (53 Stat. 2454), establishing the Dinosaur National Monument. Therefore, the Secretary of Interior will not declare any of the land open to location, entry, or selection under the public land laws.

The Federal Power Commission, in DA–499–Colorado, issued October 3, 1973, found that it had no objection to the revocation of Power Site Classifications 87 and 93 insofar as they are described above.

Dated: June 3, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–13465 Filed 6–11–74;8:45 am]

GREEN RIVER BASIN, UTAH

Power Site Cancellation 322

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 3 and 60 are hereby canceled to the extent that they affect the following described land:

SALT LAKE MERIDIAN, UTAH

Power Site Classification 3 of May 17, 1921.

T. 4 S., R. 23 E.,
  Sec. 24, SE¼.

The area described aggregates 160 acres.

Power Site Classification 60 of February 21, 1924:

T. 3 S., R. 25 E.,
  Sec. 23, lots 1 and 2, NE¼SW¼, SW¼SW¼, and N½SE¼;
  Sec. 24, lots 2 to 6, inclusive, and W½NE¼;
  Sec. 27, SE¼SW¼ and NW¼SE¼;
  Sec. 29, W½SW¼;
  Sec. 30, lots 1 to 8, inclusive, and N½SE¼;
  Sec. 31, lots 1 to 16, inclusive, S½NE¼, and SE¼SW¼;
  Sec. 32, lots 1 to 14, inclusive, S½NE¼, and NE¼NW¼;
  Sec. 33, S½NW¼.
  All unsurveyed tracts in secs. 23, 24, 25, 27, any part of which, when surveyed, shall be within a quarter of a mile of the left bank of the Green River.

The area described aggregates approximately 2,021 acres.

The total area of the land described in this notice aggregates about 2,181 acres.

The land described is subject to a permanent reservation created by a Presidential Proclamation of July 14, 1938 (53 Stat. 2454), establishing the Dinosaur National Monument. Therefore, the Secretary of Interior will not declare any of the land open to location, entry, or selection under the public land laws.

The Federal Power Commission, in DA–196–Utah, issued October 3, 1973, found that it had no objection to the revocation of Power Site Classifications 3 and 60 insofar as they are described above.

Dated: June 3, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–13464 Filed 6–11–74;8:45 am]

National Park Service

NORTH ATLANTIC REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the North Atlantic Regional Advisory Committee will be held at 9:00 a.m., e.d.t., on June 26, 1974, at the North Atlantic Regional Office, Room 715, 150 Causeway Street, Boston, Massachusetts.

The purpose of the North Atlantic Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and

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programs pertinent to the North Atlantic Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mrs. George E. Downing, Providence, Rhode Island.
Dr. Charles H. W. Foster, Needham, Massachusetts.
Mr. Frederick R. Micha, Ontario, New York.

The matters to be discussed at this meeting include:

1. Organization of North Atlantic Regional Advisory Committee.
2. Status of Regional Office.
3. Relationship of regional advisory committee to existing park advisory committees and to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact David A. Richie, Deputy Regional Director, North Atlantic Regional Office at 617–223–3769. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: May 30, 1974.

David A. Richie,
Deputy Regional Director.

[FR Doc.74–13547 Filed 6–11–74;8:45 am]

Office of the Secretary

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.

This statement is made as of April 11, 1974.

Dated: April 30, 1974.

Carrol M. Bennett.

[FR Doc.74–13436 Filed 6–11–74;8:45 am]

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.

This statement is made as of November 2, 1973.

Dated: November 2, 1973.

Carrol M. Bennett.

[FR Doc.74–13437 Filed 6–11–74;8:45 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 15, 1974.

Dated: May 15, 1974.

Ernest H. Hill.

[FR Doc.74–13438 Filed 6–11–74;8:45 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(2) Delete: Oil Shale Corp. Mortgage Associates. Add: Industrial National Corp.

This statement is made as of May 7, 1974.

Dated: May 7, 1974.

Nicholas A. Ricci.

[FR Doc.74–13439 Filed 6–11–74;8:45 am]

JOHN ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 6, 1974.

Dated: May 6, 1974.

John Rolfing.

[FR Doc.74–13440 Filed 6–11–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amendment 10]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26012 and 39 FR 10305 and 16912 is revised to read as follows: Interest at 12½ percent will be charged for delinquent payments on consignment and track sales of grain from the date of sale to the date payment is received.

2. The sixth sentence of section 1(c) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26102 and 39 FR 10305 and 16912 is revised to read as follows: "Interest to date of payment will be at 12½ percent."

Effective Date: 2:30 p.m. (EDT) May 31, 1974.

Signed at Washington, D.C., on June 5, 1974.

Kenneth E. Frick,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74–13533 Filed 6–11–74;8:45 am]

Forest Service

ROGUE PLANNING UNIT, SISKIYOU NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Rogue Planning Unit, Siskiyou National Forest, Oregon. USDA–FS–R6–DES–(Adm)–74–8.

The environmental statement concerns a proposed land use management plan for the Rogue Planning Unit, Siskiyou National Forest, in Coos and Curry Counties, Oregon. The proposed plan applies to a 27,000 acre roadless area.

This draft environmental statement was transmitted to CEQ on June 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204

Siskiyou National Forest
1504 NW 6th Street
Grants Pass, Oregon 97526

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor William P. Ronayne, 1504 NW. 6th Street, Grants Pass, Oregon 97526.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action requests for additional information should be addressed to responsible official, William P. Ronayne, Forest Supervisor, 1504 NW. 6th Street, Grants Pass, Oregon 97526. Comments must be received by July 22, 1974, in order to be considered in the preparation of the final environmental statement.

C. G. Jorgensen,
Acting Regional Forester,
Region 6.

June 5, 1974.

[FR Doc.74–13466 Filed 6–11–74;8:45 am]

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Chugach Electric Association, Inc., Box 3518, Anchorage, Alaska 99501. This loan includes financing for an addition to the existing Beluga, Alaska, generating station. The addition will include two new 58.5 MW (nominal rating) natural gas-fired regenerative gas turbines to be known as Unit No. 5 and Unit No. 6.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 3rd day of June, 1974.

George P. Herzog,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.74–13531 Filed 6–11–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 43–1]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This order effective March 25, 1974 supersedes the material appearing at 38 FR 9319, April 13, 1973.

Section 1. *Purpose.* This order delegates authority to the Deputy Assistant Secretary for International Commerce and prescribes the organization and functions of the Bureau.

Sec. 2. *Delegations of authority.* .01 Pursuant to Section 4.03 of Department Organization Order 10–3 of November 11, 1973, the following authorities, delegated to the Assistant Secretary DIB by the Secretary of Commerce, are hereby delegated to the Deputy Assistant Secretary for International Commerce:

a. Such provisions of the Act of February 14, 1903 (15 U.S.C. 1512 et. seq.; 15 U.S.C. 171 et. seq.) as amended, to foster, promote, and develop the foreign commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151, et. seq.), and section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

c. Such portions as are necessary to the performance of the Bureau's functions of the delegation of authority, dated June 25, 1962, from the United States Information Agency under Sec. 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et. seq.);

d. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

e. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

f. The China Trade Act of 1922, as amended (15 U.S.C. 141 et. seq.);

g. The Act of October 27, 1972 (Pub. L. 92–598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington in 1974;

h. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this Order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of International Commerce or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 3. *Organization and Line of Authority.* .01 The Bureau of International Commerce shall be headed by the Deputy Assistant Secretary for International Commerce who shall also be the Director and who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of International Commerce shall consist of the following principal organizational elements:

Commercial Representation Staff
Office of Market Planning
Office of Export Development
Office of International Marketing

Sec. 4. *Functions.* The Bureau of International Commerce shall perform the following functions:

a. Foster the economic strength and national security of the United States by promoting its foreign commerce;

b. Stimulate the participation of U.S. private enterprise in and its expansion of, international trade and investment by all appropriate means;

c. Recommend programs and procedures to the Assistant Secretary for Domestic and International Business regarding the foreign commerce of the United States;

d. Assist in opening new, and maintaining old, markets for U.S. private enterprise abroad through negotiations with other nations bilaterally or through international organizations and conferences, in cooperation with appropriate agencies of the U.S. Government;

e. Manage export promotion and expansion facilities such as trade fairs, trade missions, trade centers, and sample display centers, and develop other techniques to stimulate non-exporting U.S. business to participate in overseas markets or to enlarge sales for present exporters;

f. Review, approve on behalf of the Secretary, and coordinate national program activities developed by the President's Export Council for execution by the Regional and District Export Councils; and perform coordination and support services for the President's Interagency Committee on Export Expansion;

g. Collect, organize, and analyze information obtained from the Foreign Service and other sources and disseminate such information to the business community and other end-users regarding (1) the economic, commercial, industrial and financial structure of countries with which the U.S. maintains trade relations; (2) the identity of overseas importers, exporters and manufacturers of potential interest to U.S. business; (3) the investment opportunities in the United States for potential foreign investors, and opportunities for investment in developing overseas areas for U.S. investors; and (4) overseas trade opportunities developed by Foreign Service commercial officers;

h. Strengthen commercial services and commercial officer representation; and

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through full utilization of all available training, exchange and assignment techniques facilitate development and application of commercial skills in cooperation with all government activities supporting U.S. international economic activities;

i. Conduct U.S.-based export development activities designed to increase national awareness of export opportunities, improve Government/business cooperation and assist U.S. firms on specific major export projects; and

j. Carry out the domestic trade fair function including coordination of the Department's participation in domestic trade fairs and arranging of visits to expositions and U.S. businesses by foreign businessmen and government officials.

Sec. 5. *Effect on Other Orders.* This Order supersedes DIBA Organization and Function Order 43-1 of February 22, 1973.

Effective date: March 25, 1974.

Tilton H. Dobbin,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-13428 Filed 6-11-74;8:45 am]

[Order No. 43-2]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This order effective March 25, 1974 supersedes the material appearing at 38 FR 9320, April 13, 1973.

Section 1. *Purpose.* This order prescribes the organization and assignment of Functions within the Bureau of International Commerce.

Sec. 2. *Organization and Structure.* The organization structure and line of authority of the Bureau of International Commerce (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for International Commerce shall assist and advise the Assistant Secretary for Domestic and International Business on export expansion, and shall serve as National Export Expansion Coordinator, and shall direct or perform coordination and support services for the President's Interagency Committee on Export Expansion. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in his absence.

.03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

a. Office of the Deputy Assistant Secretary and Director

b. Commercial Representation Staff

c. Office of Market Planning

d. Office of Export Development

e. Office of International Marketing

.04 The Commercial Representation Staff shall be responsible for representing the interests of the Department to other agencies with regard to the official representation of U.S. commercial interests abroad. It shall be responsible for assuring that the other organizational elements of DIBA cohesively implement the provisions of pertinent legislation, State-Commerce Agreements, Commercial skills development program, and Executive Branch determinations covering commercial representation. In cases of dispute between Bureau offices as to the mix of activities required from State Department resources, the Deputy Director shall act as the arbiter. The Staff shall concentrate its efforts in the following areas: recruitment, assignment, utilization, and career management aspects of economic/commercial personnel serving in support of Commerce programs; evaluation of past performance and evaluation of effectiveness in commercial reporting and performance of other commercial activities by personnel assigned these functions abroad; development of training requirements for the personnel scheduled for assignment or reassignment overseas; monitoring (by providing for participation in State Department inspection activities and by other activities) of both overseas and domestic programs concerned with the effectiveness of commercial services and commercial office representation abroad; and development of justification for personnel and other resource requirements involved in State and Commerce budget requests.

Sec. 4. *Office of Market Planning.* .01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, provide principal direction to market planning and strategy development for the Bureau of International Commerce, shall direct the analysis of ongoing Bureau programs to insure viability and shall recommend improvements; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Office of the Director shall coordinate all Bureau publications and communications programs and information systems. The Director shall supervise and direct the following organizational components:

.02 The Strategic Planning Division shall be responsible for continually developing and reviewing BIC's role, objectives and operational plans on a worldwide basis; shall analyze impact of economic and other developments on Bureau programs and recommend changes to reflect these impacts; shall set specific objectives for all programs; shall approve the specifications and objectives for the Country Commercial program and the BIC-OFO agreement; and shall coordinate the development of rationale, strategy, and financial analysis for all programs.

.03 The Targeting Division shall analyze U.S. industry and identify those industry sectors that have the greatest export growth potential; examine foreign markets and identify those which offer the greatest export opportunities to American industry; develop for the Office of International Marketing, the Office of Export Development and the Office of Field Operations guidelines for the allocation of resources for Commerce-sponsored export programs and establish "intensive promotion cycles" for BIC's export expansion activities.

.04 The Program Evaluation Division shall develop and maintain a system to measure and evaluate the effectiveness of all commercial programs; shall develop techniques for forecasting potential results at least three years in advance, shall develop a reporting system that will permit the evaluation of actual results against forecasts and goals; shall coordinate studies and analyses performed for the Bureau, and shall assist in analysis of operating programs.

Sec. 5. *Office of Export Development.* .01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office and the Deputy Director who shall assist in the direction of the Office and in program planning and shall perform the functions of the Director in the latter's absence.

a. The President's Export Council Staff shall promote Government dialogue with U.S. business by providing centralized staff support and program guidance to the President's Export Council, the Regional Export Councils and the District Export Councils, and shall communicate the recommendations of these Councils to the President's Interagency Committee on Export Expansion through its liaison officer; and shall encourage increased direct exports by major U.S. exporting corporations.

b. The Domestic Investment Services Staff shall carry out the Department's "Invest In The U.S.A." program, designed to encourage and facilitate foreign direct capital investment and licensing by foreign firms in the United States as one of the continuing Department programs to improve the U.S. balance of payments; develop domestic investment, joint ventures and licensing opportunities and proposals for transmission to interested foreign businessmen; and obtain specific investment and licensing proposals from potential foreign investors for presentation to the U.S. business community.

The Director shall supervise and direct the following organizational components:

.02 The Major Export Projects Division shall serve as the focal point in the Department for providing government-wide assistance to U.S. firms on major international business transactions; identify foreign capital projects with major export potential which should be brought to the attention of U.S. industry or which are likely to require special U.S. Government assistance for successful participation by American firms; and inform U.S. firms of specific large-scale projects overseas with significant potential for exports of U.S. goods and services and assist them on a case-by-case basis in competing for such projects. The Division communicates directly with other Washington agencies and with U.S. Missions abroad as appropriate to obtain the quick reaction needed to assist U.S. firms in winning major foreign contract awards.

.03 The Export Information Division shall identify foreign agents/distributors and licensees through Trade Lists, Exporters Mailing Lists, and Agency Distributor Service; shall help U.S. businessmen evaluate foreign firms through the provision of the World Traders Data Reports; shall maintain the Foreign Traders Index to identify customers for U.S. firms; shall maintain a U.S. exporter-importer index to assist firms in developing trade and investment opportunities abroad and to provide information for the export development and international marketing programs of the Bureau; shall provide individual counseling services to U.S. exporters and prospective exporters; shall process trade inquiries from U.S. firms; shall assist in the resolution of commercial trade disputes; shall disseminate reports containing information on foreign production and commercial data to U.S. firms; shall arrange for Foreign Service assistance to U.S. businessmen traveling abroad; and shall arrange meetings and other facilitation as appropriate for foreign business and government visitors; and shall support the export control function of the Department and the economic defense activities of other U.S. agencies.

.04 The Domestic Export Programs Division shall serve as the focal point for conducting domestic programs which stimulate an interest in exporting and provide information and assistance to firms interested in international trade. In this regard it shall organize conferences, seminars and other promotional techniques to familiarize U.S. industry with the advantages of exporting; shall develop promotional literature to acquaint U.S. firms with export opportunities and procedures and with BIC programs; shall direct the national multiplier program which enlists the support of service organizations such as banks and airlines in delivery of informational material on overseas marketing opportunities to carefully identified elements of industry; shall work with trade associations to promote exporting among their membership; shall administer The Export Assistance Masters Program (TEAM) which utilizes graduate university students to prepare foreign market surveys for individual U.S. firms; shall stimulate and arrange visits to expositions and industry for foreign businessmen and government officials; shall identify, with the assistance of the Foreign Service, prospective foreign buyers and shall direct these buyers to appropriate domestic trade shows and arrange for meetings with U.S. manufacturers in order to facilitate sales; shall provide development, scheduling and displays for and shall participate in selected domestic trade shows to promote DIBA and Departmental programs; shall administer the President's "E" and "E Star" Award and other national incentive programs; shall direct national marketing and advertising efforts undertaken to stimulate export awareness; shall serve as liaison for the Bureau of International Commerce with the Office of Field Operations for the preparation of comprehensive prepackaged sales programs for the District Offices to use in their calls on target industries. It is also responsible for administering the Joint Export Association Program which provides financial and other assistance to groups of U.S. companies formed to sell their products in foreign markets.

.05 The Overseas Business Opportunities Division shall be responsible for the dissemination of foreign investment and foreign trade opportunity data and for providing assistance to firms in obtaining overseas business. In this regard it shall be responsible for the collection of specific foreign trade opportunity leads and their dissemination to interested U.S. firms through the Trade Opportunity Program; shall identify major equipment export sales opportunities which should be brought to the attention of U.S. firms or which are likely to require special U.S. Government assistance and to assist U.S. industy to obtain the sales by coordinating U.S. Government expertise and assistance on a case-by-case basis; and shall provide information and counsel, consistent with U.S. balance of payments policies and objectives, to U.S. businessmen concerning their existing and planned overseas investments; shall identify and disseminate for the benefit of the U.S. business community, foreign investment, licensing and joint venture proposals; and shall furnish information to U.S. foreign investors on private and public sources of investment capital, particularly foreign sources, guarantees and related types of investment and loan capital available for financing investment abroad, particularly developing countries.

Sec. 6. Office of International Marketing. .01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, and the Deputy Director who shall provide principal direction to overseas operations and perform the functions of the Director in his absence. The Director shall have responsibility for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington in 1974, and shall supervise and direct the following organizational components:

.02 The Assistant Director for Program Development shall be responsible for the coordination of country programs, the collection of foreign market data and the development of the mechanism for securing the necessary approvals for country commercial programs within DIBA.

a. The Program Coordination Division shall coordinate the development of individual country commercial programs with the country marketing managers, other elements of DIBA, the State Department, Foreign Service Posts, and assure concurrence with Government policy and program documents such as Policy Analysis and Resource Allocation (PARA) and the Country Analysis and Strategy Paper (CASP).

b. The Market Research Division shall design and coordinate the program to produce marketing information about countries, regions and markets which will identify U.S. export problems and opportunities; and shall collect specific product/industry information to assist U.S. industry in solving problems of advertising, pricing and product development in the marketing of specific products.

.03 The Assistant Director for Developed Markets shall direct the planning for and implementation of individual country programs within his assigned area to support the marketing needs of the U.S. business community on a targeted industry, product, and market basis. The Developed Markets area shall consist of the following geographic divisions:

a. Northern Europe Division (Scandinavia, United Kingdom, Canada, Benelux).

b. Western Europe Division (France, Germany, Austria).

c. Southern Europe Division, (Italy, Greece, Yugoslavia, Switzerland, Portugal, Spain).

d. Japan, Australia, New Zealand Division.

.04 The Assistant Director for Emergent Markets shall have similar responsibilities within his assigned area. The Emergent Markets area shall consist of the following geographic divisions:

a. Far East Division.

b. Latin America Division.

c. Africa Division.

d. Near East/South Asia Division.

.05 Each Division of the Developed Markets and Emergent Markets areas shall be responsible for the content and management of country marketing programs for its assigned territory within global export priorities and targets established by the Office of Market Planning. Each of these geographic divisions shall perform the following functions:

a. Serve as the focal point in DIBA for the development of the Country Commercial Program.

b. Provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies.

c. Identify key economic, trade, financial and marketing problems in overseas country or country groupings.

d. Provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets.

e. Provide for development in detail of the annual country commercial programs.

f. Plan and direct trade promotional activities within the country, including Trade Centers and commercial fairs.

g. Within the framework of Bureau approved country programs, provide

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guidance and direction to overseas personnel engaged in commercial activities, i.e., the Commercial Foreign Service, Trade Center staffs, commercial fair staffs, and other trade promotional personnel.

h. Maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

i. In addition to the functions set forth in the preceding paragraph, the Far East Division shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

.06 The Assistant Director for Resources shall plan, develop and manage the fiscal and physical resources supporting and complementing the various programs of the Office.

a. The Support Services Division shall provide logistical support for overseas promotional activities. In this regard, it shall provide for exhibition design; shall prepare specifications and provide technical administration of contracts with private design firms; shall provide for the leasing, construction, operation, and promotional support of overseas exhibitions and seminars; shall provide for the leasing, design, and construction of U.S. Trade Center facilities; and shall coordinate the shipment of exhibition products and support material. It shall also provide for program allocation of resources; shall coordinate the development of operational budgets and fiscal plans; shall provide facilitative services and coordination for Office printing, supplies, equipment, and space requirements.

b. The Special Activities Division shall plan and develop promotional techniques and activities as required by the geographic divisions to meet special export marketing needs of U.S. industry such as catalogue fairs, trade missions, instore consumer products promotions, and seminars.

Sec. 7. *Administrative, Public Affairs and Field Support.* .01 The Office of Public Affairs for Domestic and International Business Administration shall furnish public affairs and information services to Bureau of International Commerce organization units.

.02 The Directorate of Administrative Management, Domestic and International Business Administration shall furnish management, budget, personnel, travel and administrative services to Bureau of International Commerce organization units. The Directorate will also serve as liaison with Departmental elements providing other administrative service to the Bureau of International Commerce organization units.

.03 Field support necessary to Bureau of International Commerce activities will be provided by the Office of Field Operations (OFO). In particular, the Commercial Representation Staff/BIC will work in coordination with the Office of Personnel, and Office of Field Operations to provide for full utilization of available training, exchange, and assignment techniques to further develop skills of officers for service in the U.S. and abroad.

Sec. 8. *Effect on Other Orders.* This Order supersedes DIBA Organization and Function Order 43-2 of December 4, 1972.

Effective date: March 25, 1974.

M. van Gessel,
Deputy Assistant Secretary for International Commerce.

Approved:

Judith S. Chadwick,
Deputy Assistant Secretary for Administrative Management.

[FR Doc.74-13429 Filed 6-11-74;8:45 am]

[Order No. 47-1; Amdt. 3]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Organization and Functions

This order effective May 24, 1974 amends the material appearing at 39 FR 1649, January 11, 1974.

DIBA Organization and Function Order 47-1, dated November 12, 1973, as amended, is hereby further amended.[1]

Section 7. Office of Competitive Assessment is revised to read, as follows:

"Sec. 7. *Office of Competitive Assessment.* .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Information Development Division will organize and develop broad and internally consistent data bases, covering relevant time series data, key indicators and input-output systems tables covering a broad range of factors reflecting and affecting U.S. competitiveness and required for all phases of research and analysis to be performed within the overall program; will define, measure and monitor the changing indicators of competitiveness of U.S. industry and business in the world economy; will seek to develop through appropriate statistical analyses lead-lag indicators, early warning systems and composite indexes of competitiveness; and shall interpret, assess and communicate such descriptors of significant changes and trends in U.S. competitiveness through regular and special briefings, releases and reports to Government and business leaders.

.03 The Competitive Determinants Division will contduct and/or direct the conduct of research and analysis utilizing factor analysis, discriminant analysis and other variance analysis statistical techniques (applied on an aggregative, macro-economic, and/or sector/industry cross-sectional or vertical, multi-factor design basis) within and between industries, industry sectors and more highly aggregated economic series of the U.S. economy, identifying and measuring the impact of the most significant factor determinants and characteristics on U.S. international competitiveness in both domestic and foreign markets; will conduct special macro-economic industry or factor related studies to analyze and assess the effect of specific domestic and international actions, policies, conditions and trends—and their interactions—upon U.S. competitiveness; will also prepare policy options and recommendations for improving competitiveness of U.S. industries at home and abroad.

.04 The Competitive Systems Analysis Division will review currently or near term available econometric models, and, through selection and adaptation of those best suited to analysis and projections of both U.S. trade and balance of payments aggregate and sector trends, will develop an econometric simulation system (a) for sensitivity analysis testing and to identify sectors most critically impacting U.S. competitiveness, (b) to simulate and forecast the impact on U.S. competitiveness of specified or projected changes in significant external macro-economic factors or internal technological or micro-economic fators or conditions, and (c) to provide trade negotiation resource support prior to and during U.S. negotiations through systematic, rapid measurement and evaluation of the general economic or industry impact of any proposed changes in U.S. and tariff rates, trade terms and other non-tariff provisions; will combine use of econometric model systems, operations research, sophisticated mathematical-statistical techniques and input-output simulation systems to improve projections and quality of simulation system outputs most relevant to analyzing impacts on U.S. competitiveness; will also prepare policy options and recommendations for improving competitiveness of U.S. industries at home and abroad."

Tilton H. Dobbin,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-13428 Filed 6-11-74;8:45 am]

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[1] Organization charts filed as part of original document.

[Order No. 42-2; Amdt. 1]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT

Organization and Functions

This order effective May 9, 1974 amends the material appearing at 39 FR 2781, January 24, 1974.

DIBA Organization and Function Order 42-2 dated January 2, 1974, is hereby amended, as follows:[1]

Sec. 6. *Office of Administrative Services.* .01 The Office of Administrative Services shall be headed by a Director who shall plan and direct all administrative services for DIBA operating units and maintain liaison with the Department's Office of Administrative Services and Procurement. The Office of the Director will administer the following DIBA programs and functions:

(1) Security program including document and physical security. The Director is the DIBA Security Officer. (2) Safety program including assuring safe working conditions and accident reporting. The Director is the DIBA Safety Officer. (3) Issuance of Building Passes, Credentials, Civil Defense Identification Cards, and Door Keys. The Director will head the following operating units:

0.2 The Communications Management Division shall analyze and assign action on all incoming overseas correspondence; dispatch all outgoing Commerce correspondence to overseas establishments; receive, sort, and distribute all correspondence; receive, log, control, and distribute all classified and registered documents from NATO, the Department of State, other Federal agencies and the Foreign Service posts. In addition, the division includes the DIBA Secretariat which is responsible for correspondence control, including review, assignment of responsibility and follow-up; special messenger service; and distribution of bulk material including newspapers and Departmental and DIBA bulk mailings.

.03 The Acquisition and Property Division processes procurement requests for all furniture, furnishings, and office equipment; processes requests for subscriptions and publications; arranges for the purchase of office supplies; processes requests for rental and lease equipment; processes requests for printing; approves requests for driver permits; arranges for repair of office equipment; maintains an inventory of furniture, furnishings and office equipment; and provides payroll services for DIBA.

.04 The Facilities Management Division plans, organizes, reviews and controls DIBA space; provides DIBA organizations with space in the main Commerce Building and contracts for Field Office space in accordance with staffing requirements and GSA guidelines; designs office layouts and arranges for improvement of office appearance and working conditions in accordance with the Office Excellence Program; provides liaison and coordination of requests for telephone, electrical service, alterations and renovations with Office of the Secretary, Office of Administrative Services and Procurement and GSA; and arranges for and supervises all moves of furniture, furnishings and equipment within DIBA.

Edward J. Henriksen,
Acting Director, Directorate of Administrative Mangement.

[FR Doc.74-13427 Filed 6-11-74;8:45 am]

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[1] Organization chart filed as part of original document.

Maritime Administration

CITIES SERVICE TANKERS CORP.

Application Under Tanker Assistance Program; Environmental Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725-F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. This application is:

Cities Service Tanker Corporation—Application for two ships. These are to be of MarAd Design T10-S-101b, 265,000 DWT, identical to the five ships now under construction at Bethlehem Steel Shipbuilding Corporation, Sparrows Point, Maryland for MFC-Boston Corporation (3) and Gulf Oil Corporation (2). These are described in detail in Section II of the EIS as an example of a "Very Large Crude Carrier, (VLCC)." The environmental impact of such designs are covered throughout the statement in various sections.

The basis for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, 14th & E Streets, NW, Washington, D.C. 20230.

Dated: June 7, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

James S. Dawson, Jr.,
Secretary.

[FR Doc.74-13523 Filed 6-11-74;8:45 am]

VLCC I CORP.

Application for Construction-Differential Subsidy

Notice is hereby given that VLCC I Corporation on May 29, 1974 filed pursuant to Title V of the Merchant Marine Act, as amended, an application for a construction-differential subsidy to aid in the construction of one new tank vessel of approximately 390,200 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the non-confidential portion of this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: June 4, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

James S. Dawson, Jr.,
Secretary.

[FR Doc.74-13524 Filed 6-11-74;8:45 am]

VLCC II CORP.

Application for Construction-Differential Subsidy

Notice is hereby given that VLCC II Corporation on May 29, 1974, filed, pursuant to Title V of the Merchant Marine Act, as amended, an application for a construction-differential subsidy to aid in the construction of one new tank vessel of approximately 390,200 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the non-confidential portion of this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: June 4, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

James S. Dawson, Jr.,
Secretary.

[FR Doc.74-13525 Filed 6-11-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRIFFITH LABORATORIES, INC., ET AL.

Bread Deviating From Identity Standards; Temporary Permit for Market Testing; Correction

In FR Doc. 73-17155 appearing at page 22247 in the issue of Friday, August 17, 1973, in the first column, the last three lines of the first paragraph reading "and Roskam Baking Company, Inc., 1140 Butterworth Avenue, SW., Grand Rapids, MI 49504," are corrected to read "and Arnold Bakers, Inc., 10 Hamilton Ave., Greenwich, CT 06830."

Dated: June 6, 1974.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.74-13460 Filed 6-11-74;8:45 am]

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a subcommittee meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. to 4:30 p.m. on Tuesday, June 25, 1974. Also the meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m., Wednesday, June 26, 1974, through 4:30 p.m., Thursday, June 27, 1974. Both Committees will meet in Room 1031, Regional Office Building, 1321 Second Avenue, Seattle, Washington 98101.

The Advisory Committee on the Education of Bilingual Children as well as the Subcommittee are established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise

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the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The above described meetings shall be open to the public. The proposed agenda for these meetings are the review and acceptance by the full Committee of a position paper on bilingual education which will in final form be submitted to the Commissioner of Education. Other relevant matters which the Advisory Committee deems germane to the issue shall also be discussed.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3045, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on June 10, 1974.

JOHN C. MOLINA,
Director, Division of Bilingual Education.

[FR Doc.74-13578 Filed 6-11-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-200, FDAA-435-DR]

ARKANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 31, 1974, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Arkansas resulting from heavy rains and flooding beginning on May 14, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that on June 4, 1974, the President amended his declaration of a major disaster for the State of Arkansas as follows:

> You are further authorized to apply the authorities contained in Executive Order 11749 to Public Law 93-288 (the Disaster Relief Act of 1974) pending the issuance of a new Executive order implementing Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by this declared major disaster:

The County of:

Phillips

This disaster has been designated as FDAA-435-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 4, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13448 Filed 6-11-74;8:45 am]

[Docket No. NFD-201; FDAA-436-DR]

OHIO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 31, 1974, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Ohio resulting from severe storms and flooding beginning about April 8, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Ohio. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that on June 4, 1974, the President amended his declaration of a major disaster for the State of Ohio as follows:

> You are further authorized to apply the authorities contained in Executive Order 11749 to Public Law 93-288 (the Disaster Relief Act of 1974) pending the issuance of a new Executive order implementing Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Ohio to have been adversely affected by this declared major disaster:

The Counties of:

Lucas
Ottawa
Sandusky

This disaster has been designated as FDAA-436-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 4, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-13449 Filed 6-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

INTERAGENCY COMMITTEE ON SEARCH AND RESCUE (SAR)

Notice of Establishment

This notice announces the establishment of the Interagency Committee on Search and Rescue (SAR) under the sponsorship of the Commandant of the Coast Guard, Department of Transportation.

The purpose of the Committee is to oversee the National Search and Rescue Plan and to act as a coordinating forum for national search and rescue matters.

The Department Order establishing the Committee is set forth below.

This notice is issued under authority of sections 4 and 9, Department of Transportation Act, 49 U.S.C. 1653, 1657.

Issued in Washington, D.C. on May 21, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

INTERAGENCY COMMITTEE ON SEARCH AND RESCUE

[DOT Order 1120.28]

MAY 21, 1974.

1. *Purpose.* This order documents the establishment of the Interagency Committee on Search and Rescue (SAR).

2. *Background.* The National Search and Rescue Conference of 1973, when considering the need to establish a continuing interagency group to oversee the National Search and Rescue Plan, recommended that the signatories to the National Search and Rescue Plan establish a standing committee to oversee the Plan and to act as a coordinating forum for national search and rescue matters. Accordingly the Conference drafted an interagency agreement for the purpose. In acting on the recommendation, the Secretary of Transportation proposed to the National Search and Rescue Plan signatories that the agreement be executed. The agreement became effective on March 5, 1974.

3. *Objectives.* The objectives of the Committee are:

a. To provide a standing committee to oversee the National Search and Rescue Plan and coordinate interagency search and rescue matters.

b. To provide a forum for preliminary development of interagency positions in search and rescue matters.

c. To provide for an interface with other national agencies involved with emergency services.

4. *Determination.* The formation and use of the Interagency Committee on Search and Rescue is determined to be in the public interest in connection with the performance of duties imposed on the Department by law.

5. *Committee membership.* a. The Committee consists of representatives of the Departments of Transportation, Defense and Commerce, the National Aeronautics and Space Administration, and the Federal Communications Commission.

b. An alternate member may be designated by each participating Department or Agency.

c. The Chairman of the Committee is the member (or alternate) of the Coast Guard representing the Department of Transportation.

d. Each member may call upon officials from his Department or Agency to serve as advisors and to participate in the meetings of the Committee.

e. Others may be invited with the approval of the Chairman or the Committee to participate as observers or serve as advisors on an ad hoc basis.

6. *Authority and Procedures.* a. The Chairman shall report to the Secretary of Transportation through the Commandant of the Coast Guard.

b. Those policy issues or plans which require the attention or approval of the signatories will be submitted by the Chairman with recommendations for action. In such cases the views of each Committee member shall be included.

c. The Chairman and any signatory authority may call a meeting when deemed necessary.

7. *Sponsorship.* The Commandant of the Coast Guard is designated as sponsor for the Committee. He is authorized to appoint a Committee Secretary and shall insure that the Committee and its officers operate according to the policy and procedure contained in current directives.

8. *Termination.* On June 30, 1975 and biennially thereafter, the Commandant of the Coast Guard will review the activities and progress with the Committee to determine if it should be continued, realigned, or terminated and make appropriate recommendations to the signatory agencies through the Secretary of Transportation.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-13433 Filed 6-11-74;8:45 am]

ATOMIC ENERGY COMMISSION

BROOKHAVEN NATIONAL LABORATORY

Preparation of Environmental Impact Statement

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Atomic Energy Commission has commenced the preparation of a draft environmental impact statement on its Brookhaven National Laboratory (BNL) at Upton, Long Island. The BNL Site has been in operation for about 25 years. The current cumulative impact on the environment of the operation of the various facilities will be assessed as well as the anticipated future impact of continuing the operations at the Site. When completed, the draft statement will be circulated for review to Federal, State and local agencies and interested public organizations and individuals. The comments received on the draft will be considered in the preparation of the final statement which will provide environmental input into Commission decisions affecting the future operations at the Site.

Copies of documents to be utilized in the preparation of this draft environmental impact statement will be available for inspection at the BNL library and the AEC Public Document Room at 1717 H Street, NW., Washington, D.C. 20545.

All interested agencies, organizations or persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental statement should submit them to James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C., on or before July 25, 1974.

Dated at Germantown, Md., this 6th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-13456 Filed 6-11-74;8:45 am]

[Byproduct Material License No. 48-12397-01]

GREEN BAY X-RAY SERVICE, INC.

Prehearing Conference and Evidentiary Hearing

In the matter of Green Bay X-Ray Service, Inc., 838 Boroan Avenue, Green Bay, Wisconsin.

On May 13, 1974, the Atomic Energy Commission issued a Notice of Hearing providing for a prehearing conference and evidentiary hearing respecting the matters set forth in the Notice of Violation and Notice of Proposed Imposition of Civil Penalties, issued by the Director of Regulatory Operations. The attorney for Green Bay X-Ray Service, Inc. and the attorney for the Regulatory Staff of the Commission have conferred respecting a convenient date for a prehearing conference and evidentiary hearing and propose June 25, 1974 at a location in Green Bay, Wisconsin.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly § 2.205 thereof, that a prehearing conference shall convene at 9:30 A.M. on June 25, 1974, and the evidentiary hearing shall convene at 2:00 P.M. on June 25, 1974 to consider and determine the issues set forth in the Commission's May 13, 1974 Notice of Hearing, in a Courtroom to be assigned by the Clerk of the Court in the Brown County Courthouse, 100 South Jefferson Street, Green Bay, Wisconsin 54301.

Issued: June 7, 1974, Germantown, Maryland.

SAMUEL W. JENSCH,
Chief Administrative Law Judge.

[FR Doc.74-13457 Filed 6-11-74;8:45 am]

[Dockets Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Notice of Reconstitution of Board

In the matter of Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Units 1 & 2).

Elizabeth S. Bowers, Esq. was Chairman of the Atomic Safety and Licensing Board established to consider the above applications. Because of schedule conflicts, she is unable to continue in her duties as Chairman of this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 7th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-13458 Filed 6-11-74;8:45 am]

[Docket No. STN 50-481]

BABCOCK AND WILCOX CO.

Notice of Receipt of Standard Safety Analysis Report

Babcock and Wilcox Company, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a four-volume document entitled "B-SAR-241, Standard Safety Analysis Report", which was docketed May 14, 1974. The tendered application for B-SAR-241 was received on March 1, 1974. Following a preliminary review for completeness, it was accepted on May 2, 1974 for docketing. Docket No. STN 50-481 has been assigned to B-SAR-241 and should be referenced in any correspondence relating thereto.

B-SAR-241 has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. B-SAR-241 describes and analyzes a standard four-loop pressurized water nuclear steam system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a core thermal power level of 3,800 megawatts.

When its review of B-SAR-241 is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, B-SAR-241 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the avail-

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ability of these documents will be published in the FEDERAL REGISTER.

A copy of B–SAR–241 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Md., this 5th day of June 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2–3, Directorate of Licensing.

[FR Doc.74–13445 Filed 6–11–74;8:45 am]

[Docket No. 50–389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE PLANT, UNIT 2)

Order Postponing and Relocating Prehearing Conference

Take notice that the Prehearing Conference in the above-captioned matter, as noticed and announced by an order of this Board dated May 31, 1974, by agreement of the parties and the Board, is hereby rescheduled to occur on Thursday, June 20, 1974, commencing at 9:00 a.m. local time at the Airport Lakes Holiday Inn, 1101 NW. 57th Avenue, Miami, Florida 33126.

The purpose of this special Prehearing Conference is to discuss issues in controversy, the status of discovery, questions arising therefrom, proposed schedule for all further procedural dates, the site suitability issue, and any other matters that may aid in the orderly disposition of the matters heretofore raised.

It is so ordered.

Issued at Bethesda, Md, this 6th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc 74-13444 Filed 6–11–74;8:45 am]

[Docket No. 50–382A]

LOUISIANA POWER & LIGHT CO. (WATERFORD STEAM ELECTRIC GENERATING STATION, UNIT 3)

Order for Sixth Prehearing Conference

Take notice, that pursuant to the Atomic Energy Commission's notice of Ferbuary 23, 1973, published in the FEDERAL REGISTER (38 FR 5502) March 1, 1973, the Commission's Memorandum and Order of September 28, 1973, and in accordance with the Commission's Rules of Practice, a Sixth Prehearing Conference will be held in the subject proceedings on July 2, 1974, at 9:30 a.m. at the U.S. Tax Court, 1111 Constitution Ave. NW., Room 2132, Washington, D.C.

The subject of this Prehearing Conference will be: (1) Applicant's motions filed May 21, 1974; (2) progress of discovery pursuant to the Board's Memorandum and Order of April 19, 1974; (3) such other matters as will aid in the disposition of these proceedings.

It is so ordered.

Issued at Bethesda, Md., this 5th day of June, 1974.

By Order of the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.74–13446 Filed 6–11–74;8:45 am]

[Docket No. 50–423]

NORTHEAST NUCLEAR ENERGY CO.

Notice of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Northeast Nuclear Energy Company to conduct certain site activities in connection with the proposed Millstone Nuclear Power Station Unit 3 prior to a decision regarding the issuance of a construction permit.

The authorized activities are as follows:

1. Excavation for permanent plant structures. The excavation in the containment area includes the removal of all overburden and the blasting and removal of bedrock to elevation —39'0''. Grade is at elevation 24'.

2. Erection of temporary construction facilities. These facilities include the administration building, warehouse, quality control laboratory, batch plant, trade shops, air compressor house, and clock alleys.

3. Grading of temporary construction parking area and the installation of the temporary sewer, water, fire protection, telephone and electric systems.

4. Construction of the intake structure cofferdam.

This authorization is subject to the following conditions for the protection of the environment:

1. During the construction provided by this authorization, the applicant shall take the necessary mitigating actions, including those commitments summarized in section 4.6 of the AEC's Final Environmental Statement, to avoid unnecessary adverse environmental impacts from construction activities.

2. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, the applicant shall provide written notification to the Director of Licensing.

3. If significant harmful effects or evidence of irreversible damage from the construction activities are detected by the monitoring programs at the station, the applicant shall provide an analysis and a proposed course of action to alleviate the problem.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Northeast Nuclear Energy Company and, except as to matters determined by the presiding officer under 10 CFR 50.10(e)(2), the grant of this authorization has no bearing on the issuance of a construction permit with respect tc the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto. The authorization is further subject to the condition that it will terminate if the application for a construction permit is subsequently denied.

An Initial Decision on National Environmental Policy Act considerations and site suitability by the Atomic Safety and Licensing Board in this proceeding was issued on May 31, 1974. A copy of (1) the Initial Decision of May 31, 1974; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated February 1974; and (5) the Commission's letter of authorization dated June 5, 1974 are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated at Bethesda, Md., this 5th day of June 1974.

For the Atomic Energy Commission.

ROGER BOYD,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.74–13441 Filed 6–11–74;8:45 am]

REGULATORY GUIDES

Notice of Early Comment Period for Regulatory Guides

The Atomic Energy Commission, in its continuing effort to provide for increased public participation in the regulatory process, is making a change in the issuance of its Regulatory Guides.

The primary purposes of Regulatory Guides are (1) to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and in some cases to delineate techniques used by the staff in evaluating specific problems or postulated accidents and (2) to provide guidance to applicants concerning certain of the information needed by the Regulatory staff in its review of applications for permits and licenses. Regulatory Guides are not intended as substitutes for regulations, and therefore compliance with these guides is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time, and the guides will be revised periodically, as appropriate, to accommodate comments and to reflect new information or experience in areas covered by the guides.

However, comments and suggestions received from the public soon after a guide is issued would be particularly useful to the Regulatory staff in evaluating, in conjunction with initial experience with use of the guide and other factors, the desirability of an early revision. Accordingly, Regulatory Guides will be issued with a statement that comments and suggestions received by a date approximately 60 days after issuance will be particularly useful to the staff.

Nothing in the foregoing should be construed to imply that comments and suggestions are no longer encouraged or will not be considered after the specified date or that comments and suggestions are not encouraged on guides issued with no specified date for comments.

Comments and suggestions for improvements in all guides should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 4th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–13442 Filed 6–11–74;8:45 am]

MATERIALS AND PLANT PROTECTION GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 5, "Materials and Plant Protection." Regulatory Guide 5.23, "In-Situ Assay of Plutonium Residual Holdup," details methods and procedures for the in-situ assay of plutonium residual holdup in reactor fuel processing areas.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Minimizing Nuclear Material Holdup in Dry Process Operations.
Organization for Materials and Plant Protection.
Management Review of Materials and Plant Protection Programs and Activities.
Standards for Physical Barrier Construction.
Special Nuclear Material Doorway Monitors.
Plant Security Force Duties.
Personnel Selection and Screening.
Perimeter Intrusion Alarms.
Road Shipment of SNM by Specially Designed Vehicle with Armed Guards.
Communication with Transport Vehicles.
Coordination of Response Plan with Law Enforcement Authority.
Monitoring Transfers of Special Nuclear Material.
Selection of Material Balance and Item Control Areas.
Internal Transfers of Nuclear Material.
Material Control in Unirradiated Scrap Recovery Facilities.
Dynamic Inventory Techniques.
Prior Measurement Verification.
Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants.
Evaluation of Material Unaccounted for (MUF).
Evaluation of Shipper and Receiver Data.
Resolution of Shipper-Receiver Differences.
Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
Determination of Random Measurement Errors.
Determination of Measurement Bias and Systematic Errors.
Training and Qualifying Measurement Control Personnel.
Nuclear Material Control Systems for Nuclear Power Plants.
Methods for the Accountability of Plutonium Oxide Powder.
Methods for the Accountability of High-Enriched UO_2.
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.
Guide for Mass and Scales Calibration.
Guide for Mixing and Sampling Nuclear Materials.
Preparation of $Pu(NO_3)_4$ Solution as a Working Standard.
Guide to Making Working Standards from Production Material.
Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.
Radiometric Calibration Techniques.
Calorimetric Assay of Pu-Bearing Solids.
Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy.
Nondestructive Assay of High-Enrichment Uranium Fuel Plates.
Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection.
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
Nondestructive Assay of Uranium Residual Holdup.
Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy.
Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction.
Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy.
Analysis and Use of Process Data for the Protection of Special Nuclear Material.
Design Considerations for Minimizing Residual Holdup of Special Nuclear Material in Equipment for Wet Process Operations.

(5 U.S.C. 552(a))

Dated at Rockville, Md. this 4th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS.
Director of Regulatory Standards.

[FR Doc.74–13443 Filed 6–11–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON SURRY POWER STATION, UNITS 3 & 4

Notice of Meeting

JUNE 10, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Surry Power Station, Units 3 and 4 will hold a meeting on June 28, 1974 in the Holiday Inn—West, 902 Richmond Road, Williamsburg, Virginia 23185. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Virginia Electric and Power Co. for a permit to construct these two units. The facility will be located along the James River in Surry County, Virginia. The plant site is approximately 44 miles southeast of Richmond and 30 miles northwest of Norfolk, Virginia.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, June 28, 1974, 2:00 p.m. until 5:00 p.m. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Virginia Electric and Power Co. and will hold discussions with these groups pertinent to its review of the application of Virginia Electric and Power Co. for a permit to construct the Surry Power Station, Units 3 and 4.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 1:30 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and

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discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representativse of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 21, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2:30 p.m. and 3:30 p.m. on June 28, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 27, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 1, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after August 28, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–13641 Filed 6–11–74;4:25 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 20826, etc.]

ALASKA SERVICE INVESTIGATION ET AL.

Notice of Reassignment of Proceedings

In the matter of Alaska Service Investigation (Bush Routes Phase), Docket 20826, et al.; Kodiak-Western Alaska Renewal Proceeding, Docket 23604, *et al.;* Howard J. Mays Revocation/Munz Northern Certification Proceeding, Docket 25655, *et al.*

These proceedings are hereby reassigned from the undersigned to Administrative Law Judge Henry Whitehouse. Future communications should be addressed to Judge Whitehouse.

Dated at Washington, D.C., June 7, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–13505 Filed 6–11–74;8:45 am]

[Docket 26113]

ALLEGHENY AIRLINES, INC.

Deletion of Lima, Ohio; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding has been scheduled to be held commencing on July 9, 1974, at 10:00 a.m. (local time) in the City Council Chambers, Municipal Building, Lima, Ohio, before the undersigned Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 6, 1974.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.74–13503 Filed 6–11–74;8:45 am]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT CASE

[Docket 26245]

Availability of Draft Statement of Environmental Assessment

The Civil Aeronautics Board's Bureau of Operating Rights has released a "Draft Statement of Environmental Assessment" in connection with the American-Pan American Route Exchange Agreement.

The Statement concludes that approval of the route exchange would not constitute a "major federal action significantly affecting the quality of human environment."

Interested persons and agencies of the federal, state and local governments will be given 45 days to submit comments in response to the draft statement. In the American-Pan American Route Exchange case, comments are due by July 22, 1974. Upon receipt of comments, the Bureau of Operating Rights will prepare and issue a revised statement. Comments so received will, in addition, be available to the public.

In the route exchange agreement case, American Airlines would transfer to Pan American its basic operating authority between the domestic co-terminal points New York-Newark, Washington-Baltimore, Chicago and Dallas-Ft. Worth to Hilo and Honolulu, Hawaii, and beyond Hawaii to American Samoa, Fiji, New Zealand and Australia while Pan American would transfer to American its authority in four markets: New York/Newark - Bermuda; Boston - Bermuda; New York/Newark-Barbados and New York/Newark-Santo Domingo, Dominican Republic.

Copies of the draft statement are available from the Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428.

Dated at Washington, D.C., June 7, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–13506 Filed 6–11–74;8:45 am]

[Docket 26479]

DELTA AIR LINES, INC./TRANSWORLD AIRLINES, INC.

Route Transfer Agreement; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding will be held on July 22, 1974, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to the prehearing conference report served April 16, 1974, the notice to all parties dated May 9, 1974, and other documents in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 7, 1974.

[SEAL] HARRY H. SCHNEIDER,
Administrative Law Judge.

[FR Doc.74–13507 Filed 6–11–74;8:45 am]

[Docket 25280; Order 74–6–31; Agreement C.A.B. 24340; Agreement C.A.B. 24352; Agreement C.A.B. 24353]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority June 6, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the 36th Meeting of the TC1 Specific Commodity Rates Board, and at the 11th Meeting of the TC3 Specific Commodity Rates Board held in Panama City on February 20, 1974 and in Geneva on April 1, 1974 respectively.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable within the Western Hemisphere and Asia/Australasia/Pacific areas. We are approving these revisions, outlined in the attachments hereto, which reflect reductions from otherwise applicable general cargo rates. We are also approving a mail vote agreement which would establish cargo rates to/from San Andres Island/Leticia, Colombia and Western Hemisphere points by adding 30 cents per kilogram to existing rates for Barranquilla, Bogota, Cali, or Medellin, whichever is lower. Similarly, rates for all other Colombian points would be established by adding 15 cents to the appropriate existing rate.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24340, Agreement C.A.B. 24352 and Agreement C.A.B. 24353 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

1. Agreement C.A.B. 24352 be and hereby is approved; and

2. Agreement C.A.B. 24340 and Agreement C.A.B. 24353 [1] be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–13508 Filed 6–11–74;8:45 am]

[Docket 26194]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Enforcement Proceeding; Notice of Hearing

In the matter of Overseas National Airways, Inc., Elkin Tours, Inc., and Elliott Elkin, Individually.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in this proceeding [1] is assigned to be held on August 13, 1974, at 10:00 a.m. (local time), in Courtroom 1017, Federal Building and Courthouse, 231 West Lafayette Street, Detroit, Michigan, before Administrative Law Judge Louis W. Sornson.[2]

Dated at Washington, D.C., June 6, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–13504 Filed 6–11–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Manpower Research and Utilization), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13501 Filed 6–11–74;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the President and Chairman, Board of Directors.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–13498 Filed 6–11–74;8:45 am]

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[1] C.A.B. Agreements 24340 and 24353 filed as part of the original document.

[1] The contentions of the respondents that the matter is not ripe for hearing have been considered and it is concluded that they are not justified. The notice herein substantially grants their requests with respect to time and place of hearing.

[2] The Judge will fix the time and place of further hearing in Washington, D.C., if needed.

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FEDERAL ENERGY OFFICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Office to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Deputy Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13497 Filed 6-11-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Research and Demonstration, Office of Research and Demonstration, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13495 Filed 6-11-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by non-career executive assignment in the excepted service the position of Director, Office of Housing Research, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13496 Filed 6-11-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Program Development and Budget, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13502 Filed 6-11-74;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Deputy Director, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13493 Filed 6-11-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for National Services, Office of National Services, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13494 Filed 6-11-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the expected service the position of Chief of Section, Review Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executve Assistant to the Commissioners.

[FR Doc.74-13499 Filed 6-11-74;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Manpower Administrator for Employment Security, Manpower Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-13500 Filed 6-11-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Thursday and Friday, June 13 and 14, 1974.

The Council has been established pursuant to section 28 of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1230; 15 U.S.C. 2077). The act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the act.

The meeting of the Council on Thursday, June 13, will be held at the Commission's Product Safety Operations Center, 5401 Westbard Ave., Bethesda, Maryland, and will consist of, beginning at 10 a.m., visits and informal discussion with various CPSC operating offices and bureaus. No formal agenda is planned.

On Friday, June 14, the Council meeting will be held in the hearing room, 6th floor, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., from 9 a.m. to 3 p.m. The proposed agenda includes discussion of:

1. Status of CPSC efforts to obtain broad-based public participation in standards development activities.
2. Briefing on the CPSC/State Conference held May 15-17, 1974.
3. The experimental Consumer Deputy Program and prospects for its continuation.
4. Review of issues regarding sampling plans in mandatory safety standards and compliance activity.

Further information concerning this meeting, which is open to the public, may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: June 7, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-13541 Filed 6-11-74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and

Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Wednesday, June 12, 1974. The meeting will be open to the public on a first-come, first-served basis at 10:00 AM, in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on June 10, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.74-13568 Filed 6-10-74;11:37 am]

DELAWARE RIVER BASIN COMMISSION

HOPE CREEK AND SUMMIT GENERATING STATIONS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on June 25, 1974. The subject of the hearing will be a proposal to amend the Commission's Comprehensive Plan so as to include the Hope Creek and Summit generating stations as summarized in this notice. The hearing will be held in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, Pa. The hearing on the Hope Creek generating station will commence at 10 a.m. and the hearing on the Summit generating station will commence at 2 p.m.

Hope Creek Generating Station. A nuclear-fueled generating station to be located on the southern half of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, Salem County, N.J. The plant site is approximately 15 miles south of the Delaware Memorial Bridge and eight miles southwest of Salem, N.J. Two 1,100-megawatt light water nuclear-fueled units of the boiling water type are proposed. The plant would utilize a closed-loop circulating water cooling system with wet natural draft cooling towers and a once-through service water system. Approximately 190 cubic feet per second of river water will be used for service water cooling and cooling tower makeup requirements. The service water system will discharge to the river via a submerged pipe 137 cubic feet per second of plant cooling water and cooling tower blowdown with an average heat content of 270×10^6 Btu/hr. Maximum heat discharged to the river is estimated to be 420×10^6 Btu/hr. Evaporate loss in the river due to plant discharge is estimated to be 0.61 cubic feet per second and 1.1 cubic feet per second at average and maximum design operating conditions, respectively. The plant's closed circulating water system will recirculate approximately 2,228 cubic feet per second of cooling water which will release $15{,}520 \times 10^6$ Btu/hr of rejected heat to the atmosphere through the cooling towers. To compensate for evaporative losses, the cooling towers will require an average of 52.6 cubic feet per second of makeup water to the plant. Anticipated blowdown practices for the cooling towers will require 53.5 cubic feet per second of makeup water which will be returned to the river via the service water system discharge. Unit No. 1 is planned to go into operation in 1981 and Unit No. 2 in 1982. A final environmental impact statement was filed with the U.S. Atomic Energy Commission in February 1974.

Summit Generating Station. A nuclear-fueled generating station proposed to be located about one and one-quarter miles south of the Chesapeake and Delaware Canal between the Penn Central Railroad and the duPont Parkway (U.S. Route 13), in New Castle County, Del. The project site is approximately 6 miles from Delaware City and 10 miles from Newark. The proposed plant would consist of two high temperature gas-cooled reactors each having a capacity of 770 megawatts. Exhaust steam from the turbines would be condensed by a closed cycle cooling system using mechanical draft evaporative cooling towers. The maximum heat rejection rate for the two units would be about $8{,}600 \times 10^6$ btu/hr. Makeup water to replace evaporation and blowdown is proposed to be withdrawn from the C&D Canal at a maximum rate of about 43.5 cubic feet per second. Blowdown will be discharged to the Canal through a submerged jet at a maximum rate of about 14.5 cubic feet per second. Evaporative losses will be about 19.8 cubic feet per second on the average and 29 cubic feet per second at maximum. Unit No. 1 is proposed to go into operation in 1980 and Unit No. 2 in 1982. A draft environmental impact statement was filed with the U.S. Atomic Energy Commission in March 1974.

Documents relating to each of the above projects may be examined at the Commission offices. All persons wishing to testify are requested to register with the Secretary to the Commission prior to 12 noon on June 24, 1974.

W. BRINTON WHITALL,
Secretary.

JUNE 5, 1974.

[FR Doc.74-13423 Filed 6-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 246, et al.]

CHAPMAN CHEMICAL COMPANY, ET AL.

Notice of Hearing

In the above matter, relating to cancellation of registrations of pesticides containing mercury, notice is hereby given that a public hearing will be held commencing at 9:30 o'clock a.m. on July 9, 1974, at Departmental Auditorium, Conference Room B, between 12th and 14th Streets, NW., Washington, D.C.

The hearing will convene at the place and time announced in this notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

This notice is issued pursuant to the Rules of Practice governing hearings of this type, 40 CFR, Part 164, 38 FR 19371, 38 FR 34117, 39 FR 11884.

BERNARD D. LEVINSON,
Administrative Law Judge.

JUNE 7, 1974.

[FR Doc.74-13537 Filed 6-11-74;8:45 am]

[OPP-50006]

PREDATOR CONTROL; COYOTES

Issuance of Experimental Use Permit to Department of Interior

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Department of Interior applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 6704-EXP-6G) is hereby issued in accordance with 40 CFR Part 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA and under the supervision and control of approved SCSLEM applicators as designated by the Department of Interior.

This program began on May 28, 1974, and will expire on October 31, 1974. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-1, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received on or before July 12, 1974, and should bear the notation OPP-50006. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m., Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

EXPERIMENTAL PROGRAM FOR USE OF THE SODIUM CYANIDE SPRING LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL BY DEPARTMENT OF THE INTERIOR

I. *Purpose.* Sodium cyanide will be used in the spring loaded ejector mechanism in an experimental program designed to measure

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the usefulness of the tool as a method of reducing domestic livestock losses due to predation by coyotes in situations where mechanical control methods are not feasible or effective. The program will also evaluate the effect of the SCSLEM on nontarget species.

II. *Objectives.* A. Determine the value of the SCSLEM as used on a response-to-complaint basis where the mechanical control methods are not feasible or effective.

B. Record nontarget species taken in SCSLEM use areas.

C. Evaluate the selectivity of the SCSLEM when used to control coyotes on the basis of data collected on nontarget species taken.

D. Keep records of the use of SCSLEM for predator control with regard to human safety.

E. Determine the overall value of the SCSLEM when used on a complaint basis.

F. Obtain data on the cost of reducing livestock losses with the SCSLEM and mechanical methods.

III. *Control.* A. *Administrative Director.* The administrative director of the program will be Lynn A. Greenwalt, Director, Bureau of Sport Fisheries and Wildlife.

B. *Regional supervision.* The Division of Wildlife Service's Regional Directors will have authority to approve use of the SCSLEM within their respective regions based on requests forwarded to them.

C. *State control.* The State Animal Damage Control Office within each state will review and make recommendations on each request from private individuals in the case of private land and land administrators in the case of public land.

D. *Applications.* Application of the SCSLEM will be conducted only by Bureau, state and county employees under direct supervision of the Bureau of Sport Fisheries and Wildlife.

IV. *Procedures for implementation.* A. *Areas of use.* Use of the SCSLEM by the U.S. Fish and Wildlife Service is permitted only in those areas where the Regional Director has authorized such use.

B. The SCSLEM will not be used in areas where susceptible threatened or endangered species might be affected. Maps delineating the known ranges of susceptible threatened and endangered species will be supplied to the Regional Directors by Bureau headquarters in Washington, D.C.

C. In those states having EPA approved experimental SCSLEM programs, Bureau personnel will coordinate with the appropriate State Officials to insure that the use of the SCSLEM by Bureau personnel will not interfere with the conduct and results of the state experimental programs.

D. Use of the SCSLEM by Bureau personnel will not be permitted in any area designed as an experimental or control area in any EPA approved state experimental programs.

E. The spring loaded ejector mechanism or the sodium cyanide capsules shall not be given to, or entrusted to the care of, any person not under the supervision of the Bureau. Care shall be taken to prevent theft or loss and the possibility of their subsequent use by nonauthorized persons.

F. Distribution, storage, maintenance, and use of the SCSLEMs will be controlled by Bureau personnel and subject to the rules and policies of the Department of Interior.

G. Cyanide antidote kits shall be possessed by all employees using the SCSLEM and shall be carried with them at the time SCSLEMs are being set or maintained.

H. This program will begin May 28, 1974, and will end October 31, 1974. The termination date is subject to evaluation and modification.

I. Authorization is granted for the use of 10,000 spring loaded ejector mechanisms and 100,000 sodium cyanide capsules in the program. This authorization is subject to continuing evaluation and amendment as may be necessary.

J. The Bureau's Regional Director will provide notification of SCSLEM use within a state to the appropriate EPA regional headquarters within one working day of granting approval on any request for use.

K. *Recordkeeping and reporting.* Each applicator must submit the following information to the State Supervisor at least once a month.

1. Name of the applicator.
2. Number of SCSLEMs and capsules used, and cumulative total of SCSLEM use—years or months.
3. Number of discharged capsules at each SCSLEM location, noting cause when possible, and the number of capsules replaced at each SCSLEM location.
4. Identification of area where SCSLEM is used.
5. Total number of target species taken at each location, by direct count.
6. Number of nontarget species taken at each location, by species and direct count.
7. Number of discharges with no animal recovery.
8. Any human or domestic animal accidents associated with SCSLEM use.
9. Number and type of livestock losses to coyotes before the use of the SCSLEM.
10. Number and type of livestock losses during SCSLEM use to:
    a. Coyotes
    b. Other known causes
    c. Unknown causes
11. Other control measures used prior to and at the same time that SCSLEMs are in use in an area and the animals taken by species and direct count.

L. *Monitoring.* Each Regional Director shall establish a system for monitoring the operation of program procedures and shall provide a monthly report of findings. Surveillance may be undertaken on a sampling basis and shall include verification of:

1. Data presented in support of requests.
2. Effort expended to provide control with mechanical means.
3. Adherence to areas of use as defined by Bureau policies.
4. Adherence to policy in use of the SCSLEM.
5. Reports of results obtained from use of the SCSLEM. Prior to control or use of SCSLEM, an "Agreement for Control of Animals on Private Property" must be signed by the land owner, lessee or administrator requesting use of the SCSLEM to allow representatives of the Bureau of Sport Fisheries and Wildlife and the Environmental Protection Agency to enter on their property for the purpose of inspecting and monitoring all aspects of the experimental program. Any person found to be using the materials improperly or falsifying required data will be denied further use of SCSLEMs and may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act. Failure to adhere to the provisions of this program could result in suspension of the program.

V. *Data summarization and analysis.* A. The Regional Directors will be responsible for insuring the collection of reports from the applicator for summarization and forwarding to the Animal Damage Control Program Office, Washington, D.C. The Department of Interior shall furnish the Environmental Protection Agency with copies of monthly reports and findings, and a final report and analysis of the data within 60 days after the completion of the program. Copies of individual field reports of SCSLEM applicators will be sent to EPA on completion of the program.

B. The Bureau's Regional Directors will provide notification of SCSLEM use within states to the appropriate EPA regional headquarters and provide copies of the report summations to the appropriate EPA Regional Offices.

C. A precensus of livestock to be protected and a postcensus of livestock populations will be conducted in SCSLEM use areas at the completion of the program. Information on coyote populations in those areas will be derived from the Annual "Predator Survey" conducted by the Service.

D. The Bureau will continue to maintain records of ongoing nonchemical control programs. This data will be utilized by EPA for comparative purposes.

Dated: June 7, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-13536 Filed 6-11-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF MILWAUKEE AND O'CONNELL DISTRIBUTING CO. INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. L. Haskell
Deputy Port Director
Board of Harbor Commissioners
Room 606—City Hall
Milwaukee, Wisconsin 53202

Agreement No. T-2966, between City of Milwaukee (City) and O'Connell Distributing Co., Inc. (O'Connell), provides for the five-year exclusive lease (with renewal options) by O'Connell of City's Municipal Terminal 1, together with nonexclusive berthing privileges and the right of usage of contiguous facilities at Milwaukee, Wisconsin, for the receiving, shipping, storing and handling of general and bulk commodities. As compensation, O'Connell shall pay City a minimum guaranteed annual rental of $20,000 plus 30% of all gross storage income in excess of $30,000 annually. In addition, O'Connell shall share with City all revenues earned from wharfage, car loading and unloading, warehousing, handling operations, or any incidental services rendered by O'Connell to its customers, at the rate of $.10 per ton of 2,000 pounds on inbound salt and at a basic rate, per 2,000 pounds on other cargo, to be negotiated prior to the time of cargo movement. After the first two years, the rental shall be reevaluated.

By Order of the Federal Maritime Commission.

Dated: June 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13491 Filed 6-11-74;8:45 am]

JOHNSON SCANSTAR JOINT SERVICE

Notice of Agreement Filed; Petition to Reconsider Order

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of petition Filed by:

John R, Mahoney, Esq.
Casey, Lane & Mittendorf
26 Broadway
New York, New York 10004

Agreement No. 9973-1 is a petition by the parties to the Johnson Scanstar Joint Service (JSS) requesting the Commission to remove the limitation on its container capacity which the Commission imposed in its Order of Approval dated March 30, 1972. In consideration of the removal of this limitation, JSS agrees that it will not increase its present fleet of nine vessels without prior Commission approval with the proviso, however, that it may charter additional container vessels or charter additional container space to meet seasonal increases in tonnage requirements.

By Order of the Federal Maritime Commission.

Dated: June 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Dco.74-13490 Filed 6-11-74;8:45 am]

MOORE-McCORMICK LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MOORE-MCCORMACK LINES, INCORPORATED
COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO AND COMPANHIA DE NAVEGACAO MARITIMA NETUMAR S/A

Notice of agreement filed by:

J. D. Straton, Manager
Rates & Conferences
Moore-McCormack Lines, Incorporated
2 Broadway
New. York, New York 10004

Agreement No. 10028-2, among the lines listed above, modifies the approved basic agreement by amending Article 1(e) to provide that the parties may, by mutual agreement, increase or decrease the number of minimum sailings and/or calls, without impairing the adequate service, and informing the respective government authorities by the prompt submission to them of the agreed change(s) signed by all parties. Article 1(e) presently provides that the parties shall submit any changes in the number of minimum sailings and/or calls to respective government authorities for approval.

By Order of the Federal Maritime Commission.

Dated: June 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13492 Filed 6-11-74;8:45 am]

MOORE-McCORMACK LINES, INC., AND UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. D. Straton, Manager
Rates & Conferences
Moore-McCormack Lines, Incorporated
2 Broadway
New York, New York 10004

Agreement No. 9820-2, between Robin Line, a service of Moore-McCormack Lines, Incorporated and Unicorn Ship-

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ping Lines (Pty) Ltd., modifies the approved basic transshipment agreement between the parties by (1) broadening the geographic scope to include ports in Mozambique, Tanzania, and Kenya, and (2) adding a new paragraph D to Article 2, to provide that the divisions of through rates and transshipment expenses will not apply when the parties enter into a trip or voyage charter between themselves in the agreement trade.

By Order of the Federal Maritime Commission.

Dated: June 6, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13488 Filed 6-11-74;8:45 am]

TRANSPORTACION MARITIMA MEXICANA, S.A. AND FLOTA MERCANTE GRAN CENTRAL AMERICANA, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William Levenstein, Esquire
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. 10131 establishes a rate agreement between the two lines listed above governing the transportation of freight between Atlantic coast ports of the United States (Calais, Maine to Jacksonville, Florida, inclusive) and Caribbean coast ports in Honduras and Guatemala.

By Order of the Federal Maritime Commission.

Dated: June 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13489 Filed 6-11-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8624]

ARIZONA PUBLIC SERVICE CO.

Order Accepting Proposed Fuel Adjustment Clause, Denying Motion to Reject, Setting Matter for Hearing, Ordering Refunds, and Permitting Intervention

JUNE 4, 1974.

On February 12, 1974, Arizona Public Service Co. (APS) tendered for filing supplements to 14 wholesale rate schedules and 1 tariff which would include in these schedules and tariff a superseding Fuel Adjustment Clause. APS requested an effective date of April 1, 1974.

By order issued March 15, 1974, the Commission accepted APS' fuel adjustment clause for filing and suspending it for 1 day until April 2, 1974. The March 15 order indicated that APS' proposed fuel adjustment clause did not conform to § 35.14 of the Commission's regulations under the Federal Power Act, and indicated certain deficiencies. Due to the possibility of APS' suffering substantial revenue loss as a result of continued operations without an effective fuel clause, the order directed that APS within 30 days from the issuance of the order, cure various specified deficiencies. The order stated that "[u]pon receipt of such filing, and our review thereof, we shall issue such further orders as may be appropriate".

On March 20, 1974, Arizona Electric Power Cooperative, Inc. (AEPCO) and Papago Tribal Utility Authority (PTU) filed a "Protest, Petition To Intervene, Motion To Reject and Petition To Revoke Unlawfully Issued Order, or Alternatively, For Rehearing Thereof".[1] On April 19, 1974, we granted (AEPCO) and PTU's application for rehearing to allow all parties the opportunity to comment upon the revised fuel clause filed by Arizona on April 3, 1974, in purported compliance with our March 15, 1974, order.

The April 3, 1974, revised fuel clause was noticed with comments due on or before April 30, 1974. On April 30, 1974, AEPCO and PTU filed a "Protest, Petition to Intervene and Motion to Reject * * *" AEPCO and PTU allege that the revised clause does not comply with the principles underlying the Commission's Opinion No. 633 in New England Power Co., 48 FPC 899 (1972) and § 35.14 of its regulations. AEPCO and PTU allege that (1) the revised fuel clause attempts to disguise a major rate increase in the form of a fuel clause with a new base fuel cost at a level which produces revenues greater than APS actually earned in 1973, without producing the various cost of service and revenue data required for such an increase by the Commission's regulations, (2) APS has erroneously computed the proposed adjustment factor by subtracting from the current cost, as adjusted for losses, a 1969 base cost which has not been similarly adjusted for losses, and by calculating the proposed adjustment factor in a manner which disregards and violates the Commission's conclusion in its March 15, 1974 order that total system losses should not be assigned to the wholesale sales but should be equitably apportioned among all classes of sales, and (3) APS has, without justification, excluded from its computation of increased fuel costs and mwh system imput "specific deliveries" made out of its system from all interchanges and deliveries for which the rate is tied to fuel costs of specific plants or units. AEPCO and PTU move that the Commission either reject the revised clause, or, in the alternative, suspend the operation of the proposed fuel clause for the full statutory period and set the matter for full evidentiary hearing.

With regard to AEPCO and PTU's suggestion that the revised clause attempts to disguise a major rate increase and their complaints relating to the computation of the proposed adjustment factor, we note that APS has provided an explanation as to their determination of base fuel cost. However, we do not find this explanation completely satisfactory, and we shall direct APS to furnish the appropriate cost support and revenue data. We also believe that the proposed adjustment factor may not be consistent with our conclusion in the March 15, 1974 order that losses should not be assigned to the wholesale sales but should be equally apportioned among all classes of sales. We also believe that the complained of exclusions from computation of increased fuel costs and mwh system input may be unreasonable.

For the foregoing reasons, we believe that the revised fuel clause has not been shown to be just and reasonable. However, we believe that the existence of the possible deficiencies discussed above does not warrant the rejection of the revised clause and we shall therefore deny AEPCO and PTU's motion to reject. We shall instead accept the revised clause in substitution for that clause accepted by our March 15, 1974, order, to be effective subject to refund as of April 2, 1974, establish an evidentiary hearing with respect to the issues of the propriety of the base fuel cost, the assignment of losses, and the exclusions from computation of increased fuel costs and mwh system input, and permit AEPCO and PTU to intervene in this proceeding.

The Commission finds:

(1) Good cause exists to accept APS' revised clause filed on April 3, 1974 in substitution for that clause accepted by the Commission, subject to further order, on March 15, 1974, to be effective subject to refund as of April 2, 1974.

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[1] On April 22, 1974, Electric District No. 6 filed a letter supporting the filing made by AEPCO and PTU.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the issues of the propriety of the base fuel cost, the assignment of losses and the exclusions from computation of increased fuel cost and mwh system input, in APS's revised fuel clause.

(3) APS should be required to file within 30 days of the issuance of this order its complete case-in-chief, including cost support and revenue data with respect to the base fuel cost contained in the revised fuel clause.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) AEPCO's and PTU's motion to reject should be denied.

(6) APS should be required to refund with interest the difference, if any, between revenues collected under the fuel clause accepted by the Commission's March 15, 1974 order, and the revenues which would have been collected under the revised fuel clause.

(7) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) APS' revised fuel clause filed on April 3, 1974 is accepted in substitution for that clause accepted by the Commission subject to further order, on March 15, 1974, to be effective subject to refund as of April 2, 1974.

(B) AEPCO's and PTU's motion to reject is denied.

(C) APS shall file, within 30 days of the issuance of this order its complete case-in-chief including cost support and revenue data with respect to the base fuel cost contained in the revised fuel clause.

(D) Pursuant to the authority of the Federal Power Act particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held September 17, 1974 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issues of the propriety of the assignment of losses, and the exclusions from computation of increased fuel cost and mwh system input in APS's revised fuel clause.

(E) On or before August 9, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before August 23, 1974. Any rebuttal evidence by APS shall be served on or before September 6, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) APS shall refund with interest the difference, if any, between revenues collected under the fuel clause accepted by the Commission's March 15, 1974 order, and the revenues which would have been collected under the revised fuel clause.

(H) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13393 Filed 6-11-74;8:45 am]

[Docket Nos. E-8250, E-8071, E-8142]

ARKANSAS POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Hearing

MAY 31, 1974.

On May 24, 1974, the Interveners, Conway Corp., et al.,[1] filed a motion for a further extension of the procedural dates fixed by notice issued May 3, 1974, in the above-designated matter. The motion states that all parties agreed to the procedural schedule.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Completion of production by Arkansas Power and Light, June 4, 1974.
Service of evidence by interveners, July 16, 1974.
Service of rebuttal evidence, August 16, 1974.
Hearing, September 24, 1974 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13389 Filed 6-11-74;8:45 am]

[Docket No. RI74-243]

ATLANTIC RICHFIELD CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Atlantic Richfield Co. (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-243, seeking a rate above the applicable area ceiling under Opinion No. 662. Petitioner seeks a price of 26.5 cents per Mcf for the sale of residue gas to Northern Natural Gas Co. under its FPC Gas Rate Schedule No. 376 from the Eldorado Gas Plant remaining from gas well gas produced from the acreage commonly called the V. J. Powell "A" No. 5 proration unit. Petitioner states that since the well is depleted and shut in, it cannot justify reworking the well and attempting to obtain additional recoverable gas reserves at the current 16.5¢ rate. Petitioner estimates that additional gas reserves of 500,000 Mcf are recoverable if the well is reworked.

Any person desiring to be heard to make any protest with reference to said petition should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13410 Filed 6-11-74;8:45 am]

[Docket No. E-8524]

BLACKSTONE VALLEY ELECTRIC CO.

Order Granting Late Petition To Intervene

JUNE 4, 1974.

On May 3, 1974, Narragansett Electric Co. (Narragansett) filed a petition to intervene out of time in the above captioned proceeding. Notice of the filing in this docket was issued on February 19, 1974, with protests and petitions to intervene due on or before March 4, 1974. Narragansett states that the late filing of its petition to intervene was due to extraordinary circumstances and that it has a direct and substantial interest in this proceeding.

The Commission finds:

Participation by Narragansett in this proceeding may be in the public interest and good cause exists to grant Narragansett's late petition to intervene.

The Commission orders:

(A) Narragansett is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and; *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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[1] Conway Corp. Benton Municipal Light and Water Works, Hope Water & Light Commission, City of North Little Rock, City of West Memphis, Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc., Arkansas.

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(B) The intervention granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13379 Filed 6-11-74;8:45 am]

[Docket No. E-8074]

CITY OF FAIRHOPE, ALABAMA AND ALABAMA POWER CO.

Order Denying Motion To Dismiss and Providing for Hearing

JUNE 4, 1974.

On March 8, 1973, the City of Fairhope, Alabama (Fairhope) filed a petition for a declaratory order concerning the proper termination date of Fairhope's contract with Alabama Power Co. (Alabama). On November 1, 1971, Alabama had tendered for filing a tariff applicable to its cooperative and municipal customers, including Fairhope. Alabama stated its intention to make the tariff applicable to the affected customers upon the termination of the then existing contracts with these customers. By order of December 30, 1971, the Commission accepted the tariff for filing, suspended the effective date until February 2, 1972, and established hearing procedures.[1]

On April 16, 1973, Alabama tendered an unexecuted service agreement to place the tariff in effect as to Fairhope. Alabama requested an effective date of May 3, 1972, as to Fairhope, contending that was the termination date of its existing contract with Fairhope. In the instant petition Fairhope contends that by the terms of the contract, the proper expiration date was September 18, 1972. Fairhope asks that all collections made under the tariff provisions for the period May 3, 1972, to September 18, 1972, be refunded.

It is Fairhope's contention (Petition, paragraph 7) that the delay in the construction by Alabama of a 44 Kv transmission line from South Foly Substation to the Fairhope Switching Station caused a delay in the commencement of delivery of power to Fairhope, and thus delayed the term of the five-year contract, pursuant to Paragraph Eight thereof, for the period from May 3 to September 18, Fairhope also alleges (Petition, paragraph 9) that "the delay was attributable to one of the causes enumerated in Paragraph Eight [of the contract], namely, the failure of Alabama Power Company to secure the necessary material and apparatus required to render the service, which material and apparatus included the necessary transmission facilities and capacity."

In its Motion to Dismiss and Answer to the Petition filed April 19, 1973, Alabama denied the allegations of paragraphs 7 and 9 of the petition. Alabama further denied that Paragraph eight of the contract would operate to extend the termination date of the contract. Alabama also contended that the Commission should not determine the controversy raised by Fairhope, and that it should not be raised by petition in any event, but rather determined in the existing proceedings, Docket No. E-7664, involving the effective dates Alabama's tariff with respect to various customers. Alabama also moved the Commission to dismiss Fairhope's petition on the ground the Fairhope, as an intervenor, could and should have raised this question in Docket No. 7674, and is now barred by the principles to res adjudicata and waiver, and that the petition is an untimely attempt to reopen the proceeding in Docket No. E-7674 for taking of additional evidence without complying with the requirements of § 1.33 of the Commission's rules of practice and procedure by filing with the presiding officer and setting forth facts showing material changes of fact or law since the conclusion of the hearing in Docket No. E-7674.

There is also a difference of three cents in the computations of the parties of the amount in dispute.

On January 4, 1974, the Commission issued an order terminating the present proceeding as moot in the light of "Alabama Power Company," ____ FPC ____, Opinion No. 679, issued December 14, 1973. On February 1, 1974, Alabama filed application for rehearing of the January 4 order. On March 1, 1974, the Commission granted rehearing for the purpose of further consideration. On April 16, 1974, the Commission issued Opinion No. 679-A, amending Opinion No. 679, and denied rehearing on May 13, 1974. In view of Opinion No. 679-A, the issues raised in this proceeding are no longer moot and must be considered on the merits.

We find that the motion of Alabama to dismiss the petition should be denied. The petition was filed more than a month prior to Alabama's filing of the unexecuted service agreement, and considerably prior to the contract's expiration date. The arguments of the participants in Docket No. E-7674, as well as the later opinions and orders of the Commission, make it clear that the procedures to be followed were both new and uncertain. While it might have been preferable for Fairhope to raise the present issue by other means, Alabama has had full notice and in no way has been prejudiced as a result of this procedure rather than another.

The question before us is the proper effective date for a rate increase by a company subject to the Commission's jurisdiction under the Federal Power Act. We find that this controversy is properly determinable by the Commission.

As to the merits, it is apparent that there are questions of fact requiring a hearing. We express no opinion upon the issues of contract interpretation at this time.

The Commission orders:

(A) The motion of Alabama Power Co. to dismiss the petition in this proceeding is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened with the prehearing conference to be held on August 27, 1974, at 10 a.m. (e.d.t.) at the offices of the Federal Power Commission in Washington, D.C., concerning the issues in this proceeding.

(C) The direct evidence of all parties, including the Commission Staff, shall be served on or before July 2, 1974. Rebuttal evidence of all parties, including the Commission Staff, shall be served on or before August 6, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13380 Filed 6-11-74;8:45 am]

[Project No. 420]

CITY OF KETCHIKAN, ALASKA

Notice of Issuance of Annual License

JUNE 5, 1974.

On August 31, 1970, City of Ketchikan, Alaska, Licensee for Ketchikan Lakes Project No. 420, located in the vicinity of Ketchikan, Alaska, on the Ketchikan Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder. (§§ 16.1-16.6).

The license for Project No. 420 was issued effective July 1, 1928, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the City of Ketchikan, Alaska for continued operation and maintenance of Project No. 420.

Take notice that an annual license is issued to the City of Ketchikan, Alaska (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, for the continued operation and maintenance of the Ketchikan Lakes Project No. 420, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13413 Filed 6-11-74;8:45 am]

[Docket No. E-8801]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JUNE 6, 1974.

Take notice that on May 20, 1974, Community Public Service Co. (Applicant), filed an Application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to increase the interest rate on its First Mortgage Bonds of Series C, D, G, H and I, previously authorized.

Applicant is incorporated under the laws of the State of Texas, and is domesticated in the State of New Mexico with its principal business office at Fort Worth, Texas. Applicant is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution and sale of natural gas. Applicant provides electricity and natural gas service to a total of 85 incorporated municipalities in Texas and New Mexico.

Applicant proposes to create a Thirteenth Supplemental Indenture for the purpose of amending certain provisions of Community's Indenture of Mortgage and Deed of Trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Company of Chicago, as successor Trustees to the City National Bank and Trust Company of Chicago, as supplemented and to be supplemented and amended by a Thirteenth Supplemental Indenture, to be created as of July 1, 1974, will amend the original Indenture to remove therefrom a provision limiting the total amount of First Mortgage Bonds outstanding to $50,000,000. Applicant requests an order authorizing the increase in Interest Rate to be paid on the Bonds of Series C, D, G, H and I by twenty-one-hundredths of one percent (.20%).

Any person desiring to be heard or to make any protest with reference to said Application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13412 Filed 6-11-74;8:45 am]

[Project No. 2646]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. 791a-825r), by the Connecticut Light and Power Co. (correspondence to: Edwin L. Johnson, Vice-President, the Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed April 28, 1967, for its constructed Stevenson Project No. 2646 which is located on the Housatonic River in the counties of New Haven and Fairfield, Connecticut.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F. 2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Stevenson Project consists of: (1) A concrete gravity dam 1,250 feet long and 124 feet high, supporting Connecticut State Highway Route No. 34, with a 630-foot overflow spillway section, topped by flashboards 3 feet high, a gated overflow spillway, a skimming gate section, a power intake section, and three non-overflow sections; (2) a reservoir known as Lake Zoar 27 miles in length with a surface area of 1,063 acres, a total storage capacity of 26,900 acre-feet, and a usable storage capacity of 5,038 acre-feet with a drawdown of five feet below the normal water surface elevation of 101.3 feet (U.S.G.S. datum); (3) an indoor powerhouse integral with the dam containing four generating units with a total capacity of 30,500 kw; and (4) all other facilities and interests appurtenant to the operation of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13381 Filed 6-11-74;8:45 am]

[Project No. 2604]

CONNECTICUT LIGHT & POWER CO.

Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Connecticut Light and Power Co. (Applicant) (Correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed on July 1, 1966, for constructed Bulls Bridge Project No. 2604 located on the Housatonic River, near Gaylordsville, in the towns of New Milford and Kent, in the counties of Fairfield and Litchfield, Connecticut.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F.2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Bulls Bridge Project consists of: (1) Two dams: (a) a cyclopean concrete gravity-arch dam on the east channel about 203 feet long and 24 feet high with an overflow spillway 195 feet long and (b) a masonry gravity dam on the west channel about 156 feet long and 17 feet high with an overflow spillway 120 feet long topped by 3-foot flashboards; (2) a reservoir at elevation 354 feet about 4.5 miles long with an area of about 120 acres and a gross storage of 1,800 acre-feet of which 233 acre-feet, at a drawdown of two feet, is normally used; (3) canal spillways consisting of two gated sections and two overflow sections; (4) a headgate structure controlling flow into the canal; (5) a power canal about two miles long; (6) a six acre forebay; (7) a forebay intake structure with penstock gates; (8) two steel penstocks about 420 feet long; (9) two steel surge tanks 96 and 98 feet in height, respectively; (10) a powerhouse containing six 2,000 hp turbines each connected to a generator rated at 1,400 kw; (11) an indoor substation containing six transformers; and (12) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13382 Filed 6-11-74;8:45 am]

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[1] 46 FPC 1386; Rehearing denied February 11, 1972, 47 FPC 280.

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[Project No. 2576]

CONNECTICUT LIGHT AND POWER CO.

Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. § 791a–825r), by the Connecticut Light and Power Co. (correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed February 28, 1966, for its constructed Shepaug Project No. 2576 which is located on the Housatonic and Shepaug Rivers near New Milford, Southbury, Newtown, Roxbury Falls, Brookfield, and Bridgewater in the counties of Fairfield, New Haven, and Litchfield, Connecticut.

The request for permission to withdraw the application for license is based on the contention that the Federal Power Commission (Commission) does not have jurisdiction over the project and, therefore, cannot require its licensing. Applicant points to the Commission's Order of December 22, 1952, which declared that "the interests of interstate or foreign commerce would not be affected by the construction and operation of the proposed Shepaug development: * * *" (see 11 FPC 1548). Applicant argues that there is not sufficient evidence to support a change in that determination and, in any event, that the Commission lacks authority to make such a change.

The constructed Shepaug Project consists of: (1) A concrete gravity dam 147 feet high and 1,412 feet long consisting of three sections comprising an ogee spillway 293 feet long topped by five taintor gates each measuring 35 x 28 feet and two bays of flashboards each measuring 35 x 23 feet, an intake section about 100 feet long with a 25 foot steel penstock 77 feet long, and flanking nonflow sections about 268 feet long at the south bank and 751 feet long at the north bank; (2) a reservoir, Lake Lillinonah, at elevation 198.3 feet U.S.G.S. datum, about 13 miles long with a surface area of 1,870 acres and a total capacity of 74,000 acre-feet with a 3-foot drawdown of 5,400 acre-feet; (3) a brick powerhouse with a vertical generating unit rated at 37,200 kw; (4) a switchyard with out-door transformer; and (5) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13383 Filed 6-11-74;8:45 am]

[Project No. 2632]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. 791a–825r), by the Connecticut Light and Power Co. (correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed December 29, 1966, for its constructed Rocky River Project No. 2632 which is located on the Housatonic River in the counties of Fairfield and Litchfield, Connecticut, in the vicinity of Brookfield, Danbury, New Fairfield, New Milford, and Sherman.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F. 2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The existing Rocky River seasonal pumped storage project consists of: (1) An earth main dam 952 feet long (maximum height 100 feet); (2) four dikes: an 11-foot high, 181-foot long concrete gravity dike with a 57-foot overflow section; a 15-foot high, 522-foot long concrete dike with a 391-foot overflow section; a 45-foot high, 167-foot long earth dike; and a 42-foot high, 873-foot long earth dike in two parts; (3) a reservoir with a surface area of 5,600 acres at the normal elevation of 428.14 feet (U.S.G.S. datum) and with usable storage of 142,560 acre-feet at a drawdown of 30 feet; (4) an intake canal 3,190 feet long; (5) an intake tower at the end of the canal; (6) a 15-foot diameter conduit 943 feet long; (7) a surge tank; (8) a steel penstock 670 feet long, with an inside diameter reducing from 13 to 11 feet; (9) an indoor powerhouse containing three units, one a conventional generating unit rated at 24,000 kW, and two others being motor-generator units each having a rating as a generator of 3,500 kW; and (10) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13384 Filed 6-11-74;8:45 am]

[Docket No. CI74-670]

EMERALD PRODUCING CORP., ET AL.

Notice of Application

JUNE 6, 1974.

Take notice that on May 20, 1974, Emerald Producing Corp. (Operator), *et al.* (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI74–670 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. (Southern) from the Diamond Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Southern from the subject acreage approximately 37,500 Mcf of gas per month for one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 37,500 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13408 Filed 6-11-74;8:45 am]

[Docket No. CI74-670]

EMERALD PRODUCING CORP. ET AL

Notice of Application

JUNE 6, 1974.

Take notice that on May 20, 1974, Emerald Producing Corp. (Operator), et al. (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI74–670 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. (Southern) from the Diamond Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Southern from the subject acreage approximately 37,500 Mcf of gas per month for one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 37,500 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13395 Filed 6-11-74;8:45 am]

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JUNE 5, 1974.

Take notice that Granite State Gas Transmission, Inc. (Granite), on May 30, 1974, tendered for filing Alternate Third Revised Sheet 3A in its FPC Gas Tariff, Original Volume No. 1, containing a correction to the proposed changes in rates filed on May 15, 1974, for effectiveness on July 1, 1974. According to Granite, its filing of May 15, 1974, contained an inadvertent error in the computation of the commodity charge component under its General Service Rate Schedule (G) as set forth on Third Revised Sheet 3A. Granite states that Alternate Third Revised Sheet 3A is tendered in place of Third Revised Sheet 3A. Granite further states that no other portion of its filing of May 15, 1974, is affected by this change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petiton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13404 Filed 6-11-74;8:45 am]

[Docket No. G-2730, etc.]

HILDA B. WEINERT AND JANE W. BLUMBERG, ET AL.

Order Consolidating Proceedings, Granting Interventions, Setting Hearing and Prescribing Procedures

JUNE 4, 1974.

In the matter of Hilda B. Weinert and Jane W. Blumberg, et al. (G–2730, etc.), Continental Oil Co. (G–6211), Reserve Oil and Gas Co. (G–12671), H. H. Phillips, Jr. (CI63–586), Gulf Oil Corp. (CI72–178), Sun Oil Co. (CI73–684), Reserve Oil and Gas Co. (CI73–808), Castle, Inc. (CI 74–124).

The United States Court of Appeals for the District of Columbia Circuit in "Transcontinental Gas Pipe Line Corp. v. FPC," 488 F. 2d 1325 (1973), modified by the Court on November 21, 1973, cert. denied sub nom., "Natural Gas Pipeline Co. v. Transcontinental Gas Pipeline Corp.", —— U.S. —— (May 28, 1974), reversed the Commission in the above consolidated dockets in the issuance of Opinion No. 655, which authorized the abandonment of deliveries of gas by the LaGloria Field producers to Transcontinental Gas Pipe Line Corp. and certificated sales to Natural Gas Pipeline Co. of America.

On November 27, 1973, Natural Gas Pipeline filed an emergency motion for an order directing the producers to make full deliveries to which it asserts it is entitled to under outstanding orders of the Commission, namely the contract and certificated volume of 125,000 Mcf per day. Natural asserts that since the field is not capable of producing a total of 206,000 Mcf/d, the producers are supplying Transco the full 81,000 Mcf per day, and Natural is suffering all of the shortfall in the La Gloria Field capacity to produce gas. By order issued on February 22, 1974, the Commission denied Natural's motion, and on April 24, 1974, denied Natural's application for rehearing.[1]

On November 29, 1973, Natural filed a motion asking for imposition of a payback obligation on Transco for all volumes received during the interim period from and after November 15, 1973, from the La Gloria Field producers, in order to make Natural whole in the event abandonment is later authorized and to recover for Natural the asserted excess volumes now taken by Transco over its proper share of the Field's production in the event said authorization is denied. Natural proposed that a five year repayment period be established for the return of the gas volumes taken by Transco after November 15, 1973. Natural further asked for a prehearing conference for disposition of the remanded proceeding.

On December 19, 1973, Transco filed a motion for an order requiring repayment

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[1] Petition for review filed April 30, 1974, "Natural Gas Pipeline Co. v. FPC" No. 74–1462 (D.C. Cir.).

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of gas diverted under the abandonment order. Transco states that for the period April 18, 1973, through November 15, the producers de facto abandonment was not de jure abandonment, and Opinion No. 655 never existed legally. Therefore, Transco argues that Natural Gas Pipeline received 77,000 Mcf per day or 16,177,000 Mcf during that period in 1973 which it now is obligated to return to Transco. By order issued herein on February 22, 1974 (p. 11), the Commission ordered: "Payback obligations will be specifically determined during the abandonment/certificate hearing".

In the caption of this order, we have listed the names of additional applicants for abandonment of service to Transco and sale of gas to Natural from the La Gloria Field. The seven dockets involved common question of fact and law as are present in the 24 dockets previously consolidated in the order herein issued August 23, 1971. For the purposes of further proceedings involving the abandonment of sales to Transco and the certification of additional volumes to Natural, these 31 dockets should be considered together. The following petitions for intervention have been filed:

Brooklyn Union Gas Co.
Natural Gas Pipeline Company of America
Transcontinental Gas Pipe Line Corp.
Consolidated Edison Company of New York
Public Service Commission of New York

The Court of Appeals in "Transcontinental Gas Pipe Line Corp. v. FPC," 488 F. 2d 1325 (D.C. Cir. 1973) said:

> We contemplate on remand, therefore, a searching and comprehensive inquiry by the Commission into all factors relevant to determining the overall public interest in this abandonment proceeding. For this purpose it will doubtless be necessary to supplement the record with additional evidence with respect to these factors. Primary importance must be given to a broadly conceived comparison of the needs of the two natural gas systems and the public markets they serve.

Additionally, the Court directed inter alia, that:

The Commission should consider the environmental effects of its decision (see "Arizona Public Service Co. v. FPC," 483 F. 2d 1275 (D.C. Cir. 1973)).

In "Arizona Public Service Co.," supra, the Court held:

> We * * * give the Commission ninety days to conduct whatever further proceedings it deems necessary either for the preparation and circulation of an [NEPA] impact statement or for preparation of a statement of reasons as to why an impact statement is unnecessary.

On remand, the Court of Appeals affirmed the Commission's Opinion No. 615B,[2] which contained an analysis of environmental impact evidence. (490 F. 2d 783.) The Commission in this proceeding, therefore, directs applicants and interveners to submit evidence of environmental impact of a Commission decision granting or denying applications, if any.

The motion filed by Natural on November 29, 1973, to preserve the subject matter of this proceeding by imposing a payback obligation will be the subject of the hearing on remand of the abandonment certificate issues, as will the motion by Transco filed December 19, 1973, for repayment of gas volumes by Natural for gas sold to it during the April through November 1973 period.

These reserved issues have been expressly deferred from the interim orders herein of February 22 and April 24, 1974, wherein the Commission stated that:

> The order [of February 22] specifically places all parties on notice that there will be a determination of natural gas payback obligations as a result of final orders in the course of abandonment proceedings for all quantities of gas not properly received during the interim period. Order paragraph (D) further reserved Natural's rights in this matter. If, after the searching and comprehensive inquiry by the Commission into all factors relevant to determining the overall public interest, as directed by the Court of Appeals, 488 F. 2d at 1329, the Commission determines that Natural should have received volumes of natural gas sold and delivered to Transco by the producers after November 12, 1973, the legal and equitable powers of the Commission will be exercised on the payback issue.

Order paragraph (F) herein specifically sets these issues for hearing hereafter ordered.

On April 23, 1974, Natural filed a Motion for a decision of the Commission based on the existing record for a reopening of the record for limited purposes. The New York Commission on May 7, 1974, and Transco and AGD on May 8, 1974, filed answers in opposition to the motion. As Natural itself recognizes (Motion p. 2), the Court of Appeals on remand directed that "it will doubtless be necessary to supplement the record with respect to those factors", 488 F. 2d at 1329, as well as supplement the record with respect to those factors", 488 F. 2d at 1329, as well as supplemental evidence on environmental impact, supra, page 3.

The Commission has concluded, moreover, that additional evidence and hearings are required to comply with the Court's mandate. As noted, this order also consolidates seven additional dockets for abandonment and certification which were not part of the first hearings and could not be decided without a hearing. Furthermore, additional delay in resuming hearings for review of the record will not aid in resolution of these proceedings. Thus, we hereafter order reopening of the hearings and filing of evidence.

The Commission finds:

(1) Dockets Nos. G–6211, G–12671, CI63–586, CI72–178, CI73–684, CI73–808, and CI74–124 should be consolidated for the purposes of hearing and decision with the proceedings previously consolidated in Docket Nos. G–2730, et al.

(2) The parties listed above having filed petitions to intervene should be permitted to intervene.

The Commission orders:

(A) Applicants and intervenors shall submit prepared direct testimony and exhibits in support of their positions, inclusive of any evidence relative to environmental impact with and without abandonment as they may deem appropriate and in compliance with the Court's mandate on remand on June 28, 1974, and serve copies on the Office of Administrative Law Judges, the Commission Staff and all parties of record.

(B) A hearing shall commence in these consolidated proceedings on July 9, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administrative Law Judge to be assigned by the Chief Administrative Law Judge shall control the proceeding hereafter.

(C) The dockets listed at the head of this order beginning with G–6211, are hereby consolidated with the proceedings previously consolidated in Docket No. G–2730, et al.

(D) The above-listed interveners are hereby permitted to intervene in this consolidated proceeding subject to the Commission's rules and regulations: *Provided, however,* That they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene, and *Provided, further,* That granting of the petitions to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(E) The issues in this consolidated proceeding relating to the abandonment of sales by the La Gloria Field producers to Transco and the certification of additional volumes to Natural are hereby consolidated with the issues set forth in (F) below.

(F) The issues raised by the Motions of Natural and Transco for orders relating to the imposition of payback obligations for gas assertedly improperly taken by either pipeline, as more fully set forth in their Motions and described herein are hereby consolidated for hearing and decision with the issues set forth in (E) above.

(G) The motion of Natural Gas Pipeline Co. filed April 23, 1974 for a decision on the existing record is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13392 Filed 6-11-74;8:45 am]

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[2] El Paso Natural Gas Co., —— FPC —— (Oct. 26, 1973).

[Project No. 503]

IDAHO POWER CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 26, 1969, Idaho Power Co., Licensee for Swan Falls Project No. 503, located in Ada and Owyhee Counties, Idaho, on the Snake River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made supplemental filing pursuant to Commission Order No. 384 on February 19, 1970.

The license for Project No. 503 was issued effective January 1, 1928, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Idaho Power Co. for continued operation and maintenance of Project No. 503.

Take notice that an annual license is issued to Idaho Power Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Swan Falls Project No. 503, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13403 Filed 6-11-74;8:45 am]

[Docket No. E-8450]

IDAHO POWER CO.

Notice of Application

JUNE 5, 1974.

Take notice that on April 25, 1974, Idaho Power Co. (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking authority to increase to $130,000,000 the amount of short-term unsecured promissory notes, including commercial paper, which it may have outstanding at any one time.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order issued December 28, 1973, in the above docket. The Commission authorized Applicant to issue short-term unsecured promissory notes in amounts of up to a maximum of $100,000,000 with maturities of not later than December 31, 1974.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Boise, Idaho and is engaged in the electric utility business in the States of Idaho, Oregon, Nevada and Wyoming.

Applicant requests that its short-term borrowing authorization of up to $130,000,000 be composed of the following:

(a) Bank loans evidenced by the issuance of unsecured notes to Revolving Credit Agreement in the principal amount of not to exceed $90,000,000 outstanding at any one time;

(b) The issuance of unsecured notes pursuant to a line of credit, in the amount of $18,000,000; and

(c) The issuance of unsecured promissory notes in the form of commercial paper in the aggregate principal amount of not to exceed $22,000,000 outstanding at any one time.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including the interim financing of the Applicant's construction programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13388 Filed 6-11-74;8:45 am]

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.

Notice of Changes in Rates and Charges

JUNE 6, 1974.

Take notice that Iowa Public Service Co., on May 29, 1974, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume No. 1. The proposed changes to be effective July 1, 1974, would increase revenues in jurisdictional sales and service by $293,116 based on the twelve month period, ending December 31, 1973.

Applicant states that the reasons for this increase in electric revenues are the increased pressure of inflation on labor costs, taxes, interest rates and the cost of capital.

Copies of the filing were served upon the public utility jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13407 Filed 6-11-74;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Change in Rates

JUNE 5, 1974.

Take notice that Mississippi River Transmission Corp. ("Mississippi") on May 23, 1974 tendered for filing Nineteenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective July 1, 1974.

The instant filing was made pursuant to the purchased gas cost adjustment provisions of Mississippi's tariff in order to reflect rate changes applicable to Mississippi by United Gas Pipe Line Co. ("United") and Natural Gas Pipeline Company of America ("Natural") pursuant to the provisions of their tariffs.

Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13415 Filed 6-11-74;8:45 am]

[Docket No. RP74-1]

NORTHWESTERN PUBLIC SERVICE CO. AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Denying Application for Rehearing

JUNE 4, 1974.

The Northwestern Public Service Co., pursuant to § 1.34 of the Commission's rules of practice and procedure and section 19 of the Natural Gas Act has filed an application for rehearing of the Commission's "Order Affirming Initial Decision, Denying Relief sought by Northwestern Public Service Co." of April 8, 1974. The order affirms a December 14, Initial Decision of Administrative Law Judge Michel Levant, which denies a petition by Northwestern to the Commission that the Commission order Kansas-Nebraska Natural Gas Company, Inc., to provide Northwestern with an additional 2000 Mcf per day of contract demand and concluding that Kansas-Nebraska's denial of Northwestern's request does not violate its tariff nor is unjust, unreasonable, unduly discriminatory or preferential.

The Commission orders:

V 39 114 JUN 12 74 XUM

The application for rehearing on the Commission's order of April 8, 1974, affirming the Administrative Law Judge's initial decision is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13394 Filed 6-11-74;8:45 am]

[Project No. 308]

PACIFIC POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 22, 1971, Pacific Power & Light Co., Licensee for Wallowa Falls Project No. 308, located in Wallowa Whitman National Forest, Wallowa county, State of Oregon, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6).

The license for Project No. 308 was issued effective June 27, 1924, for a period ending June 26, 1974. In order to authorize the continued operation of the project pursuant to section 15 of the Act, Pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Power & Light Co. for continued operation and maintenance of Project No. 308.

Take notice that an annual license is issued to Pacific Power & Light Co. (Licensee) for the period June 27, 1974, to June 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 308, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13396 Filed 6-11-74;8:45 am]

[Docket Nos. RP71-119; RP74-31-20]

PANHANDLE EASTERN PIPE LINE CO. AND ANCHOR HOCKING CORPORATION

Proposed Stipulation and Agreement in Settlement of Proceeding

JUNE 5, 1974.

Take notice that on March 4, 1974, Anchor Hocking Corp. (Anchor Hocking) filed a petition for extraordinary relief and a motion for immediate temporary relief to avoid irreparable injury in the above-styled proceeding. By order issued on April 2, 1974, the Commission partially granted Anchor Hocking's request for temporary relief by requiring that Panhandle Eastern Pipe Line Co. (Panhandle) provide that company with 790 Mcf a day in order for it to maintain the operation of its Winchester, Indiana plant. In the aforementioned order the Commission further set the aforementioned matter down for formal hearing in order to determine the merits underlying the request made in Anchor Hocking's petition for extraordinary relief.

A formal hearing with respect to this matter commenced and was terminated on May 30, 1974. During the course of this hearing, the participating parties tendered the following Stipulation and Agreement to the Presiding Administrative Law Judge for certification to the Commission in the hope that this proceeding could be resolved in this manner:

> The parties stipulate that extraordinary relief from curtailment of gas deliveries will be granted to Anchor Hocking allowing it to take 790 Mcf on an average day basis during each month. Panhandle will not curtail volumes covered by this grant of extraordinary relief to the extent they are classified as Priority No. 3 until all other Priority 3 volumes not similarly subject to extraordinary relief are curtailed.
>
> Anchor Hocking's maximum take on any given day will be determined as provided by § 16.4(c) of Panhandle's tariff. Anchor Hocking will pay back as operating conditions permit those Priority 3 volumes taken pursuant to this grant of extraordinary relief to the extent they exceed the volumes allocated to Anchor Hocking under Panhandle's effective curtailment plan.
>
> The volumes taken pursuant to this grant of extraordinary relief will be for Anchor Hocking's use only. This stipulation will continue in effect until a new curtailment plan goes into effect. This stipulation shall not constitute a waiver of any party's rights in Docket No. RP71-119 to contest categorization of any volumes.
>
> This stipulation is made to settle all issues raised in Anchor Hocking's petition for extraordinary relief in Docket No. RP74-31-20 and is without prejudice to Anchor Hocking's right to apply for extraordinary relief in any new curtailment plan put into effect on Panhandle's system.
>
> That completes the stipulation, Your Honor.

The participating parties indicated that there were no present objections to the Stipulation and Agreement. They did, however, request to be afforded the opportunity to indicate the existence of objections in the event that such a course of action subsequently became necessary. It was decided that this could be accomplished by providing all parties with an opportunity to make comment as provided for in a Notice relating to the proposed Stipulation and Agreement to be issued at a subsequent date (Tr. 139). The Presiding Judge indicated his intent to certify this Stipulation and Agreement and the record developed with respect to this proceeding to the Commission at an early date (Tr. 139).

Any party desiring to be heard with respect to this stipulation and agreement should on or before June 20, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, comments indicating its support or opposition to this proposal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13405 Filed 6-11-74;8:45 am]

[Docket No. G-3332]

PHILLIPS PETROLEUM CO.

Notice of Application for Termination of Certificate

JUNE 6, 1974.

Take notice that on May 16, 1974, Phillips Petroleum Co. (Phillips), 583 Frank Phillips Building, Bartlesville, Oklahoma 74004, filed in Docket No. G-3332 an application for termination of the certificate of public convenience and necessity issued in said docket pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued September 28, 1956, Phillips was granted a certificate of public convenience and necessity in Docket No. G-3332 authorizing the sale of gas-well gas from the Rodessa Field, Cass County, Texas, under its FPC Gas Rate Schedule No. 140 to Breckenridge Gasoline Co. (Breckenridge). Phillips states that the contract dated June 30, 1952, covering said sale of gas expired on September 4, 1972, and that the replacement contract calls for Phillips to continue casinghead gas delivery to Breckenridge for a percentage of the proceeds received by Breckenridge. Phillips anticipates such basis of payment will be permanent. Phillips requests, therefore, that the certificate in Docket No. G-3332 be terminated because the Commission does not permit the producer's filing of percentage-type contracts and certificate applications based thereon (18 CFR 154.91(e)).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13398 Filed 6-11-74;8:45 am]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Complaint

JUNE 5, 1974.

Public notice is hereby given that a complaint was filed November 5, 1973 under the Federal Power Act (16 U.S.C. 791a–825r) by the Towns of Fulton and Blenheim, New York, Complainants (Correspondence to Kafin and Needleman, Robert J. Kafin, 115 Maple Street, Glens Falls, New York 12801) against Power Authority of the State of New York, Licensee, concerning operation of the Blenheim-Gilboa Pumped Storage Project No. 2685, which is located in Schoharie County on Schoharie Creek in the Towns of Blenheim and Gilboa, New York.

Complainants allege that the Licensee is operating the project in such a manner with regard to flow releases that it is violating its license with respect to flows in Schoharie Creek downstream from the project.

Any person desiring to be heard or to make protest with reference to said complaint should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The complaint is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13397 Filed 6-11-74;8:45 am]

[Docket No. RI74-241]

SHELL OIL CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Shell Oil Co., (Petitioner), One Shell Plaza, P.O. Box 2463, Houston, Texas 77001, filed a petition for special relief in Docket No. RI74-241, seeking a rate above the applicable area ceiling under Opinion No. 662, (Permian Basin Area II). Petitioner seeks a price of 46 cents per Mcf for the sale of gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 334 from new wells to be drilled by it in Crockett, Terrell, and Val Verde Counties, Texas (JM Area). Petitioner states that without the price requested further exploration and development in this area cannot be economically justified and recoverable reserves underlying the acreage here involved will be lost to the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13411 Filed 6-11-74;8:45 am]

[Project No. 372]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 16, 1969, Southern California Edison Co., Licensee for Lower Tule River Project No. 372, located on the Tule River in Tulare County, California, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending Commission action thereon, it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee) under section 15 of the Federal Power Act for the period June 16, 1974, to June 15, 1975, or until Federal takeover or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Tule River Project No. 372, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13400 Filed 6-11-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Denying Rehearing

JUNE 5, 1974.

By order of March 1, 1974, the Commission, inter alia, suspended certain changes in jurisdictional rates proposed by Southern California Edison Co. (Edison), set the matter for hearing and permitted various petitions to intervene, including the Anza Electric Cooperative, Inc. (Anza). On March 29, 1974, Edison filed a Petition for Rehearing or Clarification of the March 1 order wherein Edison sought to have the Commission modify the order so as to proscribe any consideration of the issue of "price-squeeze", involving a comparison between retail and resale rate levels, or other anti-trust issue or issues based on allegations of anti-competitive practices. The request for clarification was based upon Commission action in "Southern California Edison Co.," Docket No. E-8176, order issued September 21, 1973, and "Indiana and Michigan Electric Co.," Docket No. E-7740, order issued May 31, 1973. On April 15, 1974, Anza filed a Reply to the Edison Petition. This pleading will be further discussed below.

By order of April 25, 1974, the Commission, inter alia, clarified its March 1 order as requested by Edison, so as to avoid the implication that by granting interventions, including that of Anza, the Commission was broadening the issues in this proceeding to include questions of "price squeeze" or anticompetitive behavior.

On May 9, 1974, Anza filed a Petition for Rehearing of the April 25 order insofar as that order purports to clarify the March 1 order so as to limit the participation of Anza in the proceeding to matters other than the alleged "price squeeze" and anticompetitive behavior on the part of Edison. The Petition correctly indicates that, as to the question of alleged "price squeeze" and of alleged anticompetitive behavior by Edison "not related to contracts or agreements to which it is a party which are or should be on file with the Commission," Anza's views have been rejected by the Commission in Docket No. E-8176 and are currently pending petitions for review in the Courts.[1] Further discussion of these questions is therefore unnecessary and Anza's Petition will be denied insofar as it is based upon views previously rejected in Docket No. E-8176.

Anza's petition, however, states that, in addition to the above, the Commission's order of April 25 is in error to the extent that it rejects Anza's "separate argument", set forth in Anza's Reply to Edison's Petition for Clarification, which Anza filed on April 15. The "separate argument" in Anza's Reply concerns the Commission's order of March 14, 1974, in "Pacific Gas and Electric Co.", Docket No. E-7777. In the Reply, Anza expresses its view that the Commission made clear in the Pacific Gas order "that it did have jurisdiction to consider, in rate proceedings under sections 205 and 206 of the Act, the possible modification of contracts between a utility and other utilities or parties which as part of an anticompetitive policy on the part of the utility adversely affect service to a wholesale customer of a utility." Anza points out that a number of the contracts specifically referred to by the Commission in the Pacific Gas order involve contracts between Pacific Gas and Electric Co. (PG&E) and Edison "which may improperly restrict service to the customers of both utilities, including Anza." Anza gives its view that if it is appropriate for PG&E's customers to examine into the propriety of such restriction agree-

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[1] Cities of Anaheim, California, et al., v. Federal Power Commission, Case No. 72-2173; Anza Electric Cooperative, Inc. v. Federal Power Commission, Case No. 73-2255.

V 39 114 JUN 12 74 XUM

ments in the Pacific Gas proceeding, it is equally appropriate for Edison's customers to do so in this proceeding. Anza also contends that the Commission has jurisdiction to look into another contract between Edison and the Imperial Irrigation District, referred to in its pleadings in Docket No. E–8176, to determine if the contract inhibits Anza from securing service from Imperial. Finally, Anza contends that it is appropriate to consider in the present rate case whether certain agreements entered into by Edison with the Cities of Anaheim, Riverside, and Banning in Docket No. E–7618 should be modified to require Edison to file a rate schedule for transportation service with Anza as well as to include a displacement service.

We do not believe that the "separate argument" contained in Anza's Reply, and reasserted in its Petition, provides an adequate basis to either set aside our order of April 25 so as to permit Anza to participate as an intervenor in this proceeding without limitation or to authorize Anza to raise herein the matters discussed in its Reply. Our conclusion is based upon the following:

(1) The Commission cannot institute an investigation into the contract between Edison and the Imperial Irrigation District because this contract is apparently applicable to service over which this Commission has no jurisdiction.[1] As we stated in Pacific Gas:

> "If * * * after hearing and decision PG&E is found by virtue of contract provisions subject to FPC jurisdiction, to have (engaged in unlawful anticompetitive practices), this Commission will not hesitate to order contract reform * * *"[2] (emphasis added).

(2) While the Commission will reform contracts containing anticompetitive provisions when such provisions are subject to Commission jurisdiction (Cf. Carolina Power and Light Company, Docket No. E–7918, order issued March 12, 1973), the Commission cannot "reform" such contracts or any other agreements among parties in such a manner as to order a utility to wheel power (or provide a displacement service) for a customer. The Commission believes that this question was resolved in Otter Tail Power Co. v. U.S., 410 U.S. 366 (1973). The fact that such services may be offered to another customer does not give the Commission an authority which the courts have clearly indicated the Commission does not possess.

(3) We have instituted an investigation, pursuant to Section 206 of the Federal Power Act, into contracts in Pacific Gas, some of which Anza states may improperly restrict service to the customers of PG&E and Edison, including Anza. Such relief as might be granted through the reformation of these contracts is (as was the case in the Pacific Gas proceeding) unrelated to the determination of just and reasonable rates to be made in this proceeding. Since an investigation into these contracts has already been instituted, it would appear that any contractual remedies which Anza may wish to pursue may be fully considered through intervention in that proceeding.

For the foregoing reasons, we shall deny in its entirety Anza's Petition for Rehearing.

The Commission finds:

Anza's Petition for Rehearing, filed on May 9, 1974, raised no facts or points of law which would provide an appropriate basis for modifying the Commission's order of April 25, 1974, and such Petition should be denied.

The Commission orders:

(A) Anza's Petition for Rehearing, filed May 9, 1974, is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13390 Filed 6-11-74;8:45 am]

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[1] Anza's Amended Petition for Intervention filed in Docket E–8176 on August 10, 1973 indicates that the contract is on file with the Public Service Commission for the State of California, has never been filed with the Federal Power Commission, and is not a part of Edison's Rate Schedules No. 7 and No. 12 (the only rate schedules on file with this Commission involving the Imperial Irrigation District). Since we do not have this contract before us, we must assume that the contract relates only to service over which this Commission has no jurisdiction (i.e., it is directly applicable to nonjurisdictional service).

[2] Pacific Gas and Electric Co., supra, at page 6.

[Project No. 1398]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Approval of Revised Exhibit K

JUNE 5, 1974.

Public notice is hereby given that application for approval of revised exhibits was filed January 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Co. (Correspondence to: Mr. P. B. Peecook, Manager, Right of Way and Land Dept., Southern California Edison Co., P.O. Box 800, 2244 Walnut Grove Avenue, Rosemead California 91770), Licensee for Transmission Line Project No. 1398, located in Mono and Inyo Counties, California. The project affects lands of the United States under the jurisdiction of the Forest Service, Department of Agriculture and the Bureau of Land Management, Department of Interior.

Southern California Edison Co., Applicant, states that the realignment of U.S. Highway 395 necessitates relocating sections of their 115 kV transmission and telephone lines designated as Transmission Line Licensed Project No. 1398. The subject transmission and telephone lines extend from the Rush Creek powerhouse (Rush Creek Project No. 1389) to a substation near, Bishop and cross lands of the United States. The proposed action would affect public lands under the jurisdiction of the Department of Agriculture, Forest Service, Inyo National Forest within the S.½ of section 7 and the N.½ of section 18, T. 5 S., R. 31 E. M.D.M. and the Department of the Interior, Bureau of Land Management within section 4 T. 6 S., R. 31 E., M.D.M. The total length of the lines is approximately 54 miles.

Any person desiring to be heard or to make protest with reference to said application should on or before August 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13385 Filed 6-11-74;8:45 am]

[Docket No. RP74-93]

SOUTHERN NATURAL GAS CO.

Notice of Petition for Declaratory Order

JUNE 6, 1974.

Take notice that on May 15, 1974, Southern Natural Gas Co. (Southern), tendered for filing a Petition for Declaratory Order (Petition). In the Petition, Southern requests the Commission to issue an order declaring that the cost of acquiring certain coal reserves to be dedicated to a coal gasification plant is an appropriate item for inclusion in Southern's rate base and cost of service in Account No. 105 as Gas Plant Held for Future Use.

In its filing, Southern states that on May 1, 1974, Southern entered into an option agreement with Consolidated Coal Co. (Consol) whereby Southern was granted an exclusive option to purchase approximately one-half of Consol's "Hillsboro" coal reserves. Southern further states that the Option Agreement provides that within a two year period ending April 30, 1976. Southern may exercise its right to purchase said coal at a price of 10¢ a ton of recoverable coal. Finally, Southern states that the option period was designed to permit Southern an opportunity to seek and obtain from the Commission an order stating that the investment in said coal reserves is appropriate for inclusion in Southern's rate base.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file

a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13409 Filed 6-11-74;8:45 am]

[Docket No. CP74-301]

SOUTHWEST GAS CORP.

Notice of Application

JUNE 5, 1974.

Take notice that on May 22, 1974, Southwest Gas Corp. (Applicant), P.O. Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP74–301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of enlarged measuring facilities at the Tracy Power Plant delivery point (Tracy) on Applicant's Northern Nevada Transmission System near Reno, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 10-inch orifice tube in parallel with two existing 10-inch tubes, a differential controller, and associated metering facilities at the Tracy delivery point on Applicant's Reno lateral. The application states that the expanded measuring facilities will permit delivery of up to 390,000 therms per day to the Tracy Power Plant of Sierra Pacific Power Co. (Sierra) for the generation of electricity.

Applicant states that by this application it does not propose to increase its power plant sales to Sierra and notes that such sales are the first sales curtailed on Applicant's system and that annual and peak day power plant sales have recently declined. Applicant states further that as curtailments from Northwest Pipeline Corp., the sole supplier of Applicant's Northern Nevada Transmission System, increase and as Applicant's high priority loads increase, deliveries to Sierra will probably continue to decline. Applicant also notes, however, that Sierra's electrical generation requirements are increasing and to meet these requirements Sierra is presently installing a third generating unit at its Tracy plant.

Applicant states that it presently delivers gas to Sierra for electrical generation at two delivery points, Tracy and Fort Churchill. Applicant states further that since Sierra has alternative fuel facilities at both plants its proposed measuring facilities will enable Applicant to reduce deliveries at Fort Churchill as necessary to meet operating requirements at Tracy. Applicant asserts that such a proposal will allow it to meet Sierra's needs as related to the additional generating unit while keeping within existing contract entitlements and thereby permit Sierra to meet its increased electrical generation requirements by the increased use of alternative fuels in conjunction with existing levels of natural gas service.

The application states that the cost of constructing the proposed facilities will be borne entirely by Sierra and is anticipated to be approximately $13,100.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13391 Filed 6-11-74;8:45 am]

[Docket No. RI74-242]

SUN OIL CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Sun Oil Co. (Petitioner), Southland Center, Post Office Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74–242, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 30 cents per Mcf for the sale of gas to Northern Natural Gas Co. under its FPC Gas Rate Schedule No. 461 from the Griffith "A" Well No. 1 located in section 22–6N–12E, Texas County, Oklahoma. The petition is based on the installation of water pumping equipment on the subject well. Petitioner states that the current contract rate of 14.15 cents per Mcf would not recover the cost of installing the necessary pumping equipment, Sun and Northern Natural entered into an amendment to the Gas Purchase Contract, dated April 24, 1974, to provide for 30 cents per Mcf for gas produced from the Griffith "A" Well No. 1 commencing the first of the month following the month in which pumping equipment is installed and operating on said well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13406 Filed 6-11-74;8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 5, 1974.

Take notice that Texas Eastern Transmission Corp. on May 24, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

First Revised Sheet No. 14
First Revised Sheet No. 14A
First Revised Sheet No. 14B
First Revised Sheet No. 14C
First Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued pursuant to Texas Eastern's Purchased Gas Cost Adjustment Provision contained in section 23 of the general terms and conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1, and that the change in Texas Eastern's rates proposed by this filing reflects a cost of gas adjustment and an adjustment to clear the balance of the Gas Cost Adjustment Account.

The proposed effective date of the above tariff sheets is July 1, 1974.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

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are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13386 Filed 6-11-74;8:45 am]

[Docket No. CP74-297]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 5, 1974.

Take notice that on May 17, 1974, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74-297 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 10.22 miles of its Scottsville 3-inch pipeline, together with certain measuring and regulating equipment associated therewith which were constructed in 1931, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place a 10.22-mile portion of its Scottsville 3-inch pipeline located in Warren and Allen Counties, Kentucky, and to salvage, at a value of $258, associated measuring and regulating equipment. The application states that the facilities to be abandoned have deteriorated to the point where they cannot be operated and meet the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, et seq.) and the regulations promulgated thereunder.

Applicant states that the subject facilities are currently used to supply 16 farm tap or rural customers of Western Kentucky Gas Co. (Western Kentucky) in Applicant's Zone 3. Applicant further states that Western Kentucky and all the farm tap customers have agreed to the proposed abandonment and that the latter have made arrangements for alternate fuels. Applicant states that there will be no change in the contract demand or the quantity entitlements of Western Kentucky in Zone 3.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13401 Filed 6-11-74;8:45 am]

[Docket Nos. RP72-23, et al, and RP73-35]

TRUCKLINE GAS CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 5, 1974.

On May 28, 1974, Commission Staff Counsel filed a motion for postponement of the procedural dates fixed by order issued January 31, 1974, and April 5, 1974, and by the notice issued May 10, 1974, in the above-designated matter. Counsel states that the parties have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of Testimony by Staff, July 12, 1974.
Service of testimony by Intervenors, July 26, 1974.
Service of rebuttal testimony by Trunkline, August 16, 1974.
Prehearing Conference and Hearing, August 22, 1974 (10 a.m., E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc 74 13399 Filed 6-11-74;8:45 am]

[Project No. 472]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 5, 1974.

On June 5, 1969, Utah Power and Light Co., Licensee for Oneida Project No. 472, located in Franklin County, Idaho, on the Bear River, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made supplemental filings pursuant to Commission Order No. 384 on February 27, 1970, and October 7, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power and Light Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No. 472, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13414 Filed 6-11-74;8:45 am]

[Project No. 597]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 5, 1974.

On June 26, 1969, Utah Power and Light Co., Licensee for Stairs Project No. 597, located in Salt Lake County, Utah, on the Big Cottonwood Creek, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The License for Project No. 597 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 597.

Take notice that an annual license is issued to Utah Power and Light Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stairs Project No. 597, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13387 Filed 6-11-74;8:45 am]

[Project No. 1979]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 5, 1974.

On Marth 29, 1971, Wisconsin Public Service Corp., Licensee for Alexander

Project No. 1979, located in Lincoln County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The License for Project No. 1979 was issued January 4, 1949 for a period ending June 30, 1974. In order to authorize the continued operation of the project, pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for the continued operation and maintenance of Alexander Project No. 1979.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (Licensee) for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 1979, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13402 Filed 6-11-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to the First City National Bank of Gadsden, Gadsden, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls 10 banks with aggregate deposits of approximately $859 million, representing about 12 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among other State banking organizations. The four largest bank holding companies now control 14 of Alabama's largest 20 banks and, in the past three years, have increased their share of state deposits from 30 percent to 50 percent. Thus, any further increase in concentration is viewed with some degree of concern by the Board. However, in considering the circumstances of this case, including the competitive environment in the relevant market, the Board concludes that the increase in Statewide concentration resulting from this proposal would not have such adverse competitive effects as to require denial of the application.

Bank is the second largest of nine commercial banks in the relevant banking market,[2] and holds deposits of approximately $33 million, representing slightly more than 18 percent of total market deposits in commercial banks. The largest and third largest banks in the market hold deposits of about 23 percent and 15 percent, respectively. Applicant's banking subsidiary closest to Bank is located 40 miles away in Gunterville. No meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank; nor does it appear likely that any significant future competition would develop between Applicant's banking subsidiaries and Bank because of the distances involved and Alabama's restrictive branching laws. Although the market's population and deposits per banking office are above the State average, it appears unlikely that Applicant would enter the market de novo in view of the fact that from 1960 to 1970 the population of the market declined. Moreover, after acquisition of Bank, seven independent banks, including the largest bank in the market, would remain available for acquisition by other banking organizations seeking to enter the market. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are generally satisfactory and the future prospects for each appear favorable. In view of Applicant's commitment to inject $500,000 of equity capital into Bank within six months of its acquisition, Bank's financial and managerial resources are also regarded as satisfactory and its future prospects appear favorable. Thus, the banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the area are not currently being met, Applicant proposes to provide Bank with the services of its real estate financing subsidiary, increase the volume of agricultural lending and introduce lease financing. These considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 4, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13435 Filed 6-11-74;8:45 am]

RUSH COUNTY INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Rush County Insurance Agency, Inc., La Crosse, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Home State Bank, La Crosse, Kansas ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the insurance agency business conducted by Full Service Insurance Incorporated, La Crosse, Kansas ("Full Service"). Applicant will engage in the general insurance agency business, selling fire, casualty, automobile, and credit life insurance in a community of less than 5,000 people. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 12388). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act.

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[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through March 31, 1974.

[2] The relevant banking market is approximated by Etowah County.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

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Applicant is a recently organized corporation formed for the purpose of becoming a holding company through the purchase of Bank's stock and of acquiring the insurance agency business of Full Service. Bank, with deposits of $4.4 million,[1] controls about 14 percent of total deposits in commercial banks in the relevant banking market[2] and is the third largest of nine commercial banks operating therein. Since the proposal represents a restructuring of Bank's ownership, and Applicant has no banking subsidiaries, the acquisition of Bank by Applicant would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are satisfactory and consistent with approval of the applications. Applicant plans to improve Bank's capital position by retaining a large portion of Bank's earnings for the next several years. The proposed improvement in Bank's capital condition supports approval of the application. There is no evidence that the banking or insurance needs of the community are not being adequately met at present. However, the proposed reorganization and planned improvement of Bank's capital position should enhance Bank's financial condition and improve its ability to serve the community. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant proposes to acquire the general insurance agency business of Full Service and operate it as a division of Applicant. Since Applicant is not presently engaged in the business of selling insurance, it does not appear that such acquisition will have any significant impact on existing or future competition. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c) (8) both favor approval of Applicant's proposals.

Accordingly, the applications are hereby approved for the reasons summarized above. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies or any of their subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of the insurance agency business of Full Service Insurance Incorporated shall be made later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 3, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13434 Filed 6-11-74;8:45 am]

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[1] Banking data are as of June 30, 1973.

[2] The relevant banking market is approximated by Rush County and the western section of Barton County.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

GENERAL SERVICES ADMINISTRATION

[FPMR, Temp. Reg. D-48]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to assist in controlling violations of law at the Saint Elizabeths Hospital, a Department of Health, Education, and Welfare facility, located in Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and by the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare, to appoint uniformed guards of the Department of Health, Education, and Welfare as special policemen for the protection of the buildings and other areas of the Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161 and authority to make all needful rules and regulations for the government of the said Federal property under his charge and control and to annex to such rules and regulation such reasonable penalties, within the limits prescribed in 40 USC 318c, as will insure their enforcement.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited acts, and of the policies, procedures, and controls prescribed by the General Services Administration.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 4, 1974.

[FR Doc.74-13424 Filed 6-11-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

TWIN PINES COAL CO., ET AL.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4150-000, Twin Pines Coal Company, Twin Pines Mine, Mine ID No. 05 00252 0, Canon City, Colorado, ICP Permit No. 4150-001 (Joy 8BU Loader, Ser. No. 11 AE 2879), ICP Permit No. 4150-003 (Sullivan CE7 Cutting Machine, Ser. No. 6724), ICP Permit No. 4150-004 (Joy T11H Cutting Machine Truck, Ser. No. MT 381).

(2) ICP Docket No. 4307-000, Darby B Coal Company, Inc., Mine No. 6, Mine ID No. 15 02794 0, Linefork, Kentucky, ICP Permit No. 4307-001 (S & S 90 Battery Tractor Motor, I.D. No. 4), ICP Permit No. 4307-002 (Kersey 445 Battery Tractor Motor, I.D. No. 05), ICP Permit No. 4307-003 (Owens Wagon Coal Drill, I.D. No. 01), ICP Permit No. 4307-004 (Owens Wagon Coal Drill, I.D. No. 02).

(3) ICP Docket No. 4328-000, Branch Mining and Land Company, Inc., Ace Mine, Mine ID No. 15 00950 0, Gordon, Kentucky, ICP Permit No. 4328-001 (Stacy Spinner Loader, Ser. No. 639-906), ICP Permit No. 4328-002 (Owens Wagon Coal Drill, I.D. No. 5), ICP Permit No. 4328-003 (S & S 80 Battery Tractor Motor, I.D. No. 07), ICP Permit No. 4328-004 (S & S 80 Battery Motor, I.D. No. 08), ICP Permit No. 4328-005 (S & S 90 Battery Tractor Motor, Ser. No. 10665-2684).

In accordance with the provisions of 30 CFR 504.7(b), notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 27, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

JUNE 7, 1974.

[FR Doc.74-13420 Filed 6-11-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Tort Liability Recovery Rates from Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2652), delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (28 CFR Part 43) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government Hospitals—

Effective July 1, 1974, and thereafter

	DOD	VA	HEW
Hospital care per inpatient day:			
Federal general, surgical, and tuberculosis hospitals	$133	$88	$98
Federal mental hospitals		50	
Veterans Administration nursing home units		36	
Outpatient medical and dental treatment:			
Per facility visit	16	30	20

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

For the period beginning July 1, 1974, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on August 8, 1973 (38 FR 160).

Dated: May 22, 1974.

ROY L. ASH,
Director,
Office of Management and Budget.

[FR Doc.74-13425 Filed 6-11-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 7, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

FEDERAL RESERVE BOARD

Report of Loans Sold to and Outstanding Commercial Paper Issued by Selected Institutions, Form FR 416c, Weekly, Hulett, Commercial bank.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
- Children Served by Public and Voluntary Child Welfare Agencies and Institutions, Form SRS NCSS 107, Annual, Evinger (x).
- Interim State Agency Report on Staff Development Expenditures, Form SRS NCSS 114-T, Annual, Evinger (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development: Statement of Accountability—Water and Sewer Grant Program, Form HUD 41448, Quarterly, CVA/Lowry, Local public agencies.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Labor Requirements for College Housing Construction, Form BLS 2652.06A, Occasional, Sunderhauf, General contractors and colleges.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Study of Smoking Intervention Techniques, Form CDC 1114, Occasional, Wann, Smokers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Application for Section 115 Rehabilitation Grant, Form HUD 6260, Occasional, CVA/Lowry, Low income individuals and households.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Army: Motor Carriers Facilities Questionaire, Form MTMTS 45, Occasional, Evinger, Transportation industry.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development: Combined Cost Control Statement of Accountability-Urban Beautification, Open Space and Historic Preservations Programs, Form HUD 6601, Quarterly, CVA/Lowry, Local public agencies.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74-13611 Filed 6-11-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JUNE 6, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13513 Filed 6-11-74;8:45 am]

[812-3638]

COLONIAL FUND, INC., ET AL.

Notice of Filing of Application for Order

In the matter of the Colonial Fund, Inc., 75 Federal Street, Boston, Massachusetts 02110; Colonial Growth Shares, Inc., 75 Federal Street, Boston, Massachusetts 02110; State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, Massachusetts 01605; Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa

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51101; and Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, Ohio 44114.

Notice is hereby given that State Mutual Life Assurance Company of America (the "Insurance Company"), and The Colonial Fund, Inc. ("Colonial") and Colonial Growth Shares, Inc. ("Colonial Growth") (collectively the "Funds"), open-end investment companies registered under the Investment Company Act of 1940 ("Act"), Terra Chemicals International, Inc. ("Terra"), and Diamond Shamrock Corporation ("Diamond"), (hereinafter collectively referred to as "Applicants"), have filed an application pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in a public offering of certain shares of common stock of Terra. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Terra is engaged in the manufacture and sale of chemicals and fertilizers. It has filed with the Commission a registration statement under the Securities Act of 1933 covering its proposed sale to underwriters of 300,000 shares of its common stock together with 1,500,000 shares to be sold by various selling shareholders. The following table shows the shareholdings in Terra and the number of shares each selling shareholder who is an Applicant proposes to sell in the public offering:

Name	Number of shares owned and percent of total		Number of shares to be sold
Diamond Shamrock Corp.	1,280,000	(25.6)	215,371
The Colonial Fund, Inc.	256,000	(5.1)	232,960
Colonial Growth Shares, Inc.	64,000	(1.3)	58,240
State Mutual Life Assurance Co. of America	160,000	(3.2)	145,600

The Insurance Company, through a wholly-owned subsidiary, owns 89.8% of the outstanding stock of the investment adviser of the Funds and is, therefore, an affiliate of both Funds under the definition of "affiliated person" in section 2(a)(3) of the Act. In addition, in view of Colonial's stock ownership in Terra, Colonial and Terra are affiliated persons; Diamond and Terra are also affiliated; thus, Diamond is an affiliated person of an affiliated person of Colonial.

Rule 17d-1, adopted under section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company or any affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The public offering price of the Terra shares will be determined by negotiation among Terra, the selling stockholders and the underwriters. Terra has informed the Applicants that an over-allotment option has been granted to the underwriters. Since the Insurance Company and the Funds are selling the maximum number of shares Terra has permitted, the over-allotment option may allow them to sell additional shares. In the event the Funds and the Insurance Company are able to sell additional shares in this manner, they will be sold *pro rata*, based on the number of shares each sold initially in the offering. The Funds will bear only their *pro rata* share of the selling expenses, based upon the number of shares to be sold by them.

Applicants assert that the participation of Colonial and Colonial Growth in the proposed transaction is (1) consistent with the provisions, policies and purposes of the Act and (2) is not on a basis less advantageous than or different from that of other participants.

Notice is further given that any interested person may, not later than June 27, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13509 Filed 6-11-74;8:45 am]

[811-1686]

OIF FUND

Notice of Filing of Application

Notice is hereby given that OIF Fund (the "Applicant"), 3, rue Maurice, 1204 Geneva, Switzerland, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant's shares were offered only to individual investors who were not citizens or resident aliens of the United States and to domestic and foreign institutional investors who were not subject to United States Federal income taxation. No public offering of Applicant's securities is presently being made nor is any such offering presently proposed. There have been no sales of Applicant's shares since May 1971.

As of February 21, 1974, there were approximately 5500 shares of Applicant's common stock outstanding which stock was held by 43 persons, and Applicant's sole remaining asset was cash in the amount of approximately $21,200. There are no plans to liquidate Applicant at the present time.

Applicant has consented to inform each of its shareholders, by means of a letter mailed immediately subsequent to the issuance of this notice, of its application for an order granting deregistration of Applicant under the Act and of the legal consequences of such deregistration. A copy of the notice of the application will be enclosed with each such letter.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than July 8, 1974, at 5:30 p.m., submit to the Cmmission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13510 Filed 6-11-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13512 Filed 6-11-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13511 Filed 6-11-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1067]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Lauderdale County, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred on May 9 and 10, 1974:

OFFICE

Small Business Administration, District Office, 500 Union Street, Nashville, Tenn. 37219.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 5, 1974.

Dated: June 3, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-13432 Filed 6-11-74;8:45 am]

TARIFF COMMISSION

[332-70]

CERTAIN CHAPTERS OF DRAFT CONVERSION OF THE TARIFF SCHEDULES OF THE UNITED STATES INTO THE FORMAT OF THE BRUSSELS TARIFF NOMENCLATURE

Public Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 16: Preparations of meat, of fish, of crustaceans or molluscs.
Chapter 21: Miscellaneous edible preparations.
Chapter 26: Metallic ores, slag and ash.
Chapter 65: Headgear and parts thereof.
Chapter 66: Umbrellas, sunshades, walking-sticks, whips, ridingcrops and parts thereof.
Chapter 74: Copper and articles thereof.
Chapter 75: Nickel and articles thereof.
Chapter 77: Magnesium and beryllium and articles thereof.
Chapter 78: Lead and articles thereof.
Chapter 79: Zinc and articles thereof.
Chapter 80: Tin and articles thereof.

are being released today and that public hearings thereon will begin at 10:00 a.m., e.d.t., on July 8, 1974, in Court Room Number 2, Fourth Floor, Room 461, U.S. Customs Courthouse, 1 Federal Plaza, New York, New York 10007. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 1, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 1, 1974. Any person who fails to receive such notification by July 3, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York, New York; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission:

Issued: June 7, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-13485 Filed 6-11-74;8:45 am]

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federal register

WEDNESDAY, JUNE 12, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 114

PART II

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

INTERSTATE HIGHWAY SYSTEM

V39 114 JUN 12 74 XUM

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 476—INTERSTATE HIGHWAY SYSTEM

In the March 11, 1974, edition of the FEDERAL REGISTER (39 FR 9522), the Federal Highway Administration and the Urban Mass Transportation Administration published a notice of proposed rulemaking to add a new Part 476 to 23 CFR Ch. I. The regulations in Part 476 would implement certain provisions of title 23, United States Code, which were added or amended by the Federal-Aid Highway Act of 1973 (87 Stat. 250). These provisions concern modification and revision of the Interstate System of Highways, including removal, withdrawal, substitution and addition of Interstate segments, and substitution of nonhighway public mass transit projects in lieu of Interstate segments.

The public was invited to participate in this rulemaking through submission of written comments. Over one hundred comments were received from interested groups and individuals. Commentators included the Committee on Public Works of the House of Representatives, the U.S. Environmental Protection Agency, the National League of Cities and U.S. Conference of Mayors, the National Association of Counties, the Institute for Rapid Transit, the American Transit Association, the Highway Users Federation, the National Resources Defense Council, and several private citizens, as well as a number of State highway and transportation departments, mass transit authorities, regional planning agencies, and officials of individual cities and counties across the nation.

In the preparation of the final regulations, set forth below, FHWA and UMTA have given due consideration to all comments received in response to the notice of proposed rulemaking, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed hereinafter, these regulations and the reasons therefor are the same as contained in the notice. Review of the comments indicated the necessity for making a number of changes in the regulations of Part 476 as proposed. Most of these changes are clarifications rather than substantive alterations. However, in view of the interest evinced in these regulations, each section of these final regulations which has been revised or which was the subject of major commentary is discussed in detail below.

SUBPART A

Subpart A contains the definitions of essential terms used in Part 476, and also provides that terms not otherwise defined are used as defined in 23 U.S.C. 101(a). Terms used in these regulations with the special meaning contained in 23 U.S.C. 101(a) include "urbanized area", "construction", and "State highway department". One comment suggested that "or State Department of Transportation" be added after "State highway department" throughout the regulations, inasmuch as some States do not have highway departments. This change is not necessary, since "State highway department" is defined in 23 U.S.C. 101(a) as "* * * that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction."

The proposed rules defined "responsible local officials" as the principal elected officials of general purpose local governments, acting through the areawide transportation planning agency designated by the Governor. The proposed definition proved quite controversial; more comments were addressed to this definition than to any other portion of the proposed regulations. The definition is an important one, since "responsible local officials" have a major role under the provisions of Subparts C and D of Part 476 dealing with withdrawal of Interstate segments and substitution of other segments or of mass transit projects. One comment pointed out that the definition as proposed would not include the Mayor of the District of Columbia. We have adopted this comment and amended the definition accordingly.

Most of the comments addressed to this proposed definition objected to or expressed confusion as to the meaning of the phrase, "acting through the areawide transportation planning agency designated by the Governor". On the other hand, a number of comments supported the concept embodied in that phrase. Many of those objecting felt that the proposed definition made the designated planning agency itself the entity which is to initiate mass transit substitution actions and to take the other actions required of responsible local officials. This was not the intent or meaning of the definition. The definition means, simply that actions or decisions of local officials must be presented to and endorsed by the designated agency before they can be the basis for subsequent actions under these regulations. For example, when considering the substitution of mass transit projects for withdrawn Interstate segments under Subpart D of these regulations, the stipulation that local officials act through the designated areawide transportation planning agency means that, while individual officials may initiate or approve transportation investment proposals, the proposals must be presented to and endorsed by the designated planning agency. Each planning agency has a process by which transportation investment proposals are assigned a priority or placed on a program of projects to be undertaken in the area. Proposals initiated or approved by local officials are to be presented to and endorsed by the planning agency in conformance with that process. Such a review and endorsement process assures that decisions having a regional impact will be made with benefit of a regional perspective. Accordingly, we have not altered this portion of the definition.

The other definitions in § 476.2 did not prove particularly controversial. Several comments did request that busways be included as a "non-highway public mass transit project" which could be substituted for a withdrawn Interstate segment. We have reconsidered this question, and again come to the conclusion that busways should not be included in this definition. A busway may well be a viable alternative to a currently planned, multi-lane Interstate facility, and certainly can be an important component of the overall public mass transportation system in the local area. Under the provisions of 23 U.S.C. 142, exclusive and preferential busways may be built on any Federal-aid highway system, including the Interstate System. A presently planned Interstate segment can be redesignated as a busway if the appropriate State and local officials determine that such a facility would best serve their needs. Inasmuch as busways can be constructed with Federal-aid highway funds, it is not necessary to include busways as nonhighway public mass transit projects, which are eligible for general funds.

Another comment on "non-highway public mass transportation project" asked if carpooling support facilities would be eligible. As with busways, while carpooling is recognized as an important mode of travel, we do not feel it can properly be termed a non-highway project. Finally, one comment asked that the eligibility of people movers and personal rapid transit facilities should be expressly stated in the definition. While we feel that these facilities are within the range of eligible projects under the definition, any attempt to list all eligible projects would no doubt result in the inadvertent omission of some projects which would be eligible.

We have, however, after due consideration determined that the law requires that mass transit support facilities and equipment are eligible for funding under the provisions of these regulations only if such support facilities are part of a program for the development of an urban mass transit system which includes either the construction of fixed rail facilities or the purchase of passenger equipment. The definition is accordingly altered as follows:

> "Nonhighway public mass transit project" means any undertaking to develop or improve public mass transit facilities or equipment. A project must be included in and related to a program for the development or improvement of an urban public mass transit system which includes either the construction of fixed rail facilities, or the purchase of passenger equipment, or both. Passenger equipment includes buses, fixed rail rolling stock, and other transportation equipment.

This definition in practice would require, for example, that a project for the purchase of bus shelters or the construction of a bus garage would be eligible for funding under these provisions only if it were included in a planned transit development program contemplating the purchase of buses, or other passenger

rolling stock or the construction of fixed rail facilities. It would not be necessary, however, that all projects included in any such program be funded under the provisions of these regulations.

The definition of "initial basic construction" has been altered and clarified in response to a comment requesting that modification projects on existing Interstate segments be included. The term is used in establishing the Interstate segments for which the States must submit the information required by Subpart B of these regulations. We have adopted the comment and altered the definition accordingly.

The definition of "Interstate segment" has not been changed, despite a comment that requested the definition include the term "portion" so that a locality could request withdrawal of lanes but not mileage from an Interstate highway and use the resulting cost savings for mass transit purposes. Interstate mileage must be given up in order to obtain substitute funding for mass transit projects, since the statute speaks of the mileage withdrawn under the substitute provision as being available for designation elsewhere. Further, we do not believe that it was Congress' intent that the simple redesign of an Interstate facility should result in the availability of substitute funds for transit. The substitute funds are available when the determination is made that transit facilities rather than Interstate highway facilities best serve local needs and requirements.

SUBPART B

Subpart B contains the regulations implementing 23 U.S.C. 103(g), which authorizes the Secretary to remove from the Interstate System designated Interstate segments for which the States fail to take certain actions by specific dates.

Several commentators, including the House Public Works Committee, expressed reservations about § 476.102, which provides that information submitted in accordance with Subpart B does not preclude subsequent actions under the Cramer-Howard and transit substitution provisions implemented by Subparts C and D. The commentators felt that § 476.102 might encourage indecision and delay with respect to plans for Interstate segments and did not express Congress' sense of urgency that the problems of controversial Interstate segments be resolved. Alternatively, it was suggested that a date certain be established by which time substitution proposals would have to be made.

We have reconsidered § 476.102, and determined not to amend the section. While we are aware of, and share, Congress' concern that plans for controversial segments be finalized as quickly as possible, we do not feel it would be proper to force hasty and irrevocable decisions with respect to these segments. Further, we believe that 23 U.S.C. 103(g) must be read in pari materia with 23 U.S.C. 103 (e)(2) and (e)(4), so that the options made available by the latter provisions are not foreclosed by an unnecessarily strict interpretation of the former. We have amended a later section, § 476.106, to incorporate language expressing the sense of urgency that the problems of controversial segments be faced and resolved. Finally, we do not think it practicable to establish time limitations within which the substitution options must be exercised, other than those already contained in the law. With respect to transit substitutions, the law requires that substitute funds be obligated by June 30, 1981. The Cramer-Howard provision contains no such deadline, and should remain available as an option until the Interstate System is completed, to allow alterations to be made should circumstances require.

Section 476.106 discusses the information that must be supplied to the Federal Highway Administration by June 17, 1974, with respect to Interstate segments to which the Subpart is applicable. Under the proposed regulations, the reporting date was June 1, 1974. However, due to delay in publication of these final regulations, we have changed the date to June 17, 1974. Several commentators, including the House Public Works Committee, objected to this section on the basis that it does not properly reflect the intent of Congress, either because it does not require notification of a State's intent to construct the segment, with all other segments being removed from the Interstate System, or because it does not provide for direct expression of intent to substitute mass transit projects.

As discussed above, we have amended § 476.106 to clarify that the necessary notifications are to be made in good faith, thereby requiring that they be the best result of due deliberation and considered judgment, not mere pro forma statements. However, after reconsideration, we have decided not to alter the content of the required notification. We share the congressional concern that plans for controversial segments be settled as quickly as possible and have adopted § 476.106 in order to meet that concern. We believe that our procedure for implementing 23 U.S.C. 103(g) will, by permitting the States to provide an assessment of an unsettled intent to construct, provide us with more accurate information. If a simple notification of intent to construct were required, the States would be inclined to omit discussion of substitution proposals and announce an intent to construct in order to preserve a segment on the system. Our regulations recognize, as does title 23, that a State's true intent may well be to construct a segment if a substitution or some alternate highway project proves impossible to implement. We have therefore chosen to emphasize the informational aspects of the 1974 reporting date rather than requiring unreliable notifications of intent to construct that would be submitted to preserve future options.

Several other comments on § 476.106 need mention. One comment asked that the regulations define who is to act as the "State" in making the required submissions. The statute uses the term "State", and we have not chosen to define this term further. We anticipate that in some cases the submission will be from the Governor and in other cases from the State highway department, depending on local variations in authority and decision making apparatus. Another comment asked that the views of local officials be included in the submission, so that formal expressions of opposition to construction of a segment could be made part of the record. The Department of Transportation encourages local officials to express and submit their views on Interstate projects at any time. We feel that requiring these views as part of the notification of intent would result in delay and "red tape" if imposed at this time.

Section 476.108 requires that a schedule for construction, an assurance that the schedule will be met, and supporting material be submitted to FHWA by July 1, 1975, with respect to each Interstate segment to which these regulations are applicable. Several comments were addressed to the supporting material which the regulations require. One comment said that this material is not required by law and constitutes "red tape". We believe, however, that these supporting materials are essential for establishing a proper administrative record with respect to the affected segments, and are of such a nature as to be readily available. Therefore, we have not adopted this comment. Another comment said it was inconsistent to include a discussion of the status of the Environmental Impact Statement (EIS) as part of the supporting materials when a schedule for an assurance of construction could not properly be submitted prior to completion of the EIS. We have not adopted this comment, because we feel it is based on a misconstrual of the purpose and effect of the required 1975 submission. That submission is for programming purposes, and does not represent a decision to build the segment. The schedule will be based on the expectation that an EIS will be carefully reviewed by the responsible officials before decisions are made on design and location of any proposed major highway project. An EIS normally includes an analysis of alternatives to a proposed project, including the possibility of not constructing a project at all.

Section 476.110 details the action which FHWA will take if the States do not submit the required information with respect to affected Interstate segments. At the suggestion of the House Public Works Committee, we have added a new paragraph (d) which makes clear that the mileage from segments removed from the Interstate System because of a State's failure to submit the required information is available for designation on the Interstate System in accordance with the usual Interstate designation procedures. One comment on this section requested that FHWA take into account the possibly incomplete status of local transportation control strategies being developed to meet clean air standards before removing segments in 1975. In response to this comment, we reiterate that the information submitted by July 1, 1975, will not represent a decision to build the particular seg-

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ment. Rather, it is programing information based on the expectation that all controversies and problems surrounding the segment will be resolved and the segment subsequently constructed. If air quality transportation control strategies have not been finalized by July 1, 1975, the States should submit the required information based on their good faith estimation of the eventual results of the strategies. A final decision on these issues will be made, after consultation with the Environmental Protection Agency, at the time of project approval. Finally, one commentator requested that, in the event a State failed to make the required submissions, responsible local officials be given a 30-day period to prepare and submit a mass transit substitute proposal. We do not believe the law contemplates such a procedure.

SUBPART C

Subpart C contains the regulations implementing 23 U.S.C. 103(e)(2), commonly known as the Cramer-Howard Amendment, which allows a State to request withdrawal of an Interstate segment and to use the mileage of that segment as well as a limited amount of additional mileage for substitute or additional segments. This Subpart produced fewer comments than the others, but a few changes have been made and several of the comments merit discussion.

Section 476.202 establishes which Interstate segments may be withdrawn and used as the basis of Cramer-Howard transfers. Two commentators, including the House Public Works Committee, expressed disagreement with our conclusion that Interstate segments selected and approved prior to August 13, 1973, were eligible segments. They believe that the eligibility date is January 2, 1968, when the Cramer-Howard Amendment was first enacted. This position is based on the fact that section 103(e)(2) of title 23, United States Code, was not reenacted in whole in the Federal-Aid Highway Act of 1973; rather, section 137(a) of the 1973 Act made several specific amendments to 23 U.S.C. 103(e)(2). The language establishing eligible segments as those "* * * selected and approved in accordance with this title prior to the enactment of this paragraph * * *" was not amended by section 137(a) of the 1973 Act.

A legal opinion prepared by FHWA on the question of the eligibility date for Cramer-Howard transfers concluded that valid precepts of statutory construction could support either interpretation of the eligibility date, and that under such circumstances the agency should use its discretion to adopt that interpretation which better furthers the needs of the Interstate program and the general purposes of the statute. On the one hand, a traditional rule of statutory interpretation is that language which is left unchanged by amendatory legislation is not to be considered as having been altered. New language is to be read back into the Act, and the statute or provision then read as if originally enacted in the amended form. If this traditional approach were followed, 1968 would be the operative date in 23 U.S.C. 103(e)(2). However, another basic principle of statutory interpretation is that an act is to be read as a whole, so as to carry out the legislative intent and further the purposes of the legislation. The legal opinion concluded that Congress, by increasing the Cramer-Howard additional mileage through section 137(a) of the 1973 Act, recognized that the need remains for the Interstate segment flexibility which was the original impetus for the Cramer-Howard provisions. Since this need may well exist with respect to segments selected and approved after January 1968, the opinion concluded that it would best further the legislative and statutory purposes to allow the FHWA to withdraw approval of those routes. We have reconsidered this opinion, and conclude that its reasoning is valid. Accordingly, we have not changed the Cramer-Howard eligibility date in these regulations.

We have, however, amended § 476.202 to further clarify which segments are eligible. One comment suggested that segments which were selected, approved, or withdrawn prior to August 1973, be eligible. We do not believe that Congress intended that segments which were withdrawn at an earlier date, for reasons unrelated to the Cramer-Howard provision, could now be used as a basis for a Cramer-Howard transfer. Accordingly, we have added a new paragraph (b) to § 476.202 which clarifies that a segment must have been a designated part of the Interstate System as of August 13, 1973, in order for it now to be used as the basis for a Cramer-Howard transfer. Similarly, we have added a new paragraph (c) to § 476.202 to clarify that segments are not eligible which were designated as a part of the Interstate System under 23 U.S.C. 139(a), which allows existing routes on the Federal-aid primary system without mileage charge to be designated as Interstate routes when the Secretary determines that designation appropriate.

Section 476.204 concerns the requirements for a withdrawal request submitted under 23 U.S.C. 103(e)(2). Several comments were addressed to the participants and their roles as established by the proposed regulations. Some comments suggested that approval of responsible local officials and local governments concerned be required for a withdrawal request, rather than the consultation with these parties which was required in the proposed regulations. Another comment objected to any role being provided for these parties. This matter was seriously considered during the formulation of the proposed regulations. There is no statutory requirement for local approval of withdrawal requests under 23 U.S.C. 103(e)(2); but we do believe that, given the interrelation of the various statutory provisions covered by these regulations, it is appropriate to require consultation at the local level to assure that local governments will be heard before a decision that vitally concerns them is made. Accordingly, we have not amended this portion of § 476.204.

Another comment suggested that, where the Interstate segment being considered for withdrawal has a present or planned transit component, such as a rail line in the median, the concurrence of the affected transit agency should be required for a withdrawal request. There is no statutory authority for requiring concurrence under these circumstances. We do agree, however, that the affected transit agency or operator be consulted prior to submission of a withdrawal request for a segment which has a transit component and have amended § 476.204 accordingly.

Finally, we have made technical changes in § 476.204(b) concerning the supporting material required in a withdrawal request. A withdrawn segment cannot become a part of the Interstate System, and a statement to this effect must accompany the withdrawal request. The technical change made in § 476.204(b)(1)(i) clarifies one of the necessary bases for making this statement. The withdrawal request must discuss the reasons why the segment will not be completed as a part of the Interstate System or, although technically completed, cannot become a functional part of the Interstate System. This amendment makes clear that a segment which is partially constructed or even technically completed is eligible for withdrawal under 23 U.S.C. 103(e)(2) if it is not essential to a unified and connected Interstate System and if it is either not going to be completed as a part of the System, or although completed, cannot for other reasons become a functional part of the System.

Section 476.206(b) provides that a request for a substitute or additional Interstate segment under 23 U.S.C. 103(e)(2) can be combined with a request for substitute mass transit projects under 23 U.S.C. 103(e)(4). Section 476.312 also provides for such combination proposals. Several comments asked that the regulations cover the parameters and mechanics of these combination proposals or expressed confusion about them because mileage from segments withdrawn under section 103(e)(2) is available for use in substitute segments in the same State, while mileage from segments withdrawn under section 103(e)(4) is available for designation only in other States. We do not feel it necessary to specify in these regulations the programmatic details of combined proposals; these details will depend on the individual proposals. However, because of the different statutory requirements attaching to the mileage from segments withdrawn under the two provisions, it will be necessary for a combined proposal to identify which portion of the withdrawn segment is to be utilized for purposes of a Cramer-Howard substitute or additional segment, and which portion is to be utilized for purposes of substitute mass transit projects.

Section 476.212 provides that all the provisions of title 23, United States Code, apply to substitute and additional segments approved under 23 U.S.C. 103(e)

(2) except that the total Federal cost for those segments cannot exceed the total Federal share of the cost for the segments which are withdrawn, as the cost is included in the 1972 Interstate System Cost Estimate. Paragraphs (b) and (c) of § 476.212 cover what happens when the requested substitute or additional segment costs either less or more than the segment which has been withdrawn. Several comments reflected confusion about the cost limitation on Cramer-Howard transfer segments. We have made a technical change, removing the term "currently estimated" from paragraph (a) to avoid this confusion. There is an aggregate limitation on the costs of Cramer-Howard transfer segments, based on the 1972 Cost Estimate costs of all segments withdrawn under 23 U.S.C. 103(e)(2). Under the statute, these transfer segments are not entitled to the usual cost escalation procedures provided for regular Interstate segments through periodic revision of the cost estimates. By virtue of the Cramer-Howard Amendment, States can obtain additional mileage for Interstate segments, but the Federal participation in the costs of that mileage is limited to 1972 Cost Estimate levels. For purposes of establishing the limit for each substitute and additional segment, so as to allow sound programming of Cramer-Howard transfers, the State must submit current estimates for costs of requested Cramer-Howard transfer segments. Those figures will be used for defining the permissible Federal cost for each such segment.

SUBPART D

The regulations in Subpart D implement 23 U.S.C. 103(e)(4), which allows public mass transit projects to be substituted for Interstate segments under certain conditions. A number of comments received on the proposed regulations indicated the need to clarify a number of the sections of this Subpart with respect to two general areas of concern.

First, several comments expressed confusion about whether more than one mass transit project could be substituted for a withdrawn segment. One or more substitute transit projects may be proposed, the only limitation being one of cost. By virtue of 23 U.S.C. 103(e)(4), a certain amount of money becomes available for substitute transit projects upon and by virtue of withdrawal of an Interstate segment. This money may be used all in one project, in several projects, or in one or more phases of one or more projects. Accordingly, amendments have been made to §§ 476.206, 476.304, 476.306, 476.308, 476.312, 476.314, and § 476.316 to clarify this matter.

The second general areas of concern reflected in the comments is the possibility of using funds obtained through the regular grant program of the Urban Mass Transportation Administration in combination with funds available for transit projects under 23 U.S.C. 103(e)(4) by virtue of a withdrawn Interstate segment. The law specifically contemplates such combinations, by providing that the funds made available under 23 U.S.C. 103(e)(4) are supplementary to those funds available under the Urban Mass Transportation Act of 1964. The proposed regulations did not adequately convey that fact. Whenever the funds available by virtue of the withdrawn segment would not be sufficient to provide 80 percent of a substitute transit project, supplementary financial assistance can be applied for from the Urban Mass Transportation Administration. Any UMTA funds received are not subject to the cost limitation which affects the funds available under section 103(e)(4). However, it should be noted that there is and can be no guaranteed supplementary assistance from UMTA Act funds for these substitute transit projects. Amendments have been made to §§ 476.306, 476.312, 476.314, and § 476.316 of these regulations to clarify this matter.

Section 476.304 concerns the request to withdraw an Interstate segment under the provisions of 23 U.S.C. 103(e)(4). Several comments were addressed to the parties to this withdrawal request, which under the regulations is to be submitted jointly by the Governor and local governments concerned, with the concurrence of responsible local officials. Two comments suggested that transit operating officials should have a role in the withdrawal request; another comment suggested that concurrence of responsible local officials not be required. We do not believe it necessary or appropriate to specifically involve transit operating officials in the withdrawal request; we do, however, believe it essential for responsible local officials to be involved, since they will concurrently or subsequently be involved in substitute transit project determinations.

One comment proposed that § 476.304 be revised to detail the procedure by which the withdrawal request is coordinated between the Governor and the local governments concerned, and to require that disagreements about the essentiality of the segment be formally articulated. We have not adopted this comment. These decisions are to be made at the State and local level, and the specific arrangements and determinations must be cooperatively worked out at that level. The Federal Government will not be an arbiter in these matters of State and local decision making.

Section 476.306 concerns the approval of a request to withdraw a segment. Several questions were raised concerning the finding which must be made that the segment is not essential or would no longer be essential because of substitute mass transit projects. In order to clarify the elements of essentiality, we have added a reference to 23 U.S.C. 103(e)(1) which describes the nature and purpose of the Interstate System. In response to a comment from the House Public Works Committee questioning the validity of a determination that a segment would no longer be essential because of mass transit projects, we have rewritten § 476.306(a)(2) to clarify the circumstances under which this determination could be made. Where the needs of through traffic service for interstate private and commercial vehicles are or will be served by other Interstate routes, and the segment is principally important for intraurban transportation service, a determination can be made that transit projects together with the local street and highway network could provide an adequate level of intraurban service, and thus withdrawal of the segment would be permissible. The distinction between different situations may be a fine one in practice, heavily dependent on varying local circumstances. However, we believe the distinction should be expressed and that it gives effect to the statutory language of 23 U.S.C. 103(e)(4).

Finally, one comment suggested that planning agencies and processes should be considered in approving withdrawal requests. We note that this concept is already contained in the regulations, through the requirement that responsible local officials must concur in the withdrawal request, which involves coordination through the areawide transportation planning agency.

Section 476.308 concerns the development of proposals for substitute mass transit projects and the materials which must be included in those proposals. Under the draft regulations, responsible local officials were first to determine that their needs require mass transit projects in lieu of the withdrawn Interstate segment and then were to prepare the proposal for substitute projects in consultation with local transit operating officials. The proposal was then to be forwarded to the Governor for submission to UMTA. As a part of our review of the definition of responsible local officials, and in response to several comments requesting that transit operating officials be given a larger role in the substitution process, we have amended this section to provide increased flexibility in the manner in which substitute transit proposals can be initiated at the local level. Under the final regulations, responsible local officials determine that their needs require one or more substitute mass transit projects in lieu of the withdrawn Interstate segment. The actual proposal for a substitute project may be developed either by local elected officials of general purpose governments in consultation with local transit operating officials, or by local transit operating officials themselves. The proposal must then be approved by responsible local officials before it can be forwarded to the Governor for submission to UMTA.

Several other comments on § 476.308 concerned the materials which must be included in a substitute project proposal. One comment requested that we further clarify the statutory requirement that there be an assurance that the substitute projects will be fully utilized, by amending the regulations to say that the assurance is that the project will be fully utilized by the public mass transportation system. This is the statutory language, and we believe this change better expresses the Congressional intent. The full utilization determination is one that

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is to be made with a system-wide perspective, rather than relating to the individual utilization of each specific project. Sections 476.308, 476.310, and 476.314 have been amended accordingly.

One comment suggested that the words "or private carriers" be added after "local transit operating officials" in § 476.308(b)(6), which discusses the assurance of full utilization and the bases of that assurance. We have not adopted this comment, since we did not intend and do not believe that the term "local transit operating officials refers exclusively to public officials. Another comment objected to § 476.308(b)(7), which makes a determination that the proposed substitute projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process a part of the locally developed proposal. The comment noted that this determination, under the statute, is to be made by the State highway department. We feel it appropriate that this determination be made initially on the local level, inasmuch as the section 134 agency is locally based. By virtue of the requirement in § 476.310(a)(2) of the regulations that the State highway department concur in this determination, that department's statutory authority is preserved.

Section 476.310 provides that the proposal for substitute mass transit projects is to be submitted to UMTA by the Governor, provided that he and the State highway department concur in certain of the determinations included in the proposal. Several comments objected to anyone but local officials being involved in the submission process. However, we believe that the regulations properly reflect the statute, which vests principal initiating and decision making powers at the local level, but also requires State level actions with respect to the section 134 planning requirements and the assurance of full utilization. A related comment asked that the regulations require that the Governor act within a specified time period on any proposal he receives, and that any nonconcurrence with respect to the planning and utilization findings be formally articulated. We have not adopted this suggestion. Again, these are matters to be worked out at the State and local level; the Federal Government has no role at this stage of a proposal's development and it would not be appropriate for the Federal Government to act as an arbiter in these matters.

Section 476.314 concerns the preconditions which a proposed substitute transit project must meet before it can be considered for approval by UMTA. One of these is that the project must serve the urbanized area from which the Interstate segment was withdrawn. One comment pointed out that there was an inconsistency between the regulations as proposed (§ 476.314(a)(1)), which said that the substitute project need not utilize the same corridor as the withdrawn segment, and the explanatory language in the preamble to the proposed regulations, which in addition stated that the substitute project need not be physically located in the urbanized area. We agree that this may have been confusing and have amended the regulations to include the language that was in the preamble. We believe this provision enhances local decision-making flexibility; there may well be situations, particularly where there are contiguous urbanized areas, where local needs will best be served by locating a substitute project in whole or in part outside of the particular urbanized area.

Section 476.316 concerns approval by UMTA of substitute transit projects. One comment asked that the regulations include a provision that UMTA procedures will apply in the administration of the projects after approval. These regulations do not cover project administration and we have therefore not adopted this comment. Nevertheless, it is correct that UMTA administrative procedures will apply to approved substitute projects. Another comment addressed the provision in this section that UMTA can approve a substitute project or a phase thereof; the commentator requested that "phase thereof" be further defined in the regulations. We use that term because it is inclusive, covering all matters of project development beyond systems planning action, and because we felt such a term was preferable to an extended list of eligible items. The term does and is intended to include such actions as preliminary engineering, design, and right-of-way acquisition. The term also recognizes that a project may contain a number of different elements which may be considered as discrete parts or phases for the purposes of obtaining Federal funds. For example, an applicant may wish to advance one phase of an overall project, such as preliminary engineering or design, while seeking funding for subsequent phases of the project at a later time or from alternative sources.

Finally, the House Public Works Committee pointed out that § 476.316(c), which provides that the State's Interstate apportionment is reduced by an equivalent amount when general funds are obligated for substitute transit projects, should be amended to clarify that this reduction only occurs when the apportionment is based on an Interstate System Cost Estimate which includes the withdrawn segment for which the transit project is being substituted. Section 476.316(c) has been amended accordingly.

Section 476.318 is concerned with the redesignation of Interstate mileage from segments withdrawn under 23 U.S.C. 103(e)(4). Such mileage is not subject to any cost limitation and can be redesignated in any State other than that from which it was withdrawn. The regulations also state, for purposes of clarity, the fact that redesignation cannot cause the overall Interstate mileage limitation to be exceeded. Several comments objected to the prohibition against redesignating the mileage in the State from which withdrawn. This was not an adminstrative decision; it is mandated by 23 U.S.C. 103(e)(4). Several comments also expressed confusion about this provision, finding it inconsistent with § 476.206(b) which is concerned with the mileage withdrawn under 23 U.S.C. 103(e)(2). As noted in the discussion under Subpart C, the statutory requirements with respect to mileage withdrawn under 23 U.S.C. 103(e)(2) and under 23 U.S.C. 103(e)(4) are different. Mileage withdrawn under section 103(e)(2) is available to the State from which withdrawn as well as to other States; mileage withdrawn under section 103(e)(4) is available only to other States. Therefore, when a proposal combining the options available under these two subsections is submitted, it will be necessary to specify which portions of the withdrawn segment are to be utilized for which purposes.

GENERAL

Several further general comments on the proposed regulations are worthy of mention. A number of comments felt that the regulations were deficient in that environmental concerns were not mentioned as factors to be considered in local decision making or in Federal approvals. Environmental concerns are normally important in these matters. It is not the purpose of these regulations, however, to detail all elements necessary for approval of specific projects.

One commentator alleged that promulgation of the regulations itself constitutes a "major Federal action significantly affecting the human environment" within the meaning of the National Environmental Policy Act, thereby requiring the preparation and circulation of an environmental impact statement on their alleged impact. It is our view that the regulations do not "significantly affect the quality of the human environment" since the regulations are essentially procedural. The impact of any actions taken pursuant to the regulation will be fully analyzed before Federal approvals of any substitute projects, highway or mass transportation, are given, in accordance with current CEQ, DOT, FHWA and UMTA regulations implementing the National Environmental Policy Act.

Another commentator wanted to know whether unanimous action was required under these regulations by responsible local officials or local governments concerned. We do not feel that unanimity is required; neither do we feel it feasible to prescribed a numerical standard for local actions. We expect that local officials will act cooperatively and that proposed actions will have the support of a substantial majority of those concerned. These decisions will often be of a political and practical nature, reflecting competing interests. The involvement of the areawide transportation planning agency will insure a certain regional perspective in the actions taken. These essentially are matters that must be worked out locally, and we do not believe Federal Government should do anything more than establish the necessary outer parameters for these local actions.

These regulations have also been amended to show their relation to the provisions of 23 U.S.C. 103(h), which authorizes the construction of a segment of the Interstate System which was a designated part of the System on June 1, 1973, and is entirely within the boundaries of an incorporated city when such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of the segment. The provisions of 23 U.S.C. 103(h) will be implemented by Subpart G of Part 476 of title 23 of the Code of Federal Regulations. A proposed Subpart G was published for notice and comment in the April 24, 1974, edition of the FEDERAL REGISTER (39 FR 14517). Sections 476.102, 476.106, and 476.110 of these regulations have been amended to show the relation to Subpart G.

These regulations do not cover the disposition of Federal monies previously committed to an Interstate segment withdrawn under the provisions of 23 U.S.C. 103 (e)(2) and (e)(4). This issue will be covered in Subpart E of Part 476. A proposed Subpart E will be published in the FEDERAL REGISTER for notice and comment in the near future.

In consideration of the foregoing, and under the authority of 23 U.S.C. 103(e)(2), 103(e)(4), 103(g), 103(h), and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of title 23 of the Code of Federal Regulations is amended by adding a new Part 476 as set forth below.

Effective date. Sections 476.100, 476.102, 476.104, and 476.106 require certain actions by the several State highway departments by June 17, 1974. They have been coordinated extensively with the appropriate State officials over the past year, and we know that all State highway departments are prepared to comply. Since an immediate effective date will not impose any undue burden on any parties, these regulations are effective upon publication, June 12, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

JUNE 6, 1974.

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AUTHORITY: (23 U.S.C. 103(e)(2), 103(e)(4), 103(g), 103(h) and 315); delegation of authority in 49 CFR 1.48(b) and 1.50(f).

Subpart A—General

§ 476.2 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this Part as so defined.

(b) The following terms, where used in the regulations in this Part, have the following meaning—

"Interstate segment" means any designated, toll-free route, or portion thereof, of the Interstate System described in 23 U.S.C. 103(e)(1) and 23 U.S.C. 103(e)(3).

"Initial basic construction" means the first physical construction to be financed with Federal matching funds apportioned under 23 U.S.C. 104(b)(5)—

(1) which is on, or directly connected with the through traffic lanes of a highway project (including grading, drainage, paving, and the construction of grade separations, interchanges, and major stream crossing structures, but not including the construction of frontage roads); or

(2) which is on an existing highway facility designated as an Interstate segment, to improve the segment to Interstate standards.

"Local governments concerned" means local units of general purpose government under State law within whose jurisdiction the Interstate segment lies, or is to be withdrawn, added, or substituted.

"Nonhighway public mass transit project" means any undertaking to develop or improve public mass transit facilities or equipment. A project must be included in and related to a program for the development or improvement of an urban public mass transit system which includes either the construction of fixed rail facilities, or the purchase of passenger equipment, or both. Passenger equipment includes buses, fixed rail rolling stock, and other transportation equipment.

"Responsible local officials" means the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia), acting through the areawide transportation planning agency designated by the Governor.

Subpart B—Required State Actions Regarding Designated Segments of the Interstate System

§ 476.100 Purpose.

The purpose of the regulations in this Subpart is to implement 23 U.S.C 103(g), which requires that States provide certain information to the Secretary with respect to segments of the Interstate System to which these regulations apply. Failure to supply the required information may result in removal of a segment from the Interstate System.

§ 476.102 Relation to Subparts C, D, and G.

Any infomation or schedule provided to the Federal Highway Administrator under this Subpart will not prevent the State highway department; the Governor, local governments concerned, and responsible local officials; or incorporated cities from subsequently exercising the options provided by Subparts C, D, and G of this part.

§ 476.104 Applicability.

The regulations in this Subpart shall be applicable to each Interstate segment for which the State highway department has not received Federal Highway Administration authorization to advertise for bids for initial basic construction and to each proposed alternative Interstate segment substituted therefor, except that this Subpart shall not apply to District of Columbia Interstate System segments referred to in section 23(a), Federal-Aid Highway Act of 1968, 82 Stat. 815.

§ 476.106 Required State Action—June 17, 1974.

With respect to each Interstate segment to which these regulations are applicable, the State shall submit to the Federal Highway Administrator by June 17, 1974, a good faith notification that:

(a) It presently intends to construct the segment;

(b) It presently intends to construct the segment, but anticipates that:

(1) The State highway department may request withdrawal of the segment and substitution of an alternative segment as provided in Subpart C of this Part;

(2) The State highway department may request modification or revision of the segment under the provisions of 23 U.S.C. 103(e)(1) or (f);

(3) The Governor, the local governments concerned, and responsible local officials may request withdrawal of the segment and substitution of one or more public mass transit projects as provided in Subpart D of this Part; or

(4) Any combination of paragraphs (b)(1), (2), and (3) of this section may occur;

(c) It has requested withdrawal of the segment as provided in Subpart C or D of this Part; or

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(d) It anticipates that an incorporated city will file a notice of intent under Subpart G of this Part with respect to construction of a segment which is entirely within the boundaries of an incorporated city.

§ 476.108 Required State Action—July 1, 1975.

(a) Unless a request for withdrawal of the segment has been made as provided in Subpart D of this Part, the State shall submit the following to the Federal Highway Administrator by July 1, 1975, with respect to each Interstate segment or proposed alternative segment to which these regulations are applicable:

(1) A schedule for the expenditure of funds for completion of construction of the segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System; and

(2) An assurance that the segment will be built according to that schedule.

(b) The schedule and assurance shall be accompanied by, and the assurance shall discuss, the following supporting material:

(1) A description of the basis for the schedule (which shall include, but not be limited to, assumed completion date, assumed funding level, and use of five year plan);

(2) A detailed analysis of the current status of the segment (which shall include, but not be limited to, hearings, environmental impact statement, and section 4(f) determination);

(3) A discussion of any controversy concerning the segment, including litigation and local opposition, together with an estimation of the probable outcome of the controversy; and

(4) A summary of any further information and considerations supporting the assurance statement, including a statement of the views of responsible local officials and local governments concerned.

§ 476.110 Noncompliance—Action by the Federal Highway Administrator.

(a) On July 1, 1974, the Federal Highway Administrator shall remove from the Interstate System any segment for which the State has not submitted a notification as provided in § 476.106, unless he finds that the segment is essential to completion of a unified and connected Interstate System or unless an incorporated city has submitted a notice of intent under Subpart G of this Part.

(b) As soon after July 1, 1975, as practicable, the Federal Highway Administrator shall remove from the Interstate System any segment for which the State has not met the requirements of § 476.108.

(c) A segment removed for noncompliance under § 476.110(b) shall not be redesignated as a part of the Interstate System except upon a finding by the Federal Highway Administrator that it is necessary in the interest of national defense or for other reasons of national interest.

(d) The mileage from segments removed from the Interstate System under paragraphs (a) and (b) of this section is available for designation on the Interstate System in accordance with the provisions of 23 U.S.C. 103 (e)(1) and (f).

Subpart C—Interstate System Modifications Under 23 U.S.C. 103(e)(2) (Cramer-Howard Amendment)

§ 476.200 Purpose.

The purpose of the regulations in this subpart is to implement 23 U.S.C. 103 (e)(2), which permits withdrawal of a segment from the Interstate System and substitution or addition of other Interstate segments.

§ 476.202 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, the regulations in this subpart apply to Interstate segments selected and approved under title 23, United States Code, prior to August 13, 1973, at any stage of development.

(b) The regulations in this subpart shall not apply to a segment removed from the Interstate System prior to August 13, 1973.

(c) The regulations in this subpart shall not apply to Interstate segments designated under 23 U.S.C. 139(a).

§ 476.204 Withdrawal request.

(a) A request to withdraw an Interstate segment from the Interstate System shall be submitted by the State highway department, *Provided*, That:

(1) If the segment is located in an urbanized area, the request shall be submitted only after consultation with the local governments concerned and responsible local officials of that urbanized area; and

(2) If the segment has a present or planned transit component, the request shall be submitted only after consultation with the affected transit agency or operator.

(b) The request for withdrawal shall include the following:

(1) A statement that the segment will not become a part of the Interstate System, and a statement of the basis for this determination, including:

(i) Reasons why the segment is not essential to the completion of a unified and connected Interstate System (including consideration of urban routes necessary for metropolitan transportation); and

(ii) Reasons why it will not be completed as a part of the Interstate System, or cannot become a functional part of the Interstate System;

(2) A statement of mileage and cost of the segment to be withdrawn as included in the 1972 Interstate System Cost Estimate; and

(3) An assurance that a toll road will not be constructed in the traffic corridor which would be served by the segment.

§ 476.206 Request for substitute or additional segment.

(a) A State highway department may request use of the mileage withdrawn under § 476.204, or of the additional Interstate mileage authorized by 23 U.S.C. 103(e)(2), or both, for a substitute or additional segment. If the substitute or additional segment is to be located in an urbanized area, the request must be submitted by the State highway department after consultation with the local governments concerned and responsible local officials of that urbanized area.

(b) A request for a substitute or additional Interstate segment may be combined with a proposal for one or more public mass transit projects submitted under the provisions of Subpart D of this Part.

§ 476.208 Withdrawal approval by the Federal Highway Administrator.

The Federal Highway Administrator may withdraw the approval of an Interstate segment if:

(a) He determines that it is not essential to completion of a unified and connected Interstate System (including consideration of urban routes necessary for metropolitan transportation);

(b) The segment will not become a part of the Interstate System; and

(c) He receives the assurance required in § 476.204(b)(3).

§ 476.210 Approval of substitute and additional segments by the Federal Highway Administrator.

In considering requests for substitute or additional Interstate segments, the Federal Highway Administrator shall:

(a) Consult with the States and local governments concerned;

(b) Give due regard to Interstate highway type needs on a nationwide basis; and

(c) Give preference to:

(1) Segments in States in which he has withdrawn approval of other segments; and

(2) The extension of segments which terminate within municipalities served by a single Interstate route, so as to provide service entirely through those municipalities.

§ 476.212 Applicability of title 23, United States Code.

(a) All the provisions of title 23, United States Code, shall be applicable to substitute and additional mileage except that the Federal cost of any mileage requested shall not exceed the Federal cost of the mileage withdrawn as included in the 1972 Interstate System Cost Estimate except as provided in paragraph (c) of this section.

(b) If the cost of the withdrawn mileage exceeds the current estimated cost of the substitute or additional mileage requested by a State highway department, the Federal Highway Administrator may make the excess funds available for other substitute or additional Interstate segments in the same State or in other States.

(c) If the current estimated Federal cost of the substitute or additional mileage requested exceeds the permissible cost, the Federal Highway Administrator may approve the request *Provided*, That:

(1) The State highway department agrees to provide the excess cost with other than Federal-aid Interstate funds; or

(2) The Federal Highway Administrator agrees to provide the excess cost from funds available under paragraph (b) of this section.

Subpart D—Withdrawal of Interstate Segments and Substitution of Public Mass Transit Projects

§ 476.300 Purpose.

The purpose of the regulations in this subpart is to prescribe policies and procedures for implementation of 23 U.S.C. 103(e)(4), which permits the withdrawal of Interstate System segments and the substitution of public mass transit projects.

§ 476.302 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, an Interstate segment at any stage of development may be withdrawn, and public mass transit projects substituted in lieu thereof, if:

(1) The segment is within an urbanized area as defined in 23 U.S.C. 101(a); and

(2) The segment was selected and approved as part of the Interstate System prior to August 13, 1973.

(b) The regulations in this subpart shall not apply to a segment removed from the Interstate System prior to August 13, 1973.

(c) The regulations in this subpart shall not apply to Interstate segments designated under 23 U.S.C. 139(a).

§ 476.304 Withdrawal request.

(a) A request to withdraw a segment under this subpart shall be submitted to the Federal Highway Administrator and the Urban Mass Transportation Administrator through the Federal Highway Administrator.

(b) A withdrawal request submitted under this Subpart shall:

(1) Be submitted jointly by the Governor and local governments concerned, with the concurrence of responsible local officials;

(2) Include a statement that the request is filed pursuant to 23 U.S.C. 103 (e)(4);

(3) State the reasons why the segment is not essential to the completion of a unified and connected Interstate System, under the standards of 23 U.S.C. 103(e) (1), or would not be essential after completion of one or more substitute public mass transit projects;

(4) Include a statement of intent to submit a mass transit proposal upon approval of the withdrawal; and

(5) Include an assurance that a toll road will not be constructed in the traffic corridor which would be served by the segment.

§ 476.306 Withdrawal approval.

(a) The Federal Highway Administrator may approve the withdrawal of an Interstate segment under the provisions of this subpart if:

(1) The requirements of § 476.304 are met; and

(2) He determines that the segment is not essential to completion of a unified and connected Interstate System under the standards of 23 U.S.C. 103(e)(1), or the Federal Highway Administrator and the Urban Mass Transportation Administrator determine that the needs of interstate traffic are provided for by other planned or existing Interstate segments in the area and that substitute public mass transit projects together with the local street and highway network could provide an adequate level of intraurban transportation service.

(b) When the Federal Highway Administrator approves the withdrawal of an Interstate segment under paragraph (a) of this section, an amount not to exceed the Federal share of the cost which would have been paid for the withdrawn segment (as that cost is included in the 1972 Interstate System Cost Estimate) will be available for obligation until June 30, 1981, out of the general funds in the Treasury to pay all or part of the Federal share of substitute public mass transit projects or phases thereof, provided that the substitute projects or phases thereof are approved under § 476.316.

§ 476.308 Proposal for substitute public mass transit projects.

(a) When responsible local officials determine that their needs require one or more public mass transit projects in lieu of a withdrawn Interstate segment, they shall notify the State highway department of this determination. Proposals for mass transit projects shall be developed by:

(1) Elected officials of general purpose units of government in consultation with local transit operating officials; or

(2) Local transit operating officials.

(b) The proposal for each substitute project shall include the following:

(1) A statement of the reasons for the determination that one or more substitute public mass transit projects are required;

(2) A description of each proposed substitute project;

(3) A cost estimate for each proposed substitute project, accompanied by supporting documentation;

(4) A statement of the Federal share of the cost of the withdrawn Interstate segment for which the proposed public mass transit projects are to be substituted as the cost is shown in the 1972 Interstate System Cost Estimate;

(5) Where the Federal share of the cost of the withdrawn segment is less than 80 percent of the cost estimate of the proposed substitute projects, an assurance that adequate funding to complete the projects will be provided from other sources, with a discussion of the basis of that assurance.

(6) An assurance that the proposed substitute projects will be fully utilized by the public mass transportation system, with a discussion of the relevant information provided by local transit operating officials and other bases of that assurance; and

(7) A determination that the proposed substitute projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process, with a discussion of the basis of the determination.

(c) When responsible local officials approve a proposal, it shall be forwarded to the Governor for submission to the Urban Mass Transportation Administrator in accordance with the provisions of § 476.310.

§ 476.310 Submission of proposal for substitute public mass transit projects by Governor.

(a) When the Governor receives a proposal for one or more substitute public mass transit projects from responsible local officials which meets the requirements of § 476.308, he shall submit the proposal to the Urban Mass Transportation Administrator, *Provided*, That:

(1) He concurs in the assurance that the proposed project will be fully utilized by the public mass transportation system; and

(2) The State highway department concurs in the determination that the proposed projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process.

(b) A proposal for substitute public mass transit projects may be submitted to the Urban Mass Transportation Administrator at the same time as a withdrawal request is submitted to the Federal Highway Administrator under § 476.304.

§ 476.312 Combined proposal.

(a) A proposal for one or more substitute public mass transit projects may be combined with a request for a substitute or additional Interstate segment submitted under the provisions of Subpart C of this part.

(b) A proposal for one or more substitute public mass transit projects may be combined with an application for Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended. Any Federal financial assistance received under the Urban Mass Transportation Act of 1964, as amended, is supplementary to the amount that is available under the provisions of this subpart by virtue of the withdrawal of an Interstate segment, and is not constrained by § 476.316(b)(1).

§ 476.314 Administrators' review of proposal for substitute public mass transit projects.

(a) The Urban Mass Transportation Administrator and the Federal Highway Administrator shall review the proposal for one or more substitute public mass transit projects to determine whether the following criteria have been met:

(1) The proposed projects must serve the urbanized area from which the Interstate segment is withdrawn, but need not utilize the same transportation cor-

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ridor as the withdrawn segment and need not be physically located within that urbanized area;

(2) The Federal share of the costs of the proposed projects, which is to be provided under this Subpart by virtue of the withdrawal of an Interstate segment, does not exceed the Federal share of the cost of the withdrawn segment, as that cost is included in the 1972 Interstate System Cost Estimate; and

(3) The assurance that the proposed projects will be fully utilized by the public mass transportation system is satisfactory.

(b) The Urban Mass Transportation Administrators' determination that the criteria of paragraph (a) of this section have been met is a precondition to approval of a substitute public mass transit project. However, no Federal funds will be obligated to pay the Federal share of the cost of a substitute project until the conditions of § 476.316 have been met.

§ 476.316 Approval of substitute public mass transit projects.

(a) Approval of the plans, specifications, and estimates of a substitute public mass transit project, or any phase thereof, shall be deemed to occur on the date the Urban Mass Transportation Administrator approves the substitute project or phase thereof in accordance with the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972). This approval of a substitute project or phase thereof obligates the United States to pay its proportional share of the cost of the project or phase thereof out of the general funds in the Treasury.

(b) The Federal proportional share of a substitute project or phase thereof is determined under the provisions of the Urban Mass Transportation Act of 1964, as amended. This Federal obligation is subject to the following conditions:

(1) The total Federal proportional share of the cost of one or more substitute public mass transit projects, which is provided under this Subpart by virtue of the withdrawal of an Interstate segment, cannot exceed the Federal share of the cost of the withdrawn segment, as that cost is included in the 1972 Interstate System Cost Estimate.

(2) No general funds shall be obligated under the provisions of this section after June 30, 1981.

(c) When Federal funds are obligated to pay the Federal share of the cost of a substitute public mass transit project or phase thereof, the State's Interstate apportionments based upon an Interstate System cost estimate which includes the withdrawn segment for which the public mass transit project is being substituted shall be reduced by the amount thus obligated.

§ 476.318 Redesignation of withdrawn mileage.

Mileage withdrawn under the provisions of this Subpart shall be available for redesignation under 23 U.S.C. 103(e)(1) without cost limitation, but subject to the following conditions:

(a) It shall not be redesignated in the State from which withdrawn; and

(b) Its redesignation shall not cause the overall Interstate mileage limitation to be exceeded.

[FR Doc.74-13522 Filed 6-11-74;8:45 am]

[FHWA Docket No. 74-5]

PART 476—INTERSTATE HIGHWAY SYSTEM

Subpart G—Regulations for State Construction of Interstate Segments Located Entirely Within the Boundaries of an Incorporated City

In the FEDERAL REGISTER of April 24, 1974 (39 FR 14517), the Federal Highway Administration published a proposed new subpart G to 23 CFR Part 476, title 23 of the Code of Federal Regulations to provide procedural regulations implementing 23 U.S.C. 103(h). That section, added to title 23 by section 110(b) of the Federal-Aid Highway Act of 1973 (August 13, 1973, Pub. L. 93-87, Title I, 82 Stat. 250), authorizes the construction of a segment of the Interstate System of federal-aid highways that was a designated part of such system on July 1, 1973, and lies entirely within the boundaries of an incorporated city when such city enters into an agreement with the Secretary (by delegation, the Federal Highway Administrator) to pay all non-Federal costs of construction of the segment.

Over 150 comments were received from government agencies, citizen groups, and interested citizens, nearly all of them concerning the proposed Chicago Crosstown Expressway, I-494, an Interstate segment to which the proposed regulations would be applicable. Most of them expressed opposition to the construction of that highway, apparently assuming either that the proposed regulations would require its construction or that this Department had determined that it should be built. Neither assumption is correct. The regulations provide only procedures for implementing the Congressional decision to permit a city instead of a state to make the basic decision whether to construct an Interstate segment. Further, many appear to have been prompted by the fear that the commentors' jobs would be lost by the taking of the Taylor Forge in Cicero. We are advised by the Acting Commissioner of the Chicago Department of Public Works that the Crosstown as presently proposed would not require the taking of that plant.

The great bulk of the comments were therefore not directly relevant to the proposed regulations. They will be kept in Federal Highway Administration files, however, for consideration if and when plans, specifications, and estimates are submitted for approval of a grant of federal aid.

Substantive comments were received from the Citizens Action Program (CAP), an organization opposed to the construction of the Crosstown, the City of Chicago, the Maryland Department of Transportation, the Public Works Committee of the House of Representatives, the Illinois Department of Transportation, Region 10 (Portland, Oregon) of the Federal Highway Administration, and the Teamsters Union. In addition, the regulations were discussed in meetings with Mayor Daley of Chicago and representatives of the House Public Works Committee, a representative of the Illinois Department of Transportation, and Marshall Suloway, Acting Commissioner of Public Works for the City of Chicago. A record of each of these meetings has been included in the public docket.

The Citizens Action Program commented that the statute and enabling regulations should not apply to the Crosstown because a segment of that highway passes through the City of Cicero, Illinois, and that the Crosstown constitutes a single "Interstate segment." This comment does not require any amendment to the proposed regulations. However, it is our interpretation of the statute, and that of the House Public Works Committee, that the statute is applicable to the Crosstown as would be the proposed regulations.

The City of Chicago objected generally to the proposed regulations on the grounds that they would not permit a full substitution of a city for the State, thus enabling the city to undertake the actual construction responsibilities normally performed by the state highway agency. While we do recognize that the City of Chicago may be fully capable of exercising these functions, we do not believe that Title 23 permits such a substitution. Section 103(h) does not alter the basic state-federal relationship for the construction of federal-aid highways, except for the source of the non-federal share of construction costs and the basic decision of whether to construct. In the absence of an explicit exemption, responsibility for compliance with all the requirements of Title 23 and implementing regulations remains with the state, to which the matching 90 percent federal share is apportioned under 23 U.S.C. 104.

The City also objected that the proposed regulations do not explicitly provide that a segment for which a state has not provided the Federal Highway Administration with a notification of intent to construct under 23 U.S.C. 103(g) would not be removed from the Interstate System when a city has provided a notice of intent to sign an agreement under 23 U.S.C. 103(h). We believe that such a provision is unnecessary because section 103(h) is an explicit exemption from section 103(g). We have, however, amended § 476.110(a) in a rulemaking on section 103(g), published today in the FEDERAL REGISTER, to clarify this point. The City's further objection that a state might not provide the schedule for expenditure of funds required on July 1, 1975, by section 103(g) has been dealt with in § 476.612(a)(2), which requires that a state provide that schedule.

The City proposed several specific amendments to the regulations. First, it asked that a state's notification of intent to the Federal Highway Administrator to construct an Interstate segment also be sent to any affected city. We have adopted this suggestion, since it is the procedure most states would have followed in complying with § 476.606 in any event and will serve to simplify that requirement. With respect to § 476.610 as proposed, the City objected to the short time period in which it would be required to provide supporting material for an agreement with the Federal Highway Administrator. The House Public Works Committee made a similar comment, pointing out the exception language in section 103(h). We have accordingly made adjustments to the regulations. Under § 476.608, an incorporated city would still be required to state its intentions by July 1, 1974, primarily so that this Department can be fully informed as to state and city intentions with respect to all unconstructed Interstate segments. A new § 476.610 has been added to permit the actual signing of an agreement some time after that date. Also, after considering the City's suggestion regarding matters to be covered by the opinion of counsel described in § 476.610(b) of the proposed regulations, the requirement has been revised by modification of the language and by incorporating it in the new § 476.610.

The Secretary of Illinois Department of Transportation commented generally on the regulations. Several of his most important comments did not seek amendments to the regulations but do merit some discussion. He emphasized the support in the legislative history of the 1973 Highway Act for the proposition that the state remains responsible for all aspects of a 103(h) project, excepting only financing and the decision whether to construct. He also urged that the Federal Highway Administrator is not obliged to enter into an agreement with a city. We agree with this position, although we would point out that these regulations are intended to set forth all requirements for such an agreement. We do disagree with the Secretary on the next step, however. He alleges that full compliance with the National Environmental Policy Act, the Clean Air Act, section 4(f) of the Department of Transportation Act, and the Uniform Relocation Assistance Act must be accomplished before the Administrator can sign the agreement. That is incorrect. Compliance with all the above statutes will be accomplished as it is in all other federal-aid highway projects and will constitute, as usual, a necessary precondition to the approval of plans, specifications, and estimates under 23 U.S.C. 106. As mentioned above, until that approval is given, there is no final Federal decision to construct a highway under the provisions of Title 23, which applies in full to any project processed under these regulations.

The Secretary also asked that the regulations be amended to make explicit that the notice of intent, the agreement, and the schedule for the expenditure of funds would not impair the ability of the state, local governments, and responsible local officials to request an alternative Interstate segment or a mass transportation project under 23 U.S.C. 103(e)(2) and (e)(4). We do not feel such an amendment is necessary. Those options are open to the state, and remain open, if the city involved concurs in them. Under 23 U.S.C. 103(e)(4), a withdrawal request preliminary to a mass transit substitution must be made jointly by a governor and the local governments concerned. If one were received, it would be deemed a revocation of any agreement entered into under -03(h). A so-called Cramer-Howard transfer under 23 U.S.C. 103(e)(2) could not be approved with respect to an Interstate segment that is the subject of a 103(h) notice or agreement unless the city involved withdraws from it.

Chairman Blatnik of the House Public Works Committee stated general agreement with the proposed regulations, and suggested three improvements. He commented that the July 1 deadline of § 476.610, as proposed, was unduly short in view of the considerable informational requirements and that a simple letter of intent should suffice to begin the process resulting in an agreement between a city and the Federal Highway Administrator. We agree, as outlined above in the discussion of the City of Chicago's comments, and have described there the pertinent changes. The Chairman also stated his belief that a letter of October 23, 1973, from Mayor Daley of Chicago to Secretary Brinegar would suffice as a notification of intent under § 476.610 of the proposed regulations, and § 476.608 of the final regulations. We anticipate that, if its intentions have not changed, Chicago will submit another such letter to the Federal Highway Administrator after reviewing these final regulations.

Finally, the Chairman expressed concern over the applicability section, § 476.602, which specifies segments "normally included in a single location study." That section gives effect to the legislative intent expressed in the course of debate in the Senate and in the basic provision, in section 103(e) of Title 23, for a unified and connected Interstate System. We are certain that the Chairman's intent will be fully recognized in the implementation of these regulations under the originally proposed applicability section, and have therefore not amended it.

The Secretary of the Maryland Department of Transportation simply reiterated the earlier position of the state departments of transportation that section 103(h) does not alter basic federal-state relationships in the Federal-aid highway program. He also expressed the opinion that the regulations would be little used.

Two additional substantive comments received after the close of the comment period have also been taken into consideration. Both comments, one from the Office of Environment and Design of the Federal Highway Administration's Region 10 in Portland, Oregon, the other from the General President of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, urged that § 476.608 be amended to require that the states notify cities only when they do not intend to construct a segment. They felt notification when the state does intend to construct a segment would be unnecessary and wasteful. We believe it is important that there be no doubt in the minds of city officials of a state's intentions with respect to Interstate segments. We have, however, amended the section to require only a copy of the notification the state must submit to the Federal Highway Administrator under § 476.106.

The Teamsters also suggested that the regulations make explicit that the failure of a state to notify under 23 U.S.C. 103(g) will not preclude city action under section 103(h). We believe this is clear on the face of the regulations, and have therefore not amended them in this regard. The Teamsters also made several points clarified in the discussion above, including the informational requirements and deadline in § 476.610 and the status of the City of Chicago's letter of October 23, 1973.

In consideration of the foregoing, and for the reasons discussed in the preamble to the proposed regulations, 39 FR 14517 (April 24, 1974), Part 476 of Subchapter E of 23 CFR Chapter I, is hereby amended by adding a new Subpart G as set forth below.

NORBERT T. TIEMANN,
Federal Highway Administrator.

JUNE 6, 1974.

Subpart G—Regulations for State Construction of Interstate Segments Entirely Within the Boundaries of an Incorporated City

Sec.

476.600 Purpose.
476.602 Applicability.
476.604 Interstate segments must connect to the System.
476.606 State must notify city of intentions regarding construction.
476.608 City's notice of intent to construct Interstate segment.
476.610 Agreement.
476.612 State Responsibility.

AUTHORITY: (23 U.S.C. 103(h), 23 U.S.C. 315), and 47 CFR 1.48(b).

§ 476.600 Purpose.

The purpose of this part is to implement section 103(h) of Title 23, United States Code.

§ 476.602 Applicability.

The regulations in this Subpart shall be applicable to any Interstate segment that was, on June 1, 1973, a designated part of the integrated and connected highway system described in 23 U.S.C. 103(e)(1) of substantial length between logical termini (major crossroad, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study.

§ 476.604 Interstate segments must connect to the system.

Individual segments that cross the boundary line between contiguous States or cities are to connect at the boundary line.

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§ 476.606 State must notify city of intentions regarding construction.

Each State must provide, on or before June 17, 1974, to those incorporated cities that have Interstate segments entirely within their boundaries a copy of assurances provided to the Federal Highway Administrator with respect to such highways under 23 U.S.C. 103(g) and 23 CFR 476.106.

§ 476.608 City's notice of intent to construct Interstate segment.

(a) An incorporated city desiring to avail itself of the benefits of section 103(h) of Title 23, United States Code, must, on or before July 1, 1974, submit to the Federal Highway Administrator a notice of intent to pay for construction of Interstate segments entirely within the city's boundaries.

(b) The city shall furnish to the State highway department a copy of its notice at the same time it is transmitted to the Federal Highway Administrator.

§ 476.610 Agreement.

(a) Any city that has filed a notification of intent under § 476.610 shall, on or before January 1, 1975, submit the following information to the Federal Highway Administrator.

(1) Opinion of the incorporated city's legal counsel that the city has the constitutional and statutory authority to embark upon such a capital improvement and that the governing body of the city has the legal authority to approve any agreement between the city and the Federal government to undertake such a project and to commit local funding.

(2) General description of the Interstate segment and city boundaries (appropriate maps may satisfy this requirement).

(3) Satisfactory assurances that the city will promptly enter into an agreement with the Federal Highway Administrator to pay all non-Federal costs of construction of such segment and of the availability and source of funds for this purpose.

(4) Any other pertinent information on the status of the Interstate segment as may be required by the Federal Highway Administrator.

(b) The Federal Highway Administrator shall take action on a city's application within 30 days of receipt of the information required in paragraph (a) of this section.

(c) When he is satisfied with a city's submission, the Federal Highway Administrator will provide it with a form of agreement, which the Administrator will sign when the agreement has been approved and executed by the city, acting through its duly authorized officials.

§ 476.612 State responsibility.

(a) Upon agreement between a city and the Federal Highway Administrator with respect to payment of the non-Federal costs of construction, the State in which the Interstate segment is located shall:

(1) Undertake construction in accordance with the provisions of Title 23, United States Code, and other applicable Federal laws and regulations, and

(2) On or before July 1, 1975, submit a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System and provide assurances that such segment will be constructed as required by § 476.108.

(b) The State may delegate the responsibility of construction to the city, subject to the approval of the Federal Highway Administrator.

Effective date. Because of the need to resolve questions about the completion of the Interstate System as quickly as possible, the relationship of the requirements in these regulations to statutory deadlines in 23 U.S.C. 103(g), the limited number of governmental agencies to which the regulations are applicable, and the relative simplicity of the requirements imposed within the next 30 days, these regulations are effective upon publication in the FEDERAL REGISTER, June 12, 1974.

[FR Doc.74-13521 Filed 6-11-74;8:45 am]

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federal register

June 13, 1974—Pages 20669–20775

THURSDAY, JUNE 13, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 115
Pages 20669–20775
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federal register

Area Code 202 Phone 523-5240

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Title 3—The President

EXECUTIVE ORDER 11787

Revoking Executive Order No. 10987, Relating to Agency Systems for Appeals From Adverse Actions

By virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. Except when otherwise provided by statute, the appeals system established by the Civil Service Commission under chapter 77 of title 5 of the United States Code, and section 22 of Executive Order No. 11491 of October 29, 1969, shall constitute the sole system of appeal for an employee who is covered by that appeals system.

Sec. 2. Executive Order No. 10987,[1] relating to agency systems for appeals from adverse action, is revoked.

Sec. 3. This order shall be effective on the 90th day after issuance and shall apply to all adverse actions effective on and after that day. However, an appeal timely filed from an adverse action effective prior to that day under an agency appeals system established pursuant to Executive Order No. 10987 shall be processed to completion under that system.

Richard Nixon

The White House,
June 11, 1974.

[FR Doc.74-13706 Filed 6-11-74;3:39 pm]

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[1] 27 FR 550, Jan. 13, 1962; 3 CFR, 1966–1970 Comp., p. 519.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUT), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Increase in Expenses for the 1974 Fiscal Period

This document increases the maximum amount of expenses which may be incurred by the Papaya Administrative Committee during fiscal 1974 to $375,288 from the currently approved maximum amount of $363,288, an increase of $12,000. The proposed action would not necessitate an increase in the current assessment rate as funds equal to the proposed increase have been allocated to the committee for research activities by the counties of Hawaii and Kauai.

Notice was published in the May 14, 1974, issue of the FEDERAL REGISTER (39 FR 17236) that consideration was being given to a proposal regarding an increase to $375,288 of the expenses previously approved for the fiscal period January 1, 1974, through December 31, 1974, pursuant to the marketing agreement and Order No. 928 (7 CFR 928) regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

(a) After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and the recommendations thereof which were submitted by the Papaya Administrative Committee (established pursuant to the said marketing agreement and order), *it is hereby ordered*, That the provisions pertaining to expenses in paragraph (a) of § 928.203 "Expenses, rate of assessment, and carryover of unexpended funds" (39 FR 5184) be, and hereby are, amended to read as follows:

§ 928.203 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses*. Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1974, through December 31, 1974, will amount to $375,288.

* * * * *

(b) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (39 FR 5184); (2) the said committee anticipates expenses for research in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so the committee can proceed with planned research activities and otherwise meet its obligations and perform its duties and functions within the fiscal period in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–13615 Filed 6–12–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

ELIGIBILITY REQUIREMENTS

Section 1832.5 of Chapter XVIII, Title 7, Code of Federal Regulations (38 FR 20245; 39 FR 3667; 39 FR 787) is amended. The major change is the deletion of paragraph (f) which requires an applicant to be unable to obtain sufficient operating credit from local conventional sources to be eligible for an Emergency loan. This requirement has been revoked by Pub. L. 93–237. Section 1832.5 (c)(1)(i) is primarily revised to provide for the use of Form FmHA 441–26, "County Supervisor's Calculations and Verification of Qualifying Production Losses," and to provide the instructions for calculating an applicant's production losses. Other minor clarifying and editorial changes have been made in this section including the deletion of paragraph (g), the terms of which are covered in other regulations.

In accordance with 5 U.S.C. 553 this amendment is being published without notice of proposed rulemaking since it primarily implements provisions of Pub. L. 93–237 and any delay in implementing the provisions of the Pub. L. by this regulation would be contrary to the public interest.

The amended § 1832.5 reads as follows:

§ 1832.5 Eligibility requirements.

To be eligible for an EM loan, an applicant must:

* * * * *

(b) Be an established farmer, rancher, or oyster planter doing business as an individual, partnership, joint venture, or corporation with a reasonably good past record of operations, whether owner-operator or tenant, that manages the farming, ranching, or oyster planting operations. If the applicant is a partnership or corporation, it must be engaged primarily in farming, ranching, or oyster planting and the operation(s) must be managed by one of the partners or stockholders. An applicant who does not devote full time to his farming, ranching, or oyster planting operations may be considered as the manager: *Provided*, That he (or the managing partner or stockholder) visits the farm or ranch at sufficiently frequent intervals to exercise control and see that the operations are being carried on properly.

(c) Operate in a county(s) where EM loans have been authorized under a major disaster declaration by the President as outlined in § 1832.3(a); or natural disaster designation by the Secretary as outlined in § 1832.3(b); or State Director's isolated production loss authorization as defined in § 1832.3(c). Have suffered qualifying production losses or property damages in one or more such counties which were directly related to the disaster that brought about the EM loan authorization for the county(s). Also, it must be established that all losses or damages upon which eligibility for the loan is based were caused during the time period established for the occurrence of the disaster. (This is the incidence period.)

(1) Production losses must have been substantially greater than would be expected from normal fluctuations in yields. In making this required determination about production losses, consideration will be given to the applicant's total farming operations. He will be required to furnish information on Form FmHA 441–22, "Certification of Disaster Losses," showing the production in each of his crop and livestock enterprises during the year of the disaster and the two

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preceding crop years; and an explanation of how and when the disaster caused his production losses. If the production was not normal for any of the three years, then the applicant must also furnish such information for his most recent normal year. An applicant meets this eligibility requirement only if his production losses which are not compensated for by insurance or otherwise are the equivalent of 10 percent or more of the dollar value of normal production for his total farming or ranching enterprises.

(i) To establish eligibility, County Supervisors must convert the applicant's total production after the disaster to gross income, adding thereto any insurance or other compensation which may be claimed for these losses, and also calculate his gross income from total production for his most recent normal year. The disaster year figure must be subtracted from the normal year figure to calculate the "loss value" in dollars. The "loss value" will then be calculated as a percentage of the total normal production gross income. This percentage must equal or exceed 10 percent for qualifying eligibility. The calculations will be recorded on Form FmHA 441–26, "County Supervisor's Calculations and Verification of Qualifying Production Losses." The gross incomes for both the disaster and most recent normal year will be calculated by using the prevailing market price in effect at the time of the disaster for each particular commodity as quoted in the State Crop Reporting Service reports. Lists of prices will be prepared by the State Director and distributed to affected County Supervisors.

(A) Where the loss from the disaster is due to a reduction in quality rather than production, the applicant will be given credit for this loss by adjusting actual production downward to compensate for any dockage in price resulting from sale of poor quality crops. Gross income will be calculated using the prices for the disaster year as set forth in paragraph (c) (1) (i) of this section.

(B) If an applicant was not farming prior to the disaster year, losses will be determined by comparing yields and gross income for the disaster year (his first year) with normal average yields and income for similar farming operations in the community where he is farming.

(C) If an applicant was conducting a farming operation during the disaster year that differs from his most recent normal year, losses will be determined by comparing yields and gross income for the disaster year with that which would have been received had a comparable farming operation been conducted during the normal year based on average yields and income for similar farming operations in the community where he is farming.

(ii) When the applicant has a livestock operation and his pasture, grazing, or feed-crops are damaged by a qualifying disaster, his eligibility may be determined by establishing a dollar value for such loss. This amount plus any other production losses from the same disaster must be 10 percent or more of his normal production year gross income from his total farming operation.

* * * * *

(iv) When crops that were destroyed by a qualifying disaster are to be replanted with a substitute crop of the same or a different kind during the same crop year, the applicant may claim production costs that went into the destroyed crops as his loss. This cost plus any other production losses from the same disaster, must be 10 percent or more of the applicant's normal production year gross income from his total farming operation.

* * * * *

(4) Damages or losses not compensated for by insurance or otherwise to: Farm or ranch dwellings including home equipment, furnishings, and personal possessions; farm service buildings and facilities; land and water resources; farming or ranching supplies including harvested or stored crops; and livestock essential to normal farm or ranch operations would qualify an applicant for a loan only to repair, replace, or restore such property, or to reimburse the applicant for costs incurred for such purpose. These damages or losses are considered physical losses and would not qualify the applicant for an EM loan to be used for any other purpose.

* * * * *

(f) [Deleted]

(g) [Deleted]

Effective date. This amendment is effective on June 13, 1974.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Dated: May 30, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-13576 Filed 6-12-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74–518]

PART 545—OPERATIONS

Service Corporations

The Federal Home Loan Bank Board, by Resolution No. 73–1827, dated December 14, 1973, proposed amendments to paragraphs (b), (c) and (k) of § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1 (b), (c), and (k)), for the purpose of revising and liberalizing the limitations placed on Federal association investment in service corporations and the limitations placed on debt incurred by service corporations. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on January 22, 1974 (39 FR 2495–2497), and allowed until February 25, 1974, for submission of comments by interested persons. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt final amendments which constitute a substantial revision of the proposal, as described herein.

The first part of the proposal dealt with Federal association investment in service corporations and their subsidiaries and joint ventures. Paragraph (c) of § 545.9–1 sets forth a 1 percent-of-assets limitation for investment in service corporations and their subsidiaries and joint ventures, but exempts from this computation secured loans made under other investment authority to type "a" service corporations or to service corporations in which the association has not invested under the service corporation investment authority. The proposal would have extended this exemption to apply to all secured loans made under other investment authority to any service corporations and their subsidiaries and joint ventures, including type "b" service corporations and those in which the lender association has invested under the service corporation investment authority.

Upon further consideration, the Board believes that such unrestricted extension of the exemption is too broad, and would not sufficiently take into account the substantial increase in risk to the association of additional service corporation investment. Therefore, the amendment adopted by the Board limits the application of the exemption in several respects, as set forth in a revised and restructured paragraph (c) and a new definitional paragraph (k) (5). It is provided in subparagraph (1) of paragraph (c) that Federal associations have a 1-percent-of-assets limitation in the capital stock, obligations or other securities of service corporations, which includes all loans, secured and unsecured, and all guarantees and take-out commitments of such loans to service corporations and their subsidiaries and joint ventures. In addition, subparagraph (2) of paragraph (c) permits a Federal association, which has a net worth equal to 5 percent of its withdrawable accounts and a ratio of scheduled items to specified assets not exceeding 2.5 percent, to invest (i) 20 percent of the association's net worth in conforming loans made to service corporations or their subsidiaries or joint ventures, and (ii) 50 percent of the association's net worth, including loans made under (i) above, in conforming loans made to service corporations of which the association owns or holds with power to vote not more than 10 percent of the capital stock, or joint ventures in which the association's service corporation does not have more than a 10 percent interest. The term "conforming loan" is defined to include a loan or a portion thereof which a Federal association may make under other investment authority and any guarantee or take-out commitment of such a loan if the Federal association complies with all the regulatory requirements which would be applicable were the association itself to make the loan subject to the guarantee or commitment. The reference above to a "portion" of a conforming loan would include a loan which could have been made under other authority except for an excessive loan-to-value ratio; such loan could be partially included in the additional investment category up to the permissible loan-to-value ratio for a conforming loan.

The amendment adopted by the Board continues to exempt from the 1-percent-of-assets investment limitation all conforming loans made to type "a" service corporations and service corporations in which the lending association does not have any investment made under the authority of this section.

The second part of the proposal dealt with the limitations imposed by the Board on service corporation debt. First, the proposal would have removed the debt limitations placed on type "b–1" service corporations as set forth in old § 545.9–1(b) (3) (i) based on the diverse ownership of such entities. Type "b–1" service corporations are owned by 5 or more savings and loan associations with no one association owning more than 40 percent of the stock of such service corporation. The Board adopted this provision of the proposal without change.

Second, the Board proposed several amendments to the debt limitations placed on type "b–2" service corporations by old § 545.9–1(b) (3) (ii). A type "b–2" service corporation is a service corporation owned by less than 5 savings and loan associations or a service corporation in which one association holds more than 40 percent of its stock.

Before the present amendments, paragraphs (*a*) and (*b*) of § 545.9–1(b) (3) (ii) treating unsecured and secured debt, respectively, provided for alternative debt formulas: the lesser of (*1*) a percentage of the stockholders' assets or (*2*) a multiple of the sum of the investment in the service corporation's capital stock plus unsecured stockholder investment. The proposal would have revised such paragraphs (*a*) (*2*) and (*b*) (*2*) by including retained earnings in the calculations, so that unsecured and secured debt would be a multiple of the sum of the net worth of the service corporation plus unsecured stockholder investment, rather than only a multiple of the capital stock plus unsecured stockholder investment. The proposal also would have revised paragraph (*b*) (the secured debt provision) to exclude from the 4-times-stock - plus - unsecured - stockholder-investment limitation 75 percent of the debt secured by real estate owned by the service corporation or its subsidiaries. In addition, the proposal would have added a new paragraph (c) to § 545.9–1(b) (3) (ii) for type "b–2" service corporations engaged solely in the activities specified in § 545.9–1(a) (4) (i) (*a*). Such activities are originating, purchasing, selling and servicing "loans, and participations in loans, on a prudent basis and secured by real estate, including brokerage and warehousing of such real estate loans". Under the proposal, the debt limitation would be 20 times such a service corporation's net worth plus unsecured stockholder investment.

Upon further consideration, the Board believes it desirable to substantially revise and simplify these provisions. With regard to the alternative debt limitations set forth in old paragraphs (*a*) and (*b*) of § 545.9–1(b) (3) (ii), the amendment adopted by the Board eliminates both the "lesser of" formula and the percentage-of-association-assets alternative (as set forth in old paragraphs (*a*) (*1*) and (*b*) (*1*) of § 545.9–1(b) (3) (ii)). The amendment also (i) eliminates the exclusion of debt owed to a stockholder from the numerator in the debt computations under old paragraphs (*a*) (*2*) and (*b*) (*2*) and (ii) substitutes net worth alone as the denominator in such computations for the capital-stock-plus-unsecured-stockholder-investment provision in such old subdivisions. The effect of these revisions is to produce debt ratios consisting of total debt owed to all sources (including stockholders) as a multiple of net worth (including retained earnings) but without unsecured stockholder investment.

Further, the amendment adopted by the Board makes the following substantial changes in the amount of the limitations placed on debt which may be incurred by service corporations in which Federal associations may invest:

(1) A 2-to-1 debt ratio for unsecured loans including loans owed to a stockholder;

(2) A total 10-to-1 debt ratio (other than for paragraph (a) (4) (i) (*a*) service corporations) for both secured and unsecured loans including loans owed to a stockholder; and

(3) A 20-to-1 total debt ratio including loans owed to a stockholder for a service corporation if it and its subsidiaries are engaged solely in paragraph (a) (4) (i) (*a*) activities.

The substance of the parenthetical clause "secured debt will be deemed to be unsecured for the purposes of this subparagraph (3) to the extent that such debt exceeds the market value of any security therefor", which appeared in old § 545.9–1(b) (3) (i), would have been set forth at the end of the new paragraph (c) of proposed § 545.9–1(b) (3) (ii) by the proposal. The Board adopted the proposed addition except that it is set forth as a new paragraph (*d*) in § 545.9–1(b) (ii).

The proposal would have added the definition of the term "subsidiary" to paragraph (k) of § 549.9–1 and made a conforming change to the definition of "joint venture" in said paragraph "(k)". The term "subsidiary" would be defined to include any wholly-owned subsidiary and certain "joint ventures" of a service corporation or wholly-owned subsidiary thereof. The Board adopted the proposed addition and conforming change as proposed. In addition, in order to clarify the meaning of the terms "unsecured debt" and "unsecured loan" as used in § 545.9–1, the Board adopted a new paragraph "(6)" of said paragraph "(k)" which excludes certain accounts payable from computation as unsecured investment.

The proposal contained a redesignation of paragraphs (ii), (iii) and (iv) as (i), (ii) and (iii), respectively. The Board adopted the redesignation without change.

Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising paragraphs (b) (3), (c) and (k) of § 545.9–1 thereof to read as set forth below, effective July 15, 1974.

§ 545.9–1 Service corporations.

* * * * *

(b) *Other service corporations.* In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

* * * * *

(3) The following limitations are complied with: (i) If less than 5 savings and loan associations (including any Federal association) hold capital stock in such corporation or one such association holds more than 40 percent of such stock, such corporation, including any subsidiary, does not incur or have outstanding at any time debt in excess of the following limitations:

(*a*) In the case of all unsecured debt (to holders of its capital stock and to others), an amount equal to 2 times its net worth;

(*b*) In the case of all debt (secured and unsecured, to holders of its capital stock and to others), except as permitted by subdivision (c) of this paragraph (b) (3) (i), an amount equal to 10 times its net worth;

(*c*) In the case of all debt (secured and unsecured, to holders of its capital stock and to others) of such a corporation, including any subsidiary thereof, engaged solely in the activities specified in paragraph (a) (4) (i) (*a*) of this section, an amount of debt equal to 20 times its consolidated net worth;

(*d*) Secured debt will be deemed to be unsecured for the purposes of this paragraph (b) (3) (i) to the extent that such debt exceeds the market value of any security therefor at the time the loan is made.

(ii) In the case of a service corporation of the type described in paragraph (b) (3) (i) of this section, the approval of the Board is required before any activity of such service corporation is performed through one or more joint ventures if a director, officer or controlling person of any savings and loan association owning any of such service corporation's capital stock has a direct or indirect beneficial interest in the joint venture.

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(iii) In the case of a servce corporation of the type described in paragraph (b) (3) (i) of this section, the approval of the Board is required for any investment.

(*a*) By a Federal association in such a service corporation or in a corporation which will become such a service corporation as a result of such investment, and

(*b*) By such a service corporation directly or indirectly through one or more wholly-owned subsidiaries or joint ventures of such service corporation

If the purpose of such investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets attributable to that business from a director or officer of a Federal association which owns any of the capital stock of such a service corporation or from an entity in which a director or officer of such Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner or trustee.

(c) *Amount of investment.* (1) Except as provided in paragraphs (c)(2) and (c)(3), a Federal association may not make any investment under this section if its aggregate outstanding investment in the capital stock, obligations or other securities of service corporations would thereupon exceed 1 percent of assets. The limitation in the preceding sentence includes all loans, secured and unsecured, and all guarantees or take-out commitments of such loans, to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, whether or not such Federal association is a stockholder therein.

(2) In addition to amounts which may be invested within the limitation set forth in paragraph (c)(1), a Federal association which has a net worth of at least 5 percent of withdrawable accounts and which has a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than 2.5 percent may loan additional amounts to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, as follows:

(i) An aggregate outstanding amount not to exceed 20 percent of such Federal association's net worth may be invested in conforming loans made to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries;

(ii) An aggregate outstanding amount, including loans included within paragraph (c)(2)(i), not to exceed 50 percent of such Federal association's net worth may be invested in conforming loans made to a service corporation of which such Federal association owns or holds with power to vote not more than a total of 10 percent of the capital stock or to a joint venture in which the service corporations in which such Federal association is a stockholder, including the subsidiaries of such service corporations, (i) own or hold with power to vote not more than a total of 10 percent of the capital stock, or (ii) are limited partners and have contributed not more than a total of 10 percent of such joint venture's capital.

(3) The limitation set forth in paragraph (c)(1) shall not be applicable to conforming loans to any service corporation which qualifies as a service corporation under paragraph (a) of this section or to any service corporation in which the lending association does not have any investment made under the authority of this section.

* * * * *

(k) *Definitions.* As used in this section—(1) The term "joint venture" means any joint undertaking by a service corporation or a wholly-owned subsidiary thereof with one or more persons or legal entities in any form, including a joint tenancy, tenancy in common, or partnership and including investment in a corporation other than a wholly-owned subsidiary.

(2) The term "subsidiary" includes a wholly-owned subsidiary and any joint venture in which a service corporation or wholly-owned subsidiary thereof (i) owns, controls or holds with power to vote more than 25 percent of the capital stock, (ii) is a general partner, or (iii) is a limited partner and has contributed more than 25 percent of the limited partnership's capital.

(3) The terms "scheduled items" and "specified assets" have the meanings given to those terms by §§ 561.15 and 561.17 of this chapter.

(4) The term "aggregate outstanding investment" means the sum of amounts paid for the acquisition of capital stock or securities and amounts invested in obligations of service corporations less amounts received from the sale of capital stock or securities of service corporations and amounts paid to a Federal association to retire obligations of service corporations.

(5) The term "conforming loan" means a loan or portion thereof which a Federal association is authorized to make under any provision of this part other than this section. A guarantee or take-out commitment of a loan which could have been made by a Federal association as a conforming loan may be deemed to be a conforming loan for purposes of this section, if the Federal association complies with all requirements of this chapter, including appraisal and recordkeeping requirements, as though it were itself making the loan subject to its guarantee or take-out commitment.

(6) The terms "unsecured debt" and "unsecured loan" exclude accounts payable incurred in the ordinary course of business and paid within 60 days.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

Dated: June 5, 1974.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Secretary.

[FR Doc.74-13606 Filed 6-12-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73–SW–78,
Amdt. 39–1873]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

Amendment 39–1805 (39 FR 12244), AD 74–08–2, requires a repetitive inspection and adjustment to assure proper gap between the tie rod nut and stabilizer bar core, an inspection of the cyclic control power cylinders for proper alignment, replacement of tubes, P/N 204–010–380–1, and a daily check of the stabilizer bar tube for looseness (failure) on Bell Model 47 series helicopters. The preamble to the adopted rule invited interested persons to submit comments as they may desire on the adopted rule prior to May 6, 1974. No comments were received in response to this invitation.

The agency takes this opportunity to advise the public that Bell Model 47B, 47B–3, 47D, 47D–1, 47G and 47G–2 helicopters may be equipped with stabilizer bar assemblies, P/N 47–140–101, which use the same tube and tie rods as the assembly, P/N 47–140–248. The design of the 47–140–101 assembly is quite different from the 47–140–248 assembly and the service history of the bar assembly, P/N 47–140–101, does not require the agency to impose mandatory inspections on this assembly at this time.

Bell Helicopter Company issued a new Service Bulletin No. 47–(04–2)–74–1, dated March 21, 1974, that supersedes and cancels Technical Bulletin No. 47–(04–2)–73–2, dated December 19, 1973. Therefore, it becomes necessary to revise paragraph (c)(3) of AD 74–08–2 to include this service bulletin. In addition, the AD is being amended to specify Service Bulletin No. 47–(04–2)–74–1, or a later approved revision, as an alternate means of adjustment.

Since this amendment provides an alternate means of compliance with paragraph (c)(3) and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1805 (39 FR 12244), AD 74–08–2, is amended as follows:

1. By amending paragraph (c)(3) to read as follows:

> Assemble and install the mast control stabilizer bar assembly on the helicopter in accordance with Section III of the appropriate Model 47 maintenance and overhaul instruction manual. In addition adjust the stabilizer core bearing as specified in item 1, Bell Helicopter Co. Technical Bulletin No. 47–(04–2)–73–2, or Service Bulletin No. 47–(04–2)–74–1 or later FAA approved revision.

2. By revising the parenthetical notation of Bell service information at the end of the AD by adding the sentence "Service Bulletin No. 47–(04–2)–74–1 also pertains to the adjustment of the bearing."

This amendment becomes effective June 14, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on June 3, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-13544 Filed 6-12-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7315]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Depreciation Allowance for Property of Certain Public Utilities

Correction

In FR Doc. 74-13030 appearing at page 20194 in the issue of Friday, June 7, 1974, § 1.167(a)-11 (b)(6)(ii) appearing on page 20195 should be deleted from after "*Normalization.* * * *" to after "[Deleted]", and so as corrected should read as: "(ii) *Normalization.* * * * See § 1.167(1)-1(h)".

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER E—CLAIMS

PART 750—GENERAL CLAIMS REGULATIONS

Miscellaneous Amendments

On November 6, 1973, Chapter XX of the Manual of the Judge Advocate General was revised and the changes made thereto were promulgated within the naval service. Those revised portions of Chapter XX having general applicability and legal effect warrant a revision of Part 750 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective June 14, 1974, Part 750 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

1. Section 750.1 is revised to read as follows:

§ 750.1 Scope of Subpart A.

(a) General: The Judge Advocate General is responsible for administration and supervision, worldwide, of claims arising under the Federal Tort Claims Act (Subpart B of this part), the Military Claims Act (Subpart C of this part), the Nonscope Claims Act (Subpart D of this part), the Personnel Claims Act (Part 751 of this chapter), the Foreign Claims Act (Part 753 of this chapter), the Act of September 7, 1962, (§ 753.27 of Part 753 of this chapter), the Medical Care Recovery Act (Subpart A of Part 757 of this chapter), and the Federal Claims Collection Act of 1966 (Subpart B of Part 757 of this chapter).

(b) This Subpart A delineates general investigative and claims-processing requirements to be followed in the handling of all incidents and claims within the provisions of this part. Where the general provisions of this Subpart A conflict with the specific provisions of any subsequent subpart of this part, the specific provisions govern.

2. Paragraph (a) of § 750.4 is revised as follows:

§ 750.4 Investigation: Responsibility for.

(a) *Immediate responsibility.* Responsibility for the investigation of an incident normally lies with the commanding officer or officer in charge of the local naval activity which is most directly concerned, normally the commanding officer or officer in charge of the personnel involved or of the activity in which the incident occurred. Where two or more activities are involved, see section 0207 of the Manual of the Judge Advocate General. If a nonnaval activity is concerned, see § 750.3(b)(3). Such nonnaval activity should be promptly notified of the incident.

* * * * *

3. Section 750.24 (a) (7), (8), (b) and (c) are amended as follows:

§ 750.24 Single-service assignment of responsibility for processing of claims.

(a) *Applicable law.* Department of Defense Directive 5518.5 series (NOTAL) has assigned single-service responsibility for the processing of claims under the following laws:

* * * * *

(7) The Federal Claims Collection Act of 1966 (31 U.S.C. 951–953); the Act of June 1921 (31 U.S. 71), claims and demands by the Government of the United States; and

(8) Act of September 8, 1961 (10 U.S.C. 2736), advance or emergency payments (*see* Subpart E of this part).

(b) *List of countries.* Responsibility for the processing of all claims in favor of the United States cognizable under paragraphs (a) (4), (5), or (7) of this section, or against the United States cognizable under paragraphs (a) (1) through (4), (6), or (8) of this section which arise in the following countries is assigned to the military departments listed below:

(1) Department of the Army: Belgium, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, the Republic of Vietnam, Republic of Zaire, and as the Receiving State Office in the United States under paragraphs (a) (3) and (4) of this section.

(2) Department of the Navy: Australia, Ethiopia, Iceland, Italy, and Portugal.

(3) Department of the Air Force: Canada, Denmark, Greece, Greenland, India, Japan, Nepal, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(c) *U.S. forces afloat cases under $500.* Notwithstanding the provisions of subsection b above, the Department of the Navy is authorized to settle claims under $500 caused by Navy personnel not acting within scope of employment and arising in foreign ports visited by U.S. forces afloat and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in paragraph (a)(4) of this section concerning the processing of nonscope of duty claims by receiving and sending state authorities.

* * * * *

4. Section 750.32(b) is amended as follows:

§ 750.32 Statutory authority.

* * * * *

(b) *Setoff, etc., encompassed.* The jurisdiction described in paragraph (a) of this section includes jurisdiction of any setoff, counterclaim, or other claim or demand on the part of the United States (28 U.S.C. 1346(c)).

* * * * *

5. Section 750.53(c) is amended as follows:

§ 750.53 The administrative claim.

* * * * *

(c) *Evidence and information in support of the claim.* See section 2013 for the evidence and information required to substantiate a claim. 10 U.S.C. 2733(b) (5) requires that a claim be substantiated in accordance with these regulations in order to be paid.

* * * * *

6. Section 750.55(d)(4) is amended as follows:

§ 750.55 Scope of liability.

* * * * *

(d) * * *

(4) Any claim of military personnel or civilian employees of the United States for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service which claim is cognizable under the Military Personnel and Civilian Employees' Claims Act as amended (31 U.S.C. 240–243) and applicable regualtions (Part 751 of this chapter).

* * * * *

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

JUNE 6, 1974.

[FR Doc.74-13563 Filed 6-12-74;8:45 am]

PART 753—FOREIGN CLAIMS REGULATIONS

Miscellaneous Amendments

On November 6, 1973, Chapter XXII of the Manual of the Judge Advocate General was revised and changes made thereto promulgated within the naval

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service. Those revised portions of Chapter XXII having legal effect constitute a revision of Part 753 of Chapter VI of Title 32 of the Code of Federal Regulations. Accordingly, effective June 14, 1974, Part 753 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

1. The table of contents is amended by revising the heading of § 753.6 to read as follows:

* * * * *

Sec.
753.6 Elements of damage.

* * * * *

Authority: (10 U.S.C. 2734).

2. Section 753.6 is revised to read as follows:

§ 753.6 Elements of damage.

(a) In computing damages for personal injury or death or damage to personal property, the law and local standards of the country where the incident occurred, which were in effect on the date of the accrual of the claim, will be controlling. In case of death, only one claim will be considered, and the amount approved will be apportioned to beneficiaries in the proportions prescribed by local law and standards.

3. The heading and paragraph (b) of § 753.18 are revised to read as follows:

§ 753.18 Appointment and authority of Foreign Claims Commission.

* * * * *

(b) Claims commissions may consider claims in any amount, and are hereby granted authority to approve in full or in part, or to disapprove, claims for not more than $15,000. Allowance of any claim, however, in excess of the following amounts is subject to the approval of the Judge Advocate General, Deputy Judge Advocate General, or the Assistant Judge Advocate General (Civil Law), or, with respect to claims which arise in Italy, the Officer in Charge, U.S. Sending State Office for Italy, or, with respect to claims which arise in Australia, the Officer in Charge, U.S. Sending State Office for Australia.

(1) One-officer commission—$2,500;

(2) One-officer commission composed of a member of the Judge Advocate General's Corps or a Judge Advocate of the Marine Corps—$5,000;

(3) Three-officer commission—$5,000;

(4) Three-officer commission which includes at least one member of the Judge Advocate General's Corps or a Judge Advocate General of the Marine Corps—$10,000.

4. Section 753.19(a) is amended to read as follows:

§ 753.19 Membership of Commissions.

(a) Foreign claims commissions shall consist of one or three commissioned officers of the Navy or Marine Corps whose grades and experience are commensurate with the responsibilities to be executed in carrying out the purposes of the Foreign Claims Act. An officer of another armed force may serve on a Navy claims commission only with the consent of the Secretary of his department, or his designee, but will perform his duties under the regulations set forth in this part. When a naval officer is requested to serve on a claims commission of another armed force, the immediate commanding officer of such officer is hereby designated to determine his availability pursuant to the authority of 10 U.S.C. 2734(a).

* * * * *

5. Section 753.21 is revised to read as follows:

§ 753.21 Report of proceedings.

(a) The commission shall make a written report of each claim. The report shall include:

(1) A copy of the appointing order creating the commission,

(2) The claim document,

(3) The dates of the proceedings,

(4) The amount claimed stated in the injuries, and the necessary jurisdictional into United States currency at the existing official rate of exchange on the date of initial consideration of the claim.

(5) A brief summary of the facts, including the date of incident giving rise to the claim, the date the claim was filed, the nature and extent of the damages or injuries, and the necessary jurisdictional facts,

(6) Signed statements of material witnesses or transcripts of their oral testimony for claims in excess of the commission's authority,

(7) An evaluation of applicable local laws and customs,

(8) The date the commission reached its final determination,

(9) The amount awarded, or recommended to be awarded, stated in the indigenous currency and the conversion into United States currency at the existing official rate of exchange on the date of final determination,

(10) An explanation of the basis of any recommendation in excess of the commission's authority,

(11) A release from the claimant as required by § 753.23 when an award has been accepted, or a copy of the notice of denial when the claim has been disallowed.

(b) When the commission has approved a claim which is within its final adjudicating authority, the original of the report and all allied papers shall be submitted to the appointing authority.

(c) When the commission recommends approval of a claim in excess of its adjudicating authority, a legible copy of the report and all allied papers shall be forwarded to the Judge Advocate General. The commission should retain the original of all papers for its files.

(d) When the commission has disallowed for any reason a claim within its final adjudicating authority or has recommended disallowance of a claim in excess of its final adjudicating authority, the original and one copy of the report and all allied papers shall be forwarded to the Judge Advocate General. The commission should retain one copy for its files.

(e) The commission's report will not be released or shown to the claimant without the express approval of the Judge Advocate General.

(f) When a claim cannot be adjudicated and settled within 30 days of its submission, the report required in paragraph (a) of this section, to the extent possible, shall be immediately prepared and forwarded to the Judge Advocate General with an explanation of the delay.

6. Section 753.25 is revised to read as follows:

§ 753.25 Meritorius claims in excess of $15,000.

(a) Foreign claims which cannot be settled for $15,000 or less will be promptly considered and reported to the Judge Advocate General for legal review and appropriate administrative action. The record in such proceedings shall include signed statements of material witnesses or transcripts of their oral testimony. The Foreign Claims Commission shall forward with any such claim its findings and recommendations as to the action to be taken (including its findings as to the extent and nature of the damage, injury, and/or death sustained) together with, if practicable, a statement from the owner of the property or the person injured, or the legal representative of the person killed, signifying his willingness to accept the amount so found in full satisfaction and final settlement of his claim. In all such cases, the original and two copies of the report, claim, and supporting papers shall be forwarded. The remaining copy should be retained by the commission for its files.

(b) Upon review of the file, the Judge Advocate General will forward a recommended action to the Secretary of the Navy who will determine an appropriate award. The Secretary may authorize the claims commission to pay the claimant $15,000 and thereafter certify the excess to Congress in accordance with standard procedures.

7. Sections 753.27–753.29 are revised to read as follows:

§ 753.27 Claims arising in specified foreign countries.

(a) *NATO Status of Forces and similar agreements.* The United States has ratified the NATO Status of Forces Agreement and has entered into similar agreements with other foreign countries. Article VIII of the NATO Status of Forces Agreement and certain provisions of other agreements are inconsistent with the unrestricted use of the Foreign Claims Act and its implementing regulations in certain countries. Accordingly, directives of the cognizant area commander shall be consulted and claims shall not be referred to foreign claims commissions until it has been determined that such action is consistent with the provisions of the aforementioned agreements and their implementing directives. Department of Defense Directive 5515.3 series (NOTAL) directs that, where a single service has been assigned responsibility for claims in a country or area, all claims arising under the Foreign Claims Act (10 U.S.C. 2734) and the Military Claims Act (10 U.S.C. 2733) shall normally be settled and paid by claims commissions or other claims settlement authorities appointed by the Secretary of that military department, or his designee, in accordance with the department's regulations. In countries in which the NATO Status of Forces Agreement or other similar agreement is in force, incidents which may give rise to tort claims against the United States arising from acts or omissions of naval personnel, or members of the civilian component of the naval service, including claims for death or personal injury, resulting from the navigation or operation of a ship, or from the loading, carriage, or discharge of its cargo, shall be investigated and reports shall be made in accordance with instructions promulgated by the cognizant naval commanders.

(b) *Single-service responsibility and cross-servicing.* Single-service responsibility for processing claims under this part shall be accomplished as provided in § 750.24. Where cross-servicing of claims has been accomplished, the forwarding command shall afford any assistance necessary to the appropriate service in the investigation and adjudication of such claims.

§ 753.28 Claims generated by civilian employees of the Department of Defense.

(a) Department of Defense Directive 5515.3 series (NOTAL) provides that all Foreign Claims Commissions are designated to settle and pay claims for damage caused by civilian employees of the Department of Defense other than an employee of a military department.

§ 753.29 Advance payments.

(a) Advance payments may be made pursuant to the provisions of §§ 750.70—750.73 and 750.80 of this chapter. In addition to the adjudicating authorities authorized by § 753.72 to make advance payments, all foreign claims commissions may make advance payments provided such action is approved by the commanding officer appointing the commission.

H. B. Robertson, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

June 6, 1974.

[FR Doc.74–13562 Filed 6–12–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–143]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement of Vehicles

This amendment illustrates and provides instructions for the use of the June 1973 edition of GSA Form 1398, GSA Purchased Vehicle. Agencies are also advised of changed procedures when notifying vehicle manufacturers of the exact address to which motor vehicle defect notices are to be sent.

Subpart 101–26.5—GSA Procurement Programs

1. Section 101–26.501–6(b) is revised to read as follows:

§ 101–26.501–6 Forms used in connection with delivery of vehicles.

* * * * *

(b) *GSA Form 1398, GSA Purchased Vehicle.* This form is used by the contractor to indicate that preshipment inspection and servicing of each vehicle has been performed. The contractor is required to complete GSA Form 1398 (illustrated at § 101–26.4902–1398) and affix it, preferably, to the lock face or door frame of the right front door after the final inspection. The form should be left in place during the warranty period to permit prompt identification of vehicles requiring dealer repairs pursuant to the warranty.

* * * * *

2. Section 101–26.501–8(a) is revised to read as follows:

§ 101–26.501–8 Notification of vehicle defects.

* * * * *

(a) It is to the advantage of the Government to be in a position to receive promptly and take corrective action on motor vehicle defect notices thus avoiding the possibility of accidents and loss of life which could result from failure to receive safety defect notices. Timely receipt of, and action on, defect notices can also result in avoidance of costly repairs and nonavailability of vehicles because of such repairs. On newly procured vehicles the manufacturers will send "Motor Vehicle Defect Notices" to the original consignee at the consignee's mailing address shown on the vehicle delivery order. However, agency heads shall notify manufacturers of the exact address to which "Motor Vehicle Defect Notices" are to be sent when vehicles are disposed of or transferred. Notification shall be made on all 1966 or later model vehicles. In the interest of uniformity, agencies shall use the following format for either purpose. All identification information shall be annotated on the format as requested.

Format

To: (Vehicle Manufacturer) *

Information on the motor vehicles listed is submitted to enable you to comply with section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402)

Transferred—Fill in the information below on "a," "b," "c," and "d."

Disposed—Manufacturer will discontinue the address location for these vehicles. Identification of the disposed vehicles must be reported below in "a," "c," and "d."

a. Address of original owner of vehicle:

____
____
____

b. Address to which motor vehicle defect notices are to be sent:

____
____
____

c. Complete manufacturers vehicle identification.

Year	*Model*	*Serial No.*
------	------------	------------------

d. Contractual identification:

GSA Contract No.	*Item No.*
------------------	------------------

(This information can be obtained from the GSA Form 1398, GSA Purchased Vehicle, which is located on the lock face or door frame of the right front door.

*Addresses of manufacturers.

American Motors Corp., Fleet Sales Department, 14250 Plymouth Road, Detroit, MI 48232.

AM General Corporation, Logistics Division, 701 West Chippewa Avenue, South Bend, IN 46623.

Ownercard Coordinator, Ford Division, Ford Motor Company, Post Office Box 428, Dearborn, MI 48121.

International Harvester Co., Suite 900, 1707 L Street NW., Washington, DC 20036.

Field Service and Engineering, Chrysler Motors Corp., Government Sales Department, Post Office Box 716, Detroit, MI 48231.

Chevrolet Motor Division, Chevrolet Service Department, Argonaut A Building, 485 West Milwaukee Avenue, Detroit, MI 48202.

Director, Product Reliability, Diamond Reo Truck Division, White Motor Corp., 1330 South Washington Avenue, Lansing, MI 48920.

Director of Service, FWD Corp., 105 East 12th Street, Clintonville, WI 54929.

General Parts and Service Manager, GMC Truck and Coach Division, General Motors Corp., 660 South Boulevard, East, Pontiac, MI 48053.

Mack Trucks, Inc., Service Operations, Post Office Box 1000, Somerville, NJ 08876.

Supervisor, Vehicle Service and Safety Programs, White Trucks, A Division of White Motor Corp., Post Office Box 5757, Cleveland, OH 44101.

* * * * *

Subpart 101–26.49—Illustrations of Forms

Section 101–26.4902–1398 is revised to illustrate the June 1973 edition of GSA Form 1398, GSA Purchased Vehicle.

§ 101–26.4902–1398 GSA Form 1398: Motor vehicle purchase and inspection label.

Note: The Form illustrated in § 101–26.4902–1398 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 386(c))

Effective date. This regulation is effective on June 13, 1974.

Dated: June 4, 1974.

Arthur F. Sampson,
Administrator of General Services.

[FR Doc.74–13555 Filed 6–12–74;8:45 am]

V39 115 JUN 13 74 XUM

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD-73-130R]

PART 160—LIFESAVING EQUIPMENT

Materials—Dee Ring and Snap Hook Assemblies and Other Instruments of Closure for Buoyant Vests

The purpose of these amendments to the Coast Guard regulations dealing with life saving equipment is to establish new specifications for materials used in the construction of instruments of closure on buoyant vests and to provide a weathering and hanging weight test for these materials. The specifications in the new regulations cover not only materials used in the construction of dee ring and snap hook assemblies, but also materials used in the construction of other types of instruments of closure. The hanging weight test portion of the new test is less stringent than the hanging weight test in the present regulations, but the new test provides for one or more weathering tests not required by the present regulations.

Interested persons were given an opportunity to participate in the making of these regulations by a notice of proposed rulemaking (notice CGD 73-130P) issued August 21, 1973, and published in the FEDERAL REGISTER on August 28, 1973 (38 FR 22980). Comments received during the comment period resulted in changes to the original proposal which were incorporated in a supplemental notice of proposed rulemaking (CGD 73-130P) issued January 10, 1974, and published in the FEDERAL REGISTER on January 16, 1974 (39 FR 2014). The public was invited to make comments on the supplemental notice.

Only one comment was received as a result of the supplemental notice of proposed rule making and it suggested that the requirement that the material be subjected to a temperature of 0°±5° F for 24 hours should not be included as a "weathering test," but should instead be a requirement for the conditions under which the hanging weight test is conducted. The Coast Guard feels, however, that to adopt the recommendation of the comment would not be consistent with the intent that the tests simulate actual conditions. When vessels operate in extremely cold climates, the temperature in the compartment where the buoyant vests are stored often is well below freezing. The cold temperature test is designed to simulate the conditions present when a person wearing the vest is pulled from the water. Water temperature in cold climates is usually warmer than the temperature of the air above. When a person puts on a vest which has been stored at cold temperature and then enters the water, the warmer water temperature will cause the temperature of the material in the vest to rise. It would be unlikely, therefore, that it would be necessary for the material to support a person while it is at the same temperature at which it was stored. A maximum time lapse of 5 minutes is allowed by the regulations between the completion of the weathering test and the beginning of the hanging weight test because it is considered by the Coast Guard to be the minimum period of time which would lapse between the time a person could put on the vest and be pulled from the water.

In consideration of the foregoing, Part 160 of Title 46 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (g) of § 160.047–3, (e) of § 160.052–3, and (e) of § 160.060–3 are revoked and reserved as follows:

§ 160.047–3 Materials.

* * * * *

(g) [Reserved]

* * * * *

§ 160.052–3 Materials—Standard vests.

* * * * *

(e) [Reserved]

* * * * *

§ 160.060–3 Materials—Standard vests.

* * * * *

(e) [Reserved]

* * * * *

2. A new section, § 160.047–3a, is added to read as follows:

§ 160.047–3a Materials—Dee ring and snap hook assemblies and other instruments of closure for buoyant vests.

(a) *Specifications.* Dee ring and snap look assemblies and other instruments of closure for buoyant vests may have decorative platings in any thickness and must meet the following specifications:

(1) The device must be constructed of inherently corrosion resistant materials. As used in this section the term "inherently corrosion resistant materials" includes, but is not limited to, brass, bronze, and stainless steel.

(2) The size of the opening of the device must be consistent with the webbing which will pass through the opening.

(b) *Testing requirements.* Dee ring and snap hook assemblies and other instruments of closure for buoyant vests must—

(1) Be tested for weathering. The Coast Guard will determine which one or more of the following tests will be used:

(i) Application of a 20 percent sodium-chloride solution spray at a temperature of 95° F (35° C) for a period of 240 hours in accordance with the procedures contained in method 811 of the Federal Test Method Standard No. 151.

(ii) Exposure to a carbon-arc weatherometer for a period of 100 hours.

(iii) Submergence for a period of 100 hours in each of the following:

(*a*) Leaded gasoline.

(*b*) Gum turpentine.

(iv) Exposure to a temperature of 0°±5° F (17.6±2.775° C) for 24 hours; and

(2) Within 5 minutes of completion of the weathering test required by paragraph (b)(1) of this section, the assembly must be attached to a support and bear 150 pounds for an adult size and 115 pounds for a child size for 10 minutes at ambient temperatures without breaking or distorting.

3. New §§ 160.052–3a and 160.060–3a are added to read the same as new § 160.047–3a.

(Sec. 17, 54 Stat. 166, as amended, sec. 5, 85 Stat. 215, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 526p. 1454, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b), (o)(1)) effective July 15, 1974.

Dated: June 4, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-13582 Filed 6-12-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1185]

PART 1033—CAR SERVICE

Minimum Loading of Refrigerator Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board held in Washington, D.C., on the sixth day of June 1974.

It appearing, that an acute shortage of mechanical refrigerator cars exists in the primary fruit and vegetable growing and shipping areas of the country; that shippers of these and other products requiring protection from heat or cold are being deprived of adequate supplies of such cars, creating great economic loss; that mechanical refrigerator cars are not being used to their full capacities; that present rules, regulations, and practices with respect to the loading and use of such mechanical refrigerator cars are ineffective; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1185 Service Order No. 1185.

(a) Minimum loading of refrigerator cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) *Application:* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all mechanical refrigerator cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 391 issued by W. J. Trezise, or reissues thereof as having mechanical designation "RP", "RPB", "RPL", "RPM" or "RLO."

(2) *Minimum Loading Requirements:* Mechanical refrigerator cars must be:

(i) Loaded to the marked weight carrying capacity of the car, or;

(ii) Loaded throughout its entire length, including the doorway area to at least eighty percent (80 percent) of its inside height as measured from the floor to the roof at the side wall of the car, whichever is the lesser.

(iii) *General Exception.* Exception to this order may be authorized to carriers by R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, upon receipt of written or telegraphic request from the car owner. All such requests must state the origin, destination, commodity, and full route of the proposed traffic and the reason for the requested exception.

(b) *Acceptance from shipper prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car for shipment that is contrary to items (i), (ii), or (iii) of section (a), paragraph (2).

(c) *Rules and Regulations Suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 10, 1974.

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordcred, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement, under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13627 Filed 6-12-74;8:45 am]

[Service Order No. 1186]

PART 1033—CAR SERVICE

Distribution of Privately Owned Coal Cars

At a Session of the Interstate Commerce Commission, held in Washington, D.C., on the 6th day of June 1974.

It appearing, That an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal to electric utility generating stations; that coal stockpiles of several utility generating stations are being depleted; and that certain car distribution regulations prescribed by the Commission in Docket 12530 (80 ICC 520 and 93 ICC 701) limit the use of privately-owned freight cars used for the transportation of coal; and that fuller utilization of shipper-owned or receiver-owned coal cars in unit train service will substantially assist in relieving the existing emergency and advance the public interest by contributing to a steady and ample supply of fuel to electric utility generating stations.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1186 Car Service Order No. 1186.

(a) Distribution of privately owned coal cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Place promptly in a position for loading coal for transportation in unit train service to an electric utility generating station, without regard to the provisions of the Commission's Order in Docket 12530 (80 ICC 520 and 93 ICC 701), all coal cars owned by the shipper or consignee which are available for placement for loading and which are ordered placed by the car owner.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any privately owned coal cars furnished under the provisions of paragraph (1) herein, unless loaded in unit train service and consigned to an electric utility generating station.

(b) The term "Unit Train Service" used in this order means the movement of a single shipment of coal of not less than 2,500 tons, tendered to one carrier, on one bill-of-lading, at one origin, on one day and destined to one consignee, at one plant, at one destination, via one route.

(c) The term "Privately Owned Coal Cars" used in this order means any open top freight car listed in the Official Railway Equipment Register, ICC R.E.R. No. 391, issued by W. J. Trezise, or successive issues thereof, as having a mechanical designation "GA," "GB," "GD," "GH," "GS," "GT," "HM," "HK," or "HT," and which are owned or leased by either the coal shipper or the electric utility company named as the consignee.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 12:01 a.m., June 15, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17 (2). Interprets or applies Secs. 1 (10–17), 15 (4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4) and 17 (2)))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13626 Filed 6-12-74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-288]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
*	*	*	*	*	*	*
Alabama	Marion	Hamilton, city of	H 010163 01 through H 010163 09	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 35104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Hamilton, Ala. 35570.	May 31, 1974.
Do	St. Clair	Moody, town of	H 010187 01 through H 010187 02	do	Mayor, Moody, Route 3, Leeds, Ala. 35094.	Do.
Do	Sumter	Livingston, City of.	H 010195 01 through H 010195 02	do	City Hall, corner of South St. and Lafayette St., Livingston, Ala. 35470.	Do.
Do	Walker	Cordova, city of	H 010205 01 through H 010205 03	do	Mayor, City Hall, 115 Jasper St., Cordova, Ala. 35550.	Do.
Alaska	Haines	Haines, Borough of.	H 020008 01 through H 020008 02	Department of Community and Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, P.O. Box 239, Haines, Alaska 99827.	Do.
Do	Kodiak Island	Kodiak, borough of.	H 020017 01 through H 020017 02	do	Mayor, Box 1397, Kodiak, Alaska 99615.	Do.
Do	Matanuska	Palmer, borough of.	H 020023 01 through H 020023 03	do	Mayor, Box 739, Palmer, Alaska 99645	Do.
Do	Bristol Bay	Dillingham, borough of.	H 020041 01 through H 020041 10	do	Mayor, city of Dillingham, Dillingham, Alaska 99576.	Do.
Arizona	Mohave	Kingman, city of	H 040060 01 through H 040060 05	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	City Manager, city of Kingman, Kingman, Ariz. 86401.	Do.
Do	Pinal	Eloy, city of	H 040083 01 through H 040083 08	do	Mayor, City Hall, Eloy, Ariz. 85231	Do.
Arkansas	Logan	Paris, city of	H 050132 01 through H 050132 03	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Paris, Ark. 72855	Do.
California	Modoc	Alturas, city of	H 061093 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, Alturas, Calif. 96101.	Do.
Do	Napa	St. Helena, city of.	H 060208 01 through H 060208 04	do	Mayor, City Hall, 1480 Main St., St. Helena, Calif. 94574.	Do.
Do	Placer	Auburn, city of	H 060240 01 through H 060240 03	do	Mayor, City Hall, 1103 High St., Auburn, Calif. 95603.	Do.
Do	Riverside	Indio, city of	H 060255 01 through H 060255 04	do	Mayor, Indio, Calif. 92201	Do.
Do	San Diego	Carlshad, city of	H 060285 01 through H 060285 13	do	Mayor, City Hall, 1200 Elm Ave., Carlsbad, Calif. 92008.	Do.
Do	San Luis Obispo	Morro Bay, city of.	H 060307 01 through H 060307 04	do	City Hall, Office of City Clerk, 595 Harbor St., Morro Bay, Calif. 93442.	Do.
Do	San Mateo	Hillsborough, town of.	H 060320 01 through H 060320 04	do	Mayor, Town Hall, 1600 Floribunda Ave., Hillsborough, Calif. 94010.	Do.
Do	Santa Clara	Campbell, city of.	H 060338 01 through H 060338 04	do	Mayor, City Hall, 75 North Central Ave., Campbell, Calif. 95008.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do	do	Gilroy, city of	H 060340 01 through H 060340 05	do	Mayor, City Hall, 7390 Rosanna St., Gilroy, Calif. 95020.	Do.
Do	do	Morgan Hill, city of.	H 060346 01 through H 060346 06	do	Mayor, City Hall, 17599 Monterey St., Morgan Hill, Calif. 95037.	Do.
Do	do	Sunnyvale, city of.	H 060352 01 through H 060352 22	do	Director of Public Works, City Hall, city of Sunnyvale, 456 West Olive Ave., Sunnyvale, Calif. 94086.	Do.
Do	Santa Cruz	Scotts Valley, city of.	H 060356 01 through H 060356 02	do	Mayor, City Offices, 370 Mount Herman Rd., Scotts Valley, Calif. 95060.	Do.
Do	Tuolumne	Sonora, city of	H 060412 01	do	Mayor, City Hall, 94 North Washington St., Sonora, Calif. 95370.	Do.
Do	Ventura	San Buenaventura, city of.	H 060419 01 through H 060419 16	do	Office of the City Clerk, city of San Buenaventura, P.O. Box 99, Ventura, Calif. 93001.	Do.
Colorado	Lincoln	Hugo, town of	H 080106 01	Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall Hugo, Colo. 80821	Do.
Do	Weld	Fort Lupton, town of.	H 080183 01	do	Mayor, Town Hall, Fort Lupton, Colo. 80621.	Do.
Connecticut	Hartford	East Granby, town of.	H 09 003 0214 01 through H 09 003 0214 02	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Town Hall, East Granby, Conn. 06115.	Do.
Do	do	Plainville, town of.	H 09 003 0555 01 through H 09 003 0555 06	do	Town Clerk Office, Main Floor, Plainville, Conn. 06062.	Do.
Do	Lichfield	Watertown, town of.	H 09 005 0817 01 through H 09 005 0817 08	do	Town Manager, Town Hall, Watertown, Conn. 06795.	Do.
Do	do	Thomaston, town of.	H 09 0055 01 through H 09 0055 02	do	Selectman, Town Hall, Thomaston, Conn. 06787.	Do.
Do	Middlesex	Haddam, town of.	H 09 007 0266 01 through H 09 007 0266 04	do	Mayor, city of Haddam, Haddam, Conn. 06438.	Do.
Do	do	Middlefield, town, of.	H 09 007 0376 01 through H 09 007 0376 13	do	Town Hall, Hackson Hill Rd., Middlefield, Conn. 06455.	Do.
Do	New Haven	Madison, town of	H 09 009 0360 01 through H 09 009 0360 13	do	Town Clerk's Office, Town Hall, On-The-Green, Madison, Conn. 06443.	Do.
Do	do	West Haven, city of.	H 09 009 0825 01 through H 09 009 0825 06	do	Engineer's Office, West Haven City Hall, 355 Main St., West Haven, Conn. 06516.	Do.
Do	New London	Bozrah, town of	H 09 011 0069 01 through H 09 011 0069 02	do	Bozrah Town Hall, Fitchville, Conn. 06334.	Do.
Do	do	Groton, city of	H 09 011 0260 01 through H 09 011 0260 08	do	Town Manager, Town Hall, Groton, Conn. 06310.	Do.
Do	do	Norwich, city of	H 09 011 0520 01 through H 09 011 0520 08	do	Commission of the City Plan, city of Norwich, City Hall, Room 304, Norwich, Conn. 06360.	Do.
Do	do	Voluntown, town of.	H 09 011 0787 01 through H 09 011 0787 03	do	Selectman, Town Hall, Voluntown, Conn. 06384.	Do.
Do	Windham	Sterling, town of	H 09 015 0705 01 through H 09 015 0705 02	do	Selectman, Town Hall, Oneco, Conn. 06373.	Do.
Delaware	Kent	Dover, city of	H 10 001 0130 01 through H 001 0130 07	Division of Soil and Water Conservation Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, City Hall, Dover, Del. 19901	Do.
Do	New Castle	Wilmington, city of.	H 10 003 0490 01 through H 10 003 0490 05	do	Department of Licenses and Inspection, 1213 Walnut St., Wilmington, Del. 19801.	Do.
Do	Sussex	South Bethany, town of.	H 10 005 0453 01	do	Town Hall, North 2d St., P.O. Box 25, South Bethany, Del. 19930.	Do.
Florida	Broward	Pembroke Park, town of.	H 120052 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, Town Hall, 3990 Southwest 40th Ave., Pembroke Park, Fla. 33023.	Do.
Do	Clay	Orange Park, town of.	H 120066 01 through H 120066 02	do	Mayor, Town Hall, Orange Park, Fla. 32073.	Do.
Do	Duval	Neptune Beach, city of.	H 120079 01 through H 120079 05	do	Building Inspector, city of Neptune Beach, P.O. Box 700, Neptune Beach, Fla. 32233.	Do.
Do	Lake	Clermont, city of.	H 120133 01 through H 120133 02	do	Mayor, Clermont, Fla. 32711	Do.
Do	do	Umatilla, town of.	H 120139 01	do	Mayor, Umatilla, Fla. 32784	Do.
Georgia	Baldwin	Milledgeville, city of.	H 130006 01 through H 130006 06	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. George Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Hall, city of Milledgeville, Ga. 00000.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Clayton and Fulton.	Forest Park, city of.	H 130042 01 through H 130042 05	do	City of Forest Park, 785 Forest Parkway, Forest Park, Ga. 30050.	Do.
Do	Clayton	Lake City, city of.	H 130044 01	do	Mayor, City Hall, 1524 Ontario Ave., city of Lake City, Morrow, Ga. 30260.	Do.
Do	Coweta	Newnan, city of	H 130062 01 through H 130062 05	do	Mayor, City Hall, Newnan, Ga. 30263	Do.
Do	Fayette	Peachtree City, city of.	H 130078 01 through H 130078 09	do	Municipal Bldg., Office of City Clerk, city of Peachtree City, 42 Highway 74 East, Peachtree, Ga. 30269.	Do.
Do	Fulton and Clayton.	College Park, city of.	H 130086 01 through H 130086 06	do	City Hall, city of College Park, College Park, Ga. 30337.	Do.
Do	Houston	Perry, city of	H 130110 01 through H 130110 06	do	City Hall, P.O. Drawer A, Perry, Ga. 31069.	Do.
Do	Montgomery	Mount Vernon, city of.	H 130140 01	do	Mayor, City Hall, Mount Vernon, Ga. 30445.	Do.
Do	Wayne	Jesup, city of	H 130188 01 through H 130188 04	do	City Manager, City Hall, Jesup, Ga. 31545.	Do.
Idaho	Canyon	Nampa, city of	H 160038 01 through H 160038 06	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Nampa, Idaho 83651.	Do.
Do	Gooding	Gooding, city of	H 160064 01	do	Mayor, Gooding City Hall, Gooding, Idaho 83330.	Do.
Do	Minidaka	Paul, city of	H 160100 01	do	Mayor, city of Paul, Paul, Idaho 83347	Do.
Illinois	Champaign	Thomasboro, village of.	H 170034 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mayor, City Hall, Thomasboro, Ill. 61878.	Do.
Do	Crawford	Robinson, city of	H 170180 01 through H 170180 02	do	City Council, City Hall, Robinson, Ill. 62454.	Do.
Do	De Kalb	Kirkland, village of.	H 170186 01	do	President of the Board, city of Kirkland, Kirkland, Ill. 60146.	Do.
Do	Ogle	Rochelle, city of	H 170532 01 through H 170532 02	do	Mayor, City Hall, Rochelle, Ill. 61068.	Do.
Do	Rock Island	Silvis, city of	H 170595 01 through H 170595 02	do	Mayor, City Hall, Silvis, Ill. 61282	Do.
Do	Stark	Toulon, city of	H 170614 01	do	Chairman, Stark County Planning Commission, Toulon, Ill. 16483.	Do.
Do	Tazewell	Morton, village of.	H 170652 01 through H 170652 07	do	Village Board, 1315 Plum, Morton, Ill. 61550.	Do.
Do	White and Edward.	Grayville, city of	H 170683 01 through H 170683 02	do	Mayor, Grayville, Ill. 62844	Do.
Do	Whiteside	Fulton, city of	H 170690 01 through H 170690 02	do	City Council, Water Works Office, Fulton, Ill. 61252.	Do.
Do	Will	Joliet, city of	H 170702 01 through H 170702 10	do	Mayor, city of Joliet, Joliet, Ill. 60431	Do.
Indiana	Allen	Huntertown, town of.	H 180005 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Council, Huntertown, Ind. 46748.	Do.
Do	Brown	Nashville, city of	H 180018 01	do	Brown County Area Plan, Commission Office, city of Nashville, Nashville, Ind. 47448.	Do.
Do	Gibson	Princeton, city of.	H 180073 01	do	City of Princeton Council, City Bldg., Princeton, Ind. 47670.	Do.
Do	Greene	Linton, Town of	H 180078 01	do	Mayor, Town Hall, Linton, Ind. 46441.	Do.
Do	Jasper	Remington, town of.	H 180101 01	do	Jasper County Commissioners, Jasper County Courthouse, town of Remington, Rensselaer, Ind. 47978.	Do.
Do	Lake	New Chicago, town of.	H 180140 01	do	Chairman, Town Board of Trustees, town of New Chicago, Huber Blvd., Hobart, Ind. 46342.	Do.
Do	La Porte	La Crosse, town of.	H 180145 01	do	La Porte County, Planning and Zoning Commission, Courthouse, town of La Crosse, La Porte, Ind. 46350.	Do.
Do	Montgomery	Waynetown town of.	H 180175 01	do	Chairman, Town Board, Waynetown, Ind. 47990.	Do.
Do	Newton	Goodland, town of.	H 180181 01	do	Town Board, Town Hall, Goodland, Ind. 47948.	Do.
Do	Orange	Orleans, town of	H 180188 01	do	Mayor, town of Orleans, Orleans, Ind. 47452.	Do.
Do	Perry	Troy, town of	H 180198 01	do	Chairman, Town Board, Troy, Ind. 47588.	Do.
Do	Porter	Ogden Dunes, town of.	H 180206 01	do	Town Board, Ogden Dunes, Ind., No Zip.	Do.
Do	Steuben	Orland, town of	H 180250 01	do	Plan Commission Chairman, 100 East Gale, town of Orland, Angola, Ind., 46703.	Do.
Do	Vermillion	Cayuga, town of	H 180258 01 through H 180258 02	do	Cayuga, Town Board, Cayuga, Ind. 47928.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of areas which have special flood hazards
•	•	•	•	•	•	•
Do	do	Newport, town of.	H 180262 01	do	President, Newport Town Board, Newport, Ind. 47966.	Do.
Do	Wells	Ossian, town of	H 180290 01	do	County Area Plan Commission, town of Ossian, Wells County Courthouse, Bluffton, Ind. 46714.	Do.
Do	White	Monon, town of	H 180295 01 through H 180295 02	do	Area Plan Commission, Courthouse, town of Monon, Monticello, Ind. 47960.	Do.
Do	Whitley	Churubusco, town of.	H 180299 01 through H 180299 02	do	Churubsuco Plan Commission, Town Hall, Churubusco, Ind. 46723.	Do.
Iowa	Butler	New Hartford, town of.	H 190038 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, New Hartford, Iowa 50660.	Do.
Do	Crawford	Dow City, town of.	H 190097 01	do	Mayor, Town Hall, Dow City, Iowa Iowa 51528.	Do.
Do	Dickinson	Spirit Lake, city of.	H 190116 01 through H 190116 02	do	Mayor, 1308 Gary, Spirit Lake, Iowa 51360.	Do.
Do	Story	Story City, city of.	H 190259 01 through H 190259 02	do	Mayor, City Hall, Story City, Iowa 50248.	Do.
Kansas	Cloud	Clyde, city of	H 200059 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Clyde, Kans. 66938	Do.
Do	Gray	Cimarron, city of	H 200117 01	do	Mayor, City Hall, Cimarron, Kans. 67835.	Do.
Do	Johnson	Mission, city of	H 200170 01 through H 200170 02	do	Mayor, City Hall, 6090 Woodson, Shawnee Mission, Kans. 66202.	Do.
Do	do	Roeland Park, city of.	H 200176 01	do	Mayor, City Hall, 4600 West 51st St., Shawnee Mission, Kans. 66205.	Do.
Do	Shawnee	Silver Lake, city of.	H 200335 01	do	Mayor, City Hall, Silver Lake, Kans. 66539.	Do.
Kentucky	Boyle	Danville, city of	H 210019 01 through H 210019 02	Division of Water, Kentucky, Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Chairman, Danville-Boyle County, Planning and Zoning Commission, Municipal Bldg., Danville, Ky. 40422.	Do.
Do	Caldwell	Princeton, town of.	H 210031 01 through H 210031 03	do	Mayor, Princeton, Ky. 42445	Do.
Do	Clark	Winchester, city of.	H 210056 01 through H 210056 04	do	Mayor, City Hall, Winchester, Ky. 40391.	Do.
Do	Knott	Hindman, city of.	H 210130 01 through H 210130 04	do	Mayor, City Hall, Hindman, Ky. 41822.	Do.
Do	Marion	Lebanon, city of	H 210162 01	do	Mayor, city of Lebanon, 111 South Proctor Knott Ave., Lebanon, Ky. 40033.	Do.
Do	Nelson	Bardstown, city of.	H 210178 01 through H 210178 02	do	Chairman, City-County Planning and Zoning Commission, Nelson County Courthouse, Bardstown, Ky. 40004.	Do.
Do	Ohio	Beaver Dam, town of.	H 210184 01 through H 210184 02	do	Mayor, City Hall, Beaver Dam, Ky. 42320.	Do.
Do	Warren	Bowling Green, city of.	H 210219 01 through H 210219 08	do	City Manager, City Hall, Bowling Green, Ky. 42101.	Do.
Do	Washington	Springfield, city of.	H 210220 01 through H 210220 02	do	Mayor, Walton Hotel Bldg., Springfield, Ky. 40069.	Do.
Louisiana	St. Landry, Parish.	Eunice, city of	H 220168 01 through H 220168 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Eunice, La. 70535	Do.
Do	do	Krotz Springs, town of.	H 220170 01 through H 220170 03	do	City Hall, Krotz Springs, La. 70750	Do.
Do	do	Port Barre, town of.	H 220175 01	do	Port Barre, Town Hall, Saizan Ave., P.O. Box 218, Port Barre, La. 70577.	Do.
Maine	Androscoggin	Auburn, city of	H 23 001 0080 01 through H 23 001 0080 17	Maine Soil and Water Conservation Commission, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Office of the City Engineer, City Planner and Building, Auburn, Maine 04210.	Do.
Do	do	Sabattus, town of.	H 23 001 7199 01 through H 23 001 7199 06	do	Chairman, Selectmen, Sabattus, Maine 04280.	Do.
Do	Aroostook	Houlton, town of	H 23 003 3752 01 through H 23 003 3752 14	do	Town Manager, Houlton, Maine 04730.	Do.
Do	Knox	Camden, town of	H 23 013 1301 01 through H 23 013 1301 07	do	Town Manager, Camden, Maine 04843.	Do.
Do	York	Limington, town of.	H 230152 01 through H 230152 05	do	Chairman, Board of Selectmen, Limington, Maine 04049.	Do.
Do	Sagadahoc	Richmond, town of.	H 23 025 6800 01 through H 23 025 680 08	do	Town Manager, Arthur Bailey, Richmond, Maine 04357.	Do.
Do	York	Hollis, town of	H 23 031 3710 01 through H 23 031 3710 03	do	Chairman, Board of Selectmen, Hollis Center, Hollis, Maine 04042.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Massachusetts	Barnstable	Chatham, town of.	H 25 001 0189 01 through H 25 001 0189 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town Hall, Chatham, Mass. 02633.	Do.
Do.	do	Orleans, town of.	H 25 001 0962 01 through H 25 001 0962 02	do	Town Hall, Town of Orleans, Orleans, Mass. 02653.	Do.
Do.	do	Wellfleet, town of.	H 25 001 1385 01 through H 25 001 1385 02	do	Office of Selectmen and Assessors, Box A, Town Hall, Wellfleet, Mass. 02667.	Do.
Do.	Berkshire	Stockbridge, town of.	H 250042 01 through H 250042 03	do	Chairman, Planning Board, Town Hall, Stockbridge, Mass. 01262.	Do.
Do.	Bristol	Fairhaven, town of.	H 25 005 0315 01 through H 25 005 0315 06	do	Chairman, Board of Selectmen, town of Fairhaven, Fairhaven, Mass. 20796.	Do.
Do.	Dukes	Edgartown, town of.	H 25 007 0300 01 through H 25 007 0300 03	do	Chairman, Board of Selectmen, Town Hall, Edgartown, Mass. 02539.	Do.
Do.	Franklin	Buckland, town of.	H 25 011 0156 01 through H 25 011 0156 02	do	Chairman, Planning Board, Town Hall, Buckland, Mass. 01338.	Do.
Do.	do	Orange, town of.	H 250125 01 through H 250125 06	do	Chairman, Planning Board, Town Hall, Orange, Mass. 01364.	Do.
Do.	Hamshire	Northampton, city of.	H 25 015 0890 01 through H 25 015 0890 11	do	Office of the City Clerk, City Hall, 210 Main St., Northampton, Mass. 10060.	Do.
Do.	Middlesex	Lowell, city of.	H 25 017 0630 01 through H 25 017 0630 20	do	City Manager, city of Lowell, Lowell, Mass. 02343.	Do.
Michigan	Benzie	Frankfort, city of.	H 260029 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Ray Jaeger, City Engineer, Frankfort, Mich. 49635.	Do.
Do.	Berrien	Hagar, township of.	H 260035 01 through H 260035 06	do	Hagar Township Hall, Riverside, Mich. 49084.	Do.
Do.	do	Niles, city of.	H 260040 01 through H 260040 03	do	Mayor, City Haol, 508 East Main St., Niles, Mich. 49120.	Do.
Do.	do	Watervliet, city of.	H 260047 01	do	City Hall, city of Watervliet, Watervliet, Mich. 49098.	Do.
Do.	Delta	Escanaba, city of.	H 260061 01 through H 260061 06	do	Escanaba City Hall, 121 South 11 St., Escanaba, Mich. 49829.	Do.
Do.	Gogebic	Ironwood, city of.	H 260081 01 through H 260081 02	do	City of Ironwood, Memorial Bldg., Ironwood, Mich. 49938.	Do.
Do.	Ingham	Mason, city of.	H 260092 01 through H 260092 02	do	Mayor, 137 West Maple St., Mason, Mich. 48854.	Do.
Do.	Iosco	Tawas City, city of.	H 260102 01 through H 260102 04	do	City Hall, Tawas City, 508 Lake St., Tawas City, Mich. 48763.	Do.
Do.	Lenawee	Adrian, city of.	H 260115 01 through H 260115 04	do	Acting City Manager, City Hall, Adrain, Mich. 49221.	Do.
Do.	Macomb	Shelby, township of.	H 260126 01 through H 260126 12	do	Shelby Township Municipal Bldg., 52700 Van Dyke, Vtica, Mich. 48087.	Do.
Do.	Muskegon	North Muskegon, city of.	H 260164 01 through H 260164 03	do	City Hall, 1502 Ruddiman Ave., North Muskegon, Mich. 49445.	Do.
Do.	Newaygo	Fremont, city of.	H 260167 01 through H 260167 02	do	Mayor, City Hall, Fremont, Mich. 49412.	Do.
Do.	Oakland	Walled Lake, city of.	H 260181 01	do	Mayor, City Hall, Walled Lake, Mich. 48088.	Do.
Do.	St. Clair	Fort Gratiot, township of.	H 260198 01 through H 260198 06	do	Fort Gratiot Township, 3720 Keewahdin Rd., Port Huron, Mich. 48060.	Do.
Do.	do	Marine City, city of.	H 260200 01	do	City Hall, 300 Broadway, Marine City, Mich. 48039.	Do.
Do.	do	Port Huron, city of.	H 260204 01 through H 260204 05	do	City-County Bldg., 201 McMorran Blvd., Port Huron, Mich. 48060.	Do.
Do.	Wayne	Wayne, city of.	H 260245 01 through H 260245 02	do	Mayor, 34808 Sims Ave., Wayne, Mich. 48184.	Do.
Minnesota	Hennepin	Excelsior, city of.	H 270161 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of Excelsior, 339 3d St., Excelsior, Minn. 55331.	Do.
Do.	do	Greenwood, village of.	H 270164 01	do	Mayor, village of Greenwood, Excelsior, Minn. 55331.	Do.
Do.	do	Shorewood, village of.	H 270185 01 through H 270185 06	do	Mayor, village of Shorewood, P.O. Box 307, Excelsior, Minn. 55331.	Do.
Do.	do	Woodland, village of.	H 270189 01	do	Mayor, village of Woodland, Wayzata, Minn. 55391.	Do.
Do.	Itasca	Cohasset, city of.	H 270202 01	do	Mayor, Cohassett, Minn. 55721	Do.
Do.	Pope	Starbuck, city of.	H 270372 01	do	Mr. Adolph Carlson, City Clerk, city of Starbuck, Starbuck, Minn. 56381.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Ramsey	New Brighton, city of.	H 270380 01 through H 270380 03	do	Mayor, Village Clerk's Office, 803 5th Ave. NW., New Brighton, Minn. 55112.	Do.
Do.	Washington	Woodbury, village of.	H 270516 01 through H 270516 09	do	Mayor, village of Woodbury, Village Office, 561 Tower Dr., Newport, Minn. 55055.	Do.
Mississippi	Marion	Columbia, city of.	H 280111 01 through H 280111 02	Mississippi Research and Development Center, P.O. Box Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Columbia, Miss. 39429.	Do.
Do.	Sunflower	Inverness, town of.	H 280165 01	do	Town Hall, Inverness, Miss. 38753.	Do.
Do.	Washington	Hollandale, city of.	H 280180 01	do	City Clerk's Office, City Hall, Hollandale, Miss. 38748.	Do.
Do.	do	Leland, city of.	H 280181 01	do	City Clerk's Office, City Hall, Leland, Miss. 38756.	Do.
Missouri	Benton	Lincoln, town of.	H 290029 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Bldg., Warsaw, Mo. 65355.	Do.
Do.	St. Francis	Bonne Terre, city of.	H 290321 01 through H 290321 02	do	Chairman, Planning and Zoning Commission, City Hall, 8th North Division, Bonne Terre, Mo. 63628.	Do.
Do.	St. Louis	Marlborough, village of.	H 290368 01	do	Mayor, City Hall, Marlborough, Mo. 63119.	Do.
Do.	Shannon	Eminence, town of	H 290418 01	do	Mayor, Eminence, Mo. 65466	Do.
Montana	Bighorn	Lodge Grass, town of.	H 300002 01	Montana Department of Natural Resources and Conservation, Water Resource Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Town Hall, Lodge Grass, Mont. 59050.	Do.
Do.	Flathead	Whitefish, city of.	H 300026 01	do	Mayor and City Council, City Hall, Whitefish, Mont. 59937.	Do.
Do.	Lincoln	Libby, town of.	H 300042 01	do	Mayor, City Hall, Libby, Mont. 59923.	Do.
Nebraska	Buffalo	Elm Creek, village of.	H 310014 01 through H 310014 02	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	City Council, Elm Creek, Nebr. 68836.	Do.
Do.	do	Gibbon, city of.	H 310015 01	do	City Council, Gibbon, Nebr. 68840.	Do.
Do.	Hall	Wood River, city of.	H 310104 01	do	Mayor, Wood River, Nebr. 68883.	Do.
Do.	Keith	Ogallala, city of.	H 310129 01 through H 310129 04	do	City Manager, City Hall, Ogallala, Nebr. 69153.	Do.
New Hampshire.	Cheshire	Gilsum, town of.	H 33 005 0156 01 through H 33 005 0156 03	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Planning Board, Gilsum, N.H. 03448.	Do.
Do.	Grafton	Hanover, town of.	H 33 009 0210 01 through H 33 009 0210 05	do	Municipal Offices, 41 South Main St., Hanover, N.H. 03755.	Do.
Do.	do	Littleton, town of.	H 33 009 0300 01 through H 33 009 0300 05	do	Chairman, Planning Board, Littleton, N.H. 03561.	Do.
Do.	Hillsborough	Hancock, town of.	H 33 011 0205 01 through H 33 011 0205 08	do	Selectmen, Hancock, N.H. 03449	Do.
Do.	Rockingham	New Castle, town of.	H 33 015 0355 01	do	Selectmen, Town Hall, New Castle, N.H. 03854.	Do.
Do.	Sullivan	Charlestown, town of.	H 33 019 0040 01 through H 33 019 0040 05	do	Chairman, Board of Selectmen, Charlestown, N.H. 03603.	Do.
Do.	do	Unity, town of.	H 33 019 0502 01 through H 33 019 0502 05	do	Chairman, Board of Selectmen, Claremont, N.H. 03743.	Do.
New Jersey	Atlantic	Hammonton, town of.	H 34 001 1270 01 through H 34 001 1270 10	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390. Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Central Ave. and 3d St., Hammonton, N.J. 08037.	Do.
Do.	do	Pleasantville, city of.	H 340015 01 through H 340015 02	do	Office of the City Clerk, 18 North I St., Pleasantville, N.J. 08232.	Do.
Do.	Bergen	Bogota, borough of.	H 340021 01	do	Mayor, 375 Larch Ave., Bogota, N.J. 07603.	Do.
Do.	Burlington	Evesham, township of.	H 34 005 0034 01 through H 34 005 0034 04	do	Building Inspector Office, Municipal Bldg., township of Evesham, 125 East Main St., Marlton, N.J. 08053.	Do.
Do.	do	Medford Lakes, borough of.	H 340103 01	do	Mayor Administration Bldg., Medford Lakes, N.J. 08055.	Do.
Do.	Cumberland	Bridgeton, city of.	H 34 011 0420 01 through H 34 011 0420 03	do	Mayor, City Hall, Bridgeton, N.J. 08302.	Do.
Do.	do	Maurice River, town of.	H 34 011 1844 01 through H 34 011 1844 30	do	Municipal Hall, Main St., Leesburg, N.J. 08327.	Do.
Do.	Gloucester	Washington, township of.	H 34 015 3514 01 through H 34 015 3514 07	do	Township Clerk, Municipal Bldg., township of Washington, Greentree Rd., Turnersville, N.J. 08012.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Hudson	West New York, town of.	H 340229 01 through H 340229 02	do	Mayor, 428 60th St., West New York, N.J. 07093.	Do.
Do.	Monmouth	Long Branch, city of.	H 34 025 1760 01 through H 34 025 1760 02	do	City Administration Office, city of Long Branch, City Hall, Long Branch, N.J. 07740.	Do.
Do.	do	Ocean, township of.	H 34 025 2350 01 through H 34 025 2350 05	do	Township Clerk's Office, Deal and Monmouth Rds., Oakhurst, N.J. 07755.	June 1, 1973, May 31, 1974.
Do.	Morris	Boonton, township of.	H 34 027 0361 01 through H 34 027 0361 03	do	Boonton Township Clerk's Office, rural delivery No. 1, Box 201, Powerville Rd., Boonton, N.J. 07005.	May 31, 1974.
Do.	do	Morris, township of.	H 34 027 0097 01 through H 34 027 0097 05	do	Mayor, P.O. Box 90, Convent Station, N.J. 07961.	Do.
Do.	do	Riverdale, borough of.	H 34 027 2810 01	do	Office of the Borough Clerk, Municipal Bldg., borough of Riverdale, Riverdale, N.J. 07457.	Do.
Do.	Middlesex	Plainsboro, town of.	H 340275 01 through H 340275 07	do	Mayor, Town Hall, Princeton Rd., Plainsboro, N.J. 08536.	Do.
Do.	Ocean	Union, township of.	H 34 029 3397 01 through H 34 029 3397 12	do	Township Hall, West Bay Ave., township of Union, Barnegat, N.J. 08005.	Do.
Do.	do	Mantoloking, borough of.	H 340383 01 through H 340383 02	do	Borough Hall, borough of Mantoloking, Ocean County, N.J. 08738.	Do.
Do.	do	Ocean Gate, borough of.	H 340384 01 through H 340384 02	do	Mayor, borough of Ocean Gate, Railroad Ave., Waretown, N.J. 08758.	Do.
Do.	Passaic	Clifton, city of.	H 340398 01 through H 340398 04	do	Mayor, 1187 Main Ave., Clifton, N.J. 07015.	Do.
New Mexico	Chaves	Hagerman, town of.	H 350005 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Sante Fe, N. Mex. 87501.	Mayor, City Hall, Hagerman, N. Mex. 88232.	Do.
Do.	De Baca	Fort Sumner, village of.	H 350011 01 through H 350011 02	do	Mayor, Village Hall, Fort Sumner, N. Mex. 88119.	Do.
Do.	Grant	Central, village of.	H 350020 01	do	Mayor, P.O. Box 316, Central, N. Mex. 88026.	Do.
Do.	Guadalupe	Santa Rosa, city of.	H 350024 01	do	Mayor, city of Santa Rosa, N. Mex. 88435.	Do.
Do.	Lincoln	Ruidoso Downs, village of.	H 350034 01	do	Mayor, City Hall, Ruidoso Downs, N. Mex. 88346.	Do.
Do.	Union	Clayton, town of.	H 350084 01 through H 350084 02	do	Mayor, City Hall, Clayton, N. Mex. 88415.	Do.
New York	Albany	Bethlehem, town of.	H 36 001 1495 01 through H 36 001 1495 04	New York State Department of Environmental Conservation, Division for Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, town of Bethlehem, Delmar, N.Y. 12054.	Do.
Do.	Allegany	Caneadea, town of.	H 360028 01 through H 360028 02	do	Town Supervisor, Caneadea, N.Y. 14717.	Do.
Do.	Cattaraugus	East Randolph, village of.	H 360068 01	do	Mayor, village of East Randolph, N.Y. 14730.	Do.
Do.	do	Hinsdale, town of.	H 360077 01 through H 360077 04	do	Supervisor, town of Hinsdale, N.Y. 14743.	Do.
Do.	do	Leon, town of.	H 360080 01 through H 360080 10	do	Supervisor, town of Leon, Cattaraugus, N.Y. 14719.	Do.
Do.	do	Little Valley, village of.	H 360082 01	do	Mayor, village of Little Valley, N.Y. 14755.	Do.
Do.	do	Franklinville, village of.	H 36 009 2140 01	do	Mayor, Franklinville, N.Y. 14737	Do.
Do.	do	Freedom town of.	H 36 009 2155 01 through H 36 009 2153 10	do	Supervisor, town of Freedom, Delevan, N.Y. 14042.	Do.
Do.	do	Ischua, town of.	H 36 009 2903 01 through H 36 009 2903 08	do	Supervisor, town of Ischua, Ischua, N.Y. 14746.	Do.
Do.	do	Mansfield, town of.	H 36 009 3523 01 through H 36 009 3523 11	do	Supervisor, town of Mansfield, rural delivery No. 1, East Otto, N.Y. 14729.	Do.
Do.	do	Otto, town of.	H 36 009 4569 01 through H 36 009 4569 03	do	Supervisor, town of Otto, rural delivery No. 3, Cattaraugus, N.Y. 14719.	Do.
Do.	do	Salamanca, city of.	H 36 009 5410 01 through H 36 009 5410 02	do	City Clerk's Office, 41 Main St., Salamanca, N.Y. 14779.	May 25, 1973, May 31, 1974.
Do.	do	South Dayton, village of.	H 36 009 5830 01	do	Mayor, village of South Dayton, Dayton, N.Y. 14138.	May 31, 1974.
Do.	Cayuga	Locke, town of.	H 36 011 3338 01 through H 36 011 3338 03	do	Locka Town Board, rural delivery No. 2, Locke, N.Y. 13092.	Do.
Do.	do	Montezuma, town of.	H 36 011 3838 01 through H 36 011 3838 06	do	Montezuma Town Board, Box 375, Montezuma, N.Y. 13117.	Do.
Do.	do	Owasco, town of.	H 36 011 4579 01 through H 36 011 4579 06	do	Owasco Town Board, 2 Bristol Ave., Auburn, N.Y. 13201.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do	Scipio, town of.	H 36 011 5588 01 through H 36 011 5588 05	do	Scipio Town Board, Scipio Center, N.Y. 13147.	Do.
Do.	do	Summerhill, town of.	H 36 011 6002 01 through H 36 011 6002 03	do	Summerhill Town Board, rural delivery No. 3, Moravia, N.Y. 13118.	Do.
Do.	do	Sempronius, town of.	H 36 012 3 01 through H 36 012 3 04	do	Sempronius Town Board, rural delivery No. 3, Moravia, N.Y. 13118.	Do.
Do.	Chautauqua	Brocton, village of.	H 36 013 0690 01	do	Village Board, Village Hall, Brocton, N.Y. 14716.	Do.
Do.	do	Cassadaga, village of.	H 36 013 0920 01	do	Mayor, village of Cassadaga, Cassadaga, N.Y. 14718.	Do.
Do.	do	Dunkirk, city of.	H 36 013 1610 01 through H 36 013 1610 02	do	Division of Housing, Building and Zoning Codes, City Hall, Dunkirk, N.Y. 14048.	Do. Do.
Do.	Chenango	New Berlin, village of.	H 36 017 4050 01	do	Mayor, 6 Whitmore Ave., New Berlin, N.Y. 12022.	Do.
Do.	do	Oxford, village of.	H 36 017 4590 01	do	Mayor, 3 Albany St., Oxford, N.Y. 13830.	Do.
Do.	do	Sherburne, village of.	H 36 017 5650 01	do	Mayor, 5 North Chapel St., Sherburne, N.Y. 13460.	Do.
Do.	Clinton	Champlain, village of.	H 36 019 1080 01	do	Mayor, Champlain, N.Y. 12919	Do.
Do.	Delaware	Delhi, village of.	H 36 025 1490 01	do	Mayor, Delhi, N.Y. 13753	Do.
Do.	do	Franklin, village of.	H 36 025 2130 01	do	Mayor, Franklin, N.Y. 13775	Do.
Do.	do	Hancock, village of.	H 36 025 2530 01	do	Mayor, Hancock, N.Y. 13786	Do.
Do.	do	Margaretville, village of.	H 36 025 3550 01	do	Mayor, Margaretville, N.Y. 12455	Do.
Do.	Dutchess	Millbrook, village of.	H 360219 01	do	Mayor, P.O. Box 182, Millbrook, N.Y. 12545.	Do.
Do.	Erie	Colden, town of.	H 360233 01 through H 360233 05	do	Supervisor, Town Hall, S-8812 State Rd., Colden, N.Y. 14033.	Do.
Do.	do	Evans, town of.	H 360240 01 through H 360240 07	do	Evans Town Hall, 42 North Main St., Angola, N.Y. 14006.	Do.
Do.	Essex	Keeseville, village of.	H 360266 01	do	Mayor, Keeseville, N.Y. 12944	Do.
Do.	Franklin	Tupper Lake, village of.	H 360274 01 through H 360274 02	do	Mayor, 53 Park St., Tupper Lake, N.Y. 12986.	Do.
Do.	St. Lawrence	Morristown, village of.	H 36 019 3900 01	do	Mayor, village of Morristown, Morristown, N.Y. 13664.	Do.
Do.	Dutchess	Wappingers Falls, village of.	H 36 027 6380 01	do	Mayor, 9 Maple Ave., Wappingers Falls, N.Y. 12590.	Do.
Do.	Erie	Akron, village of.	H 36 029 0040 01	do	Mayor, Village Hall, 21 Main St., Akron, N.Y. 14001.	Do.
Do.	do	Alden, town of.	H 36 029 0070 01 through H 36 029 0070 02	do	Town Office, 13280 Broadway, Alden, N.Y. 14004.	Do.
Do.	do	Tonawanda, city of.	H 36 029 6000 01 through H 36 029 6000 02	do	Mayor, City Hall, North Niagara St., Tonawanda, N.Y. 14150.	Do.
Do.	do	Williamsville, village of.	H 36 029 6700 01	do	Mayor, Village Hall, 5583 Main St., Williamsville, N.Y. 14221.	Do.
Do.	Franklin	Saranac Lake, village of.	H 36 031 5460 01 through H 36 031 5460 02	do	Mayor, 10 Main St., Saranac Lake, N.Y. 12983.	Do.
Do.	Jefferson	Champion, town of.	H 36 0328 01 through H 360328 04	do	Supervisor, town of Champion, Carthage, N.Y. 13619.	Do.
Do.	Genesee	Alexander, town of.	H 36 037 0084 01 through H 36 037 0084 10	do	Chairman, Town Board, Town Hall, Alexander, N.Y. 14020.	Do.
Do.	Madison	Lebanon, town of.	H 360403 01 through H 360403 12	do	Town Supervisor, Town Barn, Lebanon, N.Y. 13085.	Do.
Do.	Monroe	Brockport, village of.	H 360311 01 through H 360411 02	do	Mayor, village of Brockport, N.Y. 14420.	Do.
Do.	do	Fairport, village of.	H 360415 01	do	Mayor, city of Fairport, N.Y. 14450	Do.
Do.	Jefferson	Adams, town of.	H 36 045 0011 01 through H 36 045 0011 05	do	Mayor, city of Adams, Adams, N.Y. 13605.	Do.
Do.	do	Alexandria, town of.	H 36 045 0091 01 through H 36 045 0091 06	do	Mayor, city of Alexandria, Alexandria, N.Y. 13697.	Do.
Do.	do	Antwerp, village of.	H 36 015 0220 01	do	Mayor, village of Antwerp, Antwerp, N.Y. 13608.	Do.
Do.	do	Clayton, village of.	H 36 045 1180 01 through H 36 045 1180 02	do	Village Clerk's Office, Municipal Bldg., Clayton, N.Y. 13624.	Do.
Do.	do	Orleans, town of.	H 36 045 4522 01 through H 36 045 4522 06	do	Orleans Town Bldg., La Frageville, N.Y. 13656.	Do.
Do.	do	Sackets Harbor, village of.	H 36 045 5360 01 through H 36 045 5360 02	do	Mayor, village of Sackets Harbor, N.Y. 13685.	Do.
Do.	Lewis	Croghan, village of.	H 36 049 1410 01	do	Town Board Croghan, Town Clerk, rural delivery No. 1, Castorland, N.Y. 13620.	Do.
Do.	Livingston	West Sparta, town of.	H 36 051 6646 01 through H 36 051 6646 08	do	Town Supervisor, town of West Sparta, Dansville, N.Y. 14437.	Do.
Do.	Madison	Earlville, village of.	H 36 053 1620 01	do	Mayor, Earlville, N.Y. 13332	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do.	do.	Hamilton, village of.	H 36 053 2490 01	do.	Mayor, Village Hall, 3 Broad St., Hamilton, N.Y. 13346.	Do.
Do.	do.	Sullivan, town of.	H 36 053 6006 01 through H 36 053 6006 19	do.	Town Superintendent, Chittenango Station, Chittenango, N.Y. 13037.	Do.
Do.	Monroe	Brighton, town of.	H 36 055 0652 01 through H 36 055 0652 06	do.	Brighton, Town Hall, 2300 Elmwood Ave., Rochester, N.Y. 14617.	Do.
Do.	Onondaga	Elbridge, village of.	H 360576 01	do.	Mayor, 118 Brown St., Elbridge, N.Y. 13060.	Do.
Do.	do.	Otisco, town of.	H 360590 01 through H 360590 12	do.	Supervisor, town of Otisco, Otisco, N.Y. 13159.	Do.
Do.	Nassau	Freeport, village of.	H 36 059 2160 01 through H 36 059 2160 03	do.	Village Hall, 46 North Ocean Ave., Freeport, N.Y. 11520.	Do.
Do.	Ontario	Naples, village of.	H 360603 01 through H 360603 02	do.	Village Hall, Main St., Naples, N.Y. 14512.	Do.
Do.	Orange	Middletown, city of.	H 360619 01 through H 360619 04	do.	Mayor, City Hall, 16 James St., Middletown, N.Y. 10940.	Do.
Do.	Niagara	Middleport, village of.	H 36 063 3720 01	do.	Mayor, Village Hall, Middleport, N.Y. 14105.	Do.
Do.	do.	Pendleton, town of.	H 36 063 4729 01 through H 36 063 4729 08	do.	Town of Pendleton, Town Hall, 6570 Campbell Blvd., Luckport, N.Y. 14094.	Do.
Do.	Orange	Woodbury, town of.	H 360640 01 through H 360640 12	do.	Supervisor, Town Hall, Albany Turnpike, Highland Mills, N.Y. 10930.	Do.
Do.	Oneida	New Hartford, town of.	H 36 065 0481 01 through H 36 065 0481 13	do.	Supervisor, Town Hall, New Hartford, N.Y. 13413.	Do.
Do.	do.	Boonville, village of.	H 36 065 0610 01	do.	Supervisor, Boonville Town Barn, Boonville, N.Y. 13309.	Do.
Do.	do.	Sylvan Beach, village of.	H 36 065 6018 01 through H 36 065 6018 02	do.	Mayor, Village Hall, Sylvan Beach, N.Y. 13157.	Do.
Do.	Onondaga	Elbridge, town of.	H 36 067 1801 01 through H 36 067 1801 15	do.	Town Office, Route 31, Jordan, N.Y. 13080.	Do.
Do.	do.	Pompey, town of.	H 36 067 4904 01 through H 36 067 4904 04	do.	Town Hall, Pompey Center, Pompey, N.Y. 13138.	Do.
Do.	do.	Skaneateles, village of.	H 36 067 5740 01	do.	Mayor, 46 East Genesee St., Skaneateles, N.Y. 13152.	Do.
Do.	Rockland	West Haverstraw, village of.	H 360696 01	do.	Mayor, Village Hall, 44 Cosgrove Ave., West Haverstraw, N.Y. 10993.	Do.
Do.	Saratoga	Clifton, town of.	H 360713 01 through H 360713 07	do.	Supervisor, town of Clifton Park, Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do.	Orange	Wallkill, town of.	H 36 071 6351 01 through H 36 071 6351 18	do.	Supervisor, Town Hall, Montgomery Rd., Middletown, N.Y. 10940.	Do.
Do.	do.	Warwick, town of.	H 36 071 6811 01 through H 36 071 6811 10	do.	Supervisor, Town Hall, 60 Main St., Warwick, N.Y. 10990.	Do.
Do.	Schenectady	Delanson, village of.	H 360737 01	do.	Mayor, Delanson, N.Y. 12053	Do.
Do.	Schuyler	Catherine, town of.	H 360745 01 through H 360745 12	do.	Town Supervisor, Court House, Watkins Glen, N.Y. 14891.	Do.
Do.	Oswego	Cleveland, village of.	H 36 075 1200 01	do.	Mayor, Cleveland, N.Y. 13042	Do.
Do.	do.	Hannibal, village of.	H 36 075 2540 01	do.	Mayor, Hannibal, N.Y. 13074	Do.
Do.	do.	Oswego, town of.	H 36 075 4541 01 through H 36 075 4541 04	do.	Town Supervisor, Town Hall, Rural delivery No. 6, Oswego, N.Y. 13126.	Do.
Do.	Steuben	Campbell, town of.	H 360768 01 through H 360768 05	do.	Mr. Earl Benjamin, Town Clerk, 4772 Bemis St., Campbell, N.Y. 14821.	Do.
Do.	Sullivan	Cochecton, town of.	H 360817 01 through H 360817 03	do.	Town Supervisor, Narrowsburg, N.Y. 12764.	Do.
Do.	do.	Fremont, town of.	H 360821 01 through H 360821 07	do.	Town Supervisor, town of Fremont, Hawkins, N.Y. 12741.	Do.
Do.	Rensselaer	Schaghticoke, village of.	H 36 083 5540 01	do.	Mayor, Schaghticoke, N.Y. 12154	Do.
Do.	Ulster	Gardiner, town of.	H 360856 01 through H 360856 04	do.	Town Supervisor, Gardiner, N.Y. 12525.	Do.
Do.	do.	Shandaken, town of.	H 360864 01 through H 460864 09	do.	Town Supervisor, town of Shandaken, Phoenicia, N.Y. 12464.	Do.
Do.	Warren	Glens Falls, city of.	H 360872 01 through H 360872 03	do.	Mayor, City Hall, 42 Ridge Rd., Glens Falls, N.Y. 12801.	Do.
Do.	Wayne	Newark, village of.	H 360894 01 through H 360894 03	do.	Village Board, village of Newark, Newark, N.Y. 14513.	Do.
Do.	Saratoga	Ballston, village of.	H 36 091 0300 01	do.	Mayor, Village Offices, 66 Front St., Ballston Spa, N.Y. 12020.	Do.
Do.	Schoharie	Middleburg, village of.	H 36 095 3710 01	do.	Mayor, city of Middleburg, Middleburg, N.Y. 12122.	Do.
Do.	do.	Richmondville, village of.	H 36 095 5180 01	do.	Mayor, city of Richmondville, Richmondville, N.Y. 12149.	Do.
Do.	do.	Schoharie, village of.	H 36 095 5570 01 through H 36 095 5570 02	do.	Mayor, village of Schoharie, Schoharie, N.Y. 12157.	Do.
Do.	Yates	Penn Yan, village of.	H 360962 01 through H 360962 02	do.	Mayor, city of Penn Yan, Penn Yan, N.Y. 14527.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do.	do.	Torrey, town of.	H 360966 01 through H 360966 07	do.	Town Board, Torrey, N.Y.	Do.
Do.	Livingston	Ossian, town of.	H 360970 01 through H 360970 05	do.	Mr. Fred Teetsell, R.F.D. No. 3, town of Ossian, Dansville, N.Y. 14437.	Do.
Do.	Cattaraugus	Ellicottville, town of.	H 36 099 1831 01 through H 36 099 1831 14	do.	Supervisor, Ellicottville, N.Y. 14731	Do.
Do.	Seneca	Waterloo, village of.	H 36 099 6440 01	do.	Town Supervisor, West Williams St., Waterloo, N.Y. 13165.	Do.
Do.	Tioga	Candor, village of.	H 36 107 0860 01	do.	Supervisor, Candor, N.Y. 13743	Do.
Do.	Tompkins	Freeville, village of.	H 36 109 2170 01	do.	Mayor, city of Freeville, Freeville, N.Y. 13068.	Do.
Do.	Ulster	Esopus, town of.	H 36 111 1887 01 through H 36 111 1887 04	do.	Town Supervisor, Esopus, N.Y. 12429.	Do.
Do.	do.	Hurley, town of.	H 36 111 2865 01 through H 36 111 2865 04	do.	Town Supervisor, town of Hurley, West Hurley, N.Y. 12491.	Do.
Do.	do.	Rosendale, town of.	H 36 111 5280 01 through H 36 111 5280 03	do.	Town Supervisor, Rosendale, N.Y. 12472.	Do.
Do.	do.	Saugerties, town of.	H 36 111 5481 01 through H 36 111 5481 06	do.	Town Supervisor, Saugerties, N.Y. 12477.	Do.
Do.	do.	Woodstock, town of.	H 36 111 6797 01 through H 36 111 6797 05	do.	Town Supervisor, Woodstock, N.Y. 12498.	Do.
Do.	Washington	Hudson Falls, village of.	H 36 115 2820 01	do.	Mayor, city of Hudson Falls, Hudson Falls, N.Y. 12839.	Do.
Do.	Wayne	Clyde, village of.	H 36 117 1230 01	do.	Supervisor, Galen, N.Y. 14433	Do.
Do.	do.	Ontario, town of.	H 36 117 4494 01 through H 36 117 4494 08	do.	Ontario Town Hall, 107 Ridge Rd., Ontario, N.Y. 14519.	Do.
Do.	Westchester	Bedford, town of.	H 36 119 0471 01 through H 36 119 0471 11	do.	Town House, town of Bedford, Bedford, N.Y. 10507.	Do.
Do.	do.	Cortland, town of	H 36 119 1420 01 through H 36 119 1420 11	do.	Supervisor, town of Cortland, Municipal Bldg., Croton-on-Hudson, N.Y. 10520.	Do.
Do.	do.	Peekskill, city of.	H 36 119 4700 01 through H 36 119 4700 02	do.	Mayor, 840 Main St., Peekskill, N.Y. 10566.	Do.
Do.	do.	Tarrytown, village of.	H 36 119 6040 01 through H 36 119 6040 02	do.	Mayor, 21 Wildey St., Tarrytown, N.Y. 10591.	Do.
Do.	Wyoming	Arcade, village of.	H 36 121 0230 01	do.	Mayor, Village Office, 7 Church St., Arcade, N.Y. 14009.	Do.
Do.	Yates	Jerusalem, town of.	H 36 123 0614 01 through H 36 123 0614 16	do.	Town Supervisor, Jerusalem, N.Y.	Do.
Do.	Chemung	Baldwin, town of.	H 36 0149 01 through H 36 0149 07	do.	Mayor, town of Baldwin, Baldwin, N.Y.	Do.
Ohio	Ashland	Loudonville, village of.	H 390009 01 through H 390009 02	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Major, Loudonville, Ohio 44842	Do.
Do.	Athens	Athens, city of.	H 390016 01 through H 390016 04	do.	Mayor, City Hall, Athens, Ohio. 45701.	Do.
Do.	Brown	Ripley, village of.	H 390036 01	do.	Mayor, City Bldg., Ripley, Ohio 45167.	Do.
Do.	Delaware	Sunbury, village of.	H 390152 01 through H 390152 03	do.	Mayor, Box 146, Sunbury, Ohio 43074	Do.
Do.	Franklin	Groveport, village of.	H 390174 01 through H 390174 04	do.	Mayor, Municipal Bldg., 605 Cherry St., Groveport, Ohio 43125.	Do.
Do.	Fulton	Delta, village of.	H 390183 01	do.	Zoning Commission, Memorial Hall, Delta, Ohio 43515.	Do.
Do.	Guernsey	Cambridge, city of.	H 390200 01 through H 390200 04	do.	Mayor, City Hall, Cambridge, Ohio 43725.	Do.
Do.	Harrison	Cadiz, village of.	H 390258 01	do.	Mayor's Office, 128 Court, Cadiz, Ohio 43907.	Do.
Do.	Henry	Napoleon, city of.	H 390266 01 through H 390266 05	do.	Mayor, City Bldg., Napoleon, Ohio 43545.	Do.
Do.	Hocking	Logan, city of.	H 390274 01 through H 390274 02	do.	Mayor, City Hall, Logan, Ohio 43138	Do.
Do.	Jefferson	Wintersville, village of.	H 390305 01	do.	Mayor's Office, City Bldg., Wintersville, Ohio 43952.	Do.
Do.	Logan	West Mansfield, village of.	H 390344 01	do.	Mayor, West Mansfield, Ohio 43358	Do.
Do.	Lorain	Sheffield Lake, city of.	H 390355 01 through H 390355 02	do.	Director of Public Safety, city of Sheffield Lake, 609 Harris Rd., Sheffield Lake, Ohio 44054.	Do.
Do.	Meigs	Middleport, village of.	H 390388 01 through H 390388 02	do.	Mayor, Board of Public Affairs, Middleport, Ohio 45760.	Do.
Do.	Montgomery	Kettering, city of.	H 390412 01 through H 390412 12	do.	City Manager, Government Center, 3600 Shroyer Rd., Kettering, Ohio 45429.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	Preble	Eaton, city of	H 390462 01 through H 390462 06	do	Mayor, City Manager, Eaton, Ohio 45320.	Do.
Do	Putnam	Fort Jennings, village of.	H 390468 01	do	Mayor, Fort Jennings, Ohio 45844	Do.
Do	Scioto	New Boston, village of.	H 390497 01	do	Mayor, City Office Bldg., 3940 Gallia St., New Boston, Ohio 45662.	Do.
Do	do	Portsmouth, city of.	H 390498 01 through H 390498 05	do	Mayor, City Bldg., Portsmouth, Ohio 45662.	Do.
Do	Shelby	Botkins, village of.	H 390504 01	do	Mayor, City Hall, Botkins, Ohio 45306.	Do.
Do	do	Jackson Center, village of.	H 390505 01 through H 390505 03	do	Administrator, City Hall, Jackson Center, Ohio 45334.	Do.
Do	Tuscarawas	Sugar Creek, village of.	H 390546 01	do	Mayor, Sugarcreek, Ohio 44681	Do.
Do	Van Wert	Convoy, village of.	H 390550 01 through H 390550 02	do	Mayor, City Hall, Convoy, Ohio 45832.	Do.
Do	Williams	Montpelier, village of.	H 390581 01	do	Village Administrator, City Hall, Montpelier, Ohio 43543.	Do.
Do	do	Pioneer, village of	H 390582 01 through H 390582 02	do	Mayor, 301 North State, Pioneer, Ohio 43554.	Do.
Do	Wyandot	Carey, village of	H 390590 01	do	Mayor, City Hall, Carey, Ohio 43316	Do.
Oklahoma	Washington	Dewey, city of	H 400221 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Manager, Dewey, Okla. 74029	Do.
Oregon	Curry	Brookings, city of.	H 410053 01 through H 410053 03	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 97310.	Mayor, City Hall, Brookings, Oreg. 97415.	Do.
Do	Jackson	Rogue River, city of.	H 410098 01	do	City Hall, On Broadway, Rogue River, Oreg. 97537.	Do.
Do	Lane	Talent, city of	H 410100 01	do	Mayor, city of Talent, Talent, Oreg. 97540.	Do.
Do	do	Florence, city of	H 410123 01 through H 410123 03	do	Mayor, City Hall, Florence, Oreg. 97439.	Do.
Pennsylvania	Allegheny	Crescent, township of.	H 42 003 1767 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, township of Crescent, Crescent, Pa.	Do.
Do	do	Shaler, township of.	H 42 003 3263 01 through H 42 003 3263 05	do	Shaler Township Municipal Bldg., 300 Wetzel Rd., Glenshaw, Pa. 15116.	Do.
Do	do	Leet, township of.	H 42 003 4367 01	do	Mayor, city of Leet, Leet, Pa	Do.
Do	do	Upper St. Clair, township of.	H 42 003 8724 01 through H 42 003 8724 03	do	Mayor, Upper St. Clair, Pa. 15241	Do.
Do	do	Verona, borough of.	H 42 003 8760 01	do	Mayor, Wildwood and Allegheny River Blvd., Verona, Pa. 15147.	Do.
Do	do	West View, borough of.	H 42 003 9240 01 through H 42 003 9240 03	do	Town Council, borough of West View, 442 Perryville Rd., Pittsburgh, Pa. 15229.	Do.
Do	Armstrong	Bethel, township of.	H 42, 005, 0648 01 through H 42 005 0648 06	do	Township Supervisor, Rural delivery No. 3, Township of Bethel, Ford City, Pa. 16226.	Do.
Do	do	Freeport, borough of.	H 42 005 3090 01	do	Borough Secretary, 201 1st., Freeport, Pa. 16229.	Do.
Do	do	Appollo, borough of.	H 420092 01	do	Borough Secretary, 314 North 2d St., Appollo, Pa. 15613.	Do.
Do	do	Kittanning, borough of.	H 420096 01 through H 420096 03	do	Borough Secretary, 1002 North Water St., Kittanning, Pa. 16201.	Do.
Do	Beaver	Aliquippa, borough of.	H 420101 01 through H 420101 04	do	Mayor, Borough Bldg., 111 Station St., Aliquippa, Pa. 15001.	Do.
Do	Berks	Topton, borough of.	H 42 011 8480 01	do	Mayor, Borongh Hall, 44 West Keller, Topton, Pa. 19562.	Do.
Do	do	Earl, township of.	H 420132 01 through H 420132 08	do	Office of the Township Secretary, township of Earl, P.O. Box 151, Shaniesville,Pa. 19553.	Do.
Do	Bucks	Langhorne, borough of	H 42 017 4210 01	do	Mayor, city of Langhorne, Langhorne, Pa. 19047.	Do.
Do	do	Middletown, township of.	H 42 017 5122 01 through H 42 017 5122 10	do	Middletown Township, Municipal Bldg., 700 New Rogers Rd., Levittown, Pa. 19056.	Do.
Do	Cambria	South Fork, borough of.	H 42 021 7870 01	do	Mayor, 401 Grant St., South Fork, Pa. 15956.	Do.
Do	Butler	Mars, borough of	H 420220 01	do	Building Officer, Borough Bldg., Mars, Pa. 16046.	Do.
Do	Carbon	Weatherly, borough of.	H 420255 01 through H 420255 02	do	Mayor, 14 Hudondale St., Weatherly, Pa. 18255.	Do.
Do	Centre	Howard, borough of.	H 42 027 3770 01	do	Borough Council, Howard, Pa. 16841	Do.
Do	Chester	Coatesville, city of	H 420274 01 through H 420274 04	do	Mayor, City Hall, Coatesville, Pa. 19320.	Do.
Do	do	South Coatesville, borough of.	H 420288 01	do	Mayor, 11 Lafayette Ave., Coatesville, Pa. 19320.	Do.
Do	Crawford	Titusville, city of.	H 420354 01 through H 420354 02	do	Titusville City Hall, 107 North Franklin St., Titusville, Pa. 16354.	Do.
Do	do	Venango, township of.	H 42 039 1060 01 through H 42 039 0150 02	do	Chairman, Venango Township, rural delivery No. 1, Venango, Pa. 16440.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Do	do	East Fairfield, township of.	H 42 039 2222 01 through H 42 039 2222 02	do	Chairman, East Fairfield Township, rural delivery No. 6, Neadville, Pa. 16335.	Do.
Do	do	Fairfield, township of.	H 42 039 2769 01 through H 42 039 2769 02	do	Chairman, Fairfield Township, rural delivery No. 2, Cochranton, Pa. 16314.	Do.
Do	Crawford	Spring, township of.	H 42 039 8019 01 through H 42 039 8019 04	do	Chairman, Spring Township, rural delivery No. 1, Springboro, Pa. 16435.	Do.
Do	do	Wayne, township of.	H 42 039 8917 01 through H 42 039 8917 03	do	Chairman, Wayne Township, rural delivery No. 1, Chochranton, Pa. 16314.	Do.
Do	Delaware	Lansdowne, borough of.	H 42 042 4240 01 through H 42 042 4240 04	do	Borough Chairman, Borough Hall, Lansdowne, Pa. 19050.	Do.
Do	do	Lower Chichester, township of.	H 42 045 4599 01	do	Township Chairman, Box 1255, Linwood, Pa. 19061.	Do.
Do	Erie	Lawrence Park, township of.	H 42 049 4326 01 through H 42 049 4326 04	do	Lawrence Park Township, 964 Silliman Ave., Erie, Pa. 16511.	Do,
Do	do	Wesleyville, borough of.	H 42 049 8980 01	do	Mayor, Borough Hall, 3421 Buffalo Rd., Wesleyville, Pa. 16510.	Do.
Do	Fayette	Dunbar, borough of.	H 42 051 2000 01 through H 42 051 2000 02	do	Mayor, 64 Connellsville St., Dunbar, Pa. 15431.	Do.
Do	Lackawanna	Throop, borough of.	H 42 0540 01 through H 42 0540 03	do	Throop Borough, Municipal Bldg., Charles and Sanderson Sts., Throop, Pa. 18512.	Do.
Do	Franklin	Southampton, township of.	H 42 055 7887 01 through H 42 055 7887 03	do	Chairman, Southampton Township, Supervisor, star route, Shippensburg, Pa. 17257.	Do.
Do	Lawrence and Beaver.	Ellwood City, borough of.	H 420567 01 through H 420567 02	do	Mayor, 525 Lawrence Ave., Ellwood City Pa. 16117.	Do.
Do	Luzerne	Black Creek, township of.	H 420598 01 through H 420598 08	do	Black Creek Township, Supervisor's Bldg., Black Creek, Pa. 18246.	Do.
Do	do	Butler, township of.	H 420599 01 through H 420599 09	do	Butler Township Municipal Bldg., rural delivery No. 1, Drums, Pa. 18222.	Do.
Do	Huntingdon	Henderson, township of.	H 42 061 6841 01 through H 42 061 6841 04	do	Office of the Township Secretary, Supervisors of Henderson Township, rural delivery No. 3, Huntingdon, Pa. 16652.	Do.
Do	Lancaster	East Donegal, township of.	H 42 071 2223 01 through H 42 071 2223 08	do	Chairman Board of Supervisors, rural delivery No. 1, Marietta, Pa. 17547.	Do.
Do	do	Penn, township of.	H 42 071 6488 01 through H 42 071 6488 09	do	Chairman Board Supervisor, rural delivery No. 2, Lititz, Pa. 17543.	Do.
Do	do	Providence, township of.	H 42 071 6833 01 through H 42 071 6833 06	do	Chairman Board Supervisor, rural delivery No. 1, New Providence, Pa. 17560.	Do.
Do	do	Strasburg, township of.	H 42 071 8191 01 through H 42 071 8191 06	do	Chairman Board Supervisor, rural delivery No. 1, Strasburg, Pa. 17579.	Do.
Do	do	West Hempfield, township of.	H 42 071 9085 01 through H 42 071 9085 09	do	Chairman Board Supervisor, rural delivery No. 1, Columbia, Pa. 17512.	Do.
Do	Northumberland	Kulpmont, borough of.	H 420736 01	do	Borough Bldg., borough of Kulpmont, Kulpmont, Pa. 17834.	Do.
Do	Lawrence	Wilmington, township of.	H 42 073 9405 01 through H 42 073 9405 02	do	Chairman, Board of Supervisor, Wilmington Township Bldg., Rural Delivery No. 5, Newcastle, Pa. 16105.	Do.
Do	Snyder	Beavertown, borough of.	H 420805 01	do	Mayor, Beavertown, Pa. 17813	Do.
Do	Warren	Warren, borough of.	H 420842 01 through H 420842 02	do	Warren Borough, Municipal Bldg., Warren, Pa., 16365.	Do.
Do	Montgomery	Ambler, borough of.	H 42 0947 01 through H 42 0947 02	do	Ambler Borough Bldg., 31 East Butler Ave., Ambler, Pa. 19002.	Do.
Do	Northumberland	Shamokin, city of.	H 42 097 7530 01 through H 42 079 7530 02	do	Shamokin City Hall, 47 Lincoln St., Shamokin, Pa. 17872.	Do.
Do	Bucks	Wrightstown, township of.	H 421045 01 through H 421045 04	do	Wrightstown Township Municipal Bldg., Penn Park Rd., Wrightstown, Pa. 18980.	Do.
Do	Schuykill	Coaldale, borough of.	H 42 107 1480 01 through H 42 107 1480 02	do	Mayor, Borough Bldg., Coaldale, Pa. 17730.	Do.
Do	Venango	Franklin, city of	H 42 121 3010 01 through H 42 121 3010 03	do	City Bldg., Franklin, Pa. 16323	Sept. 14, 1973, May 31, 1974.
Do	Warren	Sugar Grove, borough of.	H 42 123 8220 01 through H 42 123 8220 02	do	Secretary, Sugar Grove Borough, 18½ High St., Sugar Grove, Pa. 16350.	Do.
Do	Westmoreland	Smithton, borough of.	H 42 129 7800 01	do	Mayor, Box 513, Smithton, Pa. 15479	Do.
Rhode Island	Washington	Richmond, town of.	H 44 009 0034 01 through H 44 009 0034 03	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Mayor, city of Richmond, Richmond, R.I.	Do.
Do	do	Hopkinton, town of.	H 44 009 0084 01 through H 44 009 0084 03	do	President, Town Council, Town Hall, Hopkinton, R.I. 02833.	Do.
South Carolina	Abbeville	Abbeville, city of	H 450001 01 through H 450001 02	South Carolina Resources, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	City Council, City Hall, Abbeville, S.C. 29620.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Do.	Allendale	Fairfax, town of	H 450010 01 through H 450010 02	do	Hon. Carl D. Loadholt, Mayor, P.O. Drawer 8, Fairfax, S.C. 29827.	Do.
Do.	Anderson	Iva, town of	H 450017 01	do	Hon. Allen Thomas, Mayor, P.O. Box 397, Iva, S.C. 29655.	Do.
Do.	do	Williamston, town of.	H 450020 01	do	Hon. Marion Middleton, Mayor, Town Hall, Williamston, S.C. 29697.	Do.
Do.	Barnwell	Barnwell, city of	H 450023 01 through H 450023 04	do	Hon. Rodman Lemon, Mayor, Barnwell, S.C. 29812.	Do.
Do.	Dorchester	Ridgeville, town of.	H 450071 01	do	Hon. A. H. Hilton, Mayor, Ridgeville, S.C. 29472.	Do.
Do.	Florence	Florence, city of	H 450078 01 through H 450078 05	do	Hon. C. Cooper Tedder, Mayor, P.O. Box 1660, Florence, S.C. 29501.	Do.
Do.	do	Lake City, city of.	H 450079 01 through H 450079 02	do	Hon. Edgar H. Whitehead, Mayor, P.O. Box 397, Lake City, S.C. 29560.	Do.
Do.	Hampton	Brunson, town of.	H 450096 01	do	Hon. Kenneth Harrison, Mayor, Brunson, S.C. 29911.	Do.
Do.	do	Estill, town of	H 450097 01 through H 450097 02	do	Hon. Ralph Winn, Mayor, P.O. Box 415, Estill, S.C. 29918.	Do.
Do.	Lexington	Cayce, city of	H 450131 01 through H 450131 02	do	Cayce City Hall, 1800 12th St., Cayce, S.C. 29033.	Do.
Do.	Orangeburg	Bowman, town of.	H 450161 01	do	Hon. Julian Boland, Mayor, P.O. Box 37, Bowman, S.C. 29018.	Do.
Do.	Richland	Eastover, town of.	H 450173 01	do	Hon. Lewis Scott, Mayor, Town Hall, Eastover, S.C. 29044.	Do.
Do.	York	Fort Mill, town of.	H 450195 01 through H 450195 02	do	Mayor, Fort Mill, S.C. 29715	Do.
Tennessee	De Kalb	Smithville, city of.	H 470045 01 through H 470045 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office, Bldg., Nashville, Tenn. 37219.	Mayor, City Hall, Smithville, Tenn. 37166.	Do.
Do.	Gibson	Dyer, town of	H 470058 01 through H 470058 04	do	Hon. David Robinson, Mayor, Dyer, Tenn. 38330.	Do.
Do.	Hardeman	Bolivar, city of	H 470081 01 through H 470081 04	do	Bolivar Planning Commission, Bolivar, Tenn. 38008.	Do.
Do.	Rutherford	Smyrna, town of	H 470169 01 through H 470169 04	do	Hon. Sam Ridley, Mayor, Smyrna, Tenn. 37167.	Do.
Do.	Shelby	Millington, city of	H 470178 01 through H 470178 04	do	Mayor, Millington, Tenn. 38053	Do.
Do.	Williamson	Franklin, city of	H 470206 01 through H 470206 05	do	Mayor, City Hall, Franklin, Tenn. 37064.	Do.
Texas	Anderson	Palestine, city of	H 480004 01 through H 480004 06	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Palestine, Tex. 75801.	Do.
Do.	Brazos	College Station, city of.	H 480083 01 through H 480083 07	do	Mayor, Drawer 2800, College Station, Tex. 77840.	Do.
Do.	Brewster	Alpine, city of	H 480085 01 through H 480085 02	do	Mayor, City Offices, 309 West Avenue D, Alpine, Tex. 79830.	Do.
Do.	Burnet	Marble Falls, city of.	H 480093 01 through H 480093 03	do	City Administrator, Drawer F, Marble Falls, Tex. 78654.	Do.
Do.	Floyd	Floydada, city of. of.	H 480226 01 through H 480226 02	do	Mayor, City Hall, Floydada, Tex. 79235.	Do.
Do.	Hidalgo	Pharr, city of	H 48 0347 01 through H 48 0347 12	do	Mayor, 217 West Park, Pharr, Tex. 78577.	Do.
Do.	Hutchinson	Stinnett, city of	H 480375 01	do	Mayor, Stinnett, Tex. 79083	Do.
Do.	Morris	Daingerfield, town of.	H 480493 01 through H 480493 04	do	Mayor, City Hall, Daingerfield, Tex. 75638.	Do.
Do.	Orange	West Orange, city city of.	H 480515 01 through H 480515 02	do	Mayor, City Hall, 2700 Austin Ave., West Orange, Tex. 77630.	Do.
Do.	Uvalde	Uvalde, city of	H 480630 01 through H 480630 03	do	Mayor, City Hall, Uvalde, Tex. 78801	Do.
Do.	Wilson	Stockdale, city of	H 480673 01	do	Mayor, City Hall, Stockdale, Tex. 78160.	Do.
Do.	Fort Bend	Sugar Land, city of.	H 48 157 6660 01 through H 48 157 6660 07	do	County Judge, Fort Bend County Commissioners, Oyster Creek County Courthouse, Richmond, Tex. 77469.	Do.
Utah	Tooele	Grantsville, city of.	H 49 0141 01 through H 49 0141 06	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, Grantsville, Utah 84029	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Vermont	Bennington	Stamford, town of.	H 50 003 0635 01 through H 50 003 0635 05	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Stamford Board of Selectmen, town of Stamford, RFD, North Adams, Mass. 01247.	Do.
Do.	do	Readsboro, town of.	H 50 003 0550 01 through H 50 003 0550 05	do	Chairman, Readsboro Board of Selectmen, Readsboro, Vt. 05350.	Do.
Do.	Chittenden	Underhill, town of.	H 50 007 0665 01 through H 50 007 0665 07	do	Chairman, Underhill Board of Selectmen, Town Office, Underhill, Vt. 05489.	Do.
Do.	Essex	Canaan, town of	H 50 009 0145 01 through H 50 009 0145 03	do	Chairman, Canaan Board of Selectmen, Canaan, Vt. 05903.	Do.
Do.	Franklin	Berkshire, town of.	H 50 011 0075 01 through H 50 011 0075 06	do	Mayor, city of Berkshire, Berkshire, Vt.	Do.
Do.	do	Highgate, town of.	H 50 011 0244 01 through H 50 011 0244 08	do	Mayor, town of Highgate, Highgate, Vt.	Do.
Do.	Lamoille	Morristown, town of.	H 50 015 0389 01 through H 50 015 0389 05	do	Chairman, Morristown Board of Selectmen, Morristown, Morristown, Vt. 05661.	Do.
Do.	Orange	Tunbridge, town of.	H 50 017 0663 01 through H 50 017 0663 06	do	Mayor, town of Tunbridge, Tunbridge, Vt. 05077.	Do.
Do.	Rutland	Clarendon, town of.	H 50 021 0151 01 through H 50 021 0151 04	do	Mayor, town of Clarendon, Clarendon, Vt.	Do.
Do.	do	Proctor, town of	H 50 021 0520 01 through H 50 021 0520 02	do	Board of Selectmen, town of Proctor, Proctor, Vt. 05765.	Do.
Do.	do	Wallingford, town of.	H 50 021 0673 01 through H 50 021 0673 06	do	Chairman, Wallingford Board of Selectmen, Town Hall, Wallingford, Vt. 05773.	Do.
Do.	Washington	Moretown, town of.	H 50 023 0385 01 through H 50 023 0385 04	do	Chairman, Moretown Board of Selectmen, Moretown, Vt. 05660.	Do.
Do.	do	Northfield, town of.	H 50 023 0431 01 through H 50 023 0431 08	do	Chairman, Northfield Board of Selectmen, c/o Town Clerk, Northfield, Vt. 05663.	Do.
Do.	Windham	Wilmington, town of.	H 50 025 0711 01 through H 50 025 0711 03	do	Selectmen, town of Wilmington, Wilmington, Vt. 05363.	Do.
Virginia	Independent city	Danville, city of	H 51 000 0720 01 through H 51 000 0720 06	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, Municipal Bldg., Danville, Va. 24541.	Do.
Do.	do	Martinsville, city of.	H 51 000 1570 01 through H 51 000 1570 06	do	Mayor, city of Martinsville, Martinsville, Va. 24112.	Do.
Do.	do	Petersburg, city of.	H 51 000 1910 01 through H 51 000 1910 07	do	Mr. H. E. Costley, Jr., Bureau of Inspections, 35 North Fillmore St., Petersburg, Va. 23803.	Do.
Do.	Accomack	Chincoteague Island, town of.	H 51 001 0490 01	do	Town of Chincoteague Island, Inc., 403 South Main St., Chincoteague Island, Va. 23336.	Do.
Do.	do	Tangier, town of	H 51 001 2410 01	do	Mayor, Municipal Bldg., Tangier, Va. 23440.	Do.
Do.	Augusta	Craigsville, town of.	H 51 015 0665 01 through H 51 015 0665 03	do	Mayor, Town Hall, Municipal Bldg., Craigsville, Va. 24430.	Do.
Do.	Dickenson	Haysi, town of	H 51 051 1210 01 through H 51 051 1210 03	do	Mayor, Town Hall, Haysi, Va. 24256	Do.
Do.	Fauquier	Warrenton, town of.	H 51 061 2570 01 through H 51 061 2570 06	do	Mayor, Hotel Bldg., Warrenton, Va. 22186.	Do.
Do.	Giles	Pembroke, town of.	H 51 071 1390 01	do	Mayor, Mayor of Pembroke, Pembroke, Va. 24136.	Do.
Do.	King William	West Point, town of.	H 51 101 2670 01 through H 51 101 2670 02	do	Town Council, West Point, Va. 23181	Do.
Do.	Montgomery	Christianburg, town of.	H 51 121 0500 01 through H 51 121 0500 02	do	Town Manager, Town Hall, 100 East Main St., Christianburg, Va. 24073.	Do.
Do.	Northampton	Cape Charles, town of.	H 51 131 0400 01 through H 51 131 0400 02	do	Mayor, Municipal Bldg., Cape Charles, Va. 23310.	Do.
Do.	Patrick	Stuart, town of	H 51 141 2380 01	do	Chairman, Patrick County Board of Supervisor, Stuart, Va. 24171.	Do.
Do.	Pittsylvania	Chatham, town of.	H 51 143 0465 01 through H 51 143 0465 04	do	Town Manager, Town Bldg., Chatham, Va. 24531.	Do
Do.	Prince Williams	Manassas, town of.	H 51 153 1550 01 through H 51 153 1550 06	do	Mayor, town of Manassas, Town Hall, Manassas, Va. 22110.	Do.
Do.	Rockingham	Dayton, town of.	H 51 165 0730 01	do	Mayor, Dayton, Va. 22821	Do.
Do.	Shenandoah	Mount Jackson, town of.	H 51 171 1680 01	do	Chairman, Shenandoah County of Supervisors, town of Mount Jackson, Woodstock, Va. 22664.	Do.
Do.	Southampton	Boykins, town of	H 51 175 0270 01 through H 51 175 0270 02	do	Administrator of Zoning Commission, town of Boykins, County Courthouse, Courtland, Va. 23837.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•		•	• •	•	•
Washington	Clallam	Port Angeles, city of.	H 530023 01 through H 530023 04	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Chairman, Planning Commission and Chairman, City Council, Port Angeles, Wash. 98362.	Do.
Do.	Grant	Ephrata, city of.	H 530051 01 through H 530051 02	do.	Mayor, City Hall, Ephrata, Wash. 98823.	Do.
Do.	Grays Harbor	McCleary, town of.	H 530062 01	do.	Mayor, City Hall, McCleary, Wash. 98557.	Do.
Do.	King	Carnation, town of.	H 530076 01	do.	Mayor, City Hall, Carnation, Wash. 98104.	Do.
Do.	do.	Enumclaw, city of.	H 530078 01 through H 530078 04	do.	Mayor, City Hall, 1339 Griffin Ave., Enumclaw, Wash. 98022.	Do.
Do.	Lincoln	Odessa, town of.	H 530111 01	do.	Mayor, Town Hall, Odessa, Wash. 99159.	Do.
Do.	Pacific	Raymond, city of.	H 530129 01	do.	Raymond City Hall, 310 Commercial St., Raymond, Wash. 98577.	Do.
Do.	Walla Walla	Walla Walla, city of.	H 530197 01 through H 530197 10	do.	City Council, City Hall, Walla Walla, Wash. 99362.	Do.
Do.	Yakima	Grandview, city of.	H 530218 01	do.	City Hall, 114 Avenue A, Grandview, Wash. 98930.	Do.
West Virginia	Barbour	Belington, town of.	H 54 001 0810 01 through H 54 001 0810 04	Office of Federal-State Relations, Room West 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, P.O. Box 26, Belington, W. Va. 26250.	Do.
Do.	Marion	Grant Town, town of.	H 540102 01	do.	Mayor, Grant Town, W. Va. 26574.	Do.
Do.	do.	Riversville, town of.	H 540105 01	do.	Mayor, Riversville, W. Va. 26588.	Do.
Do.	Cabell	Barboursville, village of.	H 54 011 0130 01 through H 54 011 0130 02	do.	Mayor, E. H. Mahaffney, Barboursville, W. Va. 25504.	Do.
Do.	do.	Milton, town of.	H 54 011 1760 01	do.	James Black, Mayor, Milton, W. Va. 25541.	Do.
Do.	McDowell	Welch, city of.	H 54 0123 01 through H 54 0123 02	do.	Mayor, City Hall, Welch, W. Va. 24801.	Do.
Do.	Mercer	Matoaka, town of.	H 540126 01	do.	Mayor, Town Hall, Matoaka, W. Va. 24736.	Do.
Do.	Mingo	Gilbert, town of.	H 540135 01 through H 540135 02	do.	Town Hall, Box 188, Gilbert, W. Va. 25621.	Do.
Do.	do.	Williamson, town of.	H 54 0138 01 through H 54 0138 03	do.	Mayor, Williamson, W. Va. 25661.	Do.
Do.	Nicholas	Richwood, city of.	H 540147 01	do.	Lansel White, Mayor, City Hall, Richwood, W. Va. 26261.	Do.
Do.	Ritchie	Pennsboro, town of.	H 540182 01	do.	Mayor Robert J. Michels, 303 Clayton Ave., Pennsboro, W. Va. 26415.	Do.
Do.	Summers	Hinton, city of.	H 540187 01 through H 540187 02	do.	City Council, Hinton, W. Va. 25951.	Do.
Do.	Greenbrier	White Sulphur Springs, city of.	H 54 025 2840 01 through H 54 025 2840 03	do.	Mayor, City Hall, White Sulphur Springs, W. Va. 24986.	Do.
Do.	Hardy	Moorefield, town of.	H 54 031 1830 01 through H 54 031 1830 02	do.	Elwood Williams, Chairman, Moorefield Planning and Zoning Commission, Moorefield, W. Va. 26836.	Do.
Do.	Harrison	Lost Creek, town of.	H 54 033 1520 01 through H 54 033 1520 03	do.	Mayor, City Bldg., Lost Creek, W. Va. 26385.	Do.
Do.	Lincoln	West Hamlin, town of.	H 54 043 2760 01 through H 54 043 2760 02	do.	Mayor, City Bldg., West Hamlin, W. Va. 25571.	Do.
Do.	McDowell	Anawalt, town of.	H 54 047 0080 01 through H 54 047 0080 02	do.	Mayor, Town Hall, Anawalt, W. Va. 24808.	Do.
Do.	do.	War, town of.	H 54 047 2690 01 through H 54 047 2690 03	do.	Mayor, City Hall, War, W. Va. 24892.	Do.
Do.	Marion	Fairview, town of.	H 54 049 0850 01	do.	Mayor, Fairview, W. Va. 26570.	Do.
Do.	do.	Farmington, town of.	H 54 049 0880 01	do.	Mayor, Farmington, W. Va. 26571.	Do.
Do.	do.	Mannington, city of.	H 54 049 1630 01 through H 54 049 1630 03	do.	Mayor, Mannington, W. Va. 26582.	Do.
Do.	do.	Mononqah, town of.	H 54 049 1800 01 through H 54 049 1800 02	do.	Mayor, Monoqah, W. Va. 26554.	Do.
Do.	Pendleton	Franklin, town of.	H 54 071 0950 01	do.	Elmer Hartman, Mayor, Town Council, Franklin, W. Va. 26807.	Do.
Do.	Wayne	Kenova, city of.	H 54 099 1350 01 through H 54 099 1350 03	do.	Mayor, city of Kenova, Kenova, W. Va. 25530.	Do.
Wisconsin	Barron	Cumberland, city of.	H 550013 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Mayor, City Hall, Cumberland, Wis. 54829.	Do.
Do.	Bayfield	Washburn, city of.	H 550019 01 through H 550019 03	do.	Mayor, City Hall, Washburn, Wis. 54891.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•		•	• •	•	•
Do.	Clark	Colby, city of.	H 550049 01	do.	Mayor, Colby, Wis. 54421.	Do.
Do.	Dodge	Watertown, city of.	H 550107 01 through H 550107 04	do.	Mayor, City Hall, Watertown, Wis. 53094.	Do.
Do.	Eau Claire	Fairchild, village of.	H 550129 01	do.	Village President, Fairchild, Wis. 54741.	Do.
Do.	Grant	Lancaster, city of.	H 550150 01	do.	Mayor, City Hall, Lancaster, Wis. 53813.	Do.
Do.	Green	Monroe, city of.	H 550162 01 through H 550162 02	do.	Mayor, City Hall, Monroe, Wis. 53566.	Do.
Do.	Iowa	Mineral Point, city of.	H 550180 01	do.	Mayor, City Hall, Mineral Point, Wis. 53565.	Do.
Do.	Jackson	Merrillan, village of.	H 550189 01	do.	Village President, Merrillan, Wis. 54754.	Do.
Do.	Marathon	Athens, village of.	H 550246 01	do.	Village President, Athens, Wis. 54411.	Do.
Do.	Marinette	Coleman, village of.	H 550260 01	do.	Village President, Village Hall, Coleman, Wis. 54112.	Do.
Do.	Monroe	Tomah, city of.	H 550291 01 through H 550291 03	do.	Mayor, City Hall, Tomah, Wis. 54660.	Do.
Do.	Outagamie	Shioctin, village of.	H 550309 01	do.	Village President, Shioctin, Wis. 54170.	Do.
Do.	Ozaukee	Grafton, village of.	H 550314 01	do.	Town Chairman, Grafton, Wis. 53024.	Do.
Do.	do.	Port Washington, town of.	H 550316 01 through H 550316 02	do.	Chairman, town of Port Washington, Wis. 53074.	Do.
Do.	Pierce	Elmwood, village of.	H 550326 01	do.	Village President, Village Hall, Elmwood, Wis. 54740.	Do.
Do.	Rock	Footville, village of.	H 550367 01	do.	Village President, Footville, Wis. 53537.	Do.
Do.	Shawano	Birnamwood, village of.	H 550413 01 through H 550413 02	do.	Village President, Village Hall, Birnamwood, Wis. 54414.	Do.
Do.	Vernon	Hillsboro, city of.	H 550455 01	do.	Mayor, City Hall, Hillsboro, Wis. 54634.	Do.
Do.	Wausbara	Wild Rose, village of.	H 550507 01	do.	Village President, Wild Rose, Wis. 54984.	Do.
Wyoming	Sweetwater	Rock Springs, town of.	H 560051 01 through H 560051 05	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Town of Rock Springs, Rock Springs, Wyo. 82901.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: May 31, 1974.

CHARLES W. WIECKING,
Assistant Administrator for Program Development.

[FR Doc.74-13260 Filed 6-12-74;8:45 am]

No. 115—Pt. I——5

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74–139]

MANASQUAN RIVER, N.J.

Proposed Drawbridge Operation Regulations

At the request of the New Jersey Department of Transportation the Coast Guard is considering amending the regulations for the State Route 70 drawbridge across the Manasquan River at Brielle, New Jersey, to require at least 12 hours notice before the draw is required to open from 11 p.m. to 7 a.m. from December 1 through March 31. The draw is presently required to open on signal at all times. This change is being considered due to limited requirements for draw openings during this period. From 1969 through 1973 there were only 4 openings during the period in question.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Third Coast Guard District (oan), Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before July 16, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new subparagraph (6) immediately after subparagraph (5) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

*   *   *   *   *

(f) * * *

(6) Route 70 bridge across the Manasquan River at Brielle, Monmouth County, New Jersey. From 11 p.m. to 7 a.m. from December 1 through March 31 the draw shall open on signal if at least 12 hours notice is given. At all other times the draw shall open on signal.

*   *   *   *   *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: June 6, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.74–13581 Filed 6–12–74;8:45 am]

[33 CFR Part 117]

[CGD 74–138]

SHIP CHANNEL, GREAT EGG HARBOR BAY, N.J.

Proposed Drawbridge Operations Regulations

At the request of the New Jersey Department of Transportation the Coast Guard is considering amending the regulations for the Route 52 bridge across Ship Channel, Great Egg Harbor Bay, to require at least 24 hours notice from 11 p.m. to 7 a.m. The draw is presently required to open on signal at all times. This change is being considered because of limited openings from 11 p.m. to 7 a.m. During the period January 1, 1969 through December 31, 1973 there were 19 openings of the draw.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Third Coast Guard District (oan), Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before July 16, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new subparagraph (6–a) immediately after subparagraph (6) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attndance of draw tenders is not required.

*   *   *   *   *

(f) * * *

(6–a) Route 52 bridge across Ship Channel, Great Egg Harbor Bay; New Jersey. The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

*   *   *   *   *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: June 7, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.74–13580 Filed 6–12–74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–SO–28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter a portion of the South Carolina transition area east of Myrtle Beach AFB.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 15, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would alter the South Carolina transition area described in § 71.181 (39 FR 440) as follows:

All between "longitude 78°31′45″ W." and "to latitude 33°19′40″ N." would be deleted and "to latitude 33°46′15″ N., longtitude 78°30′25″ W.; thence clockwise along a 25-mile radius circle centered on Conway TACAN" would be substituted therefor.

Myrtle Beach AFB, S.C., operations have increased, and more flexibility in the use of GCA patterns is required to accommodate the traffic increase. To provide this flexibility, the FAA proposes to expand the South Carolina 1,200-foot transition area by extending the radius circle to the east from 15 to 25 statute miles to provide additional airspace protection required for expansion of GCA operations.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 6, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74–13545 Filed 6–12–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

COLORADO RIVER SYSTEM

Salinity Control Policy and Standards Procedures

The purpose of this notice is to propose amendments to 40 CFR Part 120, to set forth a salinity control policy and procedures and requirements for establishing water quality standards for salinity and a plan of implementation for salinity control in the Colorado River System which lies within the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming pursuant to section 303(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(b)). The Colorado River System means that portion of the Colorado River and its tributaries within the United States of America.

High salinity (total dissolved solids) is recognized as a significant water quality problem causing adverse impacts on water uses. Salinity concentrations are affected by two basic processes: (a) Salt loading—the addition of mineral salts from various natural and man-made sources, and (b) salt concentrating—the loss of water from the system through stream depletion.

Studies to date have demonstrated that the high salinity of stream systems can be alleviated. Although further study may be required to determine the economic and technical feasibility of controlling specific sources, sufficient information is available to develop a salinity control program.

Salinity standards for the Colorado River System would be useful in the formulation of an effective salinity control program. In developing these standards, the seven states must cooperate with one another and the Federal Government to support and implement the conclusions and recommendations adopted April 27, 1972, by the reconvened 7th Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and its Tributaries.

As a measure to implement the recommendations of the Conference and meet the requirements of the Act, a salinity control policy is proposed to be promulgated and proposed regulations are set forth which would require the development and adoption of water quality standards for salinity and a plan of implementation for salinity control for the Colorado River System. The first step will be the establishment of procedures within 30 days of the effective date of these regulations which will lead to adoption on or before October 18, 1975, of water quality standards for salinity including numeric criteria and an implementation plan for salinity control.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended as follows:

1. Section 120.5 is added to read as set forth below:

§ 120.5 Colorado River System Salinity Standards and Implementation Plan.

(a) "Colorado River System" means that portion of the Colorado River and its tributaries within the United States of America.

(b) It shall be the policy that the flow weighted average annual salinity in the lower main stem of the Colorado River System be maintained at or below the average value found during 1972. To carry out this policy, water quality standards for salinity and a plan of implementation for salinity control shall be developed and implemented in accordance with the principles of paragraph (c) of this section, below.

(c) The States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming are required to adopt and submit for approval to the Environmental Protection Agency on or before October 18, 1975:

(1) adopted water quality standards for salinity including numeric criteria consistent with the policy stated above for appropriate points in the Colorado River System, and

(2) a plan to achieve compliance with these standards as expeditiously as practicable providing that:

(i) The plan shall identify State and Federal regulatory authorities and programs necessary to achieve compliance with the plan.

(ii) The salinity problem shall be treated as a basinwide problem that needs to be solved in order to maintain lower main stem salinity at or below 1972 levels while the basin States continue to develop their compact-apportioned waters.

(iii) The goal of the plan shall be to achieve compliance with the adopted standards by July 1, 1983. The date of compliance with the adopted standards shall take into account the necessity for Federal salinity control actions set forth in the plan. Abatement measures within the control of the States shall be implemented as soon as practicable.

(iv) Salinity levels in the lower main stem may temporarily increase above the 1972 levels if control measures to offset the increases are included in the control plan. However, compliance with 1972 levels shall be a primary consideration.

(v) The feasibility of establishing an interstate institution for salinity management shall be evaluated.

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(d) The States are required to submit to their respective EPA Regional Adachieving (b) and (c) above within 30 days of the effective date of these regulations. EPA will on a quarterly basis determine the progress being made in the development of salinity standards and the implementation plan.

§ 120.10 [Amended]

2. Section 120.10 is amended by adding to the paragraphs entitled "Arizona," "California," "Colorado," "Nevada," "New Mexico," "Utah," and "Wyoming" a salinity control policy and procedures and requirements for establishing water quality standards for salinity and a plan of implementation for salinity control in the Colorado River System, as promulgated in the FEDERAL REGISTER on (39 FR).

(Sec. 303(b), Pub. L. 92–500, 86 Stat. 816 (33 U.S.C. 1313(b)).)

Issued on June 10, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–13683 Filed 6–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20002]

FM BROADCAST STATIONS IN CERTAIN CITIES IN FLORIDA

Proposed Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Marco, St. Augustine, and Milton, Florida), Docket No. 20002; RM–2143; RM–2184, RM–2251.

1. On April 8, 1974, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 15, 1974, 39 FR 13559. The dates for filing comments and reply comments are presently May 31 and June 17, 1974, respectively.

2. On May 31, 1974, WKTX, Inc., licensee of Station WJNJ–FM, Atlantic Beach, Florida, requested that the time for filing comments be extended to and including June 21, 1974. It states that its consulting engineer needs the additional time to prepare engineering material. Counsel for the proponent in this proceeding interposes no objection to the grant of this extension.

3. We are of the view that the public interest would be served by granting the additional time. *Accordingly, it is ordered,* That the date for filing comments and reply comments is extended to and including June 21 and July 5, 1974, respectively, RM–2184 only.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: June 4, 1974.

Released: June 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74–13588 Filed 6–12–74;8:45 am]

[47 CFR Part 97]

[Docket No. 20073; FCC 74–579]

LINKING OF AMATEUR REPEATER STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 97 of the Commission's rules to permit linking of amateur repeater stations, Docket No. 20073, RM–2349.

1. Notice of proposed rulemaking in the above entitled matter is hereby given.

2. The Commission has under consideration a petition (RM–2349) filed by the American Radio Relay League (ARRL). Petitioner requests the Commission to issue an order deleting § 97.89(c) of the rules. This section now prohibits more than two repeater stations being operated in tandem, i.e., one station repeating the transmission of the other, except for emergency operations.

3. The ARRL claims a formal rulemaking proceeding is unnecessary in this matter, citing section 553(b) of the Administrative Procedures Act and § 1.412(c) of the Commission's rules, as authority to support their position. Pursuant to those subsections, general notice of proposed rulemaking must be published except in certain limited instances. Petitioner does not show that the proposed rule deletion comes within those exceptions.

4. In support of the requested deletion, the ARRL offers the following claims and arguments:

A. Some amateur radio organizations planning to develop networks of repeater stations for use in times of disasters are unwilling to implement their plans unless the networks can also be used for other amateur operations.

B. In the more sparsely populated areas of the country, linked repeater stations can provide more reliable communications than can operation in the high frequency amateur bands.

C. In the more densely populated areas of the country, linking of repeater stations is neither necessary nor desired by amateurs, and the privilege of linking would be self-limiting.

5. Our findings, as stated in the report and order in Docket 18803, 37 FCC 2d 225 (1972), upon review of the comments filed in that Docket, are that amateur repeater stations are useful for increasing the range of VHF and UHF vehicular and hand-held mobile stations in conducting intra-community amateur radio communications, and for effecting emergency radio communications which possibly could not otherwise be conducted on the amateur bands. Also, in the interests of spectrum conservation, we found the majority of situations could be accommodated with a maximum of two linked repeaters. In practice, these findings have been verified through information filed with applications for repeater stations. The vast majority of repeaters use considerably less effective radiated power than is permitted, indicating most amateur repeater stations are intended for local, or intra-community, use. No specific instance of even two linked repeaters for general amateur radio communications has come to our attention. However, this aspect would not normally come to our attention. We are inclined to agree with the ARRL that the prohibition is unnecessary, since in more densely populated areas, amateurs apparently do not desire to link repeater stations. In the less densely populated areas, spectrum conservation is not as critical as elsewhere.

6. Therefore, we propose to delete § 97.89(c), as shown below.

7. The specific rule changes proposed herein are set forth below. Authority for these proposed amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 18, 1974, and reply comments on or before October 2, 1974. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: June 5, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the code of Federal Regulations is amended as follows:

Section 97.89, paragraph (c), is deleted and designated as [Reserved].

[FR Doc.74–13583 Filed 6–12–74;8:45 am]

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[1] Commissioner Quello not participating.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Dept. Reg. CM–147]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on July 11, 1974 at 10:30 a.m. in Room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission service.

The agenda of the July 11 meeting will concern final consideration for contributions to the Working Group meetings of CCITT Study Groups VII and Special A of the International Telecommunication Union to be held in Geneva, Switzerland, November 20–28, 1974, and December 4–11, 1974, respectively.

If necessary, the meeting of July 11, 1974 will be continued on July 12, 1974 at 9:00 a.m. at the same location.

Members of the general public who desire to attend the meeting on July 11/12 will be admitted up to the limit of the capacity of the meeting room.

Dated: June 5, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.74–13564 Filed 6–12–74;8:45 am]

[Dept. Reg. CM–148]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on July 24, 1974 at 10:00 a.m. in Room 502 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the July 24 meeting concerns continued preparation for participation in meetings of a Working Party of CCITT Study Group I of the International Telecommunication Union to be held in Geneva, Switzerland, October 7–11, 1974, and will include a review of word count studies already made by the participants and plans for recommendations to be made to the Study Group. Special consideration will be given to the adaptability of word counts to computerization.

Members of the general public who desire to attend the meeting on July 24 will be admitted up to the limit of the capacity of the meeting room.

Dated: June 5, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.74–13565 Filed 6–12–74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74–168]

FOREIGN CURRENCIES

Certification of Rates

MAY 23, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74–124 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
May 13, 1974	$0.0562
May 14, 1974	.0571
May 15, 1974	.0563
May 16, 1974	[1].0530
May 17, 1974	.0566
Belgium franc:	
May 13, 1974	.027010
May 14, 1974	.027175
Denmark krone:	
May 13, 1974	.1728
May 14, 1974	.1733
Germany deutsche mark:	
May 13, 1974	.4173
May 14, 1974	.4160
Netherlands guilder:	
May 13, 1974	.3960
May 14, 1974	.3957
Norway krone:	
May 13, 1974	.1927
May 14, 1974	.1910
Sweden krona:	
May 13, 1974	.2389
May 14, 1974	.2389
Switzerland franc:	
May 13, 1974	.3540
May 14, 1974	.3560
May 15, 1974	[1].3287
May 16, 1974	.3457
May 17, 1974	.3455

[1] Quarterly rate.

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74–13613 Filed 6–12–74;8:45 am]

Office of the Secretary

BRAZIL, REPUBLICS OF CHINA AND KOREA, AND PERU

Invitation To Bid on Loans

Public notice of inivitation to bid by financial institutions on loans to the governments of Brazil, the Republic of China, the Republic of Korea, and Peru guaranteed by the United States under the Foreign Military Sales Act, as amended.

I. INVITATION TO BID—CLASSES OF BIDDERS

The Department of the Treasury, acting for the Department of Defense, by this notice and under the terms and conditions hereof invites bids on the interest rate on each of the following loans:

1. Government of Brazil	$11,000,000
2. Government of the Republic of China	28,800,000
3. Government of the Republic of Korea	34,000,000
4. Government of Peru	10,000,000

Each of the Governments listed are hereinafter referred to as the borrower. The loans are described in Section V hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of these loans is to provide private financing for the purchase by the borrower of defense articles and services from United States sources in furtherance of the Foreign Military Sales Act, as amended, Pub. L. 90–626, October 22, 1968, 82 Stat. 1326; (22 U.S.C. 2571–2793) and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. UNITED STATES GOVERNMENT GUARANTY OF LOAN

The loan agreement provides that the obligation of the lender is to be condi-

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tioned upon the issuance by the United States of a guaranty of timely payment of 100 percent of the principal and 100 percent of the interest thereon by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

In addition, the borrower covenants at section 5(b) of the loan agreement that

> Any claim which it may now or hereafter have against any person, corporation, firm or association or other entity (including without limitation, the United States, DOD, any Bank, any assignee of any Bank, and any supplier of the Defense items) in connection with any transaction, for any reason whatsoever, shall not affect the obligation of the Borrower to make the payments required to be made to the Undersigned under this Loan Agreement, or under the Notes, and shall not be used or asserted as a defense to the payment of such obligation or as a setoff, counterclaim, or deduction against such payments.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The Act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

III. TAX EXEMPTIONS

There will be no—

(a) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense; (The lender will be acting merely as a conduit.)

(b) Federal stamp tax; or

(c) Tax imposed by the borrower.

IV. THE LOAN, PROMISSORY NOTES, PARTICIPATIONS—ELIGIBILITY FOR PURCHASE BY BANKS AS COLLATERAL FOR GOVERNMENT DEPOSITS, ETC.

(a) Because the promissory notes and participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit, the notes and the participations will be eligible as Federal Reserve discount collateral and, under the conditions set forth in paragraph (b) below, also will be eligible as collateral for United States Government deposits with (special depositaries of public moneys under Treasury Department Circular 92 (31 CFR 203)), and (2) depositaries and financial agents of the Government under Treasury Department Circular 176 (31 CFR 202).

(b) Section 1.4 of the loan agreement authorizes the sale of participations to legal entities doing business in the United States. Such participations will be acceptable from depositaries at their face amounts to secure deposits under Treasury Circulars 92 and 176, provided that they adequately identify the loan and meet the following conditions:

(1) The participation certificate contains the provision:

> Participant may assign or endorse over this participation certificate to the (Name of the Federal Reserve Bank or Branch of the territory in which the participant is located) in connection with a pledge of collateral security to protect United States Government deposits under Treasury Department Circulars 92 and 176. In the event that this participation certificate is assigned to (Same bank or branch as above), it shall not be further assigned or subdivided without prior written notice to that bank and the prior written consent of this bank.

(2) The participation certificate is supported by the original or certified copies of the guaranty agreement relating to the basic loan and the necessary power of attorney and resolution in favor of the Reserve Bank as prescribed in Treasury Department Circulars 92 and 176.

(3) The guaranty agreement provides that the guaranty referred to therein is transferable to any participant or beneficiary.

(c) The loan will not be subject to the lending limitations of national banks.

V. DESCRIPTION OF LOAN AGREEMENTS

The principal features of these loans are as follows:

(a) Bids are to be made on a fixed annual interest rate basis, as outlined in Section VI below.

(b) There will be a commitment fee payable semiannually of one-quarter of one percent (¼ of 1 percent) per annum on the daily average unused amount of the commitment. The commitment fee will be calculated on a 365-day basis and actual days elapsed.

(c) For each loan, there will be a commitment period from the "date of execution" of the loan agreement to and including the date shown in (f) below, or such earlier date as the entire commitment of the lender shall have been utilized. For this purpose, the "date of execution" will be the date on which the loan agreement is signed on behalf of the borrower or the date on which the Department of Defense executes the guaranty agreement, whichever is later.

(d) The minimum drawdown and principal repayment schedule under each loan agreement will be as shown in (f) below.

(e) For all loans, interest is payable on a semiannual basis as shown in (f) below until the entire principal has been repaid.

(f) Loan descriptions:

(1) Borrower: Government of Brazil. Principal amount: $11 million, repayable in seven annual payments, starting with $1.5 million each on June 30, 1976 and June 30, 1977 and $1.6 million on each June 30 following until paid. Commitment period ends December 31, 1975. Interest payments begin December 31, 1974 and on each June 30 and December 31 thereafter until entire principal is repaid. Minimum drawdown: $500,000. First drawdown by October 30, 1974. Estimated drawdowns: June–December 1974: $3.5 million; January–June 1975: $4 million; July–December 1975: $3.5 million.

(2) Borrower: Republic of China. Principal amount: $28.8 million, repayable in sixteen semiannual payments of $1.8 million each, beginning March 31, 1975 and thereafter on September 30, 1975 and each March 31 and September 30 following until paid. Commitment period ends September 30, 1975. Interest payments begin September 30, 1974 and thereafter on each March 31 and September 30 until entire principal is repaid. Minimum drawdown: $1 million. First drawdown by August 1, 1974. Estimated drawdown: June–August 1974: $13.3 million; September–December 1974: $5.5 million; January–March 1975: $4 million; April–June: $3 million; July–September: $3 million.

(3) Borrower: Republic of Korea. Principal amount: $34 million, repayable in 19 semiannual payments, starting with $1.7 million each on June 30, 1975 and December 31, 1975 and $1.8 million each on June 30, 1976 and thereafter on December 31, 1976 and each June 30 and December 31 following until paid. Commitment period ends September 30, 1975. Interest payments begin December 31, 1974 and thereafter on each June 30 and December 31 until entire principal is repaid. Minimum drawdown: $500,000. First drawdown by September 15, 1974. Estimated drawdowns: June–August 1974: $7.5 million; September–December 1974: $6 million; January–March 1975: $9 million; April–June 1975: $6 million; July–September 1975: $5.5 million.

(4) Borrower: Government of Peru. Principal amount: $10 million, repayable in 15 semiannual payments, beginning June 30, 1975 and thereafter on each December 31 and June 30 until paid, with the first five payments being $600,000 and the last ten payments being $700,000 each. Commitment period ends September 30, 1975. Interest payments being December 31, 1974 and thereafter until entire principal is repaid. Minimum drawdown: $500,000. First drawdown by September 30, 1974. Estimated drawdowns: June–December 1974: $4 million; January–June 1975: $4 million; July–September 1975: $2 million.

VI. SUBMISSION OF BIDS—ACCEPTANCE AND OPENING OF BIDS

Each bid shall be submitted in triplicate on the letterhead of the bidder. If desired, more than one bid may be included in a single letter. Each bid will be applicable to a single country and will specify the country. Each bid may be for the entire amount of the loan for a country or a portion thereof in multiples of $1 million. Each bid shall specify an annual rate of interest which shall apply on a 365-day basis only to the portion of the loan in use. The rate shall be expressed as a percent per annum not to exceed 3 decimals, for example, 7.125 percent.

Bids should be enclosed in sealed envelopes and must be received in the Securities Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045, not later than 11 a.m., Eastern Daylight Time on June 21, 1974. By having submitted a bid, any bidder receiving an award will be deemed conclusively to have accepted all the provisions of the loan agreement and upon receipt of an award will be required to sign three copies of the loan agreement and to present those signed copies to the U.S. Department of Defense, Defense Security Assistance Agency, Room 4B659, The Pentagon, Washington, D.C., no later than noon, June 26, 1974. The Government of the United States will thereafter promptly secure the signature of the borrower to the three copies and will return one of them to any such bidder.

In the event a loan should be split by awards to more than one bidder, each drawdown and principal repayment would be divided pro rata; also, the amount of guaranty fee required from each lender would be proportional to its participation in the total loan.

Bids will be opened at the Federal Reserve Bank at 11 a.m., E.d.t. on June 21, 1974. In determining the successful bids, the best bid or combination of bids in the opinion of the borrower will be accepted.

Copies of the loan agreement, of the exhibits and of the guaranty agreement may be obtained upon request from the Department of the Treasury, Bureau of the Public Debt, Room 200, Washington Building, Washington, D.C. 20226, or by telephoning (202) 964–2992.

Date: June 6, 1974.

[SEAL] EDWARD C. SCHMULTS,
General Counsel.

[FR Doc.74–13614 Filed 6–12–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Craig District, Redelegation of Authority to Area Managers; Revocation

FR Doc. 74–10436, published in the FEDERAL REGISTER, Vol. 39, No. 89—Tuesday May 7, 1974 (39 FR 16171) is hereby revoked in its entirety.

MARVIN W. PEARSON,
District Manager.

[FR Doc.74–13569 Filed 6–12–74;8:45 am]

KING RANGE NATIONAL CONSERVATION AREA

Notice of Intention To Establish

In accordance with section 4 of Pub. L. 91–476 dated October 21, 1970, notice is hereby given of the intent of the Secretary of the Interior to establish the King Range National Conservation Area in the State of California.

Establishment of this national conservation area of approximately 57,000 acres on the Pacific Ocean coastline of Humboldt and Mendocino Counties will not be made until after compliance with the requirements of the National Environmental Policy Act (Pub. L. 91–190) and the review period of section 4 of Pub. L. 91–476.

Copies of the King Range National Conservation Area Proposed Management Program are available at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

State Director, Bureau of Land Management, 2800 Cottage Way, Rm. E–2841, Sacramento, California 95825, telephone (916) 484–4541.

District Manager, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462–3873.

Dated: June 7, 1974.

BRAD E. HAINSWORTH,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–13558 Filed 6–12–74;8:45 am]

NATIONAL ADVISORY BOARD COUNCIL

Notice of Committee Meeting

Notice is hereby given that an ad hoc committee of members of the National Advisory Board Council will meet at the Quality Inn, 1840 Sherman Street, Denver, Colorado, June 26, 1974, beginning at 8:30 a.m. The purpose of the meeting will be to develop suggested topics for consideration by the full Council at a proposed fall meeting.

The committee meeting will be open to the public. Time will be made available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Public Affairs Officer, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, by close of business June 25, 1974. Any interested person may file a written statement with the committee for its consideration. Such statements may be submitted at the meeting or mailed to the Director (230), Bureau of Land Management, Washington, D.C. 20240. Further information concerning the meeting may be obtained from the Public Affairs Officer, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colorado, 80202. His phone is (303) 837–4481.

ED HASTEY,
Acting Associate Director.

JUNE 10, 1974.

[FR Doc.74–13542 Filed 6–12–74;8:45 am]

[N–7957]

NEVADA

Further Modification of Notice of Proposed Withdrawal and Reservation of Lands

JUNE 5, 1974.

Notice of an Atomic Energy Commission application for withdrawal and reservation of lands, Serial No. N–7957, was published as FR Doc. No. 74–2557, on page 3977 of the issue for January 31, 1974, and modified by notice published as FR Doc. 74–8298, on page 13182 of the issue of April 11, 1974, is again modified as follows:

The lands requested are to be withdrawn from all forms of appropriation under the public land laws, including location under the mining laws and leasing under the Geothermal Steam Act of 1970, but not the Taylor Grazing Act nor the Mineral Leasing Act of 1920, subject to valid existing rights.

All the lands are requested to be temporarily withdrawn for a period of two years, followed by the possible identification and retention of 5,000 acres, or less of the withdrawn lands for development of a demonstration geothermal power generating facility.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.74–13557 Filed 6–12–74;8:45 am]

[N–219]

NEVADA

Public Hearing on Withdrawal of Desert National Wildlife Range

Notice is hereby given that a public hearing will be held at 7:00 p.m., July 10, 1974, in the Clark County Courthouse, Court Room No. 1, 200 Carson Avenue, Las Vegas, Nevada.

The proposed modification of the existing Desert National Wildlife Range withdrawal to preclude location under the mining laws and the proposed withdrawal of lands for addition to the Range will be discussed.

The Desert Game Range was established by Executive Order 7373 of May 20, 1936, and enlarged by P.L.O. 156 of August 4, 1943. These orders provided for joint administration of the Range by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management. These orders did not restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands excepting those lands which were subsequently withdrawn for military purposes. Public Land Order 4079 of August 26, 1966, revoked E.O. 7373 and P.L.O. 156 and established the boundary of the present Desert National Wildlife Range. Jurisdiction of the lands was vested in the Bureau of Sport Fisheries and Wildlife; however, the lands remained open to location under the mining laws except as otherwise withdrawn.

The Bureau of Sport Fisheries and Wildlife has filed two requests, Serial No. N–219, one to modify P.L.O. 4079 to withdraw the existing range from mineral entry and one to withdraw approximately 70,000 acres from all forms of appropriation under the public land laws, including the mining laws, for addition to the Desert National Wildlife Range. At present, the military withdrawals preclude mining on more than half of the Wildlife Range.

The notices of the above-mentioned actions were published in the February 26 and March 27, 1974 issues of the FEDERAL REGISTER. These notices described the lands involved and afforded an opportunity for persons to submit comments,

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suggestions or objections. Because of the many comments received, a public hearing is to be held.

The purpose of the public hearing is to provide an opportunity for all interested persons, organizations and governmental representatives to express their oral or written views on the proposals. The transcript of the hearing, written comments already received, and any written comments to be received will be considered in the Bureau of Land Management's report and recommendations to the Secretary of the Interior.

Maps of the areas involved in the applications are available for review at: Las Vegas District Office, 301 E. Stewart, Las Vegas, Nevada 89101, the Nevada State Office, 300 Booth Street, Federal Building, Room 3104, Reno, Nevada 89502, and Desert National Wildlife Range Headquarters Office, 1500 Decatur, Las Vegas, Nevada.

Dated: June 6, 1974.

ROGER MCCORMACK,
Acting State Director, Nevada.

[FR Doc.74-13556 Filed 6-12-74;8:45 am]

[New Mexico 21276]

NEW MEXICO

Pipeline Application

JUNE 5, 1974.

Notice is hereby given, that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
  Sec. 26, SE¼SW¼;
  Sec. 35, NE¼NW¼ and W½NW¼.

This pipeline will convey natural gas across 0.584 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-13574 Filed 6-12-74;8:45 am]

[New Mexico 21550]

NEW MEXICO

Pipeline Application

JUNE 5, 1974.

Notice is hereby given, that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
  Sec. 11, N½NW¼ and SE¼NW¼.

This pipeline will convey natural gas across 0.4 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-13575 Filed 6-12-74;8:45 am]

[New Mexico 21021, 21024, 21025, 21027, 21117, 21137, 21261]

NEW MEXICO

Pipeline Applications

JUNE 4, 1974.

Notice is hereby given, that pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 28 E.,
  Sec. 11, NE¼SW¼ and N½SE¼;
  Sec. 22, SW¼NE¼, E½SW¼ and NW¼SE¼.
T. 20 S., R. 29 E.,
  Sec. 18, E½NE¼.
T. 21 S., R. 32 E.,
  Sec. 20, N½N½;
  Sec. 21, NW¼NW¼.
T. 22 S., R. 22 E.,
  Sec. 7, SW¼NE¼.
T. 22 S., R. 30 E.,
  Sec. 1, SE¼NE¼, SE¼SW¼, NE¼SE¼ and W½SE¼.
T. 22 S., R. 31 E.,
  Sec. 6, lot 5.

These pipelines will convey natural gas across 3.236 miles of national resource lands in Lea and Eddy Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-13573 Filed 6-12-74;8:45 am]

[New Mexico 21534]

NEW MEXICO

Pipeline Application

JUNE 4, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 6-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 15 S., R. 27 E.,
  Sec. 13, E½W½;
  Sec. 24, NE¼NW¼.

This pipeline will convey natural gas across 1.09 miles of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-13572 Filed 6-12-74;8:45 am]

[New Mexico 20459]

NEW MEXICO

Pipeline Application

JUNE 3, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for 4- and 8-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 27 E.,
  Sec. 3, lots 1, 7, 8, 10, 11, 12, 15, E½SW¼ and E½SE¼;
  Sec. 4, lot 9;
  Sec. 10, NW¼NE¼, S½NE¼, NE¼NW¼ andNE¼SE¼.
T. 20 S., R. 28 E.,
  Sec. 14, E½NW¼, N½SW¼ and SW¼SW¼;
  Sec. 22, NE¼NE¼, S½NE¼ and W½SE¼;
  Sec. 23, NW¼NW¼;
  Sec. 26, SE¼SW¼;
  Sec. 27, W½SE¼;
  Sec. 33, NE¼SE¼;
  Sec. 34, W½E½, SE¼NE¼, NW¼SW¼ and S½SW¼;
  Sec. 35, N½NW¼ and SW¼NW¼.

These pipelines will convey natural gas across 8.82 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-13571 Filed 6-12-74;8:45 am]

Office of the Secretary

[INT FES 74-30]

DIABLO LAKE RESORT, WASHINGTON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the development concept plan for the Diablo Lake Resort, Ross Lake National Recreation Area, Washington.

The statement considers a plan to guide a program of expansion and improvement of the Diablo Lake Resort and the development of recreational facilities in the resort area.

Copies are available from or for inspection at the following locations:

Pacific Northwest Region, National Park Service, Fourth and Pike Building, Seattle, Wash. 98101.

Headquarters, North Cascades National Park Service Complex, Sedro Woolley, Wash. 98284.

Stehekin District Office, North Cascades National Park Service Complex, 206 Manson Road, Chelan, Wash. 98816.

Dated: June 11, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-13692 Filed 6-12-74;8:45 am]

[INT FES 74-31]

YELLOWSTONE NATIONAL PARK, WYOMING, MONTANA, AND IDAHO

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Yellowstone National Park master plan.

The environmental statement considers the social, economic, and ecological effects of the master plan recommendations for future management activity and visitor use of Yellowstone National Park, Wyoming, Montana, and Idaho.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Lakewood, Colorado 80215.

Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Superintendent, Yellowstone National Park, Yellowstone National Park, Wyoming 82190.

Dated: June 11, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-13693 Filed 6-12-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A051]

OHIO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Ohio:

Defiance
Henry
Paulding

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall, drought, and late spring freezes. The incidence period for these disasters is April 21, 1973, through September 30, 1973.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John J. Gilligan that such designation be made.

Applications for Emergency loans must be received by this Department no later than July 26, 1974, for physical losses, and February 28, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 3d day of June 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-13577 Filed 6-12-74;8:45 am]

Forest Service

NORTH SHORE OF HUNTINGTON LAKE TIMBER SALES

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the North Shore of Huntington Lake Timber Sales, Sierra National Forest, USDA-FS-FES (Adm) 74-28.

The environmental statement concerns a proposal to continue with the preparation and eventual sale of the Home Camp, Line Creek, and Billy Creek Timber Sales. These proposed timber sales are north of Huntington Lake on the Pineridge District, Sierra National Forest, Fresno County, California. The total area under study comprises 8,115 acres of National Forest lands within the 23,020 acre Kaiser Inventoried Roadless Area. Roughly 2,150 acres within the Study Area would be scheduled for various types of timber harvest at the first entry into the area. The remaining acreage would be logged at varying intervals during the next 100 years. The ultimate goal of this proposal is to place the Study Area under long-term multiple use management which includes the production of timber resources.

This final environmental statement was transmitted to CEQ on June 7, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

Sierra National Forest
Federal Building
1130 "O" Street
Fresno, California 93721

USDA, Forest Service
California Region
630 Sansome St., Rm. 531
San Francisco, Ca. 94111

Pineridge Ranger District
Big Creek Ranger Station
P.O. Box 38
Big Creek, California 93605

A limited number of single copies are available upon request to Sotero Muniz, Forest Supervisor, Sierra National Forest, Federal Building, 1130 "O" Street, Fresno, California 93721.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

DOUGLAS R. LEIZ,
Regional Forester.

JUNE 7, 1974.

[FR Doc.74-13559 Filed 6-12-74;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from Colorado-Ute Electric Association, Inc., Box 1149, Montrose, Colorado 81401. The statement will cover approximately 16.5 miles of new 115 kV transmission line from Basalt, Eagle County, Colorado, to

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Aspen, Pitkin County, Colorado; the upgrading of an existing parallel 69 kV line to 115 kV to provide loop service from Basalt to Aspen, Colorado; the installation of terminal facilities for both lines at the existing Basalt Substation and a 3.5 mile 115 kV tap line from the proposed Basalt to Aspen loop transmission system to a 115/24.9 kV substation in the Snowmass-at-Aspen area. It will also cover 42 miles of new 115 kV transmission line from Bayfield, LaPlata County, Colorado to Pagosa, Archuleta County, Colorado; terminal facilities at the existing Bayfield Substation and a new 115–69 kV Pagosa Substation.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C. this 6th day of June, 1974.

George P. Herzog,
Acting Administrator.

[FR Doc.74–13617 Filed 6–12–74;8:45 am]

SOUTHERN ILLINOIS POWER COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request to provide a combination of a loan guarantee and insured loan funds for Southern Illinois Power Cooperative, P.O. Box 143, Marion, Illinois 62959, which will provide for new generation facilities. The proposed generating facilities are expected to consist of a single 150 MW coal fired unit. It is presently proposed that this unit will be located at the existing Southern Illinois generating plant site at Marion, Illinois.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C. this 6th day of June, 1974.

George P. Herzog,
Acting Administrator.

[FR Doc.74–13616 Filed 6–12–74;8:45 am]

Soil Conservation Service

LOWER CLEAR BOGGY CREEK, OKLAHOMA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Lower Clear Boggy Creek Watershed Project, Atoka, Bryan, Coal, and Johnston Counties, Oklahoma, USDA–SCS–ES–WS–(ADM)–71–45(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 28 floodwater retarding structures, and 2.02 miles of channel work.

The final environmental statement was transmitted to CEQ on May 23, 1974.

A limited supply is available at the following locations to fill single copy requests:

Social Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: May 31, 1974.

William B. Davey,
Deputy Administrator for Water Resources, Soil Conservation Service:

[FR Doc.74–13560 Filed 6–12–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconducter Technical Advisory Committee of the U.S. Department of Commerce will meet on Tuesday, July 9, 1974, at 9:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of prior work.
4. Discussion of integrated circuits.
5. Executive Session:
   a. Continuation of review of prior work.
   b. Continuation of discussion of integrated circuits.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92–463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967–4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 10, 1974.

Rauer H. Meyer,
Director, Office of Export Administration, Bureau of East-West, Trade, U.S. Department of Commerce.

[FR Doc.74–13622 Filed 6–12–74;8:45 am]

Maritime Administration

[Docket No. S–418]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has applied for authorization to operate the SS Santa Magdalena as an additional combination passenger-cargo vessel on its subsidized service on Line B (Trade Route Nos. 23–24–25). The Operator provides or may provide service on Line B between U.S. Pacific ports and ports on the Pacific and Atlantic Coasts of South America, with privileges of serving certain other areas such as the Pacifiic Coast of Central America and Mexico, Canal Zone, a foreign port or ports in the Gulf of Mexico, Caribbean Sea and the Guianas (Mexico to southern border of French Guiana), and all islands of the Caribbean and West Indies, except Puerto Rico, and other nearby islands. The applicant is not requesting any increase in the maximum number of sailings presently permitted under its operating-differential subsidy agreement.

Any person, firm or corporation having any interest in such application and

desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on June 25, 1974, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: June 10, 1974.

By Order of the Maritime Subsidy Board/Maritime Administration.

James S. Dawson, Jr.,
Secretary.

[FR Doc.74–13628 Filed 6–12–74;8:45 am]

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement Requirements

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725–F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. This application is:

Interstate Oil Transport Company—Application for one ship. It is to be of MarAd Design T6–MT–117a, about 42,970 DWT and a significant portion of the commercially useful life of the vessel will be spent in the carriage of Petroleum Products in the Foreign Trade of the United States. The ship will be a twin screw diesel propelled tank ship with flush weather deck and constructed at Kelso Marine Shipyard, Galveston, Texas. This vessel is similar to the "Handy Tankers" described in detail in Section II of the EIS. The environmental impact of such designs are covered throughout the statement in various sections.

The basis for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099, Maritime Administration, Commerce Department Building, 14th & "E" Streets NW., Washington, D.C. 20230.

Dated: June 10, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

James S. Dawson, Jr.,
Secretary.

[FR Doc.74–13629 Filed 6–12–74;8:45 am]

National Oceanic and Atmospheric Administration

NOMENCLATURE OF FISH AND SHELLFISH AND THEIR PRODUCTS FOR PURPOSES OF MARKETING

Statement of Findings

A statement of interest and intent was published in the December 17, 1973, issue of the Federal Register (38 FR 34682) wherein the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, expressed the view that an urgent need exists for the clarification and refinement of policy and procedures that govern the nomenclature of fish, shellfish, and their products for purposes of their marketing and labeling. The reasons given in support of a need for clarification and refinement of policy and procedures relating to nomenclature of fish and fishery products were provided and are summarized as follows:

1. There is an increasing interest in using underutilized fishery resources which have not been heretofore generally marketed and for which no common names exist that are familiar to U.S. consumers.

2. Thousands of marine food species carry taxonomically accurate scientific names, but many species are known under various common names in different locations. This causes consumer confusion in the marketplace and orderly marketing and market development is thwarted and frustrated.

3. The marketability of many nutritious species with aesthetically objectionable common or local names is severely limited substantially due to the name itself.

4. New food processing techniques present opportunities for engineering new fishery products for which names or precedents for naming do not exist.

In the statement of interest and intent, the regulatory role of the Food and Drug Administration was identified in respect to matters pertaining to common or usual names. The responsibilities of the National Marine Fisheries Service were also identified, particularly as they pertain to research and service activities relating to fishery production, trade, development of commercial fisheries, quality standards for fishery products, and consumer education. Thus, an initiative pertaining to market nomenclature of fish and fishery products is considered to be an essential and logical extension of the current activities of NMFS.

All interested parties in the private and public sector were cordially invited to provide their views, recommendations and comments relating to nomenclature of fishery products to the National Marine Fisheries Service during the period December 17, 1973 through March 29, 1974.

The Department received 525 comments on the statement of interest and intent of which 471 were from individual consumers, including housewives, students, and fishermen. Generally, responses from individuals made specific suggestions of different names for a certain few species that now have undesirable or unaesthetic names. However, most favored the proposal for improving names of some fish.

Fifty-four comments came from fish processing, marketing and consulting firms, trade associations, and Federal and State agencies and commissions. Although these comments varied, some significant points were made repeatedly, representing a basis of findings as follows:

1. Nearly 70 percent of the responses agreed that a need exists for the clarification and refinement of policies and procedures that govern the nomenclature of fish and fishery products for purposes of the marketing and labeling of these products.

2. Most indicated that NMFS is the appropriate Federal agency to undertake an initiative to improve the nomenclature of fishery products for marketing and labeling purposes.

3. No response opposed the proposal or indicated that NMFS was not the appropriate Federal agency to undertake the project.

4. Three facets of the current problem of fish nomenclature were identified repeatedly:

(i) Many nutritious species have unaesthetic traditional names that limit utilization.

(ii) A continuing supply of fishery products dictates using these species.

(iii) Changing food habits and product forms will accommodate use of these species if they are appropriately named.

5. Consumer needs were recognized as important because:

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(i) Aesthetic labeling is necessary.

(ii) Truthful labeling is necessary.

(iii) Appropriate product representation is necessary.

6. Comments received relative to solving fishery nomenclature problems included suggestions of certain basic principles, use of committees, construction of model systems, and special expertise of consulting firms. However, the comments did not provide sufficient new information concerning how to approach the matter in a systematic way so as to assure effective and appropriate identification of fish and fishery products while considering the legitimate interests of consumers and the industry.

In view of the support indicated to clarify the nomenclature of fish and fishery products, the National Marine Fisheries Service has (a) designated the nomenclature initiative as a primary project within its Fishery Products Inspection and Safety Program, to which continuing efforts will be applied to achieve clear, effective identification of fish and fishery products, and (b) named a National Marine Fisheries Service Coordinator to work with all interested parties in achieving the nomenclature objectives.

Based on the comments, views and suggestions submitted on the notice and other information available, and because of the size and importance of the problem of improving identification policies and procedures related to fish and fishery products, NMFS plans to take the following actions:

1. Request proposals from expert sources as to the most appropriate and systematic way of approaching the overall problem.

2. Select a contractor to:

(i) Conduct certain functions involving fishery product identification problems and priority analysis.

(ii) Construct and evaluate a model system.

(iii) Develop basic principles for product identification.

(iv) Prepare procedural and implementation plans and techniques.

(v) Design a format for presenting product names in an organized manner.

3. Consult with appropriate interest groups in the private and public sectors relative to implementation plans and procedures.

JOHN W. TOWNSEND, Jr.,
Acting Administrator.

JUNE 6, 1974.

[FR Doc.74-13570 Filed 6-12-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee B, National Cancer Institute, July 22, 1974, National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public on July 22, 1974, from 9 a.m. to 9:30 a.m. for the Chairman's opening remarks and discussion of the procedures of the review committee. Attendance by the public will be limited to space available.

The meeting will be closed to the public on July 22, 1974, from 9:30 a.m. to adjournment to review approximately four research contract proposals in the areas of viral oncology and solid tumor viruses in accordance with the provisions set forth in section 552(b)(4) of Title 5, U.S.C. and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6927) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: June 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-13598 Filed 6-12-74;8:45 am]

ARTERIOSCLEROSIS RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis Research Centers Advisory Committee, National Heart and Lung Institute, July 1-3, 1974, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 am to 4 pm on Tuesday, July 2 and from 8:30 am to 1 pm on Wednesday, July 3 for a Director's conference on the current status and adequacy of research to prevent, detect and treat atherosclerosis, the development of recommendations for additional research programs in atherosclerosis, joint Advisory Committee—Directors discussion of the Centers concept and NHLI—administrative relationships, and presentation and discussion of SCOR-CDC lipid standardization and quality control program to the Directors and the Advisory Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S.C., section 552(b)4 and 552(b)6 and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:30 am to 4 pm on Monday, July 1 and from 2 pm to 4 pm on Wednesday, July 3 to discuss aspects of the SCOR operation involving research protocols, designs and related information of a proprietary nature as well as the competency of individual researchers associated with the SCORs.

Mr. Hugh Jackson, Information Officer, NHLI, RM 5A20, Building 31, Phone (301) 496-4236 will furnish summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Chief, Atherogensis Branch, NHLI, RM C808, Landow Bldg. Phone (301) 496-1978 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.374, National Institutes of Health)

Dated: June 7, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74-13597 Filed 6-12-74;8:45 am]

REGIONAL RESPONSIBILITIES FOR LONG-TERM CARE STANDARDS ENFORCEMENT

Statement of Organization, Functions, and Delegations of Authority

The Secretary of Health, Education, and Welfare has assigned to the Department of Health, Education, and Welfare Regional Directors responsibility for performing those functions under sections 1861(j), 1866, and 1910 of the Social Security Act, as herein delineated: approval of agreements with skilled nursing facilities (SNFs) for the purpose of participation in the Medicare (Title XVIII) program; determination of the term of such agreements; notification to State Medicaid (Title XIX) agencies of the approval of Title XVIII SNFs and the term of such approval; monitoring of state agency approvals and certifications of Title XIX SNFs and Intermediate Care Facilities (ICFs); termination of Title XVIII agreements when skilled nursing facilities are found no longer substantially complying with the requirements of Section 1861(j); granting of certain waivers with respect to SNF compliance with the provisions of the Life Safety Code of the National Fire Protection Association; approval of state fire safety codes in lieu of the Life Safety Code; granting of certain waivers with respect to specified elements in the SNF health and safety standards adopted by the Secretary and the certification of Title XIX SNFs and ICFs located on Indian Reservations. These functions, and the administrative resources to support their performance at the regional office level, have been transferred from the Social Security Administration, Public Health Service, and Social and Rehabilitation Service and assigned to a new Regional Office of Long Term Care Standards Enforcement in each of the ten HEW regional offices.

On January 11, 1974, there were published in the FEDERAL REGISTER two notices of delegations of authority to the Regional Directors of the Department, 39 FR 1658. Notice is hereby given that these delegations of authority have been rescinded, effective on the date this notice is published in the FEDERAL REGISTER.

Accordingly, Chapter 1E "Regional Director" of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 13546 8/25/70, as amended) is hereby further amended by adding the following:

Section 1E.10 Organization. A.3. Special Functions—Component and Title of Representative

Office of Long Term Care Standards Enforcement:

Director

Section 1E.30 Functions. A.15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

Section 1E.40 Delegations of Authority. D. Long Term Care Standards Enforcement. 1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, Amerian Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indidan reservations.

e. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

Chapter 1E is further amended to provide a new subchapter 1E8109, which is entitled, "Regional Office of Long Term Care Standards Enforcement," and which reads as follows:

Section 1E8109.00 Mission. The mission of the Regional Office of Long Term Care Standards Enforcement is to ensure: that Federal standards for Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) are enforced; that through the monitoring of the provisions of consultation and technical assistance and the support of continuing education activities by the state agencies, the proficiency of SNFs and ICFs is upgraded to the end that quality care is provided to beneficiaries and recipients of Federal funds who are patients in SNFs and ICFs; and that the Regional Directors' responsibilities for granting waivers for certain standards under Title XVIII and Title XIX and to enter into agreements with SNFs under Title XVIII are consistently administered.

Section 1E8109.10 Organization. The Regional Office of Long Term Care Standards Enforcement is a line element headed by a Director who reports directly to the Regional Director.

Section 1E8109.20 Functions. A. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and Title XIX certification include: the issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

B. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs under the terms of agreement; the effectiveness of State agency consultation and technical assistance to SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

C. Participate in the negotiations of budgets with State survey agencies for their services and review those portions

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of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner, and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

D. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

E. Develop and implement procedures to assure the timely and effective conduct of the following: (1) State surveys of individual SNFs and ICFs, (2) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (3) Federal decisions approving agreements, terminations or the granting of waivers to SNFs, and (4) Federal direct validation surveys of selected SNF and ICF facilities.

F. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

G. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

H. Assist States, provider organizations, and educational institutions in the stimulation, development and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

I. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

J. With SSA, SRS and the Public Health Service (PHS), as appropriate, provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations and other health and welfare groups.

K. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS, and SRS, as appropriate, on revisions to present program policies, criteria, standards or procedures.

L. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

M. Work with, and provide information as requested to, the Social Security Administration, on the following SNF related activities:

(1) Utilization review processes of SNFs.

(2) Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program).

(3) Certification of SNF's as a "distinct part" of another facility.

(4) Requests for hearings on terminated SNFs participating in Medicare.

N. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

(1) Utilization and periodic medical review procedures for SNFs.

(2) Utilization and independent professional review procedures for ICFs.

(3) Level of care determinations.

(4) Recipient eligibility issues.

(5) Cost-sharing requirements.

O. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

(1) Health care standards development efforts of the Bureau of Quality Assurance.

(2) Utilization review determinations under Professional Standards Review Organizations.

(3) Provider improvement program initiatives of the Health Resources Administration.

(4) Comprehensive health planning determinations under section 1122 of the Social Security Act.

(5) Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control and the Food and Drug Administration.

P. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and the aging.

Q. Coordinate with the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

R. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

S. Coordinate with Department of Housing and Urban Development in the implementation of Pub. L. 93-204.

Date: June 10, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-13602 Filed 6-12-74;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Deparment of Health, Education, and Welfare related to the Social and Rehabilitation Service (34 FR 18562, November 21, 1969) has been amended for the purpose of deleting from the Secretary's delegation of authority to the Administrator, Social and Rehabilitation Service, certain authorities under title XIX of the Social Security Act, as amended, relating to Long Term Care in the Medicaid program. These authorities have now been delegated to the Regional Directors of the Department.

For such purposes, delete subsection (a)(1)(iii) under 5-D. Delegations of authority, and substitute therefor the following:

(a)(1)(iii) The functions vested in the Secretary by title XIX of the Social Security Act, except for those functions delegated to the Regional Directors of the Department, below:

(a) Authority under the provision of section 1910(b) to notify the state agency administering the title XIX state plan of the approval or disapproval of any institution which has applied for certification under title XVIII, and the term of such approval.

(b) Authority to waive, for title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

(c) Authority to waive for title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

(d) Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

(e) Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

Dated: June 10, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-13603 Filed 6-12-74;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

The Secretary of Health, Education, and Welfare has delegated to Regional Directors of the Department of Health, Education, and Welfare the following authorities under sections 1861(j) and 1866 of the Social Security Act, as amended: approval of agreements with skilled nursing facilities (SNFs) for the purpose of participation in either the Medicare (title XVIII) or in both the Medicare and Medicaid (title XIX) programs; determination of the term of such agreements; termination of agreements when skilled nursing facilities are found no longer complying with the requirements of section 1861(j); granting of certain waivers with respect to SNF compliance with the provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967); approval of State Fire Safety Codes in lieu of the Life Safety Code; and granting of certain waivers with respect to specified elements in the SNF health and safety standards adopted by the Secretary. These authorities were previously delegated to the Commissioner of Social Security.

Accordingly, the delegation of authority to the Commissioner of Social Security under title XVIII of the Social Security Act, as amended, which are reflected in section 4-D1.(a) of the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (33 FR 5836-37, April 16, 1968, as amended), are hereby modified by adding the following new paragraph under section 4-D1.(a):

The following authorities under Title XVIII of the Social Security Act, as amended, are excepted from the above delegations and have been delegated to the Regional Directors:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up review), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

These revisions of authorities delegated to the Commissioner of Social Security are effective as of June 13, 1974.

Dated: June 10, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

[FR Doc.74-13604 Filed 6-12-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

STATE PARTICIPATION PROGRAM

Application Guidelines

The Federal Railroad Administration (FRA) issued regulations for State Participation pursuant to sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, (45 U.S.C. 421 et seq.)) (the Act) as 49 CFR 212 on December 18, 1973. To assist states in applying for participation and Federal payments under the State Participation Program, procedural guidelines were issued on February 13, 1974 and published in the FEDERAL REGISTER of February 22, 1974 (39 FR 6760).

The FRA conducted a number of meetings with state representatives at which several requests for interpretation and clarification of the State Participation regulations and various aspects of the program were made. The purpose of this notice is to publish a document which sets forth FRA guidelines which were issued in response to such requests as a clarification of those aspects of the State Participation Program. These guidelines shall apply to all states which will participate in the program. Copies of the guidelines were forwarded to each appropriate state agency on April 19, 1974.

These guidelines are effective as of April 19, 1974.

Issued in Washington, D.C., on June 10, 1974.

JOHN W. INGRAM,
Administrator.

STATE PARTICIPATION PROGRAM GUIDELINES

A. CONTROL (SECTION 212.63)

Background. The Federal Railroad Safety Act of 1970, Pub. L. 91-458, established the state participation concept of railroad safety and specified criteria for certification. Section 206(a)(3) prescribes, as one of the criteria, that the state agency conduct:

* * * the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary.

This provision of the Act provided the statutory authority for § 212.63 of the FRA State Participation regulations, 49 CFR 212.63.

Section 212.63 FRA directs activities. All investigative and surveillance activities performed by a state agency under this subpart are conducted as prescribed by the Administrator. The investigative and surveillance policies and procedures adopted by him with respect to Federal Track Safety Inspectors apply to state inspectors.

This section of the regulations restates the statutory provision that the FRA Administrator (by delegation from the Secretary, 49 CFR 1.49(n)) shall prescribe the investigative and surveillance activities to be conducted. It is also intended to promote national uniformity which Congress prescribed in section 205 of the Act. In this matter the FRA can better assure that there will not be a multiplicity of inspection policies or interpretations of regulations.

Clarification. Under this program, whether participation be by certification or by agreement, a state agency will develop an annual program plan and quarterly operating plans covering track inspection activities to be conducted within the state. Each state will also designate the state office which will be responsible for the operation of the state track inspection program, and for coordination with the Federal Railroad Administration.

The annual program plan, which will be included in a state agency's payment application, is intended to reflect the cost of the personnel, equipment and activities which the state agency expects to expend upon the track safety effort for the ensuing year. It will also include the total number of man-years the state expects to expend on track inspection and surveillance activities. This document will be used by FRA as a proposed budget in determining the amount of Federal payment to be specified in the payment agreement.

The quarterly operating plan will be prepared in advance of each quarter and will delineate the track inspection activities to be conducted during the quarter. The state agency will be permitted under such a plan to fulfill the requirement for a specific number of track inspectors by utilizing any number of qualified state track inspectors to provide the equivalent man-years of inspection effort. Each state track inspector who will be conducting track inspection activities must meet the qualifications of 49 CFR 212.55 or 212.57, and be approved by the FRA.

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Under such a plan, the state agency will also be permitted to use state track inspectors to enforce state rail safety laws and regulations. However, the plan must specify in detail the Federal track inspection activities to be conducted during the quarter, and the number of man-days of track inspector time to be expended on the Federal track safety program. This quarterly operating plan will be prepared by all participating states but will serve a different purpose according to the degree of state participation.

1. *Certification.*—Under a certification, when a state is operating with the full complement of inspectors as specified in § 212.53 (a) of the regulations (49 CFR 212.53(a)), the quarterly operating plan will be utilized as a monitoring procedure in support of advances under the Payment Agreement, and as a necessary measure of the state agency's performance of the investigative and surveillance activities prescribed by the Administrator. The monitoring procedure may also include periodic field inspections to assess the performance of individual track inspectors. This limited use of the operating plan, and limited Federal involvement is in recognition of the intent of a certification. This certification program was intended to transfer to the fully qualified state agency the responsibility for conducting all track investigative and surveillance activities. When a full complement of state inspectors has been certified, no Federal track inspection personnel will be assigned to conduct track investigative and surveillance activities within that state, although periodic monitoring activities will be conducted by the Federal Track Engineer. Federal inspection personnel will be present within the state to conduct the inspection activities necessary to enforce other Federal statutes and regulations.

2. *Certification (3 year development stage).* We are referring here to that three year period after an initial certification in which a state is certified, but employs less than the full number of inspectors as prescribed in § 212.53 of the regulations (49 CFR 212.53). During this period the FRA will still maintain a Federal involvement in the track investigative and surveillance activities within the state. Since the state does not have a full inspection force, Federal inspectors may be assigned to complement state efforts. In such circumstances the quarterly operating plan will be utilized as a planning and coordination tool. When initial certification commences, the Regional Track Engineer will meet with a representative of the designated state office at least quarterly to review with him the state operating plan for the ensuing quarter. These meetings will again be a means of monitoring state performance as well as a means of substantiating actual costs for purposes of advance payments. At the same time they will present a means of coordinating state and Federal inspection plans to assure that activities are not duplicative.

3. *Agreement.* Under an agreement, where a state agency has committed less than the specified number of inspectors, or where it is conducting only a portion of the overall track investigative and surveillance activities, there will be a need for continuing Federal involvement. Again, in such circumstances, the quarterly operating plan will be used as a planning and coordination tool, although Federal involvement in the planning process will be more extensive and more active. Unlike the situation of the state with an incomplete certification described above, the state entering into an agreement need not necessarily be working toward achieving a complete certification under which it would assume full responsibility for track investigation and surveillance. That responsibility remains with the Federal government, and therefore, FRA's involvement must necessarily be more direct.

Under paragraphs (2) and (3) above, the development of the quarterly operating plan would actually amount to a joint planning process. However, since the FRA retains the responsibility for assuring an effective investigative and surveillance effort, it must also retain the authority to approve or disapprove the activities contained in any quarterly operating plan. In the case of the fully certified state discussed in paragraph (1) above the planning process is equally as important. In such cases, the FRA will continue to work with the state agency to develop an effective track safety program.

State Coordination. In all of the above cases, the state agency's designated state office will be the contact point between the FRA and the state agency. All state track inspectors will take direction from, report to and forward all violations to the designated state office. That office in turn, will forward all violations to the Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, with a copy of each violation to the appropriate Regional Director. Once received by the Chief Counsel, violations written by state inspectors will be processed in the same manner as those submitted by Federal track inspectors.

B. QUALIFICATIONS (SECTIONS 212.55 AND 212.57)

Background. The Federal Railroad Safety Act is not explicit on the qualifications of state inspectors. However, the legislative history of the Act reflects a desire on the part of the Congress to create a railroad safety program based upon uniform standards and enforcement. To accomplish this end, section 205 prescribes that Federal regulations will preempt state authority in, the same area of rail safety. Section 206 prescribes that enforcement will be vested exclusively in the Federal government, except under the limited circumstances provided in section 207 (i.e. if the Administrator has not acted upon a violation within 90 days.) To further assure some degree of national uniformity, one of the criteria for certification specifies that the state agency must conduct the investigative and surveillance activities prescribed by the FRA Administrator, and must accept his interpretation of the rules, regulations, orders, and standards.

In any regulatory effort, the quality of the investigative and surveillance activities performed by field inspection forces for the enforcement of rules and regulations is a major determinative factor in achieving a nationally uniform safety program. Therefore, the FRA requires common professional qualifications of all inspectors. Sections 212.55 and 212.57 prescribe qualifications for state inspectors which are identical to those included in the position description for Federal track inspectors.

Clarification. It appears that the original literal reading of the position description language would create severe qualification problems for many states. Under Federal Civil Service practices such position descriptions are not meant to prescribe strict employment qualifications, but rather to establish a range of eligibility for a given position. The Civil Service Commission will include on a list of eligibles those with the prescribed years of track construction and maintenance experience as well as those with other combinations of acceptable qualifying experience. This experience may be provided by professional technical education or investigative experience as a substitute for a certain number of years of actual construction and maintenance experience. For example, a degree in engineering or a related technical specialization would be considered equal to three years of construction and maintenance experience. Thus a degree and three years experience would place an individual within the range of eligibility for a track inspector. Six years or more of track inspection experience with a state agency may also be sufficient to place an individual within the range of eligibility. Related technical education will also be considered in reviewing qualifications of persons designated by a state agency as junior track inspectors. However, the requirements prescribed for a junior track inspector may not be satisfied by technical educational background alone.

Education must be combined with on-the-job railroad construction and maintenance work or inspection experience. In the final analysis, any personnel action of this kind amounts to a detailed review of the record of the individual and a determination in each case as to whether the specific experience of the individual satisfies the basic qualification—adequate knowledge of track safety.

In reviewing and evaluating the qualifications of state inspectors, the FRA will follow the same procedures. We will consider both educational background and prior state track-related safety inspection experience in determining whether an individual inspector complies with the intent of §§ 212.55 and 212.57. Of course, it will be in the best interest of the state, and the best interests of a successful rail safety program, if the state agency includes its best qualified inspector in any submission for certification or agreement. It should be emphasized that the Administrator must fulfill his responsibility for ensuring that the state agency will be able to carry out the investigative and surveillance activities. Therefore, any individual approved as a track inspector or junior track inspector must demonstrate the comprehensive knowledge of track safety intended by the requirements of §§ 212.55 and 212.57.

While the FRA will use this flexible approach to qualifications, it will continue to encourage training for state employees to upgrade the quality of inspection skills available to the state. This training may take the form of formal courses of instruction at the Transportation Safety Institute or on-the-job training under the guidance of Federal inspectors.

C. FEDERAL PAYMENT (SECTION 212.33)

Background. The Act prescribes that a participating State will be paid up to 50 percent of the cost of the personnel, equipment, and activities of the State agency which are reasonably required, during the ensuing fiscal year, to carry out a safety program under a certification or agreement (section 206(d)). The Act also prescribes two eligibility conditions, in the form of assurances to the Administrator, which the State agency must fulfill before a Federal payment can be made:

(1) the State agency will provide the remaining cost of the safety program to be carried out under the certification or agreement; and,

(2) the aggregate expenditures of State funds (exclusive of Federal grants) for the safety program will be maintained at a level which does not fall below the average level of State expenditures for railroad safety in fiscal years 69 and 70.

All of these statutory funding requirements are included in § 212.33 of the State Participation regulations, 49 CFR 212.33.

Clarification. Confusion appears to have arisen with respect to the requirement that a State agency maintain its aggregate expenditures at least at the level of FY 1969 and 1970 rail safety expenditures. As stated above this requirement is merely a condition of eligibility for a Federal payment. The FRA is interested only in the aggregate State expenditures for all rail safety programs—a single dollar amount—for the base period (average of FY 69 and 70) and for FY 1975. After the Federal share of the State's track safety program has been deducted from the aggregate expenditures for all rail safety programs, the remainder must be equal to or greater than the aggregate expenditures for the base period. This may be more clearly illustrated by a series of hypothetical funding situations.

1. a. Average aggregate expenditures 1969–1970, $150,000 (all State railroad safety programs).

b. Aggregate expenditures 1975, $200,000 (all State railroad safety programs). Track program 1975—$50,000 (included in $200,000). Assumed Federal Share—up to $25,000.

c. Aggregate State expenditures (exclusive of Federal $175,000 funds). The eligibility condition is satisfied, the full cost of the track program is eligible for up to 50 percent Federal payment.

2. a. Average aggregate expenditures 1969–1970, $150,000 (all State railroad safety programs).

b. Aggregate expenditures 1975, $200,000 (all State railroad safety programs). Track program 1975, $140,000 (included in $200,000). Assumed Federal share—up to $70,000.

c. Aggregate State expenditures (exclusive of Federal funds), $130,000.

In this case, if the full Federal share of 50 percent were to be paid, line c. would be less than line a. and, therefore, the State would not satisfy the eligibility condition. To avoid this disqualification, the FRA would only pay up to $50,000 of the $140,000 track program. As a result the aggregate expenditures exclusive of Federal funds would be $150,000, the base period level.

3. a. Average aggregate expenditures 1969–1970, $150,000 (all State railroad safety programs).

b. Aggregate expenditures 1975, $150,000 (all State railroad safety programs). Track program 1975, $50,000 (included in $150,000). Assumed Federal share—up to $25,000.

c. Aggregate State expenditures (exclusive of Federal funds), $125,000.

In this case, if any Federal share were paid the State could not satisfy the eligibility condition. Therefore, no Federal payment could be made in such a case. However, given the average annual rate of inflation since the base period of fiscal years 1969 and 1970, it is highly unlikely that any State would find itself in this situation, or in the situation in which aggregate expenditures have actually decreased since the base period.

Under this eligibility requirement, whether the State had a track safety program in the base period, or did not have one, is not the question. The focal point of this statutory requirement is the average expenditure and not personnel assigned.

In terms of the specific items of the track inspection budget that will be funded, the Act refers to the reasonable cost of the personnel, equipment and activities of the State. In terms of personnel, the FRA will fund up to 50 percent of the salary costs of the number of inspectors specified for each State in § 212.53 of the regulations (49 CFR 212.53). In addition, the FRA will also fund up to 50 percent of the clerical support time involved in the program and the supervisory time of personnel who direct the activities of State track inspectors.

The Act authorizes Federal payments for State activities involved in the administration of Federal regulations only. Since it is likely that personnel will be working on both the track safety program and other State rail safety programs, the number of man-days of work involved in the Federal track safety program must be specified. In addition, FRA payments will be available for salary costs of State inspectors only up to compensation levels which do not exceed those of similarly qualified Federal inspectors.

The State will submit a proposed budget as part of its payment application. This budget will detail the type and cost of the personnel, equipment and activities which the State agency expects to expend on the track investigative and surveillance effort. If equipment is used on a part-time basis for the Federal track program and the remainder of the time for State programs, an allocation of time and cost will have to be reflected in the budget.

The Office of Management and Budget has established requirements of general applicability with reference to all Federal programs of assistance to States. The State participation (red) handbook, copies of which were distributed to each State commission, contains all the applicable OMB directives. These directives are referred to as "circulars". Circular No. A–87 (Appendix B) specifies the principles for determining costs applicable to grants to State governments, and various sections of Circular No. A–102 specify the administrative requirements which have been included in the Terms and Conditions of the Payment Agreement (Appendix A, C, D).

Each State payment application will be reviewed by the FRA Office of Administration as a proposed budget; amounts therein may be subject to discussions and negotiations between the FRA and the State agency. In all cases, the Administrator shall make the final determination as to the reasonableness of estimated program costs and the amount of Federal payment to be given each State.

Due Date for Application. The original deadline for submission of the certification or agreement was April 15, 1974.

The revised date has been changed to June 1, 1974.

It should be emphasized that all States are urged, however, to submit applications prior to that date if possible, otherwise funding appropriated for fiscal year 1975 payments will not be available, since the fiscal 1975 funding must be committed by June 30, 1974. Payment agreements for Federal funds to be expended for the fiscal year 1975 track safety program must be obligated prior to that date.

If a State agency wishes to participate in the track safety program during fiscal year 1975, but for some reason will be unable to begin such participation on July 1, 1974 (the beginning of the fiscal year), arrangements may be made to obligate funds for a Federal payment when the State agency begins participation later in the fiscal year. If the appropriate forms can be completed, with figures based on best estimates of program costs, FRA will review them and offer the State agency a Payment Agreement conditional upon the agency's participation during fiscal year 1975. In this manner, States which may not now have legislative authority or necessary appropriations, will be able to enter the program at a later date during the fiscal year without forfeiting Federal payments for participation. If anticipated authority or appropriations are not obtained, and the State agency does not participate, obligated funds will lapse at the end of fiscal year 1975.

[FR Doc. 74–13609 Filed 6–12–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Carolina Power & Light Company (H. B. Robinson, Unit No. 2) Docket No. 50–261.

This action is in reference to the notice "Proposed Issuance of Amendment to Facility License" published in the FEDERAL REGISTER (39 FR 15061) by the Commission in the above matter on April 30, 1974.

The members of the Board are:

John F. Wolf, Esq., Chairman
3409 Shepherd Street
Chevy Chase, Maryland 20015

Dr. A. Dixon Callihan, Member
Union Carbide Corp.
P.O. Box Y
Oak Ridge, Tennessee 37830

Dr. Richard F. Cole, Member
Atomic Safety and Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dated at Bethesda, Md., this 7th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74–13567 Filed 6–12–74;8:45 am]

[Docket No. 50–254]

COMMONWEALTH EDISON CO.

Issuance of Changes to Technical Specifications of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 22, 1974 (39 FR 10928), the Atomic Energy Commission (the Commission) has issued Change No. 19 to the Technical Specifications of Facility Operating License No. DPR–29 to the Commonwealth Edison Company (the licensee, acting for itself and on behalf of Iowa-Illinois Gas & Electric Company). This change, effective immediately, authorizes the licensee to operate the Quad-Cities Nuclear Power Station Unit 1 using a partial loading of 8 x 8 fuel assemblies (containing U-235), and one 7 x 7 fuel assembly containing segmented test rods, and would also authorize changes to the limiting conditions for operation associated with fuel densification for the new 8 x 8 and 7 x 7 fuels. The licensee is presently licensed to possess and operate the Quad-Cities

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Nuclear Power Station Unit 1, located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel assemblies (containing U-235).

The Commission has found that the application for the above action filed by Commonwealth Edison dated February 28, 1974, including the supplements dated January 28, 1974 and February 7, 1974 (filed prior to the basic application) and subsequent supplement dated March 18, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations published in 10 CFR Chapter I.

The Commission's Directorate of Licensing has completed its evaluation of the above action and a Safety Evaluation is being issued concurrently with this notice concluding that there is reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility with the 8 x 8 fuel and the related changes to the Technical Specifications as authorized by Change No. 19, which is incorporated in License No. DPR–29 as Amendment No. 10 thereto.

Copies of (1) Amendment No. 10 with Change No. 19 to the Technical Specifications of Facility Operating License No. DPR–29, (2) the Commission's concurrently issued Safety Evaluation, (3) "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974, by the Directorate of Licensing, (4) Report NEDO–20103—"General Design Information for General Electric Boiling Water Reactor Reload Fuel Commencing in Spring 1974", and (5) the Advisory Committee on Reactor Safeguard's letter of February 12, 1974, "Report on General Electric 8 x 8 Fuel Design for Reload Use" are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street, Moline, Illinois 61265. Single copies of items 1, 2, 3 and 5 may be obtained upon request sent to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 5th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-13607 Filed 6–12–74;8:45 am]

[Docket No. PRM–50–11]

SIERRA CLUB AND PRINCE GEORGE'S ENVIRONMENT COALITION

Filing of Petition for Rule Making

Notice is hereby given that the Institute for Public Interest Representation, Georgetown University Law Center, 600 New Jersey Avenue, NW., Washington, D.C., by letter dated May 17, 1974, has filed with the Atomic Energy Commission a petition for rule making on behalf of the Sierra Club and Prince George's Environment Coalition.

The petitioners request that the Commission promulgate a rule requiring each applicant for a permit to construct and operate a nuclear power reactor for commercial power generation to submit as part of the "Applicant's Environmental Report—Construction Permit Stage," now required by 10 CFR Part 50, Appendix D, a study, made in accordance with procedures to be prescribed by the Commission, of the price elasticity of demand for electricity in the applicant's service area.

The petitioners state that this study should: (1) Be based on econometric methods and principles; (2) utilize an adequate cross sectional sample of customers from each customer class; (3) to the extent possible, relate customers' peak demands (at times of total system peak rather than at times of individual customer or customer class peak demands) and monthly electricity consumption to electricity prices (expecially marginal prices for additional power consumption during the billing cycle period), customer income, and other relevant variables such as weather, price of competing fuels, and size of family.

The petitioners state also that the results of the elasticity studies should be utilized along with the applicant's estimates of future average electricity rates (fully reflecting inflationary trends) and various projected rate structures (including marginal cost pricing structures and inverted rate structures based on the expected future average electricity rates) to predict future consumption levels.

The petitioners request that the proposed rule (1) direct the regulatory staff to review each applicant's price elasticity of demand study and future consumption projections based on these elasticity estimates, and determine prior to the issuance of any permit to conduct preconstruction site activities, that the applicant's current rate structure exploits (consistent with marginal cost pricing) the elasticity of demand for electric power which exists in the service area to be affected; and (2) prohibit, subsequent to adoption of the proposed rule, the completion of the regulatory staff's environmental impact review of any application for a construction permit which does not contain the elasticity of demand study.

The petitioners contend that the submission of a particularized price elasticity of demand study for the applicant's service area, and an analysis and evaluation of the extent to which the applicant's rate structure exploits the elasticity of demand in that service area and the extent to which growth of demand for new plant capacity will be limited by increasing electric costs can be quantitatively measured. The petitioners contend also that the elasticity of demand is susceptible to a reasonable degree of proof and it is a feasible energy conservation technique to require applicants to consider it.

It is the view of the petitioners that existing rate structures encourage wasteful use of electricity and in the light of the growing evidence that demand for electricity is elastic, the Commission's rules regarding consideration of alternatives to additional power plants in its environmental impact statements mandate the kind of study which the petitioners seek. The petitioners contend that such a study should be the responsibility of every applicant as a condition precedent to review of an application for a construction permit and that prior to the issuance of any permit to conduct preconstruction site activities, the Commission should determine whether the applicant's projections of need for the additional generating capacity would be valid if the applicant's rate structure fully reflected the applicant's estimates of the elasticity of demand. The petitioners submit also that the proposed rule would assist the Commission in furthering the adoption and implementation of a coordinated, inter-agency program for electric energy conservation.

A copy of the petition for rulemaking and accompanying memorandum in support thereof is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition and supporting memorandum may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before August 12, 1974.

Dated at Germantown, Md., this 7th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–13608 Filed 6–12–74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued revised versions of two regulatory guides in its Regulatory Guide series—5.8 (Rev. 1) and 5.9 (Rev. 1). This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The revised guides, "Design Considerations for Minimizing Residual Holdup

of Special Nuclear Material in Drying and Fluidized Bed Operations" and "Specifications for Ge(Li) Spectroscopy Systems for Material Protection Measurements. Part I: Data Acquisition Systems," are in Division 5, "Materials and Plant Protection Guides," of the Regulatory Guide series. The minor revisions were made to reference parts of the regulations that were made effective after the guides were published.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Organization for Materials and Plant Protection
Management Review of Materials and Plant Protection Programs and Activities
Standards for Physical Barrier Construction
Special Nuclear Material Doorway Monitors
Plant Security Force Duties
Personnel Selection and Screening
Perimeter Intrusion Alarms
Road Shipment of SNM by Specially Designed Vehicle with Armed Guards
Communications with Transport Vehicles
Coordination of Response Plan with Law Enforcement Authority
Monitoring Transfers of Special Nuclear Material
Selection of Material Balance and Item Control Areas
Internal Transfers of Nuclear Material
Material Control in Unirradiated Scrap Recovery Facilities
Minimizing Nuclear Material Holdup in Wet Processes
Minimizing Nuclear Material Holdup in Dry Processes
Dynamic Inventory Techniques
Prior Measurement Verification
Analysis and Use of Production Data for Material Control
Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants
Evaluation of Material Unaccounted For (MUF)
Evaluation of Shipper and Receiver Data
Resolution of Shipper-Receiver Differences
Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants
Determination of Random Measurement Errors
Determination of Measurement Bias and Systematic Errors
Training and Qualifying Measurement Control Personnel
Nuclear Material Control Systems for Nuclear Power Plants
Methods for the Accountability of Plutonium Oxide Powder
Methods for the Accountability of High-Enriched UO_2
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions
Guide for Mass and Scales Calibration
Guide to Mixing and Sampling Nuclear Materials
Preparation of $Pu(NO_3)_4$ Solution as a Working Standard
Guide to Making Working Standards from Production Material
Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard
Radiometric Calibration Techniques
Calorimetric Assay of Pu-Bearing Solids
Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy
Nondestructive Assay of High-Enrichment Uranium Fuel Plates
Nondestructive Assay of Plutonium Residual Holdup
Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation
Nondestructive Assay of Uranium Residual Holdup
Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy
Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction
Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 5th day of Jnue 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–13566 Filed 6–12–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON CLINCH RIVER BREEDER REACTOR

Notice of Meeting

JUNE 10, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Clinch River Breeder Reactor will hold a pre-application information meeting on the project on July 10, 1974, Room 1046 at 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, July 10, 1974, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Project Management Corporation and will hold discussions with these groups regarding matters pertinent to the design features and current status of the Clinch River Breeder Reactor and plans and schedules for future work to be accomplished in connection with the application for a permit to construct this demonstration plant.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8:30 a.m. on July 10 and at the end of the day to consider matters relating to the above project. These sessions will involve discussion of preliminary views and will consist of an exchange of opinions and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 3, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents related to the Clinch River Breeder Reactor facility on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:00 p.m. on July 10, 1974.

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(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 9, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5640) between 8:30 a.m. and 5:15 p.m., E.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 11, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after September 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–13640 Filed 6–10–74;10:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on July 11, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., June 10, 1974.

[SEAL] RALPH L. WISE,
Chief Administrative Law Judge.

[FR Doc.74–13612 Filed 6–12–74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITY

Class 7920

Rag, Wiping (GSA, Region 4 Only)
7920–205–1711
7920–205–3570

Comments and views regarding these proposed additions may be filed with the Committee on or before July 15, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

This notice supersedes the notice of proposed addition of wiping rags, dated November 5, 1973 (38 FR 30468) which is cancelled.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74–13610 Filed 6–12–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on June 20, 1974 at the Flying Carpet Motor Inn, 6465 North Manheim Road, Des Plaines, Illinois 60018.

The purpose of the meeting is to finalize the draft Program Report and Research Priorities lists for Lake Michigan Cooling Water Studies previously developed by the Panel.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Howard Zar, Environmental Protection Agency, Region V, Enforcement Branch, 1 North Wacker Drive, Chicago, Illinois 60606.

The telephone number is (312) 353–1470.

JOHN QUARLES,
Acting Administrator.

JUNE 10, 1974.

[FR Doc.74–13682 Filed 6–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19588, File No. BPH–7646; Docket No. 19589, File No. BPH–7707]

COLORADO WEST BROADCASTING, INC. AND GLENWOOD BROADCASTING, INC.

Memorandum Opinion and Order Enlarging Issues

1. The mutually exclusive applications of Colorado West Broadcasting, Inc. (Colorado West) and Glenwood Broadcasting, Inc. (Glenwood) for a new FM broadcast station in Glenwood Springs, Colorado, were designated for hearing by Commission Order, FCC 72–836, released September 22, 1972. In an Initial Decision, FCC 73D–66, released January 8, 1974, the Administrative Law Judge granted the application of Colorado West and denied the application of Glenwood; by Memorandum Opinion and Order, 44 FCC 2d 933, ____ RR 2d ____ (1974), the Commission reopened the record, specified two issues against Colorado West [39 FR 3998], and remanded the case to the Administrative Law Judge. Now before the Review Board is a petition to enlarge issues, filed February 22, 1974, by Colorado West, requesting inquiries into Glenwood's compliance with sections 3(o) and 315 of the Communications Act of 1934 and § 1.526 of the Commission's Rules, Glenwood's purpose for filing its application for a new FM broadcasting station, and Glenwood's qualifications to be a Commission licensee.[1]

2. Colorado West concedes that its petition is untimely, but argues that good cause exists for its acceptance because it did not learn of certain alleged misconduct by Glenwood until February 8, 1974, and did not receive an affidavit attesting to the incidents in question until February 20, 1974, and because it could not discern Glenwood's overall pattern of conduct until recently. The Board does not believe that these arguments constitute good cause for petitioner's tardiness since all of the events cited in the petition occurred well before the document was filed, but we will nevertheless consider the petition on the merits because of the serious nature of the questions raised. See "The Edgefield-Saluda Radio Company," 5 FCC 2d 148, 8 RR 2d 611 (1966).

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[1] Also before the Board are the following related pleadings: comments, filed March 13, 1974, by the Broadcast Bureau; opposition, filed March 22, 1974, by Glenwood; and reply, filed April 11, 1974, by Colorado West.

SECTION 3(o) OF THE COMMUNICATIONS ACT OF 1934

3. Colorado West bases its allegation that Glenwood willfully and repeatedly violated Section 3(o) of the Communications Act of 1934[2] on the affidavit of Edward M. Dunn, Jr., a former employee of KGLN, the standard broadcast station operated by Glenwood in Glenwood Springs, Colorado. In his affidavit, Dunn states that Glenwood broadcast prerecorded audio tones superimposed over program material to signal KGLN employees who were away from the station. According to the affidavit, Jack E. Warkentin, a principal of Glenwood, told Dunn not to log these messages and also admitted that he knew the practice was illegal. Dunn further maintains that the page cartridges used to signal employees were present at the KGLN studio as late as February 17, 1974. The broadcast of point-to-point communications clearly violates the Communications Act of 1934, Colorado West charges, citing WANV, Inc., ____ FCC 2d ____, 27 RR 2d 1607 (1973); KFAB Broadcasting Co., ____ FCC ____, 1 RR 2d 403 (1963); Report and Order in Docket 12517, 19 RR 1619 (1960); and Scroggin & Co. Bank, 1 FCC 194 (1935), and an appropriate issue should therefore be added. The Bureau, in its comments, supports Colorado West's request, arguing that the allegations, if true, would warrant the addition of an issue.

4. Glenwood, in opposition, offers the affidavit of Jack E. Warkentin who states that KGLN did employ a signalling system of audio tones to inform its employees of fast-breaking news stories, equipment malfunctions, and other station business, but discontinued this practice in the fall of 1973. Warkentin also contends that the maximum duration of any signal was approximately one second, that the signals were broadcast on an average or two or three times per month, and that no complaints from the public concerning their use were ever received. Although the tone cartridges containing the signals were erased, the labels on the cartridges were not removed, he submits. Glenwood asserts that KGLN used tone signals as an ancilliary function of its broadcast service to the public, and, further, that none of the cases cited by Colorado West, all of which involve the signalling of persons not associated with the station, establish the proposition that this practice violates Commission rules. Indeed, Glenwood urges, the Commission has never issued a forfeiture or designated an issue on this matter. In reply, Colorado West maintains, with the support of a second affidavit of Edward M. Dunn, Jr., that the tones were broadcast significantly more often than two or three times per month, and that Dunn received repeated inquiries from the public concerning the tones.

5. The Review Board will add the requested issue. It has long been considered contrary to the purpose of Section 3(o) of the Communications Act for a broadcast station to transmit point-to-point messages of strictly private interest. See Scroggin & Co. Bank, supra. Glenwood has not denied that Station KGLN broadcast point-to-point communications and that its principal, Jack Warkentin, was aware that such activity was prohibited. It appears, however, that this practice at Station KGLN was voluntarily terminated in the past, that the violations were of a limited nature, and that no serious harm to the public interest occurred as a result of them. While these circumstances do not excuse the infraction, we believe it appropriate to add the issue on a comparative basis only.

SECTION 1.526 OF THE COMMISSION'S RULES

6. Edward M. Dunn, Jr., in his affidavit accompanying Colorado West's petition, alleges that although Glenwood was required to file its application for renewal of KGLN's license on or before January 2, 1974, his visit to the station on January 3, 1974, revealed that the public file for the renewal application consisted only of work sheets. According to Dunn, Warkentin's explanation for this situation was that a copy of the application had not yet been sent to him by his Washington counsel. Dunn further states that he was told that the renewal application was still not available on February 11, 1974, and that he was not able to inspect the application at the public file until February 17, 1974. In view of this failure by Glenwood to maintain its local records for public inspection, an appropriate issue should be added. Colorado West submits.

7. Glenwood, through the affidavit of Jack Warkentin, admits that its public file for the renewal of KGLN's license consisted of work sheets rather than a completed application as of January 3, 1974, but argues that the work sheets included all of the data actually submitted to the Commission with the KGLN renewal application. With respect to Dunn's February 11, 1974, visit to the station, Warkentin states that he had received a copy of the renewal application by that date but did not then have a copy of an amendment to the application which was still under review by counsel. This fact was not explained to Dunn, Warkentin contends, because Dunn's visits were openly hostile, and his animosity toward Warkentin quite obvious.[3] Thus, Glenwood argues, Warkentin's actions toward Dunn cannot be considered indicative of a general failure to comply with § 1.526. Finally, Glenwood states, Glen Allen Lee Bell, President of Colorado West, was given the Glenwood public file without hesitation on a previous occasion and the station has always maintained its files in compliance with Commission rules. The Bureau also opposes the requested issue on the grounds that the alleged violation, even if proven, would not be so serious as to reflect on Glenwood's character qualifications. The Bureau also submits that inquiry into this matter would be more appropriate in connection with KGLN's renewal application, rather than in connection with Glenwood's request for a new FM station.

8. Colorado West, in reply, disputes Glenwood's characterization of its conduct as an isolated incident growing out of the ill-will between Dunn and Warkentin, and asserts that licensees and applicants must maintain public records at all times. Colorado West further charges that Warkentin in his affidavit admits lying to Dunn on February 11, 1974, and that this admission is additional justification for its request.

9. The Board does not believe that Glenwood violated Section 1.526 by placing drafts of its renewal application in its public file until the original was received from its attorney. However, we are constrained to point out that Glenwood's principal, Warkentin, committed an error in judgment when he led Dunn to believe that the application was still not available on February 11, 1974. Though some animosity obviously existed between the two men, Dunn's right to inspect the file was no different from that of any other member of the public, and Warkentin was not entitled to mislead Dunn simply because he questioned his motives. At the same time, however, the Board notes that the file was made available to Dunn shortly after the incident in question and to Colorado West's president on a previous occasion, and that the violation was apparently not repeated. In view of these considerations, we cannot conclude that Warkentin's conduct was serious enough to reflect adversely on Glenwood's qualifications to be a Commission licensee; therefore, we will not add the requested issue. See *Mahoning Valley Broadcasting Corp.*, 39 FCC 2d 52, 25 RR 2d 873 (1972).

SECTION 315 OF THE COMMUNICATIONS ACT OF 1934

10. Colorado West next charges that Glenwood has violated the Commission's fairness doctrine on at last two occasions. The first instance cited by petitioner occurred in May, 1973, when KGLN allegedly broadcast a program concerning an underground nuclear blast which was detonated by the Atomic Energy Commission on May 17, 1973, at Rio Blanco, a location approximately 40 miles from Glenwood Springs. The nuclear blast was a controversial issue in the community, Colorado West alleges, but the KGLN program presented only one viewpoint on the topic, in that only representatives of the Atomic Energy Commission and its primary contractor appeared. No one opposing the nuclear blast was presented over KGLN's facilities, petitioner contends. As a second example of Glenwood's alleged failure to deal adequately with controversial issues, Colorado West cites the fact that KGLN did not broadcast President Nixon's July, 1973, speech concerning the Watergate

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[2] Section 3(o) defines "broadcasting" as "the dissemination of radio communications intended to be received by the public * * *."

[3] Dunn had been dismissed from his employment at Station KGLN by Warkentin because of Dunn's alleged failure to follow instructions.

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affair, even though the speech was available to the station at 7 p.m. local time and the station's license permitted it to operate until 8 p.m. during the period in question. Finally, petitioner claims that Warkentin made several statements to Dunn admitting that he conservatively programmed KGLN in order to keep the "John Birch" faction in Glenwood Springs "off his back" and maintain his advertising accounts.

11. Glenwood, in opposition, submits the affidavit of Kenneth W. Duprey, program director of KGLN, who states that the station's program concerning the Rio Blanco nuclear blast included an invitation to the general public to participate by means of pro and con telephone calls on the topic. Glenwood also submits the affidavit of George D. McGibbony, a Glenwood Springs resident, who states that he participated in an open telephone discussion regarding the Rio Blanco nuclear blast presented on KGLN, and that the program consisted of questions phoned in by the public and answers supplied by representatives of the project. Glenwood further argues that Colorado West's contention that KGLN is conservatively programmed is totally unsupported and alleges that the decision as to whether or not to carry President Nixon's speech was a matter of licensee discretion and not a subject for Commission review. The Bureau also opposes the addition of a fairness doctrine issue. With respect to the Rio Blanco nuclear blast, the Bureau maintains that Colorado West has failed to sustain its burden of setting forth reasonable grounds for concluding that KGLN's overall programming did not present opposing views on the issue in question, citing "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance." 40 FCC 598, 2 RR 2d 1901 (1964). The Bureau also argues that the allegation concerning President Nixon's speech is insufficient to raise a fairness doctrine question, since there is no evidence that the station carried any viewpoints about the Watergate affair or aired one viewpoint without airing opposing opinions as well.

12. Colorado West, in reply, submits the affidavit of Barbara M. Snobble, Secretary of the Colorado Sierra Club, which states that KGLN presented only proponents of the Rio Blanco nuclear blast and made no effort to seek out opponents of the project with contrary views. Petitioner also questions Glenwood's discretion in refusing to carry President Nixon's July, 1973, speech, since, in its view, this speech marked his first "refutation" of the Watergate allegations. Finally, as evidence of KGLN's conservative programming, Colorado West cites the affidavit of Edward M. Dunn, Jr., which states that Warkentin once ordered Dunn to stop playing a particular record because a potential advertiser did not like the song.

13. The Commission has consistently required fairness doctrine complainants to set forth reasonable grounds for concluding that the licensee in his overall programming has not attempted to present opposing views on the issue in question. See "The Meredith Corp.," 37 FCC 2d 551, 25 RR 2d 428 (1972); "Applicability of the Fairness Doctrine," supra; "Lexington County Broadcasters, Inc.," 41 FCC 2d 760, 27 RR 2d 1551 (1973). Petitioner here has failed to meet this burden since its allegation that only persons favoring the Rio Blanco nuclear blast appeared on a specific program to answer questions from the public neither proves that the program itself failed to reflect contrary positions nor demonstrates that KGLN's overall coverage of the event failed to include opposing viewpoints on the subject. The affidavit of Barbara M. Snobble does not cure this defect since it contains only general allegations of unfair treatment rather than detailed and documented evidence of noncompliance. In addition, KGLN's alleged failure to contact members of conservation or other specific groups is not itself a fairness doctrine violation since a licensee has considerable discretion as to the techniques, formats and spokesmen to be employed in presenting conflicting viewpoints. See "Applicability of the Fairness Doctrine," supra, 40 FCC at 608–609, 2 RR 2d at 1913. With respect to the other alleged instances of noncompliance with Section 315, the Board does not believe that KGLN's failure to carry an address by President Nixon in itself raises any fairness doctrine questions and does not consider the general charges of conservative, one-sided programming by KGLN to be sufficiently substantiated or detailed to warrant the addition of the requested issue.

Strike Application

14. Colorado West relies on the following series of events recited in the affidavit of its president, Glen Allen Lee Bell, as evidence of an alleged continuing pattern of conduct on Glenwood's part designed to obstruct or delay the establishment of Colorado West's proposed station: (1) Bell states that Mrs. Joan Warkentin told him in April, 1971, that if Glenwood filed for the available FM frequency in Glenwood Springs, it would be merely to "tie up the channel" and "stop competition." Bell claims that Mrs. Warkentin further expressed the intention to allow a local educational institution to operate the proposed FM station. (2) Bell states that Mrs. Warkentin told him in a March, 1973, telephone conversation that her husband, Jack Warkentin, was "out to stop" William Dunaway (a major stockholder in Colorado West) from obtaining a construction permit for the FM station. (3) Though Glenwood requested a continuance of a hearing scheduled for April 16, 1973, because a death in Mrs. Warkentin's family necessitated a trip to Texas at that time, Bell states that he encountered Warkentin at the Glenwood Springs post office on that date. Bell further states that in the conversation following this meeting, Warkentin said that he did not want Dunaway to "get into Glenwood Springs" with an FM station. (4) Finally, Bell states that in June or July of 1973, he asked Warkentin why Glenwood was trying to implicate him (Bell) in an allegedly illegal translator station operation in Aspen, Colorado, and Warkentin answered that he was "after" Dunaway, not Bell.[4] As further evidence of Glenwood's alleged improper conduct, petitioner contends that although Warkentin has cited the community's need for nighttime broadcasting as one reason for requesting an FM station, he has never operated KGLN for the total permissible period but has instead consistently signed the station on at 6 a.m. and off at 7 p.m., even during those months when longer hours were permitted. Thus, petitioner urges, Glenwood has no intention of serving this asserted need for nighttime service. Finally, petitioner claims, Glenwood did not request assignment of the FM channel to Glenwood Springs, and did not file its application for the FM channel until sixty days after Colorado West's application was filed. The Bureau supports Colorado West's request and agrees that sufficient grounds exist for adding an issue absent an adequate explanation by Glenwood.

15. Glenwood, in opposition, offers the affidavit of Joan Warkentin who denies ever telling Bell that her husband wished to tie up Glenwood Springs' FM channel or that he was out to stop Dunaway. Glenwood further disputes the allegation that Mrs. Warkentin expressed an intention to let a local college operate the proposed FM station, citing in support her testimony at the hearing held in this proceeding on May 15, 1973, which, it argues, specifically disclaimed such a plan. With respect to the alleged conversations between Bell and Jack Warkentin, Warkentin maintains in an affidavit accompanying the opposition that his statement of April 16, 1973, to the effect that he did not want Dunaway to get the station, meant only that he wished to get it himself; and that his statement in the summer of 1973, that Glenwood's May 31, 1973, petition to enlarge issues was aimed at Dunaway rather than Bell, reflected the fact that the issues raised in the petition primarily involved Dunaway's activities. As for the Warkentins' presence in Glenwood Springs on April 16, 1973, Glenwood argues that it requested a continuance of the hearing scheduled for the week of April 16–20 because Mrs. Warkentin was scheduled for cross-examination at that time, but would have been unable to attend the hearing since her father's death required her to travel to Texas during the week in question. In fact, the Warkentins did drive to Texas on April 18, 1973, and return home on April 24, Glenwood claims, making their request for a continuance entirely appropriate. Turning to the timing of its application, Glenwood argues that Warkentin first discussed the possibility of applying for an FM station with his counsel in March of 1971, but decided to postpone filing an application until he had made a solid broadcast foundation in the community.[5] During that summer, however, Warkentin claims that he learned of Colorado West's proposed application for the only available FM frequency in Glenwood Springs and decided that he could no longer afford to postpone filing his own application since his counsel had advised him that the chances of obtaining a second FM assignment for a community the size of Glenwood Springs were not good.[6] Thus, Warkentin concludes, he began to prepare his FM application, which, because of his later start in gathering the necessary information, was eventually filed subsequent to the filing of Colorado West's application. Colorado West, in reply, urges that the conflicts between the sworn statements of Bell and the Warkentins can only be resolved in a hearing, that Mrs. Warkentin's testimony does not resolve the question of whether Glenwood would permit a local college to operate its station, and that Glenwood has failed to refute the charge that it does not intend to provide nighttime service to Glenwood Springs.

16. The Commission has identified a strike application as one filed with the principal or incidental motive of obstructing or delaying another application, and has specified the following guidelines for making such a determination: (1) the timing of the application, (2) the economic and competitive benefit occurring from the application, (3) the good faith of the applicant, and (4) questions concerning a frequency study. Grenco, Inc., 39 FCC 2d 732, 26 RR 2d 1046 (1973); Sumiton Broadcasting Co., Inc., 45 FCC 2d 933, ____ RR 2d ____ (1974). Although the Glenwood application in this case was filed subsequent to that of Colorado West, it appears that Glenwood fully intended to apply for an FM facility in Glenwood Springs prior to Colorado West's filing and that its explanation for delay is not unreasonable on its face. Nor do we believe that Glenwood's reliance on counsel's advice in applying for this particular frequency was unreasonable under the circumstances or in any way indicative of bad faith.[7] We also note that, although economic benefit would obviously flow to Glenwood as a result of successful prosecution of its application, this is not a case where a licensee has allegedly induced others to file an application which will improve its own position or hinder that of its competitors. Compare "Sumiton Broadcasting Co., Inc.," supra. Thus, in our view, the crucial question before us is whether or not Glenwood filed its application in good faith.

Petitioner's argument that Glenwood acted improperly and in bad faith rests on four statements allegedly made by the Warkentins—three of the statements expressing personal animosity toward William Dunaway and one expressing a desire to prevent competition—plus allegations that Glenwood planned to allow a local college to operate the proposed FM station and did not plan to offer nighttime service to the community.[8] In our view, the latter two allegations rest on supposition rather than fact and lack the evidenciary support necessary to justify the addition of the requested issue. Moreover, we feel that the four statements cited by Bell reflect, at worst, only a personal dislike for Dunaway coupled with a desire for a successful application and not an intent to delay the prosecution of a competing application.[9] Under these circumstances, we cannot find that Colorado West has provided reasonable grounds for raising a substantial question as to whether Glenwood's application was filed in bad faith. In short, we cannot agree with petitioner that the events and allegations upon which it relies form a pattern of conduct on Glenwood's behalf reflecting an intent to delay or impede Colorado West's application, and we will not, therefore, add a strike application issue.

17. Accordingly, it is ordered, That the petition to enlarge issues, filed February 22, 1974, by Colorado West Broadcasting, Inc., IS GRANTED to the extent indicated below, and IS DENIED in all other respects; and

18. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following issue:

> To determine whether Glenwood Broadcasting, Inc. has violated Section 3(o) of the Communications Act of 1934, as amended, by the broadcast of unauthorized audio signals to be utilized as point-to-point communications over the facilities of KGLN, and, if so, to determine the effect thereof on the comparative qualifications of the applicant.

Adopted: June 5, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13585 Filed 6-12-74;8:45 am]

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[4] On May 31, 1973, Glenwood filed a petition with the Board requesting the addition of character issues against Colorado West. The basis for the request was the alleged misconduct of Dunaway and Bell in connection with the operation of an unlicensed television translator station in Aspen, Colorado. See the Board's Memorandum Opinion and Order, 42 FCC 2d 417, released August 16, 1973, and the Commission's Memorandum Opinion and Order, 44 FCC 2d 933, released January 28, 1974.

[5] Glenwood acquired Station KGLN, Glenwood Springs, in February, 1971.

[6] With respect to Colorado West's contention that Glenwood did not request the assignment of the available FM channel, Glenwood asserts that the channel had been assigned to the community before the Warkentins arrived.

[7] We point out in this regard that it is not an unusual or in itself questionable practice for a standard broadcast licensee in a community to seek the companion FM channel allocated to that community.

[8] The Board believes that the Warkentins have adequately accounted for their presence in Glenwood Springs on April 16, 1973, and will therefore draw no adverse inferences from this incident.

[9] We also note that the Warkentins' alleged statements were made after the date on which the Glenwood application was filed.

[FCC 74-526]

EQUAL TIME ACCESS

Licensee Responsibility Act

JUNE 5, 1974.

The Commission has received a number of inquiries and complaints concerning the obligations of licensees under section 312(a)(7) and 315 of the Communications Act with respect to a political candidate's right to use broadcast facilities, with particular reference to time limitations which a licensee may impose on that right. It is the purpose of this Public Notice to give some guidance in this area and to advise all interested persons of the Commission's view that a licensee may not deny access by candidates for Federal office to prime time[1] or arbitrarily deny candidates the right to purchase spot announcements of certain lengths.

On February 7, 1972, Congress enacted the Federal Election Campaign Act of 1971 (Pub. L. 92-225), effective April 7, 1972. This law, among other things, amended sections 312 and 315 of the Communications Act to require access to broadcast facilities by candidates for Federal elective office and to establish certain limitations on the rates to be charged all legally qualified candidates for public office. As amended, section 312 provides in pertinent part:

> (a) The Commission may revoke any station license or construction permit—
>
> (7) For willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a candidate for Federal elective office on behalf of his candidacy.

As we stated in our Public Notice of March 16, 1972 entitled "Use of Broadcast and Cablecast Facilities by Candidates for Public Office," 37 FR 5796, the provisions of section 312(a)(7) impose upon licensees, in addition to the overall obligation to operate in the public interest, the specific responsibility to afford either reasonable free access or the opportunity to purchase reasonable amounts of time to legally qualified candidates for Federal elective office. We further stated that the test of whether a licensee has fulfilled its obligations under section 312(a)(7) is one of reasonableness. (37 FR 5804-5)

In applying this test of reasonableness in particular cases, the Commission looks to the underlying policy of the legislation as revealed by its legislative history. This history is not extensive. However, Senator Pastore, one of the sponsors of the bill ultimately enacted, explained the purpose of the legislation as follows:

> It attempts to give candidates for public office greater access to the media so that they may better explain their stand on the issues, and thereby more fully and completely in-

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[1] "Prime time" is used with reference to television. However, the same principle applies to periods of greatest audience potential in AM and FM, for example, "drive time."

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form the voters. (117 Cong. Rec. S12872 (daily ed. Aug. 2, 1971)).

This statement of purpose was also incorporated verbatim in the Report of the Senate Commerce Committee on the proposed Act. See S. Rep. No. 96, 92d Cong., 1st Sess., p. 20 (1971). In reviewing the reasonableness of a licensee's efforts to comply with section 312(a)(7), the Commission must therefore be mindful of Congress' intent to ensure candidates for Federal elective office adequate opportunity to present and discuss their candidacies and hence provide the voters with information necessary for the responsible exercise of their franchise.

While the statute does not establish a precise or definite standard, and we have already stated that licensee discretion is not foreclosed,[2] we believe that it is unreasonable and not in compliance with the statute for a licensee to adopt a rigid policy of refusing to sell or give prime-time programming to legally qualified candidates for Federal elective office.

Such a refusal would deny the candidates access to the time periods with the greatest audience potential, and would be inconsistent with the Congressional intent to give "* * * candidates for public office greater access to the media so that they may better explain their stand on the issues, and thereby more fully and completely inform the voters." We shall therefore interpret and apply Section 312(a)(7) in accord with this view. It should be noted that the principle of access to prime time by Federal candidates includes the opportunity to purchase or otherwise receive program time in the absence of countervailing circumstances such as a multiplicity of candidates. See Summa Corporation (KLAS-TV) 43 FCC 2d 602 (1973). If such circumstances are present, then spot announcements in lieu of program time may be appropriate.

It has also been claimed that candidates sometimes cannot purchase the same length spots as other advertisers. Section 315, as amended, provides:

> (b) The charges made for the use of any broadcast station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—
>
> (1) During the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for **the same class and amount of time for the same period * * ***

This provision of course applies to all legally qualified candidates for public office, and not merely Federal candidates. Complaints have been received from candidates that some licensees who sell spot announcements to candidates do not permit the candidates to purchase the various lengths and/or types of spot announcements which are available to commercial advertisers. Such a disparity in treatment is not in accord with the purpose of the statute. The Report of the Senate Commerce Committee on the bill ultimately enacted as the Federal Election Campaign Act of 1971 states:

> Use of the lowest unit charge as the rate which broadcasters may charge legally qualified candidates for public office for the use of broadcast time does no more than place the candidate on par with a broadcast station's most favored commercial advertiser. (See S. Rep. No. 96, Cong., 1st Sess., p. 27 (1971.) See also (37 FR 5800)).

Thus, where licensees sell spot announcements to legally qualified candidates for public office, it would be contrary to the Congressional objective of putting candidates in the same position as the most favored commercial advertisers to deny to such candidates the opportunity to purchase spot announcements of the type and length which are available to commercial advertisers.

A copy of this Public Notice is being sent to all licensees.

Action by the Commission May 22, 1974. Commissioners Lee and Hooks, with Commissioners Wiley (Chairman) and Reid concurring, and Commissioner Quello abstaining from voting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13584 Filed 6-12-74;8:45 am]

[Docket No. 19799; FCC 74-549]

MOCATTA METALS CORP. AND ITT WORLD COMMUNICATIONS, INC.

Memorandum Opinion and Order Designating Matter for Hearing

1. On July 13, 1973, the Mocatta Metals Corporation, 25 Broad Street, New York (hereinafter referred to as "Mocatta") filed a formal complaint against ITT World Communications, Inc., 67 Broad Street, New York, New York (hereinafter referred to as "ITT"). Mocatta filed its complaint with the Commission under the advisement of the District Court for the Southern District of New York wherein it had initially filed suit on these same facts. Mocatta's complaint in the District Court had been filed on June 25, 1973. In that suit the District Court issued two temporary restraining orders against ITT to prevent them from terminating Mocatta's service until such time as Mocatta had perfected its complaint before the Commission. Mocatta's complaint set out five legal grounds in support of its position:

> (a) ITT's breach of contract to provide Mocatta a fully operational Simultaneous Voice Data Leased Channel including an alternative voice-data and four teletype channels, (the "System") violated ITT's FCC Tariff No. 43 ("the Tariff");
>
> (b) The negligence of ITT in the installation and maintenance of the aforementioned communications system;
>
> (c) ITT's violation of its statutory duties under Section 201 of the Communications Act of 1934, as amended;
>
> (d) ITT's rendering of a bill in an amount substantially in excess of the amount owed by Mocatta;
>
> (e) ITT's failure to comply with Tariff Sections C7.01, entitled "Cancellation for Cause", C12.02, entitled "Liability of Carrier", and C1.04, entitled "Description of Services".

Comcomitant with its request that this Commission investigate the alleged unlawful practices of ITT, Mocatta also requested that we issue an injunction against ITT to prevent the carrier from terminating the communications for which Mocatta had contracted. In a Memorandum Opinion and Order released August 14, 1973 the Commission rejected Mocatta's request for an injunction, concluding that the circumstances of this case did not justify the relief requested. However, the Commission noted that it did have jurisdiction over the substantive issues raised by Mocatta's complaint. On August 7, 1973, after a rehearing on the issuance of an injunction by the District Court and an appeal to the Court of Appeals, Second Circuit, ITT discontinued Mocatta's service, alleging as the reason non-payment of monies due. On August 21, 1973 ITT responded to Mocatta's Commission complaint.

2. The gist of Mocatta's complaint alleges that on November 23, 1971, ITT and Mocatta entered into an agreement whereby ITT was to provide a simultaneous voice-data channel including an alternative voice-data and four teletype channels to Mocatta within 90 days. That it was not until September 18, 1972 that service on the proposed communications system was initiated. That on October 25, 1972 Mocatta informed ITT that it would not pay the full amount billed for the system because in Mocatta's opinion the system still was not fully operational. That Mocatta offered to pay ITT one half of the amount billed, place the other half in escrow and have a third party arbitrate the amount that Mocatta should pay. That ITT informed Mocatta that notwithstanding any disagreements between the parties they would expect full reimbursement for services rendered over the ten-month period and pending payment of the bill would terminate its service to Mocatta. Mocatta further alleges that ITT's termination of the service would be in violation of the Communications Act of 1934, as amended.

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[2] We stated in the March 1972 Public Notice: Congress clearly did not intend, to take the extreme case, that during the closing days of a campaign stations should be required to accommodate requests for political time to the exclusion of all or most other types of programming or advertising. Important as an informed electorate is in our society, there are other elements in the public interest standard, and the public is entitled to other kinds of programming than political. It was not intended that all or most time be preempted for political broadcasts. 37 FR at 5804 (section VIII, Q. and A. 3).

3. In its reply, ITT asserted two affirmative defenses:

> (a) Mocatta's claim before the Commission was in violation of Section 207 of the Act because it was pursuing a remedy for the same cause of action in two forums, and
>
> (b) Mocatta's claim was barred by the Statute of Limitations set forth in section 415(b) of the Act.

In its reply, ITT also issued a general denial to the allegations in Mocatta's complaint and specifically denied it was responsible for any poor service that may have been received by Mocatta. For reasons set forth in a Memorandum Opinion and Order, released December 4, 1973, the Commission rejected the two affirmative defenses raised by ITT in its reply. In this Order the Commission took no position on the substantive issues raised by either party. The Commission indicated that if Mocatta dismissed its June 25, 1973 court complaint against ITT, the issues raised in Mocatta's Commission complaint would be set for hearing. By letter, dated December 19, 1973, Mocatta informed the Commission that it would terminate the court action and seek its remedy exclusively before the Commission. The dismissal of Mocatta's District Court claim was complicated by the fact that ITT had filed a counterclaim in that action. On January 1974 the District Court granted Mocatta's motion to dismiss. As to ITT's counterclaim the Court issued a stay pending the Commission's resolution of the issues raised in Mocatta's Commission complaint with the requisite proof of dismissal of their claim before the District Court.

4. Because of numerous witnesses to be presented all of whom would be from New York, complainant requests that the hearings be convened in New York. However, whether or not field hearings will be necessary is a matter that we will leave to the Chief Administrative Law Judge upon Mocatta's showing of need. See 47 CFR 0.152.

5. By letter dated February 20, 1974, ITT has requested that the Commission take note of the fact its counterclaim was stayed upon the condition that Mocatta expeditiously pursue its claim before the Commission. The Commission notes this fact and calls it to the attention of the Administrative Law Judge who will preside over this case.

6. Accordingly, *It is ordered*, That pursuant to Section 4(i), 4(j), 201, 203, 205, 206, 207, 208 and 209 of the Communications Act of 1934, as amended, that this matter is designated for hearing at the Commission's offices in Washington, D.C.

7. *It is further ordered*, That without in any way limiting the scope of the proceedings, it shall include inquiry into the following issues:

> I. Whether ITT, as alleged by Mocatta, (a) breached its contract to provide Mocatta a fully operational System, (b) was negligent in the installation of the System, (c) rendered a bill substantially in excess of the amount owed by Mocatta and (d) failed to comply with Tariff Sections C7.01, C12.02 and C1.04.
>
> II. Concerning the agreement entered into between ITT and Mocatta on November 23, 1971;
>
> (i) Whether defendant failed to provide interstate or foreign communications service to complainant upon reasonable request therefore, in violation of Section 201(a) of the Act;
>
> (ii) Whether defendant engaged in unjust or unreasonable practices in connection with providing interstate or foreign communications service to complainant, in violation of section 201(b) of the Act;
>
> (iii) Whether defendant made any unjust or unreasonable discrimination, prejudice, or disadvantage in the provision of interstate or foreign communications service to complainant, in violation of section 202(a) of the Act;
>
> (iv) Whether defendant made any charge or demand not set out in the tariff schedule then in effect in violation of section 203(c) of the Act, or in any way violated section 203 of the Act.
>
> III. Whether complainant is entitled to any monetary damages under the foregoing issues, is so, the amount thereof.
>
> IV. Whether the Commission should take any further action with respect to any violation of the Act that may be found under the foregoing issues, and, if so, the nature thereof.

8. *It is further ordered*, That Mocatta Metals Corp., ITT World Communications Inc. and the Chief, Common Carrier Bureau are made parties to this proceeding.

Adopted: May 29, 1974.

Released: June 6, 1974.

FEDERAL COMMUNICATION COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13586 Filed 6-12-74;8:45 am]

[Docket No. 20069; FCC 74-548]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of The Western Union Telegraph Co. (Western Union), Transmittal No. 6974; and Revisions of Western Union Tariffs F.C.C. No. 229 (Money Order Service), 240 (Telex Service), 255 (Public Message Telegraph Service) and 258 (Teletypewriter Exchange (TWX) Service).

1. On April 1, 1974, revised tariff schedules were filed by Western Union under Transmittal No. 6974, to become effective generally on June 1, 1974 (although certain material contained therein is to become effective December 1, 1974). These revised schedules apply to the interstate Money Order, Telex, Public Message Telegraph and Teletypewriter Exchange (TWX) services provided by Western Union throughout the United States.

2. The revised tariff pages filed by Western Union are as follows:

Tariff F.C.C. No. 229
(Money Order Service)
144th Revised Page 1.
20th Revised Page 9A.

Tariff F.C.C. No. 240
(Telex Service)
240th Revised Page 1.
1st Revised Page 6C.
4th Revised Page 8A.

Tariff F.C.C. No. 255
(Public Message Telegraph Service)
37th Revised Page 1.
10th Revised Page 76.
4th Revised Page 78.
4th Revised Page 79.
1st Revised Page 83.1.

Tariff F.C.C. No. 258
(TWX Service)
54th Revised Page 1.
2nd Revised Page 20.
1st Revised Page 20.1.
2nd Revised Page 35.
2nd Revised Page 75.
2nd Revised Page 76.

3. As set forth in the Transmittal letter, the specific changes made in the revised tariff pages provide for:

> (1) A flat rate increase of $.50 for each Telegram, Overnight Telegram, Day Money Order and Overnight Money Order to become effective June 1, 1974, and an additional flat rate increase of $.50 for each such message and money order to become effective December 1, 1974.
>
> (2) An improvement in the delivery service standards whereby the Company, effective June 1, 1974, will undertake to deliver Telegrams by telephone and by tieline within 2½ hours of the time filed, instead of within 3 hours as at present, and effective December 1, 1974, within 2 hours of the time filed.
>
> (3) An increase of $7.00 in the optional basic station equipment rates applicable to Telex and TWX subscribers using Company-provided teleprinter terminal equipment and an equivalent increase in certain supplemental teleprinter station equipment.
>
> (4) An increase of $3.00 from the present rate of $11.50 to the proposed rate of $14.50 for the TWX Network Access Arrangement applicable to each TWX customer, whether using Company-provided or customer-provided terminal equipment.

4. Appropriate cost data and other information required by § 61.38 of the Commission's rules (47 CFR § 61.38) were submitted by Western Union in support of the tariff revisions. Western Union states that the filing is being made principally to improve the earnings obtained from its overall operations and from its Integrated Record Message Services (*i.e.*, its Telex, TWX, and Public Message Services). According to Western Union, its overall pre-tax return on investment from all its public services was only 5.5 percent in 1973 while its pre-tax return on investment from its Integrated Record Message Services was only 5.3 percent for the same year. In 1974, without any rate change, Western Union estimates that its Return on Investment will improve only marginally to 6.5 percent, both overall and for its Integrated Record Message Services. Western Union contends that it is justified in taking all reasonable steps consistent with its revenue requirements and marketing considerations to improve these most deficient earnings and that the present rate revisions constitute such reasonable steps. As a result of the rate increases filed herewith Western Union estimates that its earnings will increase in 1974 to an improved but still deficient level (*i.e.*, 7.2 percent for the Western Union overall and 7.6 percent for its Integrated Record Message Service).

5. Earlier increases in the charges for Telex and TWX terminals were filed by Western Union under Transmittal No. 6834 on December 29, 1972. In its Memorandum Opinion and Order adopted February 21, 1973 (FCC 73-212), the Com-

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mission suspended the effectiveness of these rate revisions for one day until March 1, 1973, and set them for investigation and hearing in Docket No. 19696. As the investigation in Docket No. 19696 included "any cancellations, amendments or reissues" of the original tariff revisions subject to investigation, the Telex and TWX revisions under consideration herein would be automatically included in Docket No. 19696, absent our present action to the contrary. However, Docket No. 19696 is now drawing to a close—Western Union having presented its direct case and no responsive case to be presented. At a hearing conference held on April 10, 1974, in Docket No. 19696, Administrative Law Judge Forest L. McClenning and the parties discussed the fact that the present tariff revisions had been filed and that they would necessitate further hearings unless the Commission ordered otherwise. As the parties were in agreement that the new tariff revisions should be treated separately from Docket No. 19696 and as the Administrative Law Judge could not know what the Commission might do regarding the current filing, he tentatively set dates for the filing of proposed findings of fact and conclusions (July 10, 1974) and reply findings (July 31, 1974) but kept the record open "until the Commission takes some action on the additional filing that has been made." (Transcript Pages 1000–1008).

6. We agree with Western Union and the Trial Staff of the Common Carrier Bureau that in view of the stage the Docket No. 19696 proceeding has reached it would needlessly complicate and delay the conclusion of Docket No. 19696 to treat the current tariff revisions as a part of that proceeding. Therefore, the current tariff revisions will be considered in a separate proceeding we are today instituting. Thus, the inclusion in the Docket No. 19696 investigation of "any cancellations, amendments or reissues" to the tariff revisions designated for hearing therein no longer compels the Administrative Law Judge to keep the record open for the purpose of receiving evidence on the current tariff revisions.

7. Insofar as the current tariff revisions are concerned we are of the view that on the basis of Western Union's current known overall pre-tax return on investment from all its Public Message Services (5.5 percent in 1973) and from its Integrated Record Message Services (5.3 percent in 1973), there may be justification for appropriate revenue relief. Western Union estimates that its return on investment in 1974 both overall and for its Integrated Record Message Services will improve to 6.5 percent without any rate changes. Western Union asserts that a return of 6.5 percent for the Integrated Record Message Service will still yield insufficient revenues. In any case, it is our opinion that the magnitude, scope and nature of these proposed rate increases and other tariff revisions present questions of lawfulness that must be resolved. We are unable to conclude at this time that all features of the tariff revisions are just and reasonable and free of undue discrimination within the meaning of sections 201(b) and 202(a) of the Act. We shall therefore designate the revised tariff schedules for investigation and shall suspend the effectiveness thereof and enter an accounting order providing for possible refund. However, in view of the carrier's current earnings situation and the protection afforded customers by the accounting and refund order we are providing herein, we will suspend the said tariff schedules for a period of only one day.

8. Under the foregoing circumstances, we are also of the opinion that the lawfulness of the current tariff revisions should be assessed on the basis of and subsequent to the final determinations we will make in the Docket No. 19696 proceeding now drawing to a conclusion. This procedure will in our judgment best conduce to orderly administrative process and the ends of justice.

9. Accordingly, *it is ordered,* That, pursuant to the provisions of sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by The Western Union Telegraph Company, submitted with Transmittal No. 6974, including any cancellations, amendments or reissues thereof;

10. *It is further ordered,* That, pursuant to the provisions of section 204, the tariff schedules filed by The Western Union Telegraph Company, submitted with Transmittal No. 6974, are hereby suspended until June 2, 1974 (December 2, 1974, where applicable) and that Western Union, as to the operation of such tariff schedules, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases specifying by whom and in whose behalf such amounts were paid, and upon completion of the investigation and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau shall require;

11. *It is further ordered,* That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

12. *It is further ordered,* That pending the issuance of a final decision in the Docket No. 19696 proceeding, the investigation instituted herein shall be held in abeyance, and the Commission will issue such further orders herein as may be appropriate in the light of such final decision.

13. *It is further ordered,* That, The Western Union Telegraph Company is named Party Respondent.

Adopted: May 29, 1974.

Released: June 6, 1974.

Federal Communications Commission,
[seal] Vincent J. Mullins,
Secretary.

[FR Doc.74–13587 Filed 6–12–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 74–506]

APPLICATIONS TO ESTABLISH BRANCH OFFICES, MOBILE FACILITIES AND SATELLITE OFFICES IN ILLINOIS

Statement of Policy

Under its statement of policy set out in paragraph (b)(1) of § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5 (b)(1)) the Federal Home Loan Bank Board began processing and considering applications from Federal associations in Illinois for de novo branch offices, mobile facilities, and satellite offices of associations on February 1, 1973. In order to effect an orderly transition in Illinois, the Board has imposed certain limitations with respect to such applications as set forth in Resolution No. 73–178, dated February 7, 1973, as amended by Resolution No. 73–2035, dated December 28, 1973. Effective July 1, 1974, those limitations are modified to read as follows:

1. Only one application may be on file at any one time during 1974.

2. An application on file at June 30, 1974 may thereafter be approved by the Board.

3. Only one application filed after June 30, 1974 may be approved by the Board in 1974.

Dated: June 5, 1974.

By the Federal Home Loan Bank Board.

[seal] Eugene M. Herrin,
Secretary.

[FR Doc.74–13605 Filed 6–12–74;8:45 am]

FEDERAL MARITIME COMMISSION

SAN JUAN FREIGHT FOWARDERS ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and (46 U.S.C. 841(b))).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

San Juan Freight Forwarders, Inc.
Julio N. Matos Industrial Park
Kilometer 0.8 Road 887
P.O. Box 2099
Carolina, Puerto Rico 00630

Officers
Juan Santos, President
Heriberto Melendez, Secretary/Treasurer
Norris Castellanos, Vice President

Winair Freight, Inc.
151 Charles Street
New York, New York 10014

Officers
Ernesto J. Sanjurjo, President
Martha P. Sanjurjo, Secretary

Masterfreight International Corp.
176 West Adams Street, Room 1706
Chicago, Illinois 60603

Officers
William E. Griffiths, President
Udo Lenze, Secretary/Treasurer
Herbert Mayer, Vice President

Nationwide Traffic Service Bureau, Inc.
9200 N.E. 6th Avenue
Miami, Florida 33138

Officers
Arthur Mulford, President/Treasurer
Charlotte Mulford, Secretary
Frank Featherstone, Vice President

Hoglund and Moyles, Inc.
2680 Coyle Avenue
Elk Grove Village, Illinois 60007

Officers
Steve S. Hoglund, President
James F. Moyles, Secretary/Treasurer

Dated: June 10, 1974.
By the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.74–13619 Filed 6–12–74;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Application to Modify Dual Rate Contract

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, by July 3, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 8090 D.R.–2 would increase the geographic scope of the dual rate contract of the above-named Conference to include points in Continental Europe and points in countries bordering on the Mediterranean and Black Sea.

Dated: June 10, 1974.

By Order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.74–13620 Filed 6–12–74;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Modification of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by July 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 8090–11 would enlarge the geographic scope of the above-named Conference to include points in Continental Europe and points in countries bordering on the Mediterranean and Black Sea. By Order of the Federal Maritime Commission.

Dated: June 10, 1974.

Francis C. Hurney,
Secretary.

[FR Doc.74–13621 Filed 6–12–74;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF VIRGINIA

Acquisition of Harold Loan and Finance Corp.

Bank of Virginia Company, Richmond, Virginia ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly all of the voting shares of Harold Loan and Finance Corp., Braddock, Pennsylvania ("Company"), through its subsidiary, General Finance Service Corporation, Huntingdon, Pennsylvania ("GFSC"). Company engages in the activities of a consumer finance organization and acts as agent in the sale of credit life and credit accident and health insurance directly related to extensions of credit by its subsidiaries, and also multi-peril insurance written to protect collateral on such loans during the period of credit extension. Such activities have been determined by the Board to be closely related to banking or managing or controlling banks (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 11223). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the fourth largest banking organization in Virginia, controls 14 banks with aggregate deposits of $1.0 billion, representing about 9.0 percent of the total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries include a factoring company, a leasing corporation, a consumer finance corporation, a company engaged in the business of making loans to individuals secured primarily by second mortgages

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[1] Banking data are as of June 30, 1973, unless otherwise noted.

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on real estate, and a mortgage banking company.

Company, with total assets of about $760,000 and total loans outstanding of less than $1 million (as of October 31, 1973), was incorporated in 1955 for the purpose of conducting a small loan business. In 1963, Company organized a subsidiary, Harold Consumer Discount Company ("Harold Company"), to conduct a licensed consumer discount lending business and, since June of 1973, it appears that Company has been primarily engaged in consumer discount lending through Harold Company. Company also acts as agent in the sale of insurance directly related to its lending activities.

Company maintains its sole office in Braddock, Pennsylvania, near the city of Pittsburgh. The relevant market is the Pittsburgh SMSA which includes parts of five counties. However, Company's considerably smaller primary service area encompasses an area within a ten-mile radius of Braddock.

Applicant's subsidiary, GFSC, operates consumer discount lending offices in five locations in the central and western part of Pennsylvania but has no offices and does not compete in the Pittsburgh area. The closest office of GFSC to Company is located 70 miles from Braddock, and Applicant's other subsidiaries engaged in consumer finance activities operate outside the State of Pennsylvania. Consequently, there is no significant existing competition between the consumer finance offices of Applicant and Company. The record indicates that 22 companies engaged in consumer finance activities operate 61 offices located within Company's service area. Further, it appears that Company controls less than 5 percent of the consumer finance business in the relevant market. Therefore, although Applicant could enter the area served by Company on a de novo basis, it appears that no significant adverse effect on future competition would result from the proposal in view of the large number of competitors in the market and the relatively small size of Company. On this basis, the Board concludes that Applicant's acquisition of Company would not have significant adverse effects on existing or future competition nor raise barriers to entry by other organizations.

In considering this application, the Board has examined a covenant not to compete contained in an employment contract executed between GFSC and the general manager of Company. The Board finds the provisions of this covenant are reasonable in duration, scope, and geographic area and are consistent with the public interest.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Applicant proposes to provide Company increased access to capital, offer data processing facilities to Company, and make available experienced personnel and assistance in the areas of financial planning, sales, marketing.

Based upon the foregoing and other considerations reflected in the record,[2] the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By the order of the Board of Governors,[3] effective June 5, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13551 Filed 6-12-74;8:45 am]

ELLIS BANKING CORP.

Acquisitions of Banks

Ellis Banking Corporation, Bradenton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the following proposed new banks to be located in Tampa, Florida: Ellis National Bank of West Hillsborough ("Hillsborough Bank") and Ellis National Bank of Davis Islands ("Davis Islands Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighth largest banking organization in Florida, controls 21 banks with aggregate deposits of $578 million, representing 2.8 percent of the total commercial bank deposits in the State.[1] Since Hillsborough Bank and Davis Islands Bank are each proposed new banks, their acquisition by Applicant would not increase the concentration of banking resources in the State.

Each of the two proposed new banks is to be located in the Hillsborough County banking market. At the present time, there are 36 banks operating in the market, 22 of which are subsidiaries of twelve of the State's bank holding companies. In the market, Applicant has only one subsidiary bank with total deposits of $22 million, representing 1.5 percent of the total market deposits, and that subsidiary is located five miles to the east of Hillsborough Bank and approximately nine miles to the north of Davis Islands Bank. Since the two banks involved are proposed new banks, Applicant's proposal would eliminate no existing competition, nor does it appear that consummation of the proposals would substantially lessen potential competition or raise barriers to future entry by other banking organizations. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources of Applicant and its subsidiary banks are regarded as generally satisfactory. Applicant has initiated a program to provide additional capital for several of its subsidiary banks. Notwithstanding this program, there remains a need for Applicant to continue capital injections into its subsidiaries in order to maintain satisfactory levels of capital. Prospects for the group appear favorable based upon a continuance of such capital improvements. Hillsborough Bank and Davis Islands Bank, as proposed new banks, have no operating history, but their projected earnings and growth as subsidiaries of Applicant appear favorable. Banking factors, therefore, are consistent with approval of the applications.

With respect to the convenience and needs considerations, there is only one bank presently located in the area proposed to be served by Hillsborough Bank. In the Davis Islands area, the proposed location for the other bank to be established, there is no banking office and residents of the area must travel outside the area for banking services. On the basis of these facts, it appears that Applicant, through the proposed new banks, would provide more convenient banking services to the residents of the respective areas. These considerations lend weight toward approval of the applications. It is the Board's judgment that the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) Ellis National Bank of West Hillsborough, Tampa, Florida, and Ellis National Bank of Davis Islands, Tampa, Florida, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 5, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13552 Filed 6-12-74;8:45 am]

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[2] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[3] Voting for this action: Governors Sheehen, Bucher, Holland, and Wallich. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] Banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through April 30, 1974.

[2] Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Athens National Bank, Athens, Ohio ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 15 banks with aggregate deposits of $1.1 billion, representing about 4 percent of total deposits in commercial banks in Ohio, and is the seventh largest bank holding company in the State.[1] The acquisition of Bank (deposits of $39.5 million) would not significantly increase the concentration of banking resources in Ohio.

Bank is the largest seven banks located in the Athens banking market [2] and controls almost 39 percent of the total deposits in commercial banks in the market. Applicant's subsidiary bank closest to Bank is located 70 miles northwest of Athens. There is no meaningful existing competition between any of Applicant's banking subsidiaries and Bank, nor is there a reasonable probability of substantial competition developing in the future between any of these banking subsidiaries and Bank due to the distances involved and Ohio branching laws among other factors. Applicant's entry into the market de novo is unlikely due to the area's unattractiveness for such entry. Both Bank and The Security Bank, Athens ("Security Bank"), the fourth largest bank in the relevant banking market, are under the common control of The United Dairy Farmers Investment Company, Cincinnati, Ohio ("United").[3] While consummation of the proposed acquisition of Bank would give Applicant control of the largest bank in a somewhat concentrated market,[4] it would eliminate the common control of Bank and Security Bank, thus providing the market with an additional banking competitor. Accordingly, on the basis of the record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application since Applicant plans to expand and improve Bank's services. Specifically, Applicant plans to reduce interest rates on most types of loans at Bank, install 24-hour automatic teller machines, make available to Bank its trust services expertise, increase funds for lending in the Athens banking market, and replace Bank's out-of-town directors with local residents. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 5, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13554 Filed 6-12-74;8:45 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Second National Bank of Lakeland, Lakeland, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 31, 1974.

Board of Governors of the Federal Reserve System, June 5, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13550 Filed 6-12-74;8:45 am]

NATIONAL CENTRAL FINANCIAL CORP.

Acquisition of Hartzler Mortgage Co.

National Central Financial Corporation, Lancaster, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Hartzler Mortgage Company, Columbus, Ohio ("Hartzler"), a company that engages in the activities of originating, purchasing, selling and servicing real estate mortgage loans.[1] Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 12178). The time for filing comments and views has expired, and none has been received.

Applicant's sole banking subsidiary, National Central Bank ("Bank"), is the thirteenth largest bank in Pennsylvania. Bank has total deposits of about $685 million representing 1.9 percent of total domestic deposits in commercial banks in the State.[2] Applicant has no mortgage company subsidiary, but engages indirectly in mortgage banking activities through Bank, which originates residential mortgage loans in the Lancaster area in south central Pennsylvania. From time to time, Bank has sold and serviced residential mortgage loans to a limited

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[1] All banking data are as of June 30, 1973, and reflect bank holding company acquisitions and formations approved by the Board through April 30, 1974.

[2] The Athens banking market is approximated by all of Athens County with the exception of its extreme southeastern portion which includes the town of Coolville.

[3] United, a partnership which became a bank holding company as a result of the 1970 Amendments to the Bank Holding Company Act, has filed an irrevocable declaration, pursuant to § 225.4(d) of Regulation Y, to divest its banking subsidiaries by 1981.

[4] The three largest banking organizations presently control about 87 percent of total deposits held by commercial banks in the market.

[5] Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] In servicing loans Hartzler is obligated to manage the property in the event of a default by the borrower. Hartzler always obtains the services of a property manager to actually maintain and manage any defaulted property. Under these circumstances, there is no objection to Hartzler hiring an independent third party to manage property when there is a default on a loan which Hartzler services.

[2] All banking data are as of June 30, 1973.

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extent. Bank has not originated mortgage loans in any area in which Hartzler does so.

Hartzler engages in the origination of FHA/VA guaranteed mortgage loans on single-family residences and in the servicing of mortgages from its headquarters in Columbus, Ohio, and a branch office in Mansfield, Ohio, 65 miles to the north of Columbus. In 1973, Hartzler originated approximately $10.7 million in mortgage loans and as of December 31, 1973, was servicing a mortgage loan portfolio of $99.9 million.

As Applicant and Hartzler do not originate residential mortgage loans in the same local geographic markets, the acquisition of Hartzler by Applicant would eliminate no existing competition in the origination of residential mortgage loans. Applicant from time to time may engage indirectly in the sale and servicing of mortgages it has originated and may compete to a limited extent with Hartzler in that line of commerce. However, Applicant's involvement in the sale and servicing of residential mortgage loans is so slight and the number of competitors in that activity so great, that the amount of existing competition that would be eliminated by the proposed affiliation would not be significant.

Fifteen mortgage companies operate offices in the Columbus market. Hartzler ranked eleventh among those companies in 1972 in terms of its volume of mortgage loan originations with approximately 1 percent of the market. Nine of these fifteen mortgage companies rank among the top 100 mortgage firms in the nation. Hartzler's market share of the Mansfield market approximates 8.4 percent, based upon its originations therein in 1972.

It does not appear that Applicant currently has either the capabality or interest to commence de novo the origination of residential mortgage loans in either the Columbus or Mansfield markets. Compounding problems that Applicant would encounter in recruiting personnel trained in mortgage banking would be the problems of successfully managing a new office with new personnel engaged in a new activity at a considerable distance from its home market. Nor does it appear that Hartzler is a likely entrant into the single-family residential mortgage market in the Lancaster area. The Board concludes, therefore, that consummation of the proposed transaction is not likely to eliminate potential competition in the Columbus, Mansfield or Lancaster markets.

Hartzler has not expanded its mortgage origination activities beyond the origination of single-family residential mortgages, as other mortgage companies have. It is Applicant's intent to expand Hartzler's origination services into the areas of multi-family and commercial mortgage loans, as well as construction financing, thereby providing an additional competitive alternative for these services in the Columbus and Mansfield areas. Gains in efficiency may be expected from Applicant's conversion of Hartzler's manual accounting system to an electronic data processing system.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia.

By order of the Board of Governors,[3] effective June 5, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-13553 Filed 6-12-74;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Flagship Bank of North Dade, Inc., Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 25, 1974.

Board of Governors of the Federal Reserve System, June 5, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13548 Filed 6-12-74;8:45 am]

HAMILTON STATE BANK

Order Approving Application for Merger of Banks

Hamilton State Bank of Woodbury, Woodbury, Tennessee, a proposed state member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the merger of that bank with Peoples Bank, Woodbury, Tennessee, under the charter of Hamilton State Bank of Woodbury and the name of Peoples Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Federal Reserve Bank of Atlanta has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Federal Reserve Bank of Atlanta has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in this Federal Reserve Bank's Order of this date relating to the application of Hamilton Bancshares, Inc., to acquire the successor by merger to Peoples Bank, Woodbury, Tennessee, provided that said merger shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective June 4, 1974.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-13631 Filed 6-12-74;8:45 am]

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of Premium Service Company of Florida and Its Wholly-Owned Subsidiaries

First National Holding Corp., Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Premium Service Company of Florida, Jacksonville, Florida, and its wholly-owned subsidiaries, Orlando Premium Service and Premium Assignment Corporation. Notice of the application was published on April 16, 1974, in The Pensacola Journal, The Miami Herald and The Tampa Tribune and on April 17, 1974, in The Florida-Times Union, the Sentinal Star and The Tallahassee Democrat, newspapers circulated in Pensacola, Miami, Tampa, Jacksonville, Orlando and Tallahassee, Florida, respectively.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account or for the account of others, loans or other extensions of credit for the purpose of financing insurance premiums. These activities will be conducted at offices of Premium Service Company of Florida, Jacksonville, Florida; Premium

Assignment Corporation, Tallahassee, Florida, and Orlando Premium Service, Orlando, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 4, 1974.

Board of Governors of the Federal Reserve System, June 6, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-13601 Filed 6-12-74;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Peoples Bank, Woodbury, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Atlanta has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Tennessee, controls fourteen banks with aggregate deposits of $637 million or 5.98 percent of deposits in all commercial banks of the state. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved through May 1, 1974.) Acquisition of Bank would increase Applicant's share of Tennessee commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Tennessee would result.

The relevant market is the Cannon County banking market which is located in the approximate center of the state. Four banks have total deposits of $22.5 million in this market, controlling respectively 73.78, 15.56, 9.33, and 1.33 percent of market deposits. Bank holds $3.5 million in deposits or 15.56 percent of commercial bank deposits in the market area. This acquisition would be Applicant's initial entry into the market and the first entry into the market by a bank holding company. It is unlikely that Applicant would enter the market de novo as personal income per bank office and population per bank office is below the state average. Applicant's closest subsidiary bank, the Decherd office of Farmers National Bank in Franklin County, is located 50 miles from Bank; the acquisition of Citizens State Bank, McMinnville, has been approved and the main office of that bank is located 21 miles from Bank, in another market area. There is no significant present competition between Bank and either the Decherd office or Citizens State Bank; future competition appears unlikely because of the distances involved and Tennessee's restrictions on branching. Thus, the acquisition would have no significant anti-competitive effects.

The financial condition and managerial resources of Applicant, Applicant's subsidiary banks, and Bank are considered to be generally satisfactory, in view of Applicant's commitment to add capital to two subsidiary banks.

There is no evidence that the banking needs of the community are not being served; however, Applicant will offer trust services at Bank and will make available holding company resources so that loan transactions now outside the lending limits of Bank can be made. Therefore, considerations relating to convenience and needs of the community to be served are consistent with approval. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the acquisition should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective June 4, 1974.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-13599 Filed 6-12-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all, or not less than 80 percent, plus directors' qualifying shares, of the voting shares of First City Bank of Springfield, Springfield, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the rules regarding delegation of authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Missouri Commissioner of Finance. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on April 22, 1974 (39 FR 78) providing an opportunity for interested persons to submit comments and views with respect to the proposal. The United States Department of Justice and the Comptroller of the Currency were given notice of receipt of the application. Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Missouri, controls 14 operating banks with aggregate deposits of approximately $628.9 million, representing 4.67 percent of the commercial bank deposits in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($5.8 million in deposits) is the ninth largest of ten banking organizations in the Springfield banking market (approximated by Greene County) and holds 1.4 percent of the deposits in commercial banks in the market. Applicant's nearest subsidiary is located in Carthage, Missouri, 60 miles from Springfield. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries, and

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[3] Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland, and Wallich: Absent and not voting: Chairman Burns and Governor Mitchell.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through April 24, 1974.

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it is not likely that significant future competition will develop in view of the distances involved and Missouri's restrictive branching laws. Furthermore, the possibility that approval would eliminate some potential competition is considered remote. The attractiveness of the de novo alternative has been greatly diminished by the recent establishment of numerous limited-service banking facilities in Springfield. Affiliation with Applicant should increase Bank's effectiveness as a competitor in Springfield. Competitive considerations lend some weight toward approval of the application.

The financial condition and managerial resources of Applicant and its subsidiaries appear satisfactory and their future prospects seem favorable. The financial condition of Bank is satisfactory and its future prospects appear favorable. Affiliation with Applicant should provide Bank with an adequate source of qualified managerial and technical resources to enable Bank to offer expanded and more efficient banking services, including trust services and data processing services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

MAY 31, 1974.

[FR Doc.74–13600 Filed 6–12–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 10, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

ACTION

Program for Local Service (PLS) Quarterly Report; Form A–289, Quarterly, Lowry, Public non-profit organizations.

Program for Local Service (PLS) Voucher and Agreement; Form ----, Annual, Lowry, PLS volunteers and sponsors.

DEPARTMENT OF DEFENSE

Departmental: Cost/Schedule Status Report (C/SSR); Form ----, Monthly, NSD/Sheftel, Selected defense contractors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Consumer Survey on Over-the-Counter Drugs; Form FDA 0605, Single time, Planchon/Wann, Head of household.

Health Resources Administration: Bibliography of Research Results of Projects Supported by the National Center for Health; Form HRABHSR 0513, Single time, Caywood, Project investigators of grants or contracts funded by NCHSR&D.

Health Resources Administration: A Survey of Health Science Curricula Among NAFEO Schools; Form HRAOD 0606, Single time, Planchon, Black college Presidents.

Public Health Student Data Systems; Form HRABHRD 0531, Occasional, Planchon, School of public health applicants.

TENNESSEE VALLEY AUTHORITY

Survey of Hunt Club Owned/Leased Land; Form ----, Single time, Planchon, Owners/operators of Hunt Club lands.

DEPARTMENT OF TRANSPORTATION

Departmental: Student Register; Form ----, Occasional, Lowry, Universities.

Railroad/Highway Grade Crossing Data Survey-States; Form ----, Single time, Caywood, 23 State govt. agencies.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Stocks of Dry Beans—New York; Form ----, Quarterly, Lowry, Farmers growing dry beans.

FEDERAL ENERGY OFFICE

Refiner/Importer/Gas Processing Plant Operator Monthly Report by Facility; Form FEO1001. Monthly, Weiner, Refiners; importer & gas processing plant operators.

Prime Supplier's Monthly Report; Form FEO 1000, Monthly, Weiner, Suppliers of petroleum products.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: 1974 Questionnaire for Survey of Low Income Aged and Disabled; Form SSA 9718, Single time, Sunderhauf, Low income aged and disabled persons.

EXTENSIONS

DEPARTMENT OF DEFENSE

Departmental: Application for Verification of Birth; Form DD 372, Occasional, Evinger, State health department.

Police Record Check; Form DD 369, Occasional, Evinger, Police departments.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: System Mileage Report; Form PR 502, Annual, Evinger (x).

Mileage Built by State Agencies on Other State Administered Roads and on Local Roads; Form PR 504, Occasional, Evinger (x).

Existing Surfaced Mileage by Type, Width and Average Daily Traffic; Form PR 505, Annual, Evinger (x).

Existing Mileage of Surfaced Highways by Traffic Lanes and Access Control; Form PR 506. Annual, Evinger (x).

City Street Mileage by Surface and City Size Group; Form PR 523, Annual, Evinger (x).

Summary of Existing State and Local Roads and Streets; Form PR 528, Annual, Evinger (x).

Summary of Designated Federal-Aid Highway System Mileage; Form PR 529, Annual, Evinger (x).

Driver Information; Form MCS 5, Occasional, Evinger (x).

Federal Railroad Administration: U.S. DOT—AAR Crossing Inventory Form; Form ----, Single time, Caywood, 50 State highway dept. All U.S. railroads.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74–13707 Filed 6–12–74;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on July 8–9, 1974, at the Hilton Inn, San Francisco International Airport, San Francisco, California.

The Commission and Committee will meet together from 1 p.m. to 5 p.m. on July 8 to discuss and consider the status of activities including matters relating to staffing, budget, interagency liaison, federal-state relations, waivers of the moratorium, international cooperation for the protection and conservation of marine mammals, incidental taking of marine mammals in the course of commercial fishing operations, progress of subcommittees, permit applications, and the research program. This session of the meeting will be open to the public. Seating will be available to accommodate up to fifty observers.

The remaining sessions of the meeting will consist of a meeting of the Commission in executive session, a meeting of the Committee in executive session, and a consultative meeting of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning policy and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications of the proposers, their potential contribution to the research program, and information given to the Commission and Committee

in confidence. These sessions involve matters which are within the exemptions of 5 U.S.C. 552(b) (2), (4), (5), and (6) and will therefore not be open to the public.

For further information concerning these meetings, contact the Marine Mammal Commission, 1625 Eye Street NW., Washington, D.C. 20006 (202/382–4475).

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

JUNE 7, 1974.

[FR Doc.74–13561 Filed 6–12–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON SUCCESSFUL PROJECTS

Cancelled Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the scheduled meeting of the Committee on Successful Projects planned for June 14, 1974, at noon, is hereby cancelled.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on June 11, 1974.

ROBERT LOVENHEIM,
Executive Director.

[FR Doc.74–13694 Filed 6–12–74;8:45 am]

COMMITTEE ON SUCCESSFUL PROJECTS

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the next Committee on Successful Projects of the National Advisory Council on the Education of Disadvantaged Children will meet on June 21, 1974 at 1 p.m.–5 p.m., and June 22, 1974 at 9 a.m.–5 p.m., at the Atlanta Public Schools, 224 Central, Southwest, Atlanta, Georgia 30303.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to work on criteria and committee organization for the purpose of examining current successful compensatory education programs in Atlanta, Georiga.

Because of limited space, all persons wishing to attend should call for reservations by June 20, 1974, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on June 11, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74–13695 Filed 6–12–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR OCEANOGRAPHY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Oceanography. This meeting shall be convened at 9 a.m. on July 10 and 11, 1974, at 1800 G Street, NW., Washington, D.C. 20550. (Specific room numbers are indicated in the agenda.)

The purpose of this panel is to provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support programs on the scientific community in Oceanography. The agenda for this meeting includes:

JULY 10

(Rooms 321 and 338)

9:00—Review and evaluation of research proposals in Oceanography

JULY 11

(Room 338)

9:00—Introductory Remarks: Head, Oceanography Section
9:15—NSF Highlights: Division Director, Division of Environmental Sciences
9:30—Program Statistics, FY 1974: Oceanography Section Staff
9:45—Discussion of Lake, River and Coastal Waters Research: Staff Associate, Oceanography Section
10:15—Discussion of Energy-related Research: Head, Office of Energy Related General Research
10:45—Discussion of Future Research Platforms Needs; Head, Oceanography Section and Scientific Coordinator, NCAR
11:15—Discussion of National Climatic Programs: Program Director, Meteorology Program
12:00—Recess for lunch
1:30—Discussion of Improved Utilization of Oceanographic Equipment: Panel Member
2:30—Comments on New Developments in Oceanography: Panel
3:15—Other Business
3:30—Adjourn

The entire session on July 10 is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

The remainder of this meeting shall be open to the public. Individuals who wish to attend should inform Dr. M. Grant Gross, Head, Oceanography Section, by telephone (202–632–4227) or by mail (Room 317, 1800 G Street, NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this panel should contact Dr. M. Grant Gross at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

JUNE 4, 1974.

[FR Doc.74–13579 Filed 6–12–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App. I 10(a)), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct an open meeting on June 28, 1974, at 500 North Capitol Street, Washington, D.C. 20549, in Room 776, beginning at 8:30 a.m.

The summarized agenda for the meeting is as follows:

(1) Review of the regulatory aspects of a composite quotation system.

(2) Discussion of the economic impact of a central market system and of data prepared by the Commission staff.

(3) Discussion of the need for additional data and analysis.

Further information may be obtained by writing:

Andrew P. Steffan
Director, Office of Policy Planning
United States Securities and Exchange Commission
500 North Capitol Street
Washington, D.C. 20549

Dated: June 13, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee
Management Officer.

[FR Doc.74–13630 Filed 6–12–74;8:45 am]

[812–3642]

SAGITTARIUS FUND, INC.

Application Granting Temporary Relief

JUNE 4, 1974.

Notice is hereby given that The Sagittarius Fund, Inc., 375 Park Avenue, New York, New York 10022, ("Applicant"), a diversified open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application for an order pursuant to section 22(e) (3) of the Act permitting (a) suspension of the right of redemption of Applicant's outstanding redeemable securities; and (b) suspension of payment for shares already

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submitted for redemption for which payment has not been made, such order to continue until either:

(1) 10 days after Applicant gives the Commisison notice of intention to resume redemptions and payments therefor, or

(2) 30 days from the date of the order or until such later time as the Commission shall by order determine upon an application filed in good faith by the Applicant demonstrating the necessity for the continued suspension.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that on May 10, 1974, Applicant discovered that one of its officers had apparently converted a substantial amount of its funds. This officer, who was also an officer and employee of Applicant's investment adviser, had been entrusted with the responsibility of maintaining Applicant's books and records on a day-to-day basis. Applicant has cause to believe that the books and records kept by the officer may not accurately reflect the net asset value of Applicant due to concealment of the above-described conversions. Applicant is currently undertaking a full audit of its accounts, books and records to determine the amount of assets converted and the amount by which Applicant's net asset value was adjusted to conceal such conversions.

Applicant has notified the bonding company which has a bond outstanding covering dishonesty on the part of Investment Adviser's or Applicant's employees and is attempting to ascertain the applicability, if any, of that policy to any loss arising from the above-described events.

Applicant submits that, in view of the matters set forth above, it is not reasonably practicable for Applicant fairly to determine the value of its net assets within the meaning of section 22(e)(2)(B), and that, therefore, it is impossible for Applicant properly to compute its net asset value per share.

Section 22(e)(3) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant also requests that the Commission issue, together with this notice, a temporary order permitting (a) suspension of the right of redemption of Applicant's outstanding redeemable securities and (b) suspension of payment for shares which have been submitted for redemption but for which payment has not been made, such order to continue in effect until further action is taken by the Commission.

The Commission has considered the matter and hereby finds, on the basis of the information stated in the application, and in view of the nature of the application, that it is necessary for the protection of security holders of the Applicant that there be issued, together with the notice of the application, a temporary order permitting the suspension of the right of redemption and the postponement of payment until further order of the Commission. Accordingly,

It is ordered, Pursuant to section 22(e)(3) of the Act, that Applicant be, and is, hereby, permitted until further order of the Commission (1) to suspend the right of redemption of its outstanding redeemable securities and (2) to suspend payment for shares which have been submitted for redemption and on which payment has not been made prior to this date.

Notice is further given, that any interested person may, not later than July 1, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following July 1, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13623 Filed 6–12–74;8:45 am]

TARIFF COMMISSION

[337–L–67]

CERTAIN FLUID LOGIC CONTROLS

Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Tariff Commission by interested parties, the Tariff Commission on June 6, 1974, dismissed preliminary inquiry 337–L–67 without a determination on its merits; notice of the receipt of the complaint and institution of preliminary inquiry 337–L–67 was published in the FEDERAL REGISTER of October 18, 1973 (38 FR 28984).

By order of the Commission.

Issued: June 10, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–13618 Filed 6–12–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Establishment and Meeting

Notice is hereby given that a Standards Advisory Commitee on Marine Terminal Facilities has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), and that it will meet on Friday, June 28, 1974, starting at 10:00 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

The Standards Advisory Committee on Marine Terminal Facilities has been established to make recommendations to the Assistant Secretary of Labor for Occupational Safety and Health regarding the development of a safety standard applicable to longshoring and related activity carried out in and associated with the operation and functions of Marine Terminal Facilities which are devoted to the receipt, holding, consolidation, and shipment of cargoes (other than the bulk storage, handling, and transfer of bulk liquids and gases, to the extent covered by regulations of the U.S. Coast Guard), ships stores, gears, etc. to or from any vessel, land carrier, holding or consolidation area, or other within-terminal facilities, but not including activity taking place aboard vessels.

This will be the first meeting of the committee. The agenda provides for a general orientation of the members concerning the scope of the Committee's functions and background information concerning the proposed safety regulations for Marine Terminal Facilities. The meeting shall be open to the public.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, prior to June 26, 1974, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

All written statements shall be addressed to:

A. W. Campbell
Committee Management Office
Occupational Safety and Health Administration
1726 M Street NW., Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 12th day of June 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–13742 Filed 6–12–74;11:09 am]

INTERSTATE COMMERCE COMMISSION

[Notice 528]

ASSIGNMENT OF HEARINGS

JUNE 10, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after June 13, 1974.

Investigation and Suspension No. 8938, Waterborne Shipments, North Atlantic Ports, now assigned June 24, 1974, at Washington, D.C., is postponed to August 26, 1974 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–128383 Sub 45, Pinto Trucking Service, Inc., now assigned July 24, 1974, at Washington, D.C., is cancelled and the application is dismissed.

I & S No. 8934, Insulating Materials, Southern, Official & Western Territories, now assigned June 25, 1974, at Washington, D.C., is postponed to July 30, 1974, at the Offices of the Interstsate Commerce Commission, Washington, D.C.

MC 79525 Sub-2, The Norris Brothers Company, now assigned July 15, 1974, at Cleveland, Ohio, will be held in Room 1455, Federal Building, 1240 E. 9th Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13624 Filed 6–12–74;8:45 am]

[Notice 103]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 13, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75175. By order entered June 6, 1974, the Motor Carrier Board approved the transfer to Primo's Franklin Bakery, Inc., Franklin, Pa., of the operating rights set forth in Certificate No. MC–64655, issued May 7, 1941, to S. T. Karns Transportation Company, Franklin, Pa., authorizing the transportation of household goods, between points and places in Venango County, Pa., on the one hand, and, on the other, points in West Virginia, New York, Ohio, New Jersey, and Maryland, traversing Delaware for operating convenience only. Robert Y. Daniels, 314 West Park St., Franklin, PA 16323, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13625 Filed 6–12–74;8:45 am]

[Notice 20]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 7, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 15, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protest, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–30319 (Deviation No. 7), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 1517 West Front Street, Tyler, Tex. 75701, filed May 29, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kinder, La., over U.S. Highway 165 to Alexandria, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Kinder, La., over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to junction Louisiana Highway 10, thence over Louisiana Highway 10 to junction Louisiana Highway 182, thence over Louisiana Highway 182, to junction Louisiana Highway 29, thence over Louisiana Highway 29 to Junction U.S. Highway 71, thence over U.S. Highway 71 to Alexandria, La., and return over the same routes.

No. MC–78786 (Deviation No. 9), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105, filed May 23, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over U.S. Highway 60 to Globe, Ariz., thence over U.S. Highway 70 to Safford, Ariz., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Phoenix, Ariz., over U.S. Highway 80 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, Ariz., thence over U.S. Highway 80 to Benson, Ariz., thence over Arizona Highway 86 to junction U.S. Highway 666, thence over U.S. Highway 666 to Safford, Ariz., and return over the same routes.

No. MC–78786 (Deviation No. 10), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105, filed May 31, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and U.S. Highway 666, thence over Interstate Highway 10 to Lordsburg, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From junction Interstate Highway 10 and U.S. Highway 666, thence over U.S. Highway 666 to Safford, Ariz., thence over U.S. Highway 70 to Lordsburg, N. Mex., and return over the same route.

No. MC–95540 (Deviation No. 2), WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1536, Atlanta, Ga. 30301, filed April 25, 1974. Carrier's representative: John J. Capo, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Montgomery, Ala., over Interstate Highway 65 to junction Alabama Highway 21, thence over Alabama Highway 21 to the Alabama-Florida State line,

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thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 90 near Pensacola, Fla.; (2) from Montgomery, Ala., over Interstate Highway 65 to junction U.S. Highway 31 at or near Evergreen, Ala., thence over U.S. Highway 31 to junction Alabama Highway 41 at or near East Brewton, Ala., thence over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to junction U.S. Highway 90 at or near Milton, Fla.; (3) from Phenix City, Ala., over U.S. Highway 431 to Seale, Ala., thence over Alabama Highway 26 to junction U.S. Highway 82, thence over U.S. Highway 82 to Union Springs, Ala., thence over U.S. Highway 29 to Troy, Ala., thence over Alabama Highway 87 to Elba, Ala., thence over U.S. Highway 84 to Opp, Ala., thence over U.S. Highway 331 to junction U.S. Highway 90; (4) from Phenix City, Ala., over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 231 to junction U.S. Highway 90 at or near Cottondale, Fla.; and (5) from Phenix City, Ala., over U.S. Highway 431 to Dothan, Ala., thence over Alabama Highway 53 to the Alabama-Florida State line, thence over Florida Highway 71 to junction U.S. Highway 90 at or near Marianna, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Montgomery, Ala., over U.S. Highway 80 to Columbus, Ga., thence over U.S. Highway 27 to Tallahassee, Fla., thence over U.S. Highway 90 to Pensacola, Fla., and return over the same routes.

No. MC-108223 (Deviation No. 1), CENTURY - MERCURY MOTOR FREIGHT, INC., P.O. Box 3050, St. Paul, Minn. 55165, filed May 23, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 14 and Illinois Highway 47, thence over Illinois Highway 47 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Madison, Wis., over U.S. Highway 14 to Chicago, Ill., and return over the same route.

No. MC-125419 (Deviation No. 1), BEE LINE FREIGHT, INC., 1012 Mayo Building, 420 South Main Street, Tulsa, Okla. 74103, filed May 29, 1974. Carrier's representative: I. E. Chenoweth (same address). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Sallisaw, Okla., over U.S. Highway 64 to Muskogee, Okla., and return over the same route, for operating convenience only, and (2) from Fort Smith, Ark., over Interstate Highway 40 to junction Muskogee Turnpike, thence over Muskogee Turnpike to Muskogee, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Sallisaw, Okla., over U.S. Highway 59 to Stilwell, Okla., thence over Oklahoma Highway 51 to Eldon, Okla., thence over U.S. Highway 62 to Muskogee, Okla., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13528 Filed 6-12-74;8:45 am]

[Notice 47]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 7, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC-135142 (Sub-No. 2) (Republication), filed May 11, 1973, and published in the FEDERAL REGISTER issue of June 13, 1973, and republished this issue. Petitioner: K & R TRANSPORTATION, INC., 253 East 21st South, Salt Lake City, Utah 84115. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. An order of the Commission, Review Board Number 1, dated May 16, 1974, and served May 28, 1974, finds that operation by petitioner in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *foodstuffs* (a) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio, to New Orleans, La., San Francisco, Calif., and points in Salt Lake County, Utah; and (b) between New Orleans, La., San Francisco, Calif., and points in Salt Lake County, Utah, under a continuing contract with Holly World Foods, Inc., of San Francisco, Calif., restricted in parts (a) and (b) above against the transportation of commodities in bulk, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136643 (Sub-No. 3) (Republication), filed December 5, 1973, and published in the FEDERAL REGISTER issue of January 17, 1974, and republished this issue. Applicant: JENI TRUCKING, INC., c/o J. H. Harvey, Inc., Broadway, Thornwood, N.Y. 10594. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. An Order of the Commission, Operating Rights Board, dated May 10, 1974, and served June 3, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *new furniture and household appliances and equipment*, from Thornwood, N.Y., to points in Fairfield, New Haven, and Litchfield Counties, Conn., and Bergen, Essex, Hudson, Passaic, Union, Morris, and Sussex Counties, N.J., and (2) of *returned shipments* of the commodities in (1) above, from points in the described destination territory to Thornwood, N.Y., with all service authorized above limited to a transportation service to be performed under a continuing contract or contracts with J. H. Harvey, Inc., of Thornwood, N.Y., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to add part (2) as stated herein. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 8214 (Notice of filing of petition to modify a commodity description), filed May 24, 1974. Petitioner: PORT

JERSEY TRANSPORTATION, Pulaski St. and Route 169, Bayonne, N.J. 07002. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a motor *common carrier* certificate in No. MC 8214, issued July 9, 1971, authorizing as pertinent, transportation over irregular routes, of *poultry, butter, eggs, cheese, groceries, and meat, and meat products*, other than fresh meats, between points in New York, New Jersey, and Connecticut within 30 miles of City Hall, New York, N.Y. By the instant petition, petitioner seeks to modify its commodity description to read: "*Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, except commodities in bulk." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 50544 and (Sub-Nos. 33, 35, 41, 45, 53, 57, 62, and 65) (Notice of filing of petition to amend certificates), filed May 13, 1974. Petitioner: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a Corporation, 210 North 13th Street, St. Louis, Mo. 63103. Petitioner's representatives: Mark M. Hennelly, R. H. Stahlheber, and Robert S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Petitioner presently holds motor *common carrier* regular route *general commodity* authority generally paralleling the rail lines of The Texas and Pacific Railway Company in the States of Texas, New Mexico, Louisiana, and Arkansas, restricted: (1) To service which is auxiliary to, or supplemental of, the rail service of The Texas and Pacific Railway Company, hereinafter called the "Railway"; (2) against service to or from any point not a station on the "Railway"; (3) against various specified road haul movements to specified key points in each certificate; (4) such that all contractual arrangements between the said carrier and the said railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision, if the Commission finds it to be necessary, in order that such arrangements shall be fair and equitable to the parties; and (5) to such further conditions as the Commission, in the future, may find necessary to impose in order to insure that said carrier's operations by motor vehicle are restricted to service which is auxiliary to, or supplemental of, the rail service of said railroad. Petitioner indicates that the Interstate Commerce Commission has interpreted the above-enumerated Certificates as limiting the Petitioner to handling freight moving on the billing of the "Railway" at rail rates.

By the instant petition, petitioner requests the Commission to amend its Certificates in No. MC-50544 and (Sub-Nos. 33, 35, 41, 45, 53, 57, 62, and 65) to permit it to handle freight on its own billing at motor carrier rates by amending restriction (1) as described above to include the following: "Shipments may be handled at motor carrier rates on the Texas and Pacific Motor Transport Company billing. Substitution of The Texas and Pacific Railway Company rail service for motor service is authorized between points which cannot be served by highway because of restrictions in this Certificate". Petitioner states that some of the results of a grant of the amendment requested herein would be: (a) "Railway" will cease to handle any LCL shipments on its own billing and all merchandise freight offered to the "Railway" will move on the billing of its motor carrier subsidiary; (b) Petitioner will become the sole agency for the "Railway's" small shipment service; (c) the Petitioner truck line will become the Small Shipment Division of the MoPac System (controlling 96.63% of the stock of The Texas and Pacific Railroad Company and its subsidiary companies including the Petitioner herein); (d) line haul movement between key points will continue by rail; (e) Petitioner's request for no change in restrictions (2), (3), (4), and (5) will insure that there will be no change in the physical movement of shipments and therefore no change in the competitive position between the Petitioner and other motor common carriers; (f) deletion of the necessity to maintain separate intrastate and interstate records; (g) a total MoPac System savings of approximately $235,000 per year; (h) there will be no change in interline arrangements presently in effect; and (i) no significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4). This proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any interested person, or persons, desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against this petition on or before July 12, 1974.

No. MC 89723 and (Sub-Nos. 4, 12, 13, 14, 15, 16, 17, 22, 23, 27, 28, 30, 33, 39, 45, 46, 49, 56, 57, and 62) (Notice of filing of petition to amend certificates), filed May 13, 1974. Petitioner: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Petitioner's representatives: Mark M. Hennelly, R. H. Stahlheber, and Robert S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Petitioner presently holds motor *common carrier* regular route *general commodity* authority generally paralleling the rail lines of the Missouri Pacific Railroad Company in the States of Texas, Louisiana, Arkansas, Missouri, Illinois, Kansas, Nebraska, and to Natchez, Miss., and Memphis, Tenn. restricted: (1) To service which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Company, hereinafter called the "Railroad"; (2) against service to or from any point not a station on the "Railroad"; (3) against various specified road haul movements to specified key points in each certificate; (4) such that all contractual arrangements between the said carrier and the said railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision, if the Commission finds it to be necessary, in order that such arrangements shall be fair and equitable to the parties; and (5) to such further conditions as the Commission, in the future, may find necessary to impose in order to insure that said carrier's operations by motor vehicle are restricted to service which is auxiliary to, or supplemental of, the rail service of said railroad. Petitioner indicates that the Interstate Commerce Commission has interpreted the above-enumerated Certificates as limiting the Petitioner to handling freight moving on the billing of the "Railroad" at rail rates.

By the instant petition, petitioner requests the Commission to amend its Certificates in No. MC-89723 and (Sub-Nos. 4, 12, 13, 14, 15, 16, 17, 22, 23, 27, 28, 30, 33, 39, 45, 46, 49, 56, 57, and 62) to permit it to handle freight on its own billing at motor carrier rates by amending restriction (1) as described above to include the following: "Shipments may be handled at motor carrier rates on the Missouri Pacific Truck Lines billing. Substitution of The Missouri Pacific Railroad Company rail service for motor service is authorized between points which cannot be served by highway because of restrictions in this Certificate". Petitioner states that some of the results of a grant of the amendment requested herein would be: (a) "Railroad" will cease to handle any LCL shipments on its own billing and all merchandise freight offered to the "Railroad" will move on the billing of its motor carrier subsidiary; (b) Petitioner will become the sole agency for the "Railroad's" small shipment service; (c) the Petitioner truck line will become the Small Shipment Division of the MoPac System; (d) line haul movement between key points will continue by rail; (e) Petitioner's request for no change in restrictions (2), (3), (4), and (5) will insure that there will be no change in the physical movement of shipments and therefore no change in the competitive position between the Petitioner and other motor common carriers; (f) deletion of the necessity to maintain separate intrastate and interstate records; (g) a total MoPac System savings of approximately $235,000 per year; (h) there will be no change in interline arrangements presently in effect; and (i) no significant effect on the quality of the human environment within the

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meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4). This proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any interested person, or persons, desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against this petition on or before July 12, 1974.

No. MC 116816 (Sub-Nos. 10 and 12) (Notice of filing of petition to add contracting shipper and delete existing contracting shippers), filed May 28, 1974. Petitioner: MERIT TRUCKING CORP., 849 Harrison Avenue, Kearny, N.J. 07032. Petitioner's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Petitioner presently holds a motor *contract carrier* permit in No. MC 116816 (Subs Nos. 10 and 12) issued August 9, 1973, and March 18, 1974, respectfully, authorizing transportation over irregular routes, in Sub-10, of *household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment* therefor, from the site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and *returned shipments* of the above-specified destination points, to site of carrier's warehouse at Kearny, N.J., under a continuing contract or contracts with Apollo Distributing Co., of Newark, N.J.; L & P Distributors of New Jersey, of Maspeth, N.Y.; Cooper Distributing Company, Inc., of Newark, N.J.; Philco Distributors Company, Inc., of New York, N.Y.; Motorola Metro, Inc., of Franklin Park, Ill.; Bruno-New York, Inc., of New York, N.Y.; and Emerson TV Sales Corp., of Moonachie, N.J.; and in Sub-No. 12, of (1)(a) *household appliances, air conditioning equipment, radios, phonograph and television sets*, and (b) *parts and equipment* for the commodities in (a) above, from the site of carrier's warehouse at Kearny, N.J., to points in Dutchess, Orange, Putman, Sullivan, and Ulster Counties, N.Y., and Middlesex and New Haven Counties, Conn.; and (2) *returned shipments* of the commodities in (1) (a) and (b) above, from the above-specified destination points, to the site of carrier's warehouse at Kearny, N.J., under a continuing contract or contracts with Philco Distributors, Inc., and Bruno-New York, Inc. By the instant petition, petitioner seeks: (a) to substitute General Electric Co., Inc., of Portsmouth, Va., and Zenith Radio Corp., of Cranford, N.J., in lieu of Emerson TV Sales Corp., of Moonachie, N.J., and Cooper Distributing Company, Inc., of Newark, N.J., as contracting shippers to the authority described above in Sub-No. 10; and (b) to. add General Electric Co., Inc., of Portsmouth, Va., and Zenith Radio Corp., of Cranford, N.J., as additional contracting shippers to authority described above in Sub-No. 12. Any interested person, or persons desiring to participate may file an original and six copies of his written representations, views, or arguments against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129229 and Sub-No. 1 (Notice of filing of petition to add contracting shippers), filed May 28, 1974. Petitioner: P & N TRUCKING CO., INC., 4010 Dell Ave., North Bergen, N.J. 07047. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *contract carrier* permit in No. MC 129229 and Sub-No. 1 issued November 4, 1968 and October 1, 1969, respectfully, authorizing transportation over irregular routes, of, in the lead permit, (1) *Liquid trichlorethylene and liquid perchlorethylene*, in bulk, in tank vehicles, (a) from New York, N.Y., and points in the commercial zone thereof as defined by the Commission in finding No. 1 in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 and 496, to points in Connecticut, Massachusetts, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, and Maryland; (b) from Philadelphia, Pa., to points in Pennsylvania; and (c), from Baltimore, Md., to points in Maryland; Restriction: The operations authorized in the paragraph next above are restricted to the transportation of shipment having a prior movement by water in foreign commerce; (2) *Chemicals, in containers, and aluminum and steel sheets, rods, coils and ingots;* (d) from New York, N.Y., and points in the commercial zone thereof, as defined by the Commission in finding No. 1 in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 and 496, to Chicopee Falls, Mass., Providence, R.I., and points in Connecticut, New Jersey, New York, Pennsylvania, Delaware, and Maryland; (e) from Philadelphia, Pa., to points in Pennsylvania; and (f) from Baltimore, Md., to points in Maryland; with (1) and (2) above, under a continuing contract, or contracts with International Selling Corp. of New York, N.Y.; restricted to the transportation of shipment having a prior movement by water in foreign commerce;

Restriction: Carrier shall conduct the for-hire motor carrier operation authorized above separate from its other business activity: and carrier shall maintain separate accounts and records for the above-specified for-hire motor carrier operations; and in Sub-No. 1, Lead and zinc ingots, copper wire and sheets, (a) from New York, N.Y., and points in the Commercial Zone thereof as defined by the Commission, to Chicopee Falls, Mass., and Providence, R.I., and points in Connecticut, New Jersey, New York, Pennsylvania, Delaware, and Maryland; (b) from Philadelphia, Pa., to points in Pennsylvania; and (c) from Baltimore, Md., to points in Maryland; under a continuing contract or contracts with International Selling Corporation of New York, N.Y.; restricted to shipments having a prior movement by water in foreign commerce. By the instant petition, petitioner seeks to add Rhodia, Inc. as an additional contracting shipper to the authority described above in the lead permit and (Sub-No. 1). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before July 15, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 43421 (Sub-No. 48), filed May 15, 1974. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: David Axelrod, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular, or, regular and irregular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (A) Regular routes: (1) Between Columbus, Ohio, and Cleveland, Ohio: From Columbus over Interstate Highway 71 to Cleveland, and return over the same route; (2) Between Columbus, Ohio, and Cincinnati, Ohio: From Columbus over Interstate Highway 71 to Cincinnati, and return over the same route; (3) Between Columbus, Ohio, and Toledo, Ohio: From Columbus over U.S. Highway 23 to Toledo, and return over the same route; (4) Between Columbus, Ohio, and Portsmouth, Ohio: From Columbus over U.S. Highway 23 to Portsmouth, and return over the same route; (5) Between Columbus, Ohio, and Marietta, Ohio: From Columbus over Interstate Highway 70 to junction Interstate Highway 77, thence over Interstate Highway 77 to Marietta, and return over the same route; (6) Between Columbus, Ohio, and East Liverpool, Ohio: From Columbus over Interstate Highway 70, to junction Ohio Highway 7, thence over Ohio Highway 7 to East Liverpool, and return over the same route; and (7) Between Columbus, Ohio, and Youngstown, Ohio: From Columbus over Interstate Highway 71 to junction Interstate Highway 76 thence over Interstate Highway 76, to Youngstown, and return over the same route; (1) through (7) above, serving all intermediate points, and serving all points in Ohio as off-route points in Ohio, restricted to the transportation of shipments moving from, to or through Columbus, Ohio: Or, in the alternative (B), (1) Regular route: Between Columbus, Ohio, and Cleveland, Ohio: From Columbus over Interstate Highway 71 to Cleveland, and return over the same route: serving all intermediate points: And (2), Irregular routes: Between Columbus, Ohio, on the one hand, and on the other, points in Ohio.

NOTE.—Applicant intends to tack with (B) (2) above with its regular route operations in lead docket and Subs. thereunder, at Columbus, Ohio, to provide service between points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, Massachusetts, St. Louis, Mo., and Louisville, Ky., on the one hand, and, on the other, points in Ohio. Prospective protestants are requested to make specific reference to Part (A) and/or (B) above in their protest filing.

NOTE.—This is a matter directly related to the Section 5 proceeding in MC-F-12220 published in the FEDERAL REGISTER issue of May 29, 1974. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC-133150 (Sub-No. 2) (Amendment), filed February 11, 1974, published in the FEDERAL REGISTER issue of March 21, 1974, and republished as corrected, in part, this issue. Applicant: JAMES INNACO, doing business as SKYLINE TRANSPORT, 969 Bridgeport Avenue, Milford, Conn. 06460. Applicant's representative: William J. Meuser, 86 Cherry Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks, or special equipment).

NOTE.—The purpose of this partial republication is to amend the restriction in Part (A) of the application which was previously published. The rest of the application remains the same. This matter is directly related to the Section 5 proceeding in MC-F-12136 published in the FEDERAL REGISTER issue of February 20, 1974. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 139625 (Correction), filed March 25, 1974, published in the FEDERAL REGISTER issue of May 8, 1974, and republished, as corrected, this issue. Applicant: MEMPHIS-BIRMINGHAM EXPRESS, INC., 618 Hamilton Bank Building, Nashville, Tenn. 37219. Applicant's representative: A. O. Buck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value. Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, Tenn., and Birmingham, Ala.: From Memphis over U.S. Highway 78 to Birmingham and return over the same route, serving no intermediate points.

NOTE.—The purpose of this republication is change MC-F-12178 to MC-F-12179 which was previously published in the FEDERAL REGISTER in error. Common control may be involved. This application is a matter directly related to a Section 5 proceeding in No. MC-F-12178 which has not yet been published in the FEDERAL REGISTER.

No. MC-F-11529. Petition by D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., to modify order of the Commission, Division 3, acting as an Appellate Division, dated August 2, 1961, authorizing the purchase by petitioner of a portion of the operating authority of SPROUT & DAVIS, INC. 2500 Indianapolis Boulevard, Whiting, Ind. Petitioner's attorney: Arnold L. Burke, 127 North Dearborn St., Chicago, Ill. 60602. Petition seeks removal of the restriction, "That liquid chemicals derived from petroleum or petroleum products (except liquified petroleum gases, including anhydrous ammonia, and petroleum aromatic compounds), as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, shall not be transported", from the following operating rights of petitioner: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from certain points in Illinois, certain points in Michigan, certain points in Iowa, points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone and Hannibal, Mo., to Whiting, Ind., from certain points in Michigan and certain points in Illinois to East Chicago, Ind.; *petroleum and petroleum products, except liquefied petroleum gas*, in bulk, in tank vehicles, from that portion of Lemont, Ill. located outside the Chicago, Ill. Commercial Zone to certain points in Michigan; *petroleum and petroleum products, in bulk, in tank vehicles, except liquefied petroleum gas, and except petroleum asphalt, tar, road oil, and residual fuel oil requiring heater-coil tank vehicles*, from that portion of Lemont, Ill. located outside the Chicago, Ill. Commercial Zone to certain points in Wisconsin.

No. MC-F-12148. (Supplemental) (ANDERSON TRUCKING SERVICE, INC.—Purchase (portion)—BAY AND BAY TRANSFER CO.), published in the March 13, 1974, issue of the FEDERAL REGISTER on page 9728.

By the subject application, Anderson Trucking Service, Inc., seeks to acquire authority to operate as a motor common carrier, over irregular routes, of various specified commodities between points in Minnesota, on the one hand, and, on the other, points in Iowa, South Dakota, North Dakota, and Wisconsin. Applicant presently holds authority to operate from, to, or between all points in the United States.

The prior publication should be amended to show that Anderson Trucking Service, Inc. proposes to eliminate gateway in Minnesota for the performance of through service under the combined rights.

The following notice of proposal to eliminate gateway for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC-F-12226. Authority sought for control and merger by GENERAL FREIGHT SYSTEM, INCORPORATED, 45 Belden St., East Hartford, CT 06108, of the operating rights and property of MASHKIN FREIGHT LINES, INC., 115 Park Ave., East Hartford, CT 06108, and for acquisition by BENJAMIN H. GOLDFARB, 37 Bainton Rd., West Hartford, CT 06117, of control of such rights and property through the transaction. Applicants' attorney: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103. Operating rights sought to be controlled and merged: primarily *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith equipment, materials and supplies, as a *common carrier* over irregular routes, from to and between points in the States of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey and in the southwestern portions of New Hampshire and southeastern portions of Vermont; *general commodities*, with the usual exceptions, between all points in Connecticut, and between New York, N.Y., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., with restriction; *bakery goods*, from Jersey City, N.J., to points in New York and Connecticut, and certain specified points in Massachusetts; *ice cream, sherbets and ice cream products*, from Englewood, N.J., to points in New York, and Connecticut, and certain specified points in Massachusetts, with restriction. GENERAL FREIGHT SYSTEM INCORPORATED, is authorized to operate as a common carrier in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12227. Authority sought for purchase by DENVER-MIDWEST MOTOR FREIGHT, INC., a Colorado corporation, 5555 E. 58th Ave., Commerce City, CO 80022, of the operating rights of (B) RITEWAY TRANSPORT, INC., a Colorado corporation, (BB) PADRE FREIGHT LINES, a California corporation, and (BBB) CIBOLA FREIGHT LINES, an Arizona corporation, all of 2131 West Roosevelt, Phoenix, AR 85009,

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and for acquisition by HOWARD E. HOLDCROFT, GENERAL INDUSTRIES, INC., and DENVER-MIDWEST MOTOR FREIGHT, INC., a Nebraska corporation, all of Commerce City, CO 80022, of control of such rights through the purchase. Applicants' attorneys: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NE 68501, and Sheldon Silverman, Suite 550 Federal Bar Bldg., West, 1819 H St. NW., Washington, D.C. 20006. Operating rights sought to be transferred: (B) *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Salt Lake City, and Blanding, Utah, serving no intermediate points, between Blanding, Utah, and Flagstaff, Ariz., serving all intermediate points in Arizona, and points within five miles on each side of unnumbered Arizona highway between the Utah-Arizona State line and U.S. Highway 89 as off-route points, with restriction, between Blanding, Utah, and Grand Junction, Colo., serving no intermediate points, between Monticello, and Bluff, Utah, serving all intermediate points, with restriction, between Blanding, Utah, and the mine site of Industrial Uranium Corporation, located in Monument Valley, Ariz., approximately 12 miles south of the Arizona-Utah State line, serving no intermediate points, and serving the off-route points in Arizona within five miles of said mine site, between Salt Lake City, Utah, and Fort Rock, Ariz., and the plant site of Roosendaal Construction & Mining Corp., near Fort Rock, Ariz; serving the intermediate point of Blanding, Utah, with restriction; *general commodities*, with exceptions, over irregular routes, between points in McKinley, San Juan, and Valencia Counties, N. Mex., other than between points both of which are served by rail lines or both of which are served by regular-route motor common carriers, between Boulder, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado, between points in the Hopi Indian Reservation located in Arizona, on the one hand, and, on the other, Phoenix, Ariz., between points in the Hopi Indian Reservation, on the one hand, and, on the other, points in Arizona (except Glove and Stafford).

(BB) *General commodities*, with exceptions, over irregular routes, between points in a described area of San Diego, Calif. (referred to as the San Diego, Calif. Territory), and intermediate points located on U.S. Highway 101 and 101 Alternate, Interstate Highway 5, and California Highway 1, on the one hand, and, on the other, points in a described area of Los Angeles, Calif. (described as the Los Angeles, Calif. Basin Territory); (BBB) *General commodities*, with exceptions, over irregular routes, between points in Arizona and Nevada within 40 miles of Kingman, Ariz., including Kingman, between Cibola, Ariz., and points in Arizona within 25 miles of Cibola, on the one hand, and, on the other, Ripley and Blythe, Calif., and Yuma, Ariz., between points in that part of Mohave County, Ariz., located south of the Colorado River and those in that part of Yuma County, Ariz., located north of an east-west line drawn through Cibola, Ariz., and those in Nevada within 40 miles of Kingman, Ariz. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, Colorado, South Dakota, Kansas, Minnesota, North Dakota, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12228. Authority sought for continuance in control by C. I. WHITTEN TRANSFER CO., P.O. Box 1833, Huntington, W. Va. 25719, of C. I. WHITTEN TRANSFER (QUEBEC), INC., P.O. Box 181 Montreal 260, Quebec, Canada. Applicants' attorney: Herbert Burstein, One World Trade Center, New York, NY 10048. Operating rights sought to be controlled: In pending docket No. MC–138030 (Sub-No. 2), to transport explosives as a common carrier by motor vehicle, over irregular routes, between those ports of entry on the International Boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, and Maine, and certificate not yet issued. C. I. WHITTEN TRANSFER CO., is presently controlled by QUALPECO SERVICES, INC. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12229. Authority sought for continuance in control by HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, TX 77015, of HILL & HILL TRANSPORT OF CANADA, LTD., P.O. Box 4086, South Edmonton, Alberta, Canada, and for acquisition by G. CAMERON DUNCAN, 2109 San Pedro, San Antonio, TX 78212, J. W. HERSHEY, P.O. Box 13244, Houston, TX 77019, OLIVE D. HERSHEY, 3865 Chevy Chase, Houston, TX 77019, HAROLD ORMSTON, P.O. Box 9698, Houston, TX 77015, WILLIAM A. WAREING, Llano Route, Box 103X, Fredericksburg, TX 78624, JOHN B. CARTER, JR., One Allen Center, Houston, TX 77002, and SUE B. WELLS, 23 West Oak, Houston, TX 77027, of control of HILL & HILL TRANSPORT OF CANADA, LTD., through the acquisition by HILL & HILL TRUCK LINE, INC. Applicants' attorney: Jay W. Elston, 800 Bank of the Southwest Bldg., Houston, TX 77002. Operating rights sought to be controlled: *General commodities*, with the usual exceptions, as a *common carrier* over irregular routes, between points in the Sweetgrass, Mont., commercial zone as defined by the Commission. HILL & HILL TRUCK LINE, INC., is authorized to operate as a *common carrier* in New Mexico, Oklahoma, Louisiana, Texas, Wyoming, Montana, Colorado, Utah, Nevada, North Dakota, South Dakota, Nebraska, Alaska, Arkansas, Florida, Georgia, Mississippi, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12230. Authority sought for purchase by PLYMOUTH ROCK TRANSPORTATION CORP., 1230 Massachusetts Ave., Dorchester, MA 02125, of a portion of the operating rights of SOFIELD TRANSFER CO., INC. by HOWARD S. GREENBERG, Trustee in Bankruptcy, 744 Broad St. Newark, NJ 07102, and for acquisition by ARTHUR H. CORT, also of Dorchester, MA 02125, of control of such rights through the purchase. Applicants' attorney: Thomas W. Murrett, 342 North Main St., W. Hartford, CT 06117. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over irregular routes, between points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points and places in Nassau, Rockland, Suffolk, and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12231. Authority sought for control and merger by L. A. TRUCK LINES, INCORPORATED, P.O. Box 1060, Cape Girardeau, MO 63701, of the operating rights and property of C. E. S. TRUCK LINES, INC., Highway 61–67, Crystal City, MO 63019, and for acquisition by CHARLES N. HARRIS, 321 No. Spring Ave., Cape Girardeau, MO 63701, of control of such rights and property through the transaction. Applicants' representative: James R. Ponsot, Vice President—Traffic, also of Cape Girardeau, MO. 63701. Operating rights sought to be controlled and merged: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Arcadia, Mo., and East St. Louis, Ill., between Berryman, Mo., and East St. Louis, Ill., between Crystal City, and Fredericktown, Mo., between De Soto, and St. Louis, Mo., serving various intermediate and off-route points, between Crystal City, and Selma, Mo., serving intermediate and off-route points located in Missouri within ten miles of Selma, between Potosi, Mo., and the plant site of Meramec Mining Company, near Stanton, Mo., serving all intermediate points, between junction Missouri Highway 32 and Missouri Highway 21, and the plant site of St. Joseph Lead Company, near Dillard, Mo., serving all intermediate points, and serving the junction of Missouri Highways 32 and 21 for joinder purposes only, between Festus, Mo., and junction Missouri Highways 21A and 110, serving the intermediate points of Victoria and Hematite, Mo., and the site of the Mallinckrodt Chemical Company near Hematite, between St. Louis, Mo., and junction St. Louis County Road VV and combined U.S. Highways 61 and 67, serving all intermediate points and the intermediate or off-route points of Flamm City, Mo., and the site of the plant of the Union Electric Company, east of St. Louis County Road VV; *petroleum products*, from Roxana, Ill., to Potosi, Mo., serving no intermediate points; *household goods* as defined by the Commission, over irregular routes, between points in Washington County, Mo., on the one hand, and, on the other, points in Illinois, from Festus and Crystal City, Mo., to Vincennes, Ind., and certain specified points in Illinois and Arkansas; *glass, and building materials*, from Festus and Crystal City, Mo.; to Vincennes, Ind., and certain specified points in Illinois and Arkansas. L. A. TRUCK LINES, INCORPORATED, is authorized to operate as a *common carrier* in Illinois, Missouri, Arkansas, Indiana, Tennessee, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12232. Authority sought for control and merger by CORDIN MOTOR FREIGHT, INC., 7736 W. 62nd Place, Summit, IL 60501, of the operating rights and property of R. T. SKEWES FREIGHT LINES, INC., 1501 E. Chicago Ave., E. Chicago, IN 46312, and for acquisition by ESTATE OF NICHOLAS S. CORDIN, Ruth Cordin, Executor, 132 Shadyland, Hinsdale, IL 60521, of control of such rights and property through the transaction. Applicants' attorneys: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603, and Lester Murphy, Jr., 720 W. Chicago Ave., E. Chicago, IN 46312. Operating rights sought to be controlled and merged: *Livestock*, as a *common carrier* over irregular routes, from Atlanta, Ill., and points within 25 miles of Atlanta, to Kansas City, and St. Louis, Mo., and points in Illinois, from Kentland, Ind., and Kansas City, Mo., to Atlanta, Ill., and points within 25 miles of Atlanta; *feed*, from St. Louis, Mo., and Hammond, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; *farm machinery and farm implements*, from Gary, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; *steel, and steel products*, from Gary, and East Chicago, Ind., to points in Illinois; *brick*, from Brazil, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; *household goods*, between Atlanta, Ill., and points within 25 miles of Atlanta, on the one hand, and, on the other, points in Illinois, Indiana, and Missouri; *iron and steel articles*, except those which, because of size or weight, require the use of special equipment, from the site of the Bethlehem Steel Corporation plant in Burns Harbor, Porter County, Ind., to points in Illinois, with restriction. CORDIN MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Illinois, and Indiana. Application has been filed for temporary authority under section 210a(b).

ST. JOHNS RIVER TERMINAL COMPANY, P.O. Box 1808, Washington, D.C. 20013 (Applicant), hereby gives notice that on the 22nd day of May 1974, it has filed with the Interstate Commerce Commission at Washington, D.C., an application under Paragraph (2) of section 5 of the Interstate Commerce Act, which was assigned Finance Docket No. 27662. In accordance with the Commission's regulations (49 CFR 111.2(13)) Applicant advises as follows:

(i) The names and address of Applicant's attorneys are R. Allan Wimbish and A. Gayle Jordan, Post Office Box 1808, Washington, D.C. 20013.

(ii) The nature of the proposed transaction is for Applicant to acquire certain trackage rights for switching purposes only over approximately 11 miles of main line and proposed branch and incidental lead track over the Georgia, Southern and Florida Railway Company (GS&F) with said acquisition to be contingent upon receipt of Commission order in Finance Docket No. 27543 authorizing GS&F to construct and operate a branch line of railroad with incidental lead track to reach and serve the proposed New Duval-Southern Industrial Park in Jacksonville, Florida.

(iii) Applicant is a small switching and terminal railroad serving industries and docks in Jacksonville, Florida.

Applicant maintains that the subject matter of this application does not appear to present any additional environmental issues which have not already been considered by the Commission in connection with Finance Docket No. 27543, for which a draft environmental impact statement prepared by the Commission staff has been served on May 30, 1974. Nonetheless, in accordance with the Commission's regulation (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act of 1969*, 349 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 5 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 15, 1974.

The Denver and Rio Grande Western Railroad Company hereby gives notices that on the 1st day of November 1973, it filed an application under Section 5(2)(d) of the Interstate Commerce Act for authority to purchase the following properties of the Chicago, Rock Island and Union Pacific Railroad Company: (1) 510 miles of the main line between Denver Union Terminal and Applicant's North Yard in Denver, Colorado, and Roswell Station in Colorado Springs, on the one hand, the Belleville, Kansas, on the other hand; (2) 159 miles of the main line between Belleville, Kansas, and Rigg, Iowa; 204 miles of the main line between Belleville, Kansas, to the eastern limits of Kansas City, Missouri (being defined to include Airline Junction, end of of Rock Island-Chicago, Milwaukee, St. Paul & Pacific Railroad Company joint line and Leeds Junction, beginning of Rock Island St. Louis Line); (4) 111 miles of branch line between St. Joseph, Missouri, and Atchison, Kansas; (5) miles of branch line between Jansen and Beatrice, Kansas. This application has been assigned Finance Docket No. 27521 and applicant's representative in this proceeding is Mr. Samuel R. Freeman, General Counsel, The Denver and Rio Grande Western Railroad Company, P.O. Box 5482, Denver, Colorado 80217. In the opinion of the applicant, this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

- The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before July 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–13529 Filed 6–12–74;8:45 am]

[Notice 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 6, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before June 28, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19627 (Sub-No. 1 TA), filed May 24, 1974. Applicant: FULTON MOV-

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ING & STORAGE, INC., 401 SE. 8th Avenue, Portland, Oreg. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having an immediately prior or subsequent movement by air, between the Portland International Airport on the one hand, and, the Seattle-Tacoma Airport, on the other hand, for 180 days. SUPPORTING SHIPPERS: Northwest Orient Airlines, Minneapolis/St. Paul International Airport, St. Paul, Minn. 55111, and Western Airlines, 7810 NE. Airport Way, Portland, Oreg. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 112822 (Sub-No. 331 TA) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER Notice No. 78 dated May 30, 1974, and republished as corrected this issue. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above).

NOTE.—The purpose of this republication is to show the correct sub number as No. MC 112822 (Sub-No. 331 TA) in lieu of No. MC 112822 (Sub-No. 33 TA), which was published in error. The rest of the application will remain the same.

No. MC 120978 (Sub-No. 9 TA), filed May 28, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except in bulk, in tank or pneumatic vehicles), (1) from Pine Bend and Savage, Minn., to points in Foster, Cass, Traill, Nelson, Cavalier, Ward, Richland, Barnes, Steele, Griggs, Ramsey, Walsh, Renville, McHenry, Ransom, Eddy, Wells, Stutsman, and Sargent Counties, N. Dak., and (2) from Milwaukee, Wis., to points in North Dakota, South Dakota, and Minnesota, for 180 days. SUPPORTING SHIPPERS: Cargil, Incorporated, Cargill Bldg., Minneapolis, Minn. 55402 and M. T. Wiley, Inc., P.O. Box 32, Chaska, Minn. 55318. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124170 (Sub-No. 35 TA), filed May 28, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans Street, Detroit, Mich. 48207. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b) (6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and points in its commercial zone, to Detroit, Grand Rapids, and Saginaw, Mich., and Toledo, Cleveland, and Youngstown, Ohio, restricted to traffic originating at the named origin point and to traffic having a prior movement by water, for 180 days. SUPPORTING SHIPPERS: Castle & Cooke Foods, 350 Vanderbilt Motor Parkway, Hauppauge, N.Y. 11787; Kroger Food Stores, 1014 Vine Street, Cincinnati, Ohio 45201; Mercurio Brothers, 140 Twelfth Street, Detroit, Mich. 48216; Badalament, Inc., 515 Tenth Street, Detroit, Mich. 48013; and Pan American Fruit Co., 19 Rector Street, New York, N.Y. 10006. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 129994 (Sub-No. 3 TA), filed May 24, 1974. Applicant: RAY BETHERS, 165 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, gypsum wallboard, lath, plaster, lime, and materials and supplies* used in the manufacture, installation or distribution thereof, from points in Clark County, Nev., to points in Utah and Wyoming, for 180 days. SUPPORTING SHIPPER: The Flintkote Company, Box 2312, Terminal Annex, Los Angeles, Calif. 90051 (Richard B. Colby, Traffic Manager) and Building Products Inc., 165 West Central Avenue, Salt Lake City, Utah 84107 (George M. Fisher, President). SEND PROTESTS TO: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136008 (Sub-No. 29 TA), filed May 23, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in open top dump trailers, from Texas City, Tex., to Kremlin, Okla., and from Texas City, Tex., to Port Arthur, Tex., on traffic having a subsequent movement and further out of state movement, for 180 days. SUPPORTING SHIPPER: Great Lakes Carbon Corp., George R. Gunter, V.P. & Dir. of Transportation, 299 Park Ave., New York, N.Y. 10017. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139779 (Sub-No. 2 TA), filed May 28, 1974. Applicant: JOHN T. NASH, doing business as JOHN T. NASH HAULING CO., Gum Spring, Va. 23065. Applicant's representative: David C. Venable, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet parts*, from Apple Grove, Va., to points in North Carolina, South Carolina, Georgia, District of Columbia, Delaware, West Virginia, Ohio, Michigan, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and New Hampshire, for 180 days. SUPPORTING SHIPPER: E. D. B. Yancy, President, Dominion Pallet Company, Apple Grove, Va. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

MOTOR CARRIERS OF PASSENGERS

No. MC 134845 (Sub-No. 3 TA), filed April 19, 1974. Applicant: PRICE HILL COACH LINE, INC., 520 North Finley Street, Cleves, Ohio 45002. Applicant's representative: Edgar M. Hymans (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Passengers and their baggage, and express, mail, and newspapers* in the same vehicles as passengers, (1) Between Cincinnati and Hamilton, Ohio, serving all intermediate points: (a) From Cincinnati over Ohio State Highway 4 to Hamilton, and return over the same route; (b) From Cincinnati over Ohio State Highway 4 to junction Ohio State Highway 747, thence over Ohio State Highway 747 to junction Kemper Road, thence over Kemper Road to junction Ohio State Highway 4, thence over Ohio State Highway 4 to Hamilton, and return over the same route; and (c) From Cincinnati over U.S. Highway 127 to junction Burlington Road in New Burlington, thence over Burlington Road to junction U.S. Highway 127, thence over U.S. Highway 127 to Hamilton, and return over the same route; (2) Between Hamilton and Oxford, Ohio, serving all intermediate points: From Hamilton over Ohio State Highway 129 to junction U.S. Highway 27, thence over U.S. Highway 27 to Oxford, and return over the same route; (3) Between Hamilton and McGonigle, Ohio, serving all intermediate points: From Hamilton over Ohio State Highway 127 to junction Ohio State Highway 130, thence over Ohio State Highway 130 to junction U.S. Highway 27 at McGonigle, and return over the same route; (4) Between Dayton and Hamilton, Ohio, serving all intermediate points: From Dayton over Patterson Boulevard to junction Dixie Drive, thence over Dixie Drive to junction Kettering Boulevard, thence over Kettering Boulevard to junction Dayton-Cincinnati Pike, thence over Dayton-Cincinnati Pike to junction Ohio State Highway 73, thence over Ohio State Highway 73 to junction Hamilton-Trenton Road, thence over

Hamilton-Trenton Road to junction Roverside Drive, thence over Roverside Drive to Hamilton-Trenton Road, thence over Hamilton-Trenton Road to junction U.S. Highway 127, thence over U.S. Highway 127 to Hamilton, and return over the same routes, for 180 days.

(B) *Passengers and their baggage, and express, mail and newspapers* in the same vehicle as passengers, in group round-trip charter operations, beginning and ending at points along the routes described in (A) above, and extending to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPERS: Travel Unlimited, 10 South Main Street, Oxford, Ohio 45056; Ohio Bus Terminal, 1335 Central Avenue, Middletown, Ohio 45042; Senior Citizens, Inc., 140 Ross Avenue, Hamilton, Ohio 45013; and Hamilton Association of Trade and Industry, 6 Court Street, Hamilton, Ohio 45011. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

Note.—Applicant states that it will interline at Cincinnati and Dayton, Ohio, with other motor carriers of passengers.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13530 Filed 6-12-74;8:45 am]

[Notice 46]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 7, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before July 15, 1974. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before August 12, 1974, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 263 (Sub-No. 213), filed May 3, 1974. Applicant: GARRETT FREIGHT-LINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, commodities in bulk, and those requiring special equipment), serving Tooele, Utah, Tooele Army Depot, Tooele Industrial Park, and Magna, Utah, as off-route points in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 2392 (Sub-No. 97), filed April 30, 1974. Applicant: WHELLER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid ammonia polyphosphate*, in bulk, in tank vehicles, from Kingston, Ohio, to Fremont, Nebr., and Brainerd, Kans.; and (2) *liquid feed*, from Blair, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 3246 (Sub-No. 16), filed May 8, 1974. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Avenue, West Extension, Warren, Pa. 16365. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flash cube components and parts*, from Warren, Pa., to Dyersburg, Tenn.

NOTE.—Applicant holds contract carrier authority in MC–136886, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3379 (Sub-No. 54), filed May 6, 1974. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301. Applicant's representative; John C. Bradley, 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over-regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment); serving the warehouse site of the Western Electric Company, Inc., at or near Martinsburg, W. Va., as an off-route point in connection with applicant's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 85), filed May 7, 1974. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and metals*, in dump vehicles, from Baltimore, Md., to points in Pennsylvania, and those points in Ohio on a line beginning at the Kentucky-Ohio State Boundary line, and extending along U.S. Highway 23, to Waldo, Ohio; thence along Ohio Highway 98, to Bucyrus, Ohio; thence along Ohio Highway 4, to Sandusky, Ohio; and those points in Ohio east of said line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11220 (Sub-No. 138), filed May 6, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: W. F. Goodwin (same address as applicant).

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), between Huntington, W. Va., and the junction of the Blue Grass Parkway and Interstate Highway 65, at or near Elizabethtown, Ky., serving no intermediate points but serving the junction of the Blue Grass Parkway and Interstate Highway 65 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations: From Huntington over Interstate Highway 64 to junction with U.S. Highway 60 at or near Lexington, Ky., thence over U.S. Highway 60 to junction with the Blue Grass Parkway, thence over the Blue Grass Parkway to junction with Interstate Highway 65 and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., Lexington, Ky., or Charleston, W. Va.

No. MC 22229 (Sub-No. 85), filed May 9, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Meadville, Conneautville, Saegertown (Kebert Park), Cochranton, and Blacks Corners, Pa., as off-route points in connection with carrier's authorized regular route operations between Cleveland, Ohio, and Rochester, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa., or Buffalo, N.Y.

No. MC 23618 (Sub-No. 21), filed April 29, 1974. Applicant: MCALISTER TRUCKING COMPANY, a Corporation, 1618 S. Treadway Blvd., P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined in Appendix V of the Commission's *Description in Motor Carrier Certificates*, 61 M.C.C. 209 (except Mercer commodities, as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between Abilene, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and ports of entry on the International Boundary line between the United States and the Republic of Mexico located in Texas.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 29120 (Sub-No. 177) (Partial correction), filed March 18, 1974, published in the FEDERAL REGISTER issue of April 25, 1974, republished as amended in the FEDERAL REGISTER issue of May 31, 1974, and in third publication as corrected this issue. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant).

NOTE.—The purpose of this partial republication is to correct the Sub-No. and the applicant's address as atated herein. The rest of the notice remains as originally published.

No. MC 35045 (Sub-No. 19), filed May 6, 1974. Applicant: HORNE HEAVY HAULING, INC., P.O. Box 5358, Atlanta, Ga. 30307. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga., 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled paving machines, and trailers and parts therefor*, from the plantsites of Puckett Manufacturing Co., located in Gwinnett County, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 35320 (Sub-No. 142), filed May 9, 1974. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Charles H. Ruby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment): Serving the plant and warehouse sites of Fisher-Price Toys, located at or near East Aurora, N.Y., as an off-route point in connection with applicant's regular route authority to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, or Albany, N.Y.

No. MC 42405 (Sub-No. 33), filed May 2, 1974. Applicant: MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, 111 North Harrison, Oklahoma City, Okla. 73102. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives) moving in express service, between Wichita, Kans., and Augusta, Kans.: From Wichita over U.S. Highway 54 to Augusta, and return over the same route, serving no intermediate points, and serving August solely for purpose of interline with other common carriers with whom it can presently interline at Winfield.

NOTE.—Applicant states that no new service would be provided with the requested authority; applicant will interline for the sole purpose of fuel savings. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo., or Oklahoma City, Okla.

No. MC 52460 (Sub-No. 143), filed April 29, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from the plantsite of Ketter Charcoal Co., at or near Branson, Mo., to points in Illinois, Arkansas, Indiana, Kentucky, Tennessee, Louisiana, Oklahoma, Kansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52460 (Sub-No. 144), filed May 7, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture and accessories*, from points in North Carolina, Tennessee, and Virginia; Montgomery, Ala.; Miami, Fla.; Rome, Georgia; Baldwin and New Albany, Miss.; and Sumter, S.C., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 52460 (Sub-No. 147), filed May 9, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpets, carpeting yarn, floor covering and padding, and materials, supplies, and equipment* used in the installation thereof, (1) from points in Georgia; Monticello, Ark.; Greenville, S.C.; Charlotte, N.C.; and Chattanooga, Tenn.; to points in Arkansas, Kansas, Missouri, Oklahoma, Texas, and Morganfield, Ky.; and (2) from Morganfield, Ky., and Hillsboro, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Tulsa, Okla.

No. MC 61403 (Sub-No. 225), filed May 3, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 989, Highway 11W, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, Suite 1201, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed hydrogen gas*, in bulk, in government owned tank trailers, from Oak Ridge, Tenn., to Edwards Air Force Base, located at Edwards, Calif.; Kirtland Air Force Base, located

at Albuquerque, N. Mex.; TRW System, located at San Clemente Calif.; and North American Rockwell Rocketdyne Division, located at Chatsworth, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC–63417 (Sub-No. 63) (Amendment), filed April 18, 1974, published in the FEDERAL REGISTER issue of May 23, 1974, and republished as amended, this issue. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 4200 Executive Building, 1030–15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets and funeral supplies*, (1) from Lancaster, Ky., and Erwin, Tenn., to points in Delaware, Georgia, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia; and (2) *damaged, defective, and returned shipments of caskets and funeral supplies*, from points in the above named destination states to Lancaster, Ky., and Erwin, Tenn.

NOTE.—The purpose of this republication is to add West Virginia as a destination point in part (1) of the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71459 (Sub-No. 42), filed April 18, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, a Corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, 140 Montgomery, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) Between Page, Ariz., and Ogden, Utah, serving all intermediate points and serving the off-route points of Wahweap Lodge (near Page) and Fredonia, Ariz., Browning Arms plantsite (near Mountain Green), Clearfield, Morgan, and Tooele, Utah, and Evanston, Wyo.: From Page over U.S. Highway 89 to junction Interstate Highway 15 (near Salt Lake City, Utah), thence over Interstate Highway 15 to Ogden, and return over the same route; (2) Between Salina, Utah and Shiprock, N. Mex., serving all intermediate points between Salina, Utah and Montrose, Colo., inclusive, the intermediate points of Dolores and Cortez, Colo., and the off-route points of Dove Creek, Ouray, Gunnison, and Palisade, Colo.: From Salina over Utah State Highway 4 (Interstate Highway 70) to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction Colorado State Highway 62, thence over Colorado State Highway 62 to junction Colorado State Highway 145, thence south over Colorado State Highway 145 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 666, thence over U.S. Highway 666 to Shiprock, N. Mex., and return over the same route;

(3) Between Durango, Colo., and junction U.S. Highways 89 and 160 (near Tuba City, Ariz.), serving all intermediate points, and the off-route points of Bloomfield, N. Mex., and the Peabody Mine sites near Kayenta, Ariz.: From Durango over U.S. Highway 550 to Junction New Mexico State Highway 504, thence over New Mexico State Highway 504 to the Arizona–New Mexico State Boundary line, thence over unnumbered Arizona State Highway to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 89 (near Tuba City), Ariz., and return over the same route; (4) Between junction U.S. Highway 550 and Colorado State Highway 62 and Durango, Colo., serving no intermediate points, and serving Durango for the purpose of joinder only as an alternate route for operating convenience only in connection with carrier's regular operations; From junction U.S. Highway 550 and Colorado State Highway 62, over U.S. Highway 550 to Durango, Colo., and return over the same route; and (5) Between Thistle, Utah and the junction U.S. Highway 6 and 50 and Intermediate Highway 70 (near Green River), serving no intermediate points, and serving the junction of U.S. Highways 6 and 50 with Interstate Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's regular-route operations: From Thistle over U.S. Highway 6 and 50 to junction Interstate Highway 70, and return over the same route. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Durango, Grand Junction, Colo., or Salt Lake City, Utah.

No. MC 72243 (Sub-No. 37), filed April 29, 1974. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, pipe, fittings, valves, hydrants, and equipment, materials and supplies* used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co. at or near Albertville, Ala., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kenrado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 78643 (Sub-No. 60), filed May 3, 1974. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland Avenue, St. Paul, Minn. 55113. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, other than those requiring special handling because of size or weight); (1) Serving all intermediate points in connection with carrier's authorized regular route operations, between Fargo, N. Dak., and Grand Forks, N. Dak., over U.S. Highway 29 and 81; (2) Serving all intermediate points in connection with carrier's authorized regular route operations between Grand Forks, N. Dak., and Minot, N. Dak., over U.S. Highway 2; and (3) Serving New Rockford, N. Dak., as an off route point in connection with carrier's regular operations between Jamestown, N. Dak., and Minot, N. Dak., over U.S. Highway 52.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 83539 (Sub-No. 388), filed May 3, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper, and materials and supplies* used in the manufacture and distribution of refined copper (except in bulk, in tank vehicles), between the plantsite and storage facilities of American Smelting and Refining Company, Inc., located at or near Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 83539 (Sub-No. 389), filed May 8, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, (2) *fork lifts*, and (3) *accessories, attachments, and parts* for the commodities named in (1) and (2) above, from Port Washington, Wis., to points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

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No. MC 88380 (Sub-No. 16), filed May 9, 1974. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, tractors, and machinery, and related articles and supplies*, when their transportation is incidental to named commodities, from New Orleans, La., to points in Alabama, Arkansas, Illinois, Kentucky, Mississippi, Tennessee, and Texas, restricted against the transportation of self-propelled articles each weighing 15,000 pounds or more.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 88380 (Sub-No. 15), filed May 9, 1974. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined in 61 M.C.C. 209, *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and scrap steel*, from points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 92068 (Sub-No. 12), filed April 30, 1974. Applicant: MUTUAL TRANSPORTATION, INC., President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 314 Perpetual Building, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as dealt in or used by department stores from the facilities of Mutual Transportation, Inc., in the District of Columbia, to the store and facilities of the Woolco Department Store Division, F. W. Woolworth Company near Jefferson Davis Highway in Prince William County, Va.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 95490 (Sub-No. 34), filed May 9, 1974. Applicant: UNION CARTAGE COMPANY, a Corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers, and *related advertising matter*, from Baltimore, Md., to points in Connecticut, Rhode Island, and Vermont; and (2) *return of malt beverage containers*, from points Connecticut, Rhode Island, and Vermont, to Baltimore, Md.

Note.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 95876 (Sub-No. 152), filed May 2, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite, marble, slate, and stone, including precast stone and equipment, materials, and supplies* used in the quarrying, manufacturing, and installation of granite, marble, slate, and stone, including precast stone (except commodities in bulk), between points in California, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Utah; (2) *granite, marble, slate, and stone, including precast stone and equipment, materials, and supplies* used in the quarrying, manufacturing and installation of granite, marble, slate, and stone, including precast stone (except commodities in bulk), between points in Burnet, Gillespie, and Llano Counties, Tex., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; and (3) *granite, marble, slate, and stone, including precast stone and equipment, materials, and supplies* used in the quarrying, manufacturing and installation of granite, marble, slate, and stone (except commodities in bulk), between points in Greer, Johnston, Kiowa, and Tillman Counties, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Texas, and Utah.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 102616 (Sub-No. 901), filed May 1, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, from the sites and facilities of Skyline Terminals, Inc., located at or near Baltmore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier, or combination thereof, and destined to the above named states.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 297), filed January 4, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Missouri and Massachusetts.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 103993 (Sub-No. 806), filed May 1, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles*, in initial movements, from points in Bossier Parish, La., to points in the United States (except Alaska and Hawaii).

Notes.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107002 (Sub-No. 450), filed May 2, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry resins*, in bulk, in tank vehicles, from Aberdeen, Miss., to Pownal, Vt.; Mansfield, Mass.; Cass City, Mich.; and Edison, N.J.

Note.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 108393 (Sub-No. 78), filed April 29, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums and empty steel containers*, from Toledo and Cleveland, Ohio, to points in Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia, and New Jersey, under a continuing contract or contracts with Jones & Laughlin Steel Corporation, Container Division, of Pittsburgh, Pa.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109324 (Sub-No. 28), filed May 6, 1974. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard* and *pulpboard boxes*, between the plantsite of Rock City Packaging of Arkansas, Inc., located at Conway, Ark., on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Missouri, Illinois, Tennessee, Alabama, Mississippi, and Louisiana.

Note.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 109397 (Sub-No. 296), filed May 1, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Residual and scrap special nuclear materials* (except fuel assemblies) and *radioactive material handling containers*, from points in the United States (except Alaska and Hawaii), to Allied General's BNFP plantsite, near Barnwell, S.C.; and (2) *recovered nuclear materials*, from Allied General's BNFP plantsite near Barnwell, S.C., to points in the United States (except Alaska and Hawaii).

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbia or Charleston, S.C., Washington, D.C., or Atlanta, Ga.

No. MC 109397 (Sub-No. 297), filed May 9, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from McDuffie County, Ga., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 110098 (Sub-No. 147), filed May 6, 1974. Applicant: ZERO REFRIGERATED LINES, a Corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities utilized by Jeno's, Inc., at Duluth, Minn., and Superior, Wis., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

Note.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or San Antonio, Tex.

No. MC 110563 (Sub-No. 140), filed May 10, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) and *cheese, butter, and dairy products*, from St. Louis, Mo., and its commercial zone, including National Stock Yards, Ill., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, New Jersey, and the District of Columbia, restricted to traffic originating at the named origin points and destined to the named destination states.

Note.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111231 (Sub-No. 188), filed May 3, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except commodities in bulk, household goods as defined by the Commission and those which because of size, weight or value require the use of special equipment), serving points in De Soto County, Miss., as off route points in connection with carrier's authorized regular route operations.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 111397 (Sub-No. 105), filed May 6, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty radioactive material containers*, between ports of entry on the International Boundary line between the United States and Canada, at or near Port Huron, Mich.; Oklahoma City, Okla., and points in Madison County, Ky.

Note.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111397 (Sub-No. 106), filed May 6, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, in shipper owned containers, (1) between Peach Bottom Atomic Power Station at or near Delta, Pa., Vermont Yankee Nuclear Power Station, at or near Vernon, Vt., Calvert Cliffs Nuclear Power Station, at or near Lusby, Md., Oconne Power Station, at or near Oconne, S.C.; and Barnwell County, S.C., in nonradial movements; and (2) between Oyster Creek Nuclear Power Station, Ocean County, N.J.; Rowan County, Ky., and Barnwell County, S.C., in nonradial movements.

Note.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111397 (Sub-No. 107), filed May 6, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Residual and scrap special nuclear materials* (except fuel assemblies) and *radioactive material handling containers*, from points in the United States (except Alaska and Hawaii) to Allied General's BNFP Plantsite near Barnwell, S.C.; and (2) *recovered nuclear materials* from Allied General's BNFP plant near Barnwell, S.C., to points in the United States (except Alaska and Hawaii).

Note.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111812 (Sub-No. 508), filed May 6, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from the plantsite and warehouse facilities of the Charles G. Summers Co., Inc., at New Freedom (York County), Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota; and (2) *frozen bakery products*, from the plantsite and warehouse facilities of Bachman Foods, Inc., at Reading and West Reading, Pa., to points in West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Iowa, and Minnesota.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 112016 (Sub-No. 9), filed April 29, 1974. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate

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as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail ready-to-wear apparel stores, and *supplies* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Georgia, under continuing contract or contracts with Jubilee Shops, Inc., Secaucus, N.J.

Note.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 112801 (Sub-No. 155), filed May 1, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent and waste chemicals and petroleum products*, liquid, in bulk, in tank vehicles, from points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, to Chicago, Ill.; and (2) *recycled chemicals and petroleum products*, liquid, in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 314) (correction), filed April 19, 1974, published in the Federal Register issue of May 23, 1974, and republished as corrected this issue. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Suite 115, Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved food products*, in containers, and *canned food products*, (1) from Uniontown, Ala., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin; and (2) from Oak Grove, La., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, restricted to traffic originating at the above named origins, and destined to the named destinations.

Note.—The purpose of this republication is to add part 2 of the requested authority which was previously omitted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 113561 (Sub-No. 169), filed May 6, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and nonfrozen, and *nonedible foods* (except commodities in bulk), from Logansport, Ind., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Mississippi, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 170), filed May 6, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the plantsite and storage facilities of Castle and Cooke Foods at New York City, N.Y., and Baltimore, Md., to points in New York, Ohio, Indiana, Michigan, and Illinois, restricted to traffic originating at the above named plantsite and storage facilities of Castle and Cooke Foods.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 114239 (Sub-No. 32), filed April 25, 1974. Applicant: FARRIS TRUCK LINE, a corporation, 3209 S. Highway 169, St. Joseph, Mo. 64503. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides and ingredients thereof*, dry, in bulk, and in containers (other than in tank vehicles), and *agricultural pesticides*, liquid, in containers, (1) from North Kansas City, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming; (2) from points in Arkansas, California, Colorado, Florida, Illinois, Iowa, Michigan, Mississippi, Nevada, New Jersey, New Mexico, Ohio, and Tennessee, to North Kansas City, Mo.; (3) from points in Texas, Louisiana, Alabama, Georgia, Arizona, and Indiana, to North Kansas City, Mo.; (4) the plantsite of Missouri Chemical Company at Los Angeles, Calif., to points in Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and New York; and (5) from Denver Colo., to points in Nebraska, Wyoming, South Dakota, North Dakota, Minnesota, Wisconsin, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, Missouri, Kansas, and Iowa, under continuing contracts with Farmland Industries, Inc., The Missouri Chemical Company and Techne Corporation.

Note.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114457 (Sub-No. 195), filed May 7, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper machine rolls*, from Brainerd and Cloquet, Minn., to Appleton, Green Bay, and Neenah, Wis.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Duluth, Minn.

No. MC 115181 (Sub-No. 33), filed May 8, 1974. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Box 89, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Montgomery County, Pa., to Sparrows Point, Md.

Note.—If a hearing is deemed necessary, applicant requests it be held at Reading, Pa., or Washington, D.C.

No. MC 115322 (Sub-No. 102), filed May 10, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from St. Martinsville, La., to points in Florida.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 115322 (Sub-No. 103), filed May 10, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Presque Isle and Caribou, Maine, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Washington, D.C.

No. MC 115557 (Sub-No. 10), filed May 6, 1974. Applicant: CHARLES A. McCAULEY, 308 Leisure Way, New Bethlehem, Pa. 15219. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Borough of Hawthorne (Clarion County), Pa., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; restricted to the transportation of shipments originating at or terminating at the facilities of Max Distribution, Inc., in the Borough of Hawthorne, Clarion County, Pa. (except traffic to or from: (1) Amcelle and Cumberland, Md., and points in that part of Maryland on U.S. Highway 220 between Cumberland and the Maryland-Pennsylvania state line; (2) Trenton, N.J., and points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J.; (3) New York and Poughkeepsie, N.Y., points in New York east of the Hudson River and south of U.S. Highway 202 and those on Long Island, N.Y., west of New York Highway 112).

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115669 (Sub-No. 141), filed May 6, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products;* and (2) *materials and supplies, used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, in mixed loads with commodities named in (1) above, from Hutchinson, Kans., to points in Colorado.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 116314 (Sub-No. 28), filed May 2, 1974. Applicant: MAX BINSWANGER TRUCKING, 1384 Firestone Boulevard, Santa Fe Springs, Calif. 900. Applicant representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Creal, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor Commercial Zone.

Note.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 116519 (Sub-No. 22), filed April 30, 1974. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 773, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery, tractors, and parts or materials* used in the assembly or repair thereof when moving in straight or mixed loads, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, to ports of entry along the International Boundary between United States and Canada located in New York, Michigan, Vermont, and Maine, restricted to shipments in foreign commerce destined to White Farm Euipment, located at or near Brantford, Ontario, and its facilities located in Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island Provinces, Canada.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 117416 (Sub-No. 44), filed May 1, 1974. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, equipment, materials, and supplies*, used in the conduct of such business between the facilities of Savannah Foods & Industries, Inc., and its subsidiary, TranSales Corporation, in Chatham County, Ga., on the one hand, and, on the other, points in Tennessee, Kentucky, and those points in North Carolina on and west of U.S. Highway 25.

Note.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 117565 (Sub-No. 91), filed May 7, 1974. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers and metal containers*, not to exceed 115-gallon capacity; (2) *caps, covers, stoppers, tops, parts, accessories, and attachments* for commodities listed in (1) above, from the plant sites and warehouse facilities of Cleveland Steel Container Corporation, at or near Cleveland, Ohio, and its subsidiary, Niles Steel Container Corp., at or near Niles, Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plant sites and warehouse facilities of Cleveland Steel Container Corporation, at or near Cleveland, Ohio, and its subsidiary, Niles Steel Container Corp., at or near Niles, Ohio.

Note.—Applicant holds contract carrier authority in MC–135701 Sub-No. 1 and seeks approval of dual operations pursuant to Section 210 of the Interstate Commerce Act. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Ohio.

No. MC 117568 (Sub-No. 11), filed May 6, 1974. Applicant: KEMPT TRUCK LINES, INC., W. 20th Street Road, P.O. Box 1047, Joplin, Mo. 64801. Applicant's representative: Russell Kempt, P.O. Box 1047, Joplin, Mo. 64801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muratic acid and hydrochloric acid*, from plantsite or storage facilities of Vulcan Materials, Inc., at Wichita, Kans., to plantsite of Hoffman-Taff, Inc., at Verona and Springfield, Mo.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 117878 (Sub-No. 6), filed May 1, 1974. Applicant: DWIGHT CHEEK, doing business as DWIGHT CHEEK TRUCKING, 2909 South Pierce, Box 1882, Amarillo, Tex. 79105. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., located at or near Cactus (Moore County), Tex., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, and California, restricted to traffic originating at the origin and destined to the above-named destination.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo or Dallas, Tex.

No. MC 119619 (Sub-No. 71), filed May 6, 1974. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite and storage facilities of Mrs. Paul's Kitchens, Inc., at Philadelphia, Pa., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Nebraska.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119777 (Sub-No. 297), filed May 6, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, P.O. Drawer L. Madisonville, Ky., 42431. Applicant's representative: R. Connor Wiggins, Jr., 909–100 North Main Building, Mempehis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Slocomb, Ala., and Colfax, N.C., to points

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in the United States (except Alaska and Hawaii).

Note.—Applicant holds contract carrier authority in MC–129670 Subs 1 and 3, therefore dual operations may be involved. Common control was approved in Docket No. MC–F–8759. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 119789 (Sub-No. 201), filed May 6, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Paris, Tex., to points in Alabama, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Tennessee and Virginia.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119792 (Sub-No. 41), filed May 8, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton Street, Chicago, Ill. 60608. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pizza crusts,* from Gardner, Ill., to Jackson, Tenn.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123067 (Sub-No. 123), filed May 6, 1974. Applicant: M & M TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk, from Savannah, Ga. (except those points in the Savannah, Ga., Commercial Zone in South Carolina), to points in Florida.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123255 (Sub-No. 41) (Correction), filed March 13, 1974, published in the Federal Register issue of May 2, 1974, and republished as corrected this issue. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials, and plastic products* (except plastic bottles), and *raw materials, supplies, machinery, and equipment* used in the manufacture and packing of such commodities, (a) between Newark, Ohio, and Huntingdon, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, and points in Kansas within the Kansas City, Kans., Commercial Zone, as defined by the Commission; and (b) between Newark, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, and the District of Columbia; (2) *fiberglas materials and fiberglas products, fibrous glass mineral wood products, fibrous glass textile materials, fibrous glass textile products, and plastic materials and plastic products* (except plastic bottles), from points in Ohio, to points in Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, the District of Columbia, and points in that part of Kansas within the Kansas City, Kans., Commercial Zone, as defined by the Commission; (3) *equipment, materials, and supplies* (except commodities in bulk, in tank, hopper, or dump vehicles) used in the installation and erection of *fiberglas materials and products, fibrous glass mineral wool products, plastic materials, and plastic products* when moving in mixed shipments with such materials and products, between Newark, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, the District of Columbia, and points in Kansas within the Kansas City Commercial Zone;

(4) *Fiberglas materials and fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products, plastic materials and plastic products, raw materials, supplies, machinery, and equipment* (except commodities in bulk, in tank, hopper, or dump vehicles) used in the manufacture and packing of such commodities, and *equipment, materials, and supplies* (except commodities in bulk, in tank, hopper, or dump vehicles) used in the installation and erection of fiberglas materials and products, fibrous glass mineral wool products, and plastic materials and plastic products, when moving in mixed shipments with such materials and products, between Newark, Ohio, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maine, Mississippi, North Carolina, New Hampshire, South Carolina, Tennessee, Vermont, and Virginia; and (5) *composition board and accessories* incidental to the installation of composition board, from Newark, Ohio, to points in Indiana, Michigan, Illinois, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Tennessee, North Carolina, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Wisconsin, Minnesota, and the District of Columbia, restricted in paragraph (1) through (4) to shipments originating at or destined to the plantsites, warehouses, or shipping facilities of Owens-Corning Fiberglas Corporation, of Toledo, Ohio, and in paragraph (5), restricted to shipments originating at or destined to the plantsites, warehouses, or shipping facilities of National Gypsum Company, of Buffalo, N.Y.

Note.—Applicant seeks by this application to convert its Permits in MC–81968 Subs 19, 20, 23, and 25, into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio. The purpose of this republication is to correct the location of the shipper's facilities specified in the restriction above.

No. MC 123048 (Sub-No. 308), filed May 3, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 Twenty-First Street, Racine, Wis. 53406. Applicant's representative: Carl S. Pope, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) (1) *Rotary tillers or turf aerators,* (2) *accessories and attachments* for commodities named in (1) above, and (3) *parts* for commodities named in (1) and (2) above, from Statesville, N.C., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (B) (1) *Lawn mowers, lawn edgers and lawn trimmers,* (2) *accessories and attachments* for commodities named in (1) above, and (3) *parts* for commodities named in (1) and (2) above, from Lawrenceburg, Tenn., to points in Illinois, Iowa, Kentucky, Minnesota, Missouri, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (C), *air conditioners,* from Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii).

Note.—If a hearing is deemed necessary, the appplicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 123841 (Sub-No. 4), filed May 7, 1974. Applicant: DAVID TESONE TRUCKING, INCORPORATED, Box 35, Wildwood, Pa. 15091. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* in bulk in dump vehicles, from the facilities of Tesone Coal Co., located at Perry Township (Armstrong County), Pa., to Dunkirk (Chautauqua County), N.Y.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 125208 (Sub-No. 2), filed May 6, 1974, Applicant: EUGENE WALLACE BROWN, doing business as

BROWN'S WRECKER SERVICE, 935 Linden Avenue, Memphis, Tenn. 38104. Applicant's representative: Louis I. Dailey, Room 2208 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles and trailers* (other than house trailers, or trailers designed to be drawn by passenger automobiles); and (2) *replacement vehicles and trailers of the same type, or types,* using wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Memphis or Nashville, Tenn., or Washington, D.C.

No. MC 127550 (Sub-No. 2), filed May 6, 1974. Applicant: BOSCH TRUCKING COMPANY, INC., 5600 South Washington Street, Peoria, Ill. 61607. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles,* from Crawfordsville, Ind., to points in Kentucky, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; (b) *iron and steel articles,* from Chicago Heights, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin; and (c) *materials, equipment and supplies* used in the manufacture, processing, sale and distribution of iron and steel articles (except commodities in bulk), from points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dokota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin, to Chicago Heights or Peoria, Ill., under continuing contract with Keystone Consolidated Industries, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127726 (Sub-No. 3) (amendment), filed January 9, 1974, published in the Federal Register issue of February 14, 1974, and republished as amended this issue. Applicant: LEMAN KNIGHT, doing business as PETE KNIGHT TRUCKING COMPANY, R.F.D. 1, Detroit, Ala. 35552. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from the plantsite of the Leo Owsley Co., located at or near Millport, Ala., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin, under contract or contracts with Leo Owsley and Johnny L. Owsley, doing business as Leo Owsley Co., at Millport, Ala.

Note.—The purpose of this republication is to include lumber products as an additional commodity to be transported. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128030 (Sub-No. 66), filed May 6, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Rural Route No. 1, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures* thereof, from Terre Haute, Ind., to points in Kentucky, Missouri, and Tennessee; (2) *plastic containers* from Danville, Ill., to points in Michigan; and (3) *return of refused or rejected plastic containers* from points in Michigan, to Danville, Ill.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128642 (Sub-No. 12), filed May 1, 1974. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, Md. 21230. Applicant's representative: Jack L. King, Jr. (same address as applicant), and H. Neil Garson, 1400 N. Uhle Street, Arlington, Va. 22201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid commodities* in bulk, in tank vehicles, from the plantsites and facilities of Skyline Terminals, Inc., located at or near Baltimore, Md., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, North Carolina, Virginia, West Virginia, and the District of Columbia, restricted to shipments having a prior movement by rail, water, or motor carrier, and destined to the above-named destinations.

Note.—Applicant requests the instant applications be handled by Modified Procedure on a consolidated record with similar applications of Matlack, Inc.; O'Boyle Tank Lines, Inc.; Shipley Transfer, Inc.; Chemical Leaman Tank Lines, Inc., and Coastal Tank Lines. If a hearing is deemed necessary, applicant requests at Washington, D.C.

No. MC 128932 (Sub-No. 7), filed April 25, 1974. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., a proprietorship, West 26th at Taylor Street, P.O. Box 5698, Texarkana, Tex. 75501. Applicant's representative: E. Lawrence Merriman, P.O. Box 1838, Texarkana, Tex. 75501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Ashley, Arkansas, Bradley, Baxter, Calhoun, Cleburne, Columbia, Quachita, Union, Chicot, Clark, Cleveland, Dallas, Desha, Hempstead, Howard, Lafayette, Drew, Lincoln, Little River, Miller, Nevada, Pike, Sevier, Conway, Faulkner, Fulton, Jefferson, Perry, Stone, White, Searcy, Lonoke, Prairie, Garland, Hot Springs, Independence, Izard, Marion, Saline, Van Buren, Sharp, Pulaski, Crawford, Franklin, Johnson, Pope, Yell, Scott, Sebastian, Polk, and Montgomery Counties, Ark.; Caddo, Bossier, Claiborne, Webster, Bienville, Caldwell, De Soto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Red River, Richland, Tensas, and Union Parishes, La.; McCurtain, Choctaw, Pushmataha, Le Flore, Sequoyah, Tulsa, Creek, Wagoner, Okmulgee, Muskogee, Okfuskee, McIntosh, Haskell, Pittsburg, Hughes, Seminole, Pontotoc, Coal, Latimer, Atoka, Johnston, Marshall, and Bryan counties, Okla.; and Bowie, Camp, Cass, Franklin, Morris, Red River, Titus, Lamar, Marion, Harrison, Gregg, Upshur, Ward, Rains, Hopkins, Hunt, Collin, Dallas, Fannin, Grayson, Rockwall, Delta, Wood, Hopkins, Panola, Rusk, Smith, Van Zandt, Kaufman, and Tarrant Counties, Tex., on the one hand, and, on the other, points in Arkansas, Texas, Missouri, Oklahoma, Louisiana, Mississippi, and Tennessee.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex.; Shreveport, La.; Dallas, Tex.; Little Rock, Ark.; or Fort Worth, Tex.

No. MC 128951 (Sub-No. 11), filed May 2, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid feed,* from Mankato, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin.

Note.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 129350 (Sub-No. 43), filed April 15, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 15 South 21st Street, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), in tank vehicles, from Chicago, Ill., and its commercial zone, Depue, Joliet, La Salle, and Sauget, Ill., and St. Louis, Mo., and its commercial zone, to points in Colorado (except Denver, Colo.).

Note.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or Denver, Colo.

No. MC 129350 (Sub-No. 45), filed April 29, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

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special equipment), (A) between Sidney and Billings, Mont.: From Sidney, over Montana Highway 16 to junction U.S. Highway 10, thence over U.S. Highway 10 to Billings, Mont., and return over the same routes, serving all intermediate points and the off-route point of Horton, Mont.; (B) between Billings and Wyola, Mont.: From Billings, over U.S. Highway 87 to Wyola, Mont., and return over the same route, serving all intermediate points; (C) between Glendive and Brockway, Mont.: From Glendive over Montana Highway 200 to junction Montana Highway 200S, thence over Montana Highway 200S to Brockway, and return over the same route serving all intermediate points.

NOTE.—Applicant holds common carrier authority in MC-137000, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129455 (Sub-No. 6), filed April 29, 1974. Applicant: CARRETTA TRUCKING, INC., P.O. Box 887, Maywood, N.J. 07607. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel*, used in the manufacture of garden sheds, (a) from Yorkville, Ohio, to Lyndhurst and Saddle Brook, N.J., and Allentown and Morrisville, Pa., and (b) from Morrisville and Allentown, Pa., to Saddle Brook, N.J., (2) *steel*, in coils, from Philadelphia, Pa., to Allentown, Pa., Lyndhurst and Saddle Brook, N.J., under a continuing contract or contracts with Quaker City Industries, Inc., Saddle Brook, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 1296000 (Sub-No. 17) Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of May 30, 1974, and republished as amended this issue. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings* made from diced fresh onions, when moving in mixed shipments with agricultural commodities exempt from economic regulation under Section 203(b)(6) of the Act, from Boston, Gloucester, Lawrence, Brockton, and Worcester, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, under contract with Boston Bonnie, Inc.

NOTE.—The purpose of this republication is to amend the territorial description to include points in Kansas. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 134145 (Sub-No. 48), filed May 3, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route No. 1, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by lawn and garden dealers, from the plant sites, warehouse facilities, and experimental farms of Deere & Company in Dodge County, Wis., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Deere & Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 134262 (Sub-No. 8), filed May 2, 1974. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Patrick E. Quinn, 605 S. 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients* (except anhydrous ammonia and liquids in bulk), from points in Louisiana, Mississippi, New Mexico, and Texas, to points in Indiana, Ohio, and Michigan, under contract or contracts with Farmers Feed & Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134467 (Sub-No. 11), filed May 8, 1974. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., to points in Arkansas, Oklahoma, Tennessee, New Mexico, Texas, Missouri, and Colorado, restricted to traffic originating at the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 134477 (Sub-No. 62), filed May 6, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fishbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compound, liquid or dry; buffing or polishing compounds; textile softener; grease or oil, lubricating; deodorants or disinfectants* (except commodities in bulk), from the plantsite and storage facilities utilized by Economics Laboratory, Inc., at or near Joliet, Ill., to points in Minneapolis-St. Paul, Minn., restricted to traffic originating at and destined to points named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 134599 (Sub-No. 108), filed April 22, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical, health care, and medical products, pressure sensitive tape, and related items, and materials and supplies* used and distributed by Johnson & Johnson, except commodities in bulk or which, because of size or weight, require special handling or special equipment, (1) between points in Middlesex County, N.J., on the one hand, and, on the other, Sherman, Tex., and points in Will and Cook Counties, Ill.; (2) from Middlesex County, N.J., to points in Allen County, Ind., and San Mateo County, Calif.; (3) between points in Will and Cook Counties, Ill., on the one hand, and, on the other, Sherman, Tex.; (4) from points in Will and Cook Counties, Ill., to San Mateo County, Calif.; (5) from Sherman, Tex., to San Mateo County, Calif.; (6) from Los Angeles County, Calif., to Sherman, Tex., and points in Will and Cook Counties, Ill. and Middlesex County, N.J.; (7) from Uniontown, Pa., and Paris, Ky., to points in Middlesex County, N.J.; (8) from Fernandina Beach, Fla., Arcadia, S.C., and Paris Ky., to points in Will and Cook Counties, Ill.; and (9) from Anniston, Ala., and Athens, Ga., to Sherman, Tex., under contract with Johnson & Johnson.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134612 (Sub-No. 2), filed May 10, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, plastic articles, games, toys, puzzles, playing cards, pencils, crayons, writing slates (self-erasing), store display racks, telescopes and microscopes, paints* (except in bulk), *paint brushes, paste* (except in bulk), *adhesives* (except in bulk), and *poker chips*, from Racine, Wis., Poughkeepsie, N.Y., and Fayetteville, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, the District of Columbia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134631 (Sub-No. 22), filed April 25, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph, television, and stereo cabinets, record changer bases and speaker boxes*, with or without mechanisms, from Red Wing and Winona, Minn., to Atlanta, Ga., Dallas, Tex., and Miami and Tampa, Fla., under a continuing contract or contracts with Winona Industrial Sales Corporation, Winona, Minn.

NOTE.—Applicant holds common carrier authority in MC-118202 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134734 (Sub-No. 15), filed May 9, 1974. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Norfolk, Nebr. 68701. Applicant's representative: Lanny N. Fauss, P.O. Box 37906, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr and Norfolk, Nebr., to points in Arizona, California, Idaho, Nevada, New Mexico, Montana, Oregon, Utah, Washington, and Wyoming, under contract with National Foods, Inc., at Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134922 (Sub-No. 79), filed April 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment, and parts*, as described in Appendix VII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 283 (except commodities which because of size or weight, require the use of special equipment), from Seattle, Wash., and Los Angeles, Calif., to Princeton, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Little Rock, Ark.

No. MC 135553 (Sub-No. 7), filed May 30, 1974. Applicant: HENRY ANDERSEN, INC., 1618 College Avenue, Fredericksburg, Va. 22401. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and *materials, supplies, and equipment* used in the production and distribution of the aforementioned commodities (except commodities in bulk), (a) between Dogue, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) between North Bergen, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with White Packing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135760 (Sub-No. 16), filed May 8, 1974. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from Holly Ridge, N.C., to points in the United States (except Alaska and Hawaii); and (2) *bakery ingredients*, in vehicles equipped with mechanical refrigeration, from points in the United States (except Alaska and Hawaii), to Holly Ridge, N.C., under contract with Holly Ridge Foods, Division Ice-Master Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests is be held at Raleigh, N.C., or Washington, D.C.

No. MC 135760 (Sub-No. 17), filed May 8, 1974. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods supplies, materials, equipment, and ingredients*, used in the manufacturing, packaging, and distribution of frozen foods, in vehicles equipped with mechanical refrigeration, between the plant and warehouse facilities of the Quaker Oats Company, at or near Jackson, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with the Quaker Oats Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 135898 (Sub-No. 3), filed April 30, 1974. Applicant: WILLIAM MIRRER, doing business as MIRRER's TRUCKING CO., 38 Alan Avenue, Glen Rock, N.J. 07452. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, scouring compounds, lighting fuels, and materials, equipment, and supplies* used or useful in manufacture and sale of the foregoing commodities (except in bulk), between the suppliers, facilities, and warehouses used or utilized by the Gold Seal Company, located at points in the United States (except Alaska and Hawaii), and the customers of the Gold Seal Company, located at points in the United States (except Alaska and Hawaii), in nonradial movements, under contract with Gold Seal Company.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136285 (Sub-No. 9), filed May 1, 1974. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Savannah Foods & Industries, Inc., and its subsidiary TranSales Corporation in Chatham County, Ga., on the one hand, and, on the other, points in Florida, Georgia, and Alabama, restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration between points in Mobile County, Ala., on the one hand, and, on the other, points in Chatham County, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136786 (Sub-No. 56), filed May 3, 1974. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasaw, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala. or Minneapolis-St. Paul, Minn.

No. MC 138018 (Sub-No. 12), filed May 8, 1974. Applicant: REFRIGERATED FOODS, INC., 1420 33d Street,

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Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and or confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials* when moving in the same vehicle at the same time with commodities listed in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsites and warehouse facilities of M & M/Mars, Division of Mars, at or near Hackettstown, N.J., and Elizabethtown, Pa., to points in Arizona, California, Illinois, Indiana, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, Oregon, Utah, Washington, Minnesota, Wisconsin, Colorado, Texas, and Missouri, restricted to traffic originating at the named plant site and warehouse facilities, and destined to the named destination states.

NOTE.—Applicant holds contract carrier authority in MC–124377 Sub 3 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138276 (Sub-No. 2), filed May 6, 1974. Applicant: J & G TRANSPORT LTD., 8907 116th Street, Delta, B.C., Canada V4C 5W4. Applicant's representative: Clyde M. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap aluminum, scrap carburetors, generators, fuel pumps, starters, water pumps, alternators, hydro vacs, and heavy duty units*, from the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash., to Riverside, Calif. and Los Angeles, Calif.; and (2) *automotive wheels and component parts, rebuilt carburetors, generators, fuel pumps, carburetors, starters, water pumps, hydro vacs, heavy duty units, carpet and underlay*, from Los Angeles, Calif., to the port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC–138385 (Sub-No. 2) (amendment), filed February 26, 1974, published in the FEDERAL REGISTER issue of April 11, 1974, May 9, 1974 and republished as amended, third issue. Applicant: D & G TRANSPORTATION, INC., 20 Cameron Street, Clinton, Mass. 01501. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cereal, plastic articles, lunch and picnic kits, napkins, salt, pepper, sugar, condiments and straws* (except in bulk), from Clinton, Mass., to points in New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Ohio, California, District of Columbia, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New Jersey; and (2) *plastic pellets* (except in bulk), from Kobuta, Pa., to Clinton, Mass., under continuing contract with Van Brode Milling Co., Inc., and Wonder Container Corporation.

NOTE.—The purpose of this republication is to amend the commodity restriction to exclude commodities in bulk and to clarify the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 138804 (Sub-No. 2) (correction), filed April 26, 1974, published in the FEDERAL REGISTER issue of May 31, 1974 and republished, as corrected this issue. Applicant: GLEN E. DORRITY, doing business as GLEN E. DORRITY TRUCKING, 1504 Standiford St., Modesto, Calif. 95350. Applicant's representative: Glen E. Dorrity (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, rock and sand*, in bulk, in dump trucks, from points in Lyon and Ormsby Counties, Nev., to points in Alpine, Amador, and El Dorado Counties, Calif.

NOTE.—The purpose of this republication is to correct the applicant's address which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Carson City or Reno, Nev.

No. MC 138896 (Sub-No. 8), filed May 6, 1974. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, (except hides and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc., located at Fargo, N. Dak., to points in Minneapolis-St. Paul, Minn., and Milwaukee, Wis.

NOTE.—Applicant holds contract carrier authority in MC–119391 Sub-No. 1 and others subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 139009 (Sub-No. 1), filed April 29, 1974. Applicant: W. O. MOORE & SONS DIVISION OF CEDAR ROCK RANCH, INC., 6877 Main Street, Lithonia, Ga. 30058. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Conyers, Covington, Doraville, Lithonia, Stone Mountain, and Tucker, Ga., on the one hand, and on the other, points in De Kalb, Gwinnett, Newton, Rockdale, and Walton Counties, Ga., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar-service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139064 (Sub-No. 1), filed May 3, 1974. Applicant: BRADBERRY FARMS, INC., 192 East Main Street, Piggott, Ark. 72454. Applicant's representative: Lance L. Hanshaw, 1433 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk and tank vehicles, or in bags), from Hammond, Choudrant, Franklinton, Shreveport, Arcola, and Le Compe, La.; Park City, Louisville, Farmouth, Butler, Russellville, and Lexington, Ky.; Newberry, Orangeburg, and Spartanburg, S.C.; Decatur and Indianapolis, Ind.; Cincinnati, Ohio; Arkansas City, Kansas City, and Wichita, Kans.; Kansas City, Springfield, Moberly, Joplin, Montgomery, Blackwater, and Kennett, Mo.; points in Arkansas, Mississippi, Tennessee, Georgia, North Carolina, Alabama, and Illinois, to, Madison and Jamesville, Wis.; Cedar Rapids, Ottumwa, West Branch, Belmond, Des Moines, Muscatine, Clinton, Olin, and Iowa City, Iowa; New Paris, Plymouth, Decatur, Indianapolis, and Nappanee, Ind.; Dexter, Kansas City, Moberly, Springfield, Joplin, Montgomery, and Black Water, Mo.; Abilene, Hutchinson, Arkansas City, Kansas City, and Wichita, Kans.; Portland, Mich.; Hastings, Nebraska; Asheville, Selma, Durham, Mockville, Charlotte, Bonlee, Sanford, Monroe, and Wilson, N.C.; Marion, Cincinnati, and Ravenna, Ohio; Newberry, Spartanburg, and Orangeburg, S.C.; Hammond, Choudrant, Franklinton, Shreveport, Arcola, and Le Compe, La.; Park City, Louisville, Farmouth, Butler, Russelville, and Lexington, Ky.; and points in Illinois, Arkansas, Mississippi, Tennessee, Georgia, and Alabama, under contract with Wilbur-Ellis, Central Soya, I. H. French & Co., and Mid-South Milling.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Memphis, Tenn., or Springfield, Mo.

No. MC 138144 (Sub-No. 4), filed May 9, 1974. Applicant: FRED OLSON CO., INC., 6022 W. State Street, Milwaukee, Wis. 53213. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and preformed concrete products, concrete slabs, concrete beams, concrete pulins, concrete panels;* and (2) *parts, accessories, materials, equipment, and supplies* used in the construction, erection, and completion of the stated commodities in mixed shipments, from points in Wisconsin, to points in Illinois, Iowa, Minnesota, Missouri, North Dakota, South Dakota, Indiana, Ohio, Michigan, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 139367 (Sub-No. 2) (Amendment), filed April 1, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as amended this issue. Applicant: AKRON EXPRESS, INC., 1821 East Market Street, Akron, Ohio 44305. Applicant's representative: Mark J. Sheriff, 8 East Broad Street, Ninth Floor, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by rubber products manufacturers (except commodities in bulk), (1) between the warehouses or plantsites of the B. F. Goodrich Company, located at or near Columbus, Medina, and Akron, Ohio, on the one hand, and, on the other, points in the Detroit, Mich., Commercial Zone; (2) between the plantsite of the B. F. Goodrich Company, located at or near Akron, Ohio, on the one hand, and, on the other, the warehouse of the B. F. Goodrich Company, located at or near Medina, Ohio; and (3) between the plantsite of the B. F. Goodrich Company, located at Milan Township (Allen County), Ind., on the one hand, and, on the other, the warehouses or plantsite of the B. F. Goodrich Company, located at Columbus, Medina, and Akron, Ohio; (1), (2), and (3) above, under a continuing contract, or contracts, with B. F. Goodrich Company.

NOTE.—The purpose of this republication is to amend the location of the B. F. Goodrich Company's plantsite in Indiana as stated in (3) above. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 139376 (Sub-No. 1), filed May 8, 1974. Applicant: SUMMIT TRANSPORTATION CORPORATION, P.O. Box 631, Princeton, W. Va. 24740. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned beverages* (nonalcoholic), from the plant site of Pepsi-Cola Bottling Company, of Princeton, Inc., located at or near Princeton, W. Va., to points in North Carolina, (2) *cans and lids*, from Greensboro, N.C., to the plant site of Pepsi-Cola Bottling Company of Princeton, Inc., at or near Princeton, W. Va., under a continuing contract or contracts with Pepsi-Cola Bottling Company of Princeton, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 139463 (Sub-No. 1), filed May 6, 1974. Applicant: TABB TRUCKING CO., INC., Route 4, Box 79, Colquitt, Ga. 31737. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Center-pivo-irrigation systems*, from Valley, Nebr., to points in Baldwin, Escambia, Henry, Dale, Houston, and Geneva Counties, Ala.; Jackson, Leon, Gadsden, Wakulla, and Santa Rosa Counties, Fla.; and points in Georgia, on and south of U.S. Highway 280, and on and west of U.S. Highway 41.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tallahassee or Jacksonville, Fla.

No. MC 139481 (Sub-No. 2), filed May 2, 1974. Applicant: CARLTON TRUCKING, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, and fittings* therefor, and *materials, supplies, and accessories* used in the installation thereof, from the plantsite of Carlon Products Corporation located in Mantua Township (Portage County), Ohio, to points in Michigan, Indiana, Illinois, Kentucky, West Virginia, Pennsylvania, Maine, New York, New Hampshire, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Rhode Island, Maryland, Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 139587 (Sub-No. 2), filed May 9, 1974. Applicant: BROWN REFRIGERATED EXPRESS, INC. (J. Barry Epperson, Receiver), 21st and Sidney, P.O. Box 603, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed springs, bedstead rails, cots, and cot frames, unupholstered day beds, bed frames, springs and spring assemblies, metal sleeper fixtures, and materials* used in the manufacture thereof, from Carthage and Springfield, Mo., and Hominy, Okla., to points in Texas.

NOTE.—Applicant holds contract carrier authority in MC–134142, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139587 (Sub-No. 3), filed May 8, 1974. Applicant: BROWN REFRIGERATED EXPRESS, INC. (J. Barry Epperson, Receiver), 21st and Sidney, P.O. Box 603, Ft. Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3525 NW 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed springs, bedstead rails, cots and cot frames, unupholstered day beds, bed frames, springs and springs assemblies, metal sleeper fixtures, and materials* used in the manufacture thereof, (1) from points in Texas, to points in New Mexico, Arizona, Colorado, and Los Angeles, Calif.; (2) from Glendale, Ariz., to points in California, Nevada, Utah, Colorado, New Mexico, Idaho, Wyoming, Washington, Oregon, and Montana; (3) from Denver, Colo., to points in Wyoming, Idaho, and Utah; and (4) from Los Angeles, Calif., to points in Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC–134142 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139598 (Sub-No. 2), filed April 30, 1974. Applicant: ROBERT L. HAVLICEK, R.R. No. 1, Monona, Iowa 52159. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry vitamin and nutritional supplements* for animal and poultry feeds, in bags, from Prairie Du Chien, Wis., to Jackson and Sleepy Eye, Minn., points in Clay and Lincoln Counties, S. Dak., and points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Des Moines, Iowa.

No. MC 139668 (Sub-No. 3), filed April 30, 1974. Applicant: ERNEST ALLEN AND EARL ALLEN, a partnership, doing business as ALLEN COAL CO., 351 Main Street, Nelsonville, N.Y. 10516. Applicant's representative: John J. Brady, 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from Patterson, N.Y., to Byram, Conn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 139732 (Sub-No. 1), filed May 2, 1974. Applicant: DELMAR R. SHANER, 1273 Magnolia Road NW., Magnolia, Ohio 44643. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, in dump vehicles, from Maple Grove, Ohio, to points in Washington, Greene, Westmoreland, Fayette, and Somerset Counties, Pa., and points in Jackson, Ritchie, Roane, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock, Marion, Harrison, Dodridge, Lewis, Upshur, Barbour, Monongalia, Taylor, Braxton, Gilmer, and Pleasants Counties, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

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No. MC 139759 (Sub-No. 2), filed May 1, 1974. Applicant: BENJAMIN FERNADEZ, doing business as DIRECT COURIER, 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell, and tissue cultures, biological research products and equipment, chemicals, laboratory equipment and apparatus, medical reagents, plasma, and live laboratory animals*, between points in the District of Columbia, and Frederick and Howard Counties, Md., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to shipments weighing not in excess of 150 pounds from one consignor to one cosignee in a given day.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139777 (Sub-No. 2), filed May 6, 1974. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, and *herbicides, insecticides and pesticides* when moving in mixed shipments with fertilizer and fertilizer ingredients; and *animal and poultry feed and feed ingredients*, from the plantsite and shipping facilities of The Andersons, at or near Maumee, Ohio, to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia; and (2) *fertilizer, fertilizer materials and fertilizer ingredients*, from the plantsite and shipping facilities of Plant Products, Inc., at or near Bluepoint, N.Y., and the plantsite and shipping facilities of Lawn-A-Matt Chemical Corporation, at or near Plainview, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 139787 (Sub-No. 1), filed May 9, 1974. Applicant: M & M TRUCKING COMPANY, INC., P.O. Box 1743, Auburn, Ala. 36830. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* in bulk, from points in Lee County, Ala., to points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

MOTOR CARRIER OF PASSENGER(S)

No. MC 29957 (Sub-No. 92), filed May 2, 1974. Applicant: CONTINENTAL SOUTHERN LINES, INC., P.O. Box 8435, 1785 Highway 80 West, Jackson, Miss. 39204. Applicant's representative: Frank Kegley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same or separate vehicles, *and express and newspapers* in the same vehicle with passengers, (1) Between junction Louisiana Highways 28 and 3122 near Gardner, La., and Simpson, La.: From junction Louisiana Highways 28 and 3122 over Louisiana Highway 3122 to junction Louisiana Highway 465, thence over Louisiana Highway 465 to Simpson, and return over the same route, serving all intermediate points; and (2), Between junction of Louisiana Highway 28 and 3122 near Gardner, La., and junction of Louisiana Highway 3122, 28, and 1214 near Slagle, La.; From junction Louisiana Highways 28 and 3122 near Gardner, over Louisiana Highway 3122 to junction of Louisiana Highways 3122, 28, and 1214, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Alexandria, La., or Jackson, Miss.

No. MC 130243, filed April 18, 1974. Applicant: A TRAVEL LOG, INC., 972 South George Street, York, Pa. 17403. Applicant's representative: Carl H. Beasley, Rural Delivery No. 1, Hellam Branch, York, Pa. 17406. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Spring Garden Township (York County), Pa., to sell or offer to sell the transportation of *groups of passengers and their baggage*, from Spring Garden Township (York County), Pa., to John F. Kennedy International Airport, located at or near New York, N.Y., Philadelphia International Airport, located at or near Philadelphia, Pa., Washington National Airport, located at Gravelly Point, Va., Baltimore Washington International (formerly Friendship International) Airport, located in Anne Arundel County, Md., and Harrisburg York State Airport, located at or near Harrisburg, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 130245, filed May 1, 1974. Applicant: ELMER SCHEFFLER AND JEANETTE SCHEFFLER, doing business as FOUR SEASONS TOURS, 1311 North Fayette Street, Saginaw, Mich. 48602. Applicant's representative: Albert A. Smith, 3434 Davenport, Saginaw, Mich. 48602. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Saginaw, Mich., to sell or offer to sell to motor, rail, water and air carriers, the transportation of *individual passengers and groups of passengers, and their baggage*, beginning and ending at points in Michigan, and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

FREIGHT FORWARDER APPLICATION(S)

No. FF-29 (Sub-No. 2), filed May 1, 1974. Applicant: FLORIDA-TEXAS FREIGHT INC., 777 NW. 72d Avenue, Miami, Fla. 33126. Applicant's representative: L. Agnew Myers, Jr., 734 15th Street NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor, rail and water, in the transportation of *General Commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), between points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Jacksonville, or Tampa, Fla., or Washington, D.C.

No. FF-450 (Correction), filed April 4, 1974, published in the FEDERAL REGISTER issue of May 16, 1974, and republished as corrected this issue. Applicant: RELIANCE FORWARDING CORPORATION, P.O. Box 166, Bala-Cynwyd, Pa. 19004. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *Used household goods;* (b) *unaccompanied baggage;* and (c) *used automobiles* with (c) restricted to export-import traffic, between points in the United States, including Hawaii, but excluding Alaska.

NOTE.—The purpose of this republication is to clarify the restriction. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, or Camden, N.J.

WATER CARRIER APPLICATION(S)

No. MC W-534 (Sub-No. 2), filed November 28, 1973. Applicant: CUMBERLAND & OHIO COMPANY, INC., 1136 Second Avenue, North, Nashville, Tenn. 37208. Applicant's representative: Robert G. McCullough, 1200 American Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by water in the transportation of: *General towage* by towing vessels, and *general commodities* by use of non-self-propolled vessels with the use of separate towing vessels, from Carthage, Tenn., to Celina, Tenn., on the Cumberland River.

NOTE.—Applicant states that the requested authority will be combined with its existing authority in W-534 which authorizes operations from the mouth of the Cumberland River to Old Hickory, Tenn. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13526 Filed 6-12-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 7, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E5), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif., 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial Counties, Calif., to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E7), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif., 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in that part of Colorado on and north of U.S. Highway 50, to points in that part of California in and north of Ventura, Los Angeles, and San Bernardino Counties, Calif. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC-730 (Sub-No. E10), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in that part of California in and south of San Rafael, Solono, Sacramento, Amador, and Alpine Counties, to points in Montana. The rurpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E11), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen), in bulk, in tank vehicles, from points in that part of California in and north of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, to points in Montana. The purpose of this filing is to eliminate the gateway of points in Asotin County, Wash.

No. MC-730 (Sub-No. E12), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products which require special equipment for the application of heat or to facilitate unloading), in bulk, in tank vehicles, from points in Los Angeles, Ventura, and Orange Counties, Calif., to points in Oregon. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC-730 (Sub-No. E18), filed May 1, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in that part of Colorado in and north of Mesa, Pitkin, Lake, Summit, Clear Creek, Jefferson, Arapohoe, Washington, and Yuma Counties, to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-730 (Sub-No. E21), filed May 2, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and acids*, in bulk, in tank vehicles, from points in California (except Brea and points within three miles thereof), to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC-14702 (Sub-No. E2), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in that part of Pennsylvania south of Interstate Highway 80, east of U.S. Highway 19, and west of U.S. Highway 219, on the one hand, and, on the other, points in that part of Ohio, west of Ohio Highway 44, and north of U.S. Highway 224. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E3), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James H. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in Virginia on and east of Interstate Highway 95, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Pennsylvania-Ohio State line, thence west along Ohio Highway 14 to its intersection with Alternate Ohio Highway 14-A, thence along Alternate Ohio Highway 14-A to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with Ohio Highway 79, thence along Ohio Highway 79 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to its intersection with Ohio Highway 37, thence along Ohio Highway 37 to its intersection with U.S. Highway 22, thence along U.S. Highway 22 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E4), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in Maine, New Hampshire, Vermont, and points in that part of Massachusetts, on, east, and north of a line beginning at the Massachusetts-New Hampshire State line, thence south along Massachusetts Highway 13 to its intersection with Massachusetts Highway 12, thence along Massachusetts Highway 12 to its intersection with Massachusetts Highway 9, thence along Massachusetts Highway 9 to the Atlantic Ocean, on the one hand, and, on the other points in Indiana, on west, and south of a line beginning at the Indiana-Kentucky State line, thence north along Indiana Highway 7 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line; points in Kentucky on, north, and west

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of a line beginning at the Kentucky-West Virginia State line, thence along Interstate Highway 64 to Lexington, Ky., thence along U.S. Highway 62 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line, and points in Illinois on and south of a line beginning at the Indiana-Illinois State line, thence west along Interstate Highway 74 to its intersection with Illinois Highway 54, thence along Illinois Highway 54 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-14702 (Sub-No. E13), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Allegheny, Greene, and Washington Counties, Pa., on the one hand, and, on the other, points in New York on, east, and north of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence along U.S. Highway 15 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E16), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment, and except in bulk), between points in that part of Ohio east and north of a line beginning at the southern shore of Lake Erie, thence along Ohio Highway 21 to its intersection with U.S. Highway 30, thence along U.S. 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Arizona, California Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, points in Wyoming on and west of U.S. Highway 87, and points in Montana on and west of U.S. Highway 87. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plantsite and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-23618 (Sub-No. E1), filed May 12, 1974. Applicant: McALISTER TRUCKING CO., P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: W. B. Younger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines; (a) between points in Louisiana, on the one hand, and, on the other, points in Montana; (b) between points in Oklahoma, on the one hand, and, on the other, points in Montana; (c) between points in New Mexico on and east of a line beginning at the United States-Mexico International Boundary line, thence north along New Mexico Highway 11 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to its intersection with U.S. Highway 285, thence along U.S. Highway 285 to its intersection with Interstate Highway 25, thence along Interstate Highway 25 to its intersection with U.S. Highway 56, thence along U.S. Highway 56 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Montana; (d) between Lordsburg, N. Mex., on the one hand, and, on the other, Broadus, Glendive, and Havre, Mont.;

(e) Between Gallup, N. Mex., on the one hand, and, on the other, Glendive, Plentywood, and Glasgow, Mont.; (f) between Socorro, N. Mex., on the one hand, and, on the other, Broadus, Plentywood, Havre, Bozeman, and Billings, Mont.; (g) between Albuquerque, N. Mex., on the one hand, and, on the other, Broadus, Plentywood, Glasgow, Havre, and Billings, Mont.; (h) between Los Alamos, N. Mex., on the one hand, and, on the other, Plentywood and Glasgow, Mont.; (i) between Santa Fe, N. Mex., on the one hand, and, on the other, Plentywood and Glasgow, Mont.; (j) between Raton, N. Mex., on the one hand, and, on the other, Plentywood, Kalispell, Butte, Havre, and Missoula, Mont.; (k) between points in Kansas, on, south, and east of a line beginning at the Kansas-Oklahoma State line, thence north along U.S. Highway 56 to its intersection with U.S. Highway 154, thence along U.S. Highway 154 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with Kansas Highway 96, thence along Kansas Highway 96 to its intersection with Kansas Highway 39, thence along Kansas Highway 39 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with Kansas Highway 57, thence along Kansas Highway 57 to its intersection with U.S. Highway 69, thence along U.S. Highway 69 to its intersection with U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana; (l) between Garden City, Kans., on the one hand, and, on the other, Plentywood, Havre, Kalispell, and Butte, Mont.; (m) between Great Bend, Kans., on the one hand, and, on the other, Kalispell and Butte, Mont.; (n) between Hutchinson, El Dorado, Emporia, Salino, and Fort Scott, Kans., on the one hand, and, on the other, Kalispell and Butte, Mont. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-30280 (Sub-No. E15), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Finished and unfinished cotton and woolen piece goods*, from points in South Carolina to Freehold, Passaic, and Perth Amboy, N.J., Wilmington, Del., Allentown, Bridgeport, Ephrata, Harrisburg, Lebanon, Myerstown, Philadelphia, Pottstown, Reading, Shippensburg, and York, Pa., and Annapolis and Baltimore, Md. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Danville, Va.

No. MC-30280 (Sub-No. E16), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, rayon, and silk textile products*, from Raleigh, Burlington, Greensboro, Thomasville, Winston-Salem, Yanceyville, High Point, Durham, Fort Bragg, and Fayetteville, N.C., and points in that part of North Carolina on and west of U.S. Highway 29 within 30 miles of Danville, Va., to points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 655. The purpose of this filing is to eliminate the gateway of Danville, Va.

No. MC-30280 (Sub-No. E17), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, rayon, and silk textile products*, from points in South Carolina to points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 655. The purpose of this filing is to eliminate the gateways of Burlington, N.C., and Danville, Va.

No. MC-30280 (Sub-No. E18), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished cotton and woolen piece goods*, from points in Georgia to Norfolk, Va., Freehold, Passaic, and Perth Amboy, N.J., Wilmington, Del., Allentown, Bridgeport, Ephrata, Harrisburg, Lebanon, Myerstown, Philadelphia, Pottstown, Reading, Shippensburg, and York, Pa., and Annapolis and Baltimore, Md. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Danville, Va.

No. MC-30280 (Sub-No. E19), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Cumberland, Salem, and Gloucester Counties, N.J., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to Chester, thence along South Carolina Highway 97 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction South Carolina Highway 267, thence along South Carolina Highway 267 to junction U.S. Highway 15, thence along U.S. Highway 15 to Walterboro, thence along U.S. Highway Alt. 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to Beaufort. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E20), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Cumberland, Salem, and Gloucester Counties, N.J., to Atlanta, Ga. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E21), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, rayon, and silk textile products*, from points in Georgia to points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 655. The purpose of this filing is to eliminate the gateways of Greensboro, N.C. and Danville, Va.

No. MC-30280 (Sub-No. E22), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Wilmington, Del. to Atlanta, Ga. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E23), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along South Carolina Highway 150 to Gaffrey, thence along South Carolina Highway 105 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to Chester, thence along South Carolina Highway 97 to junction U.S. Highway 601, thence along U.S. Highway 601 to St. Matthews, thence along South Carolina Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to Charleston. The purpose of this filing is to eliminate the gateways of Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E25), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Wilmington, Del., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along South Carolina Highway 5 to Kings Creek, thence along South Carolina Highway 97 to junction South Carolina Highway 49, thence along South Carolina Highway 49 to Union, thence along South Carolina Highway 215 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to Lugoff, thence along U.S. Highway 601 to St. Matthews, thence along South Carolina Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to Walterboro, thence along South Carolina Highway 64 to Jacksonboro, thence along U.S. Highway 17 to Osborn, thence along South Carolina Highway 174 to Otter Island. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Danville, Va., Reidsville, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E26), filed May 12, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Danieli (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished cotton and woolen piece goods*, from Burlington, Greensboro, Thomasville, Winston-Salem, Yanceyville, High Point, and Reidsville, N.C. to Norfolk, Va. The purpose of this filing is to eliminate the gateway of Danville, Va.

No. MC-30280 (Sub-No. E27), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Norfolk, Va., to points within 15 miles of the corporate city limits of Atlanta, Ga., as defined in 1950. The purpose of this filing is to eliminate the gateways of Reidsville, N.C. and Greenville, S.C.

No. MC-30280 (Sub-No. E28), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to Beverly, N.J. and points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC-30280 (Sub-No. E29), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box

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1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton*, from Norfolk, Va., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 521 to Lancaster, thence along South Carolina Highway 9 to junction U.S. Highway 21, thence along U.S. Highway 21 to Columbia, thence along U.S. Highway 321 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of Elkin, N.C.

No. MC-30280 (Sub-No. E30), filed May 4. 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in that part of North Carolina on, west, and south of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 23 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 74, thence along U.S. Highway 74 to the North Carolina-South Carolina State line, to points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pa., and east of U.S. Highway 15 from Harrisburg to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gate of Gastonia, N.C.

No. MC-30280 (Sub-No. E31), filed May 6, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in that part of Georgia on and west of a line beginning at the Georgia-Florida State line thence along U.S. Highway 221 to Harlem, thence along Georgia Highway 47 to Wrens, thence along Georgia Highway 80 to Waynesboro, thence along U.S. Highway 25 to Statesboro, thence along U.S. Highway 25/301 to Nahunta, thence along U.S. Highway 84 to Atkinson, thence along Georgia Highway 110 to Waverly, thence along U.S. Highway 17 to Kingsland, thence along Georgia Highway 40 to St. Marys, to Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC-30280 (Sub-No. E32), filed May 6, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in that part of South Carolina on and west of a line beginning at Beaufort, thence along U.S. Highway 21 to Yemassee, thence along South Carolina Highway 68 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 19, thence along South Carolina Highway 19 to Trenton, thence along U.S. Highway 25 to Travelers Rest, thence along U.S. Highway 276 to the North Carolina-South Carolina State line, to points in that part of North Carolina on and west of North Carolina Highway 18. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC-30280 (Sub-No. E33), filed May 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in that part of North Carolina on, south, and west of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 23 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 74, thence along U.S. Highway 74 to the North Carolina-South Carolina State line, to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC-30280 (Sub-No. E34), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Norfolk, Va., to points in that part of South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 26 to junction South Carolina Highway 72, thence along South Carolina Highway 72 to Clinton, thence along South Carolina Highway 56 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to Saluda, thence along South Carolina Highway 121 to Trenton, thence along U.S. Highway 25 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateways of Reidsville, N.C. and Greenville, S.C.

No. MC-68860 (Sub-No. E1), filed April 21, 1974. Applicant: RUSSELL TRANSFER, INC., P.O. Box 2278, Roanoke, Va. 24009. Applicant's representative: L. G. Gregory, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods, sugar, and vinegar* as are dealt in by wholesale, retail, and chained grocery and food business houses, from Baltimore and Frederick, Md., New York, N.Y., Philadelphia, Pa., Swedesboro, N.J., Wyoming, Houston, and Dover, Del., to Glenvar, Lynchburg, Christiansburg, Radford, Pulaski, Blackburg, Norfolk, Richmond, Danville, Bristol, Narrows, and Grundy, Va., Greensboro, Canton, Asheville, Charlotte, Raleigh, Goldsboro, Walnut-Cove, Gastonia, Clayton, Durham, Winston-Salem, and Salisbury, N.C., and points in Mercer and McDowell Counties, W. Va., and points in South Carolina. (2) *Angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope, and accessories for beams and joists*, from points in South Carolina, and Lynchburg, Norfolk, Richmond, Danville, Bristol, Narrows, and Grundy, Va., Winston-Salem, Greensboro, Durham, Canton, Asheville, Charlotte, and Raleigh, N.C., Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pittsburgh, Marcus Hook, York, and Harrisburg, Pa., Newark and Swedesboro, N.J., and Charleston, Bluefield, and Huntington, W. Va., to points in North Carolina on and west of points in Tennessee on and east of U.S. Highway 25W and on and north of a line beginning at Knoxville, and extending along U.S. Highway 23W to Newport, and thence along U.S. Highway 25 to the Tennessee-North Carolina State line; and points in West Virginia on and south of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-109881 (Sub-No. E1), filed May 4, 1974. Applicant: STERNS TRANSPORT, INC., P.O. Box 397, Bradley Beach, N.J. 07720. Applicant's representative: Lawrence Stern (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia and Morrisville, Pa., and Trenton, N.J., on the one hand, and on the other, New York, N.Y., and Newark and Jersey City, N.J. The purpose of this filing is to eliminate the gateway of points in Monmouth County, N.J. on and east of U.S. Highway 9.

No. MC-112822 (Sub-No. E33), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line to points in Nevada. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC-112822 (Sub-No. E37), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in California. The purpose of this filing is to eliminate the gateway of Enid, Okla.

No. MC-112822 (Sub-No. E51), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Pine Bluff, Ark., to points in California, Nevada, and Oregon. The purpose of this filing is to eliminate the gateway of Herty or Sheldon, Texas.

No. MC-112822 (Sub-No. E53), filed May 16, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Kansas to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-112822 (Sub-No. E54), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Eldon, Mo., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-112822 (Sub-No. E55), filed May 13, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in California to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-112822 (Sub-No. E56), filed May 13, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing products, asbestos roofing and siding products*, from Fort Worth, Tex., to points in Idaho, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC-112822 (Sub-No. E57), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Torrington, Wyo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Swink, Colo.

No. MC-112822 (Sub-No. E58), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Kansas City, Mo., and the site of the Mid-Continent Underground Warehouse at or near Loring, Kansas.

No. MC-112822 (Sub-No. E59), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Bonner Springs, Kans. to points in Minnesota. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Grimes, Iowa.

No. MC-112822 (Sub-No. E60), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Nampa, Rupert, Twin Falls, and Idaho Falls, Idaho, to points in Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC-112822 (Sub-No. E61), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

No. MC-112822 (Sub-No. E62), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Sugar*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Arkansas, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateway of the site of the Mid-Continent Underground Warehouse at or near Loring, Kansas.

No. MC-112822 (Sub-No. E63), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the site of the Mid-Continent Underground Warehouse at or near Loring, Kans.

No. MC-112822 (Sub-No. E64), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Hardin, Mont., to points in that part of Texas bounded by a line beginning at the Texas-New Mexico State line and extending east along U.S. Highway 180 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 75, thence north along U.S. Highway 75 to the Texas-Oklahoma State line, thence northwesterly, northerly, and westerly along the Texas-Oklahoma State line to the Texas-New Mexico State line and thence south along the Texas-New Mexico State line

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to point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

No. MC–112822 (Sub-No. E65), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Waco, Tex., to points in Idaho, Montana, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Sand Springs or Sapulpa, Okla.

No. MC–112822 (Sub-No. E66), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Hillsboro, Tex., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Bristow or Wilburton, Okla.

No. MC–112822 (Sub-No. E67), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, from Coalgate, Okla., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Branson, Mo.

No. MC–112822 (Sub-No. E79), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Lewiston, Utah to Arkansas (except Little Rock) and Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–112822 (Sub-No. E80), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Blackfoot, McMillan, and Paul, Idaho to points in Arkansas (except Little Rock) and Missouri. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–112822 (Sub-No. E81), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Garland, Layton, and West Jordan, Utah, to points in Arkansas and Missouri. The purpose of this filing is to eliminate the gateway of Rocky Ford, Colo.

No. MC–112822 (Sub-No. E82), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except liquid sugar in bulk), from Sugar Land, Texas to Rocky Ford, Colo. The purpose of this filing is to eliminate the gateway of points in Oklahoma (except Tulsa and Ponca City).

No. MC–112822 (Sub-No. E83), filed May 15, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in containers, from Sugar Land, Tex., to Kansas City and North Kansas City, Mo. The purpose of this filing is to eliminate the gateway of Independence, Kansas.

No. MC–113843 (Sub-No. E35), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in New Jersey. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E36), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in New York (except points within 75 miles of and including Rochester, N.Y., and points in Cattaraugus, Chautauqua, and Erie Counties, N.Y.). The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E158), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E160), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E161), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Connecticut. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E163), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except frozen foods, dairy products, candy, and confectionery), from Austin and Portland, Ind., to points in Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–113843 (Sub-No. E164), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Indiana to points in Vermont, New Hampshire, and points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E166), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. M–11384 (Sub-No. E167), filed May 6, 1974. Applicant REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E168), filed May 6, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E172), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Frozen foods*, from points in New Jersey to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E173), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer, Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–114019 (Sub-No. E47), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and advertising matters* related thereto, (1) from Adams County, Pa., to St. Louis, Mo., and Nashville, Tenn., (2) from points in Monroe, Orleans, and Wayne Counties, N.Y., to St. Louis, Mo. The authority described in (1) and (2) above, is restricted to the transportation of shipments moving from, to or between warehouses or other facilities of wholesale and retail food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E48), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Maine, and New Jersey, restricted to shipments moving from, to, or between warehouses or other facilities of wheolsale food business houses. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, and Pittsburgh or Erie County, Pa.

No. MC–114019 (Sub-No. E64), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Ohio, New York, Pennsylvania, West Virginia, and Baltimore, Md., Philadelphia, Pa., and points within 30 miles of New York, N.Y., to points in Nebraska, and points in that part of Kansas on, north, and west of a line beginning at the Missouri-Kansas State line, thence west along U.S. Highway 54 to junction U.S. Highway 59, thence south along U.S. Highway 59 to the Missouri-Arkansas State line, that part of Missouri on, north, and west of a line beginning at Hannibal, at junction U.S. Highways 24 and 36, thence west along U.S. Highways 24 and 36 to junction U.S. Highway 24, thence west along U.S. Highway 24 to junction Missouri Highway 5, thence south along Missouri Highway 5 to junction Missouri Highway 52, thence west along Missouri Highway 52 to junction U.S. Highway 65, thence south along U.S. Highway 65 to junction Missouri Highway 83, thence south along Missouri Highway 83 to junction U.S. Highway 54, thence west along U.S. Highway 54 to the Missouri-Kansas State line, that part of Iowa, on, west, and south of a line, beginning at Dubuque, Iowa, at U.S. Highway 52, thence north along U.S. Highway 52 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Monmouth, Ill., or any point in Ohio.

No. MC–114019 (Sub-No. E66), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209 and 766, in mechanically refrigerated vehicles, from Nashville, Tenn. and Bowling Green, Ky., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, and those points in Ohio on and north of U.S. Highway 40, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Jeffersonville, Md. and Union City, Ohio.

No. MC–114019 (Sub-No. E67), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, and blends thereof*, in bulk, in tank vehicles, from Nashville, Tenn. and Bowling Green, Ky., to points in that part of Michigan on and north of a line beginning at Michigan Highway 115 at Lake Michigan, thence east along Michigan Highway 115 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 127, and thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky. and Toledo, Ohio.

No. MC–114019 (Sub-No. E68), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Wisconsin to points in Maryland (except Baltimore); (b) *Packinghouse products and by-products*, from Madison, Wis., to Wichita, Kans., and St. Louis, Mo., restricted in (a) and (b) above to shipments moving from, to, or between warehouses, plants or other facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Indianapolis or Gary, Ind.

No. MC–114019 (Sub-No. E69), filed May 10, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods* (other than frozen foods), from Detroit and Grand Rapids, Mich. to Denver, Colo., points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls to Sioux City. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

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No. MC 114019 (Sub-No. E79), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, as defined by the Commission, in mechanically refrigerated vehicles, from Austin, Minn., to points in Maryland and Virginia and those in Kentucky on and east of Interstate Highway 65, restricted to shipments moving from, to, or between warehouses, plants, or other facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–114019 (Sub-No. E80), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish, frozen seafood, and other frozen foods*, from points in Berrien, Cass and Van Buren Counties, Mich., to Philadelphia, Pa., points in New Jersey, Connecticut, Rhode Island, Massachusetts, and points in New York on, east, and north of a line beginning at the junction of the New Jersey-New York State line and Interstate Highway 87, thence north along Interstate Highway 87 to its junction with New York Highway 5, thence along New York Highway 5 to its junction with New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line, restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E82), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, from points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey, to points in Nebraska, Iowa, Kansas, and that part of Missouri, on and north of U.S. Highway 66 and 44, beginning at St. Louis and extending along U.S. Highway 66 and 44 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio and Monmouth, Ill.

No. MC–114019 (Sub-No. E84), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, (1) from Prairie du Chien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York (except points on and west of New York Highway 14), Pennsylvania (except points on and west of U.S. Highway 219), New Jersey, Delaware, Maryland, and the District of Columbia; (2) from Prairie du Chien, Wis., to points in Virginia, West Virginia, and those in Kentucky on and east of U.S. Highway 31W, beginning at Louisville, and extending south along U.S. Highway 31W to junction Interstate Highway 65, thence south along Interstate Highway 65 to the Kentucky-Tennessee State line (except that part within one mile of the Ohio River); (3) from Prairie du Chien, Wis., to points in Missouri (except those within one mile of the Mississippi River, Kansas, and that part of Nebraska on and south of U.S. Highway 34 beginning at the Iowa-Nebraska State line and extending west along U.S. Highway 34 to junction Nebraska Highway 2, thence west along Nebraska Highway 2 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Wyoming-Nebraska State line, restricted (in (1), (2), and (3) above) to the transportation of shipments moving from, to, or between warehouses, plants or other facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Elkhart County, Ind., Union City, Ohio, or Monmouth, Ill.

No. MC–114019 (Sub-No. E85), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority signed to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Madison, Wis., to points in Virginia on and east of U.S. Highway 52, and points in Maryland (except those on and west of U.S. Highway 15), restricted to the transportation of shipments moving from, to, or between warehouses, plants, or other facilities of meat packinghouses. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–114019 (Sub-No. E86), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., and Bowling Green, Ky., to points in Iowa, Michigan, Nebraska, North Dakota, South Dakota, and that part of Missouri on, north, and west of a line beginning at the junction of the Kansas-Missouri State line and U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 65, thence north on U.S. Highway 65 to the Missouri-Iowa State line, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of New Albany, Ind.

No. MC–114019 (Sub-No. E98), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, livestock, those requiring special equipment, and those injurious or contaminating to other lading), from points in New York and New Jersey which are within 40 miles of City Hall, New York, N.Y., to points in that part of Indiana on, north, and west of a line beginning at the junction of the Indiana-Illinois State line and U.S. Highway 24, thence along U.S. Highway 24 to Fort Wayne, thence along Indiana Highway 3 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Newark, N.J., and Akron, Ohio.

No. MC–114019 (Sub-No. E99), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid or solid; *boards*, fiberboard and/or pulpboard, impregnated with asphalt, painted or not painted; *board*, wall fiberboard, pulpboard, or strawboard, not impregnated with asphalt; *caps*, roofing, tin; *cement*, roofing; *clamps*, metal; *coating*, roof, having asbestos, pitch, tar, or rosin base; *creosote; fasteners*, metal; *felts*, building or roofing, saturated or unsaturated; *insulating material*, asbestos or felt paper; *nails; paint*, asphaltum; *paint*, coal tar; *paper*, building, roofing, or sheathing, saturated, unsaturated; *pitch* roofing; *roofing*, composition or prepared; *siding*, asphalt; *shingles*, asphalt, asbestos, or composition; *sheathing;* straps, tin with fasteners; and *tar*, roofing; from St. Louis, Mo., to that part of Pennsylvania, on and east of U.S. Highway 219, and to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in that part of New York on and east of New York Highway 14, points in that part of Maryland and Virginia on and east of a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 11 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction U.S. Highway 17, thence south along U.S. Highway 17 to the Virginia-North Carolina State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Ohio and Sunbury, Pa.

No. MC–114019 (Sub-No. E115), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from points in New York, Pennsylvania, and West Virginia, those in New Jersey within 40 miles of City Hall, New York, N.Y., and those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and points in Ohio on and south of U.S. Highway 40, and Sparrows Point and Baltimore, Md., to points in North Dakota, South Dakota, Minnesota, and points in Wisconsin in, north, and west of Wisconsin Highway 15. The purpose of this filing is to eliminate the gateway of Lafayette, Ind., and Fort Atkinson, Wis.

No. MC–114019 (Sub-No. E116), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration from points in New York and Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Kentucky on and west of U.S. Highways 25 and 25W. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 (Sub-No. E117), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from points in New York on and east of a line beginning at U.S. Highway 11 at New York-Vermont State line, extending southward to junction with New York Highway 13 to Pennsylvania-New York State line, and points in Pennsylvania on and east of U.S. Highway 15 to points in Kentucky on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of points in Adams or Franklin Counties, Pa.

No. MC–114045 (Sub-No. E41), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lake Charles, La., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Texas.

No. MC–114045 (Sub-No. E51), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Ohio and that part of Florida on and east of a line beginning at Cedar Key, thence along Florida Highway 24 to Archer, thence along U.S. Highway 41 to Jasper, thence along U.S. Highway 129 to the Florida-Georgia State line. The purpose of this filing is to eliminate the gateway of Lexington, Ky.

No. MC–114045 (Sub-No. E62), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and frozen bakery products*, from points in Montcalm County, Mich., to points in Arizona, California, and New Mexico, restricted to the transportation of traffic originating at the plantsite of Ore-Ida Foods, Inc., and/or warehouse facilities used by Ore-Ida Foods, Inc. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC–114045 (Sub-No. E73), filed May 7, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Swift & Company at or near Grand Island, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Dodge City, Kansas.

No. MC–114045 (Sub-No. E124), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Texas 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats* (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–117574 (Sub-No. E1), filed May 2, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair servicing, maintenance and dismantling of pipelines, and boilers, heaters and castings), between points in Connecticut and Massachusetts, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, South Carolina, Wisconsin, and North Carolina (except points in Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Turee, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onshaw, Carteret, and Pamlico Counties, N.C.). The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 219, to the junction with U.S. Highway 322, thence along U.S. Highway 322 through Clearfield and State College, to Lewiston, thence along U.S. Highway 522 to Selingsgrove, and thence along U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC–121318 (Sub-No. E4), filed May 14, 1974. Applicant: YOURGA TRUCKING, INC., P.O. Box 335, Wheatland, Pa. 16161. Applicant's representative: John H. Yourga (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and such raw materials, supplies, and equipment*, as are used in the manufacture of iron and steel products, between points in Ohio, on the one hand, and, on the other, points in the following Pennsylvania Counties: that part of Tioga and Lycoming Counties on and east of U.S. Highway 15; that part of Union County on and east of U.S. Highway 15 and on and north of Interstate Highway 80; that part of Northumberland and Montour Counties north of Interstate Highway 80; that part of Bucks County north of U.S. Highway 202, and all points in Bradford, Sullivan, Columbia, Schuylkill, Lehigh, Northampton, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Susquehanna, Lackawanna, and Mercer Counties, Pa. The purpose of this filing is to eliminate the gateway of Sharon, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13527 Filed 6–12–74;8:45 am]

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federal register

THURSDAY, JUNE 13, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 115

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

ENVIRONMENTAL PROTECTION AGENCY

■

AQUACULTURE PROJECTS

Requirements for Approval of Discharges

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 115]

AQUACULTURE PROJECTS

Proposed Requirements for Approval of Discharges

The Environmental Protection Agency hereby proposes to implement section 318 of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1328 (the Act). Section 318(a) authorizes the Administrator to permit, after public hearings and under controlled conditions, discharges of pollutants which are associated with an approved aquaculture project that is under Federal or State supervision. Section 318(b) requires the Administrator to promulgate regulations establishing procedures and guidelines necessary to carry out section 318.

The following features of the proposed regulations should be noted:

1. In view of the extremely broad definition of "pollutant" in section 502(6) of the Act, it would be virtually impossible to add any material to the navigable waters in connection with an approved aquaculture project than would not be also subject to provisions of the Act other than section 318. The regulations proposed today contemplate that discharges occurring within the designated project area of an aquaculture project may well exceed effluent guidelines that may be established under other provisions of the Act for discharges into navigable waters. At the same time, the legislative history of section 318 makes it clear that Congress intended that authorized discharges under section 318 should not contribute to water pollution outside the designated project area. In order to harmonize such expressions of Congressional intent with the mainifest intent to permit agriculture projects under controlled conditions, the regulations proposed today provided in effect, that discharges of pollutants inside the designated project area may exceed other standards or limitations in the project area, but such discharges must not give rise to the addition of pollutants to the navigable waters outside the designated project area in quantities that would violate other provisions of the Act if the designated project area were itself a "point source" as defined in section 502 (14) of the Act.

2. Section 318 authorizes the Administrator to permit discharges of pollutants "associated with an approved aquaculture project under Federal or State supervision." The regulations proposed today provide that an aquaculture project is "approved" within the meaning of section 318 if EPA issues the operator of the project and the supplier of the pollutant a permit to utilize a discharge to the project pursuant to the procedures established in the regulations. The regulations assume that an aquaculture project is 'subject to Federal or State supervision" within the meaning of section 318 where it receives a permit pursuant to the regulations since Regional Administrators would, under the proposed regulations, have the authority to revoke such a permit, thereby effectively subjecting the owner or operator of that project to supervision. There may, of course, be aquaculture projects that are subjected to other types of supervision under State law, but such projects would stand on no different footing than would acquaculture projects subject only to EPA supervision under the proposed regulations.

3. The Administrator's authority to permit discharges under section 318 is subject to a requirement for public hearings. The Agency believes that the requirement of a public hearing will be satisfied if an opportunity for public hearing is provided by the regulations. Thus, no public hearing would be required if no member of the public were to request one. Furthermore, it is EPA's position that a public hearing is a necessary prerequisite to the grant of a permit under section 318 only if a member of the public alleges facts which, if true, would be relevant to the decision of the Regional Administrator in accordance with the regulations. At the same time, the Regional Administrators would have discretion to call a public hearing without a request if there is substantial interest in, or objection to, the grant of a permit.

4. Section 401 of the Act requires that, prior to the time any Federal agency issues a license or permit to conduct an activity which may result in a discharge into the navigable waters, it must give an opportunity to the State in which the discharge originates to certify that any such discharge will comply with applicable provisions of sections 301, 302, 306, and 307 of the Act. With respect to discharges into the designated project area, they may well exceed effluent guidelines established under the provisions of the Act referenced in section 401, so that in many instances no State would be able to certify as required by section 401 if it were read literally. Accordingly, the proposed regulations assume that section 401 is not, strictly speaking, applicable to permits issued under section 318. However, they also provide that the State certifying agency under section 401 will be asked to certify that additions of pollutants to navigable waters outside the designated project area will not exceed the effluent guidelines established under sections 301, 302, 306, and 307 that would be applicable if the designated project area were itself a "point source."

Interested members of the public are invited to comment on the regulations proposed today by written submissions to the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Director, Water Quality and Non-Point Source Division. Prior to promulgation of the regulations in final form, all comments received on or before July 15, 1974, will be carefully considered. In addition, interested members of the public may inspect copies of all comments received at the above location during normal working hours.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 40 of the Code of Federal Regulations by adding a new Part 115 as set forth below.

Dated: June 7, 1974.

JOHN QUARLES,
Acting Administrator.

PART 115—AQUACULTURE

Subpart A—General

Sec.

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115.14 Formulation of tentative determinations and draft permits.
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AUTHORITY: Sec. 318, 501 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1328, 1361).

Subpart A—General

§ 115.1 Definitions.

(a) All terms used in this part but not defined herein shall have the meaning given them in section 502 of the Act.

(b) The term "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.).

(c) The term "discharge of pollutants associated with an aquaculture project" means the addition or discharge of a specific pollutant(s) in a controlled manner from a point source to an aquaculture project to enhance the growth or propagation of the species under culture.

(d) The term "aquaculture project" means a defined water area which is managed and uses discharges of a pollutant(s) into the designated project area for the maintenance, propagation, and/or production of harvestable freshwater, estuarine, or marine plant or animal species.

(e) The term "designated project area" means those portions of the navigable waters within which the applicant for a permit pursuant to this part proposes to confine the cultivated species, utilizing a method or plan of operation (including, but not limited to, physical confinement) which on the basis of reliable scientific evidence is expected to insure that specific individual organisms comprising an aquaculture crop will enjoy growth attributable to the discharge of pollutants permitted under this part, and suffer harvesting within a defined geographic area.

(f) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(g) The term "Regional Administrator" means one of the ten Regional Administrators of the U.S. Environmental Protection Agency.

(h) The term "applicant" means an applicant for a permit for a discharge of pollutants to an aquaculture project.

(i) The term "permit" means any permit or equivalent document or requirement issued to regulate the discharge of pollutants to an aquaculture project.

§ 115.2 Purpose and scope.

(a) The regulations in this part establish the procedures and guidelines for approval of an aquaculture project and for approval of any discharge of pollutants associated with an aquaculture project.

(b) The regulations are intended to authorize, on a selective basis, controlled discharges which would otherwise be unlawful under the Act in order to determine, in a carefully controlled manner, the existing and potential feasibility of utilizing pollutants to grow aquatic organisms which can be harvested and used beneficially, and to encourage such projects, while at the same time protecting other beneficial uses of the waters.

(c) The regulations in this part do not apply to those aquaculture facilities such as fish hatcheries, fish farms and similar projects which do not utilize discharges of wastes from a separate industrial or municipal point source for the maintenance, propagation and/or production of harvestable freshwater, marine or estuarine organisms. Such projects are regulated under Title IV of the Act.

§ 115.3 Approval of discharges to acquaculture projects.

(a) The Regional Administrator shall grant a permit authorizing a discharge if he determines that:

(1) Such discharge is associated with an aquaculture project, and

(2) The discharge and the aquaculture project meet the requirements of the Act and of this part.

(b) The granting of a permit for a discharge pursuant to this part will mean that the aquaculture project with which the discharge is associated is an approved aquaculture project within the meaning of section 318(a) of the Act.

(c) All discharges of pollutants or combinations of pollutants from all point sources into the navigable waters, the waters of the contiguous zone or the ocean are unlawful and subject to the penalties provided by the Act, unless the discharger has a permit issued pursuant to this part, Part 125 of this chapter, or by a State which has an approved National Pollution Discharge Elimination System program pursuant to Part 124 of this chapter, or is specifically relieved by law or regulation from the obligation of obtaining a permit.

§ 115.4 Delegation of authority.

(a) The authority to issue and condition permits or to deny applications for permits or to revoke permits for discharge pursuant to this part and section 318 of the Act is hereby delegated to each of the Regional Administrators for the area which he administers.

(b) The authority granted to the Administrator by sections 308 (a) and (b) of the Act is hereby delegated to each of the Regional Administrators for the area which he administers. Any action taken pursuant to section 308(b) shall be in conformance with the provisions of § 125.35 of this chapter.

Subpart B—Processing of Permits

§ 115.5 General provisions.

(a) The decision whether or on what conditions a permit authorizing a discharge will be issued shall be based upon an evaluation as to how such discharge will meet applicable requirements under the Act and this part.

(b) The expected impact of a proposed discharge or the present impact of an existing discharge in connection with an aquaculture project on the quality and uses of the receiving body of water also shall be considered. The objections of any State or interstate agency whose waters may be affected by the discharge shall be duly considered when making any permit decision.

§ 115.6 Application for a permit.

(a) An applicant for a permit may secure the required application form(s) from the Regional Administrator. Application form(s) must be filed with the Regional Administrator of the EPA Region which includes the State in which the aquaculture project is operating or will operate.

(b) An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originate. In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor respectively. In the case of a municipality, State, Federal or other public entity, the application must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

(c) Application for a permit or renewal of a permit shall be accompanied by a payment of $1,000.00 to cover the cost of processing the application and project surveillance.

(1) Checks and money orders shall be payable to the Environmental Protection Agency.

(2) Agencies or instrumentalities of Federal, State or local governments will not be required to pay the fee provided for in this paragraph.

(d) The application for approval of a discharge to an aquaculture project shall be made jointly by both the supplier of the pollutant and by the operator. The supplier and the operator may be one person. Any permit issued shall be issued jointly.

(e) Applications for discharges to aquaculture projects presently in existence shall be made within 180 days after the date of promulgation of these regulations.

(f) Any person who plans to begin a discharge to an aquaculture project or plans to establish an aquaculture project shall apply for a permit no later than 180 days in advance of the date on which the discharge or the project is to be commenced unless permission for a later application date has been granted by the Regional Administrator.

(g) An application for a permit shall include, at a minimum:

(1) Identification of the kind and quantity of pollutant(s) to be used in the aquaculture project.

(2) Available information on:

(i) The conversion efficiency of the pollutant to harvestable product,

(ii) The potential increased yield of the species being cultured, and

(iii) Any identifiable new product to be produced, including anticipated quantity of harvestable product.

(3) Identification of the species of organisms to be cultured.

(4) Identification of the water quality parameters required for growth and propagation of the cultured species including, but not limited to, dissolved oxygen, salinity, temperature and nutrients, such as nitrogen, nitrates, nitrites, ammonia, total phosphorus and total organic carbon.

(5) Identification of possible health effects of the proposed aquaculture project including:

(i) Diseases or parasites associated with the crop which could affect aquatic life outside of the designated project area and which could become established in the designated project area and/or in the species under cultivation;

(ii) The potential effects on human health;

(iii) Available measures for control of potential disease producing organisms associated with the aquaculture project;

(iv) Bioconcentrations in the crop including, but not limited to, radionuclides, heavy metals, and pathogenic organisms associated with the pollutant used; and

(v) Potential for escape of non-indigenous species from the designated project area.

(6) Identification of pollutants produced by the species under culture, especially those which may be channeled into waste effluent such as ammonia, hydrogen sulfide, organic residues, phosphates and nitrates.

(7) Identification of the disposal method to be used should there be a necessity for intentional destruction or a massive natural death of the organisms under culture.

(8) A map locating the site of the proposed aquaculture project, engineering

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drawings indicating the general features of the project, and maps which locate man-made and natural geographic features in the area of the proposed aquaculture project.

(9) A completed Standard Form A—Municipal, or a Standard Form C—Manufacturing and Commercial, or their equivalents, as established in Part 125 of this chapter for the pollutant(s) to be discharged to the aquaculture project.

§ 115.7 Access to facilities and further information during evaluation of the application.

Permit application forms are designed to fit the normal situation for most aquaculture projects in the United States. In many cases, however, further information and site visits may be necessary in order to evaluate the project completely and accurately. When the Regional Administrator determines that either further information or a site visit is necessary in order for the Environmental Protection Agency to evaluate the aquaculture project, he shall so notify the applicant and in addition provide a date no later than 60 days hence by which time arrangements will have been made for receipt of the requested information and/or scheduling of the site visit. In the event that a satisfactory response is not received, the permit may be issued or denied and the applicant so notified.

§ 115.8 Distribution of application and permit.

(a) When an application for a permit is received, the Regional Administrator shall determine if the applicant has provided all of the information required by the application form and by this part.

(b) In order to insure that the Secretary of the Army, acting through the Chief of Engineers, has adequate time to evaluate the impact of the proposed discharge on anchorage and navigation, the Regional Administrator will forward to the District Engineer in the appropriate district one copy of the application form immediately upon its receipt in the regional office in completed form. Accompanying the application will be notice that the District Engineer has a stated number of days to evaluate the impact of granting such permit upon anchorage and navigation and to advise the Regional Administrator of his evaluation. District Engineers of the Corps of Engineers will normally be given 30 days for such evaluation. Where the Regional Administrator finds that less time should be allowed, he shall so advise the District Engineer of such lesser period of time and specify his reasons. Granting of this permit will not be substantially impaired by failure of the District Engineers to answer within the allotted period of time. Where the District Engineer advises the Regional Administrator that anchorage and navigation of any of the navigable waters would be substantially impaired by the granting of a permit, such permit will be denied and the applicant shall be so notified. Where the District Engineer advises the Regional Administrator that the imposition of specified conditions upon the permit is necessary to avoid any substantial impairment of any of the navigable waters, the Regional Administrator shall include in the permit the conditions so specified by the District Engineer. Where the District Engineer notifies the Regional Administrator that additional time is needed for his evaluation, such additional time shall be granted where the Regional Administrator determines that the public interest warrants the extension of time to comment.

(c) Complete copies of all applications for discharge of pollutants in association with an aquaculture project filed with the Environmental Protection Agency subsequent to final promulgation of these regulations shall be furnished to the Department of the Interior and Department of Commerce for comment, provided that these Departments may waive their right to receive any such applications. The Regional Administrator shall meet with appropriate officials of the Department of Interior and Department of Commerce in order to reach agreement as to which existing application forms those Departments are to receive. When an application is transmitted to these departments, the Regional Administrator shall notify the Departments that they have a stated number of days in which to evaluate the impact of granting such permit upon the fish, shellfish, and wildlife resources of the State in which the discharge will occur, and to advise the Regional Administrator of such evaluations. The normal period of time for such evaluation will be 30 days. Failure of such Departments to advise the Regional Administrator of their evaluation within the allotted period of time will be deemed to be a statement that the Departments do not choose to comment on the application. Where the Departments advise the Regional Administrator that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the Regional Administrator may include in the permit the conditions specified by the departments. Where such departments request additional time for evaluation, such additional time will be granted where the Regional Administrator determines that the public interest warrants the extension of time to comment.

(d) Upon receipt of an application from a Federal Agency or instrumentality, the Regional Administrator shall make one copy of the application form available to the State water pollution control agency for the State in which the aquaculture project will operate. The State may comment on whether a permit for such aquaculture project should be granted or if any conditions should be applied to any permit that might be issued. The State should indicate conditions it believes are necessary in order that the aquaculture project will comply with sections 301, 302, 306 and 307 of the Act. Such comments shall be received within 30 days from receipt of the application form unless the Regional Administrator allows additional time.

(e) The Regional Administrator shall assist applicants for permits in coordinating the requirements of the Act and this part with those of appropriate public health agencies.

(f) If a permit is issued, a copy of the permit and, if not previously transmitted, a copy of the application form shall be transmitted to the State in which the discharge is located. Copies of these documents shall be available for inspection and reproduction by the public in the regional office.

§ 115.9 State certification.

(a) No permit shall be granted until a State certification has been obtained, or has been waived, that discharges from the designated project area would meet the requirements of section 401 of the Act if the designated project area were a point source. A waiver occurs when the certifying agency fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed 1 year) after receipt of such request. Three months shall generally be considered to be a reasonable period of time. If, however, special circumstances require that action on a permit application be taken within a more limited period of time, the Regional Administrator shall determine a reasonable lesser period of time. He shall then advise the certifying agency of the need for action by a particular date, and that if certification is not received by the date established, it will be considered that the requirement for certification has been waived. Similarly, if it appears that circumstances may reasonably require a period of time longer than 3 months, the Regional Administrator may afford the certifying agency up to 1 year to provide the required certification before determining that a waiver has occurred. Where such extension of time is made at the request of the certifying agency, the request must be in writing and must include the reasons for the request.

(b) Upon receipt of an application which does not include a State certification, the Regional Administrator will make available one copy of the application form to the State water pollution control agency for the State in which the aquaculture project operates or will operate. The Regional Administrator shall advise the State agency that the State must:

(1) Certify that the aquaculture project will comply with the applicable provisions of sections 301, 302, 306, and 307; or

(2) Certify that there are no applicable limitations under sections 301, 302, 306 and 307; or

(3) Deny such certification; or

(4) Waive its right to certify or deny such certification.

The Regional Administrator shall specify a reasonable period of time within which such certification or denial must be received or a waiver will be deemed to have occurred.

(c) Discharges by agencies or instrumentalities of the Federal Government, as provided in section 401(a)(6) of the Act, do not require certification pursuant to section 401.

(d) An application shall also be accompanied by statement from the State Fish and Wildlife Agency as to whether the project will be in compliance with State regulations on wildlife.

Subpart C—Criteria, Terms and Conditions of Permits

§ 115.10 Criteria for issuance of permits.

(a) No permit shall be issued unless:

(1) The Regional Administrator determines that the aquaculture project (i) is intended by the project operator to produce a crop which has commercial value (or is intended to be operated for research into possible production of such a crop); and (ii) does not occupy a designated project area which is larger than can be economically operated for the crop under cultivation.

(2) The applicant has demonstrated to the satisfaction of the Regional Administrator that the use of the pollutant to be discharged to the aquaculture project will result in an increased harvest of the organisms under culture over what would naturally occur in the area.

(3) The applicant has demonstrated to the satisfaction of the Regional Administrator that, if the species to be cultivated in the aquaculture project is not indigenous to the designated project area, there will be minimal deleterious effects on the flora and fauna which are indigenous to the area, that the total commercial value of the introduced species is at least equal to that of the displaced or affected indigenous species (or is intended to research into possible production of such a crop), and that there is minimal probability that the introduced species will serve as a carrier or vector of disease to man or to indigenous flora or fauna.

(4)(i) The Regional Administrator determines that effluents to water outside the designated project area of all pollutants from the aquaculture project will not violate water quality standards or violate effluent limitations applicable to the supplier of the pollutant established pursuant to sections 301, 302, 306, and 307 of the Act as if the designated project area were itself a point source. The approval of an aquaculture project shall not result in the enlargement of a pre-existing mixing zone area beyond that which had been designed by the State for the original discharge.

(b) No permit shall be issued if, in the judgment of the Secretary of the Army, acting through the Chief of the Corps of Engineers, anchorage and navigation of any of the navigable waters would be substantially impaired by the aquaculture project.

(c) No permit shall be issued for any aquaculture project in conflict with a plan or an amendment to a plan approved pursuant to section 208(b) of the Act.

(d) No permit shall be issued for any aquaculture project located in the territorial sea, the waters of the contiguous zone, or the oceans, except in conformity with guidelines issued under section 403(c) of the Act.

(e) Designated project areas shall in no event include a portion of a body of water such that a substantial portion of the biota indigenous thereto will be exposed to the conditions obtained within the designated project area. For example, the designated project area shall not include the entire width of a watercourse, since all organisms indigenous to that watercourse may thus be subjected to discharges of pollutants that would, except for the provisions of section 318 of the Act, violate section 301 of the Act.

(f) Any modifications caused by the construction or creation of a reef, barrier or containment structure shall not alter the tidal regimen of an estuary or interfere with migration of unconfined aquatic species.

(g) Any pollutants not required by or beneficial to the aquaculture crop shall not exceed effluent limitations established for such pollutants pursuant to the Act when entering the designated project area.

§ 115.11 Terms and conditions of permits.

(a) The Regional Administrator shall insure that the terms and conditions of the permit provide for and insure the following:

(1) That following notice and oppor-, tunity for a public hearing, the permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms of conditions or the permit;

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and,

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permit discharge.

(2) That the permittee shall allow the Regional Administrator or his authorized representative, and/or the authorized representative of the State water pollution control agency in the case of non-Federal facilities, upon presentation of his credentials;

(i) To enter upon the permittee's premises where an aquaculture project is located or where any records are required to be kept under terms and conditions of the permit;

(ii) To have access to and copy, at any reasonable time, records required to be kept under terms and conditions of the permit;

(iii) To inspect, at reasonable times, any monitoring equipment or method required in the permit; and

(iv) To sample, at reasonable times, any discharge of pollutants.

(3) That the permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of control installed or utilized by the permittee to achieve compliance with the terms and conditions of the permit.

(4) That the issuance of a permit does not convey any property rights either in real estate or material, or any exclusive privileges, nor does it authorize any injury to private property or invasion of rights, nor any infringement of Federal, State, or local laws or regulations; nor does it obviate the necessity of obtaining State or local assent required by law for the discharge authorized.

(5) That if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Regional Administrator shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

(6) The Regional Administrator may suspend the permit on grounds of imminent and substantial danger to public health or to aquatic life outside the designated project area.

(b) A permit shall include such special conditions as are necessary to assure compliance with applicable effluent limitations or other water quality requirements including schedules of compliance, treatment standards, and such other conditions as the Regional Administrator considers necessary or appropriate to carry out the provisions of the Act. The permit shall also contain such other conditions as the District Engineer of the Corps of Engineers considers to be necessary to insure that navigation and anchorage will not be substantially impaired. Conditions recommended by State water pollution control officials, Federal and State fish, shellfish, and wildlife resources officials, or other governmental officials may be added to the permit if the Regional Administrator believes such recommended conditions will aid in carrying out the purposes of the Act.

(c) Permits are subject to periodic review and if not in compliance with these regulations may be suspended. Permits will be valid for five years, after which renewal application may be made.

(d) The issuance of a permit to discharge pollutants in association with an aquaculture project shall not relieve the permittee from public or private liability associated with the aquaculture project.

§ 115.12 Effluent limitations in permits.

In the application of effluent standards and limitations, water quality standards, and other applicable requirements, the Regional Administrator shall specify for each permit average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight, or in the case of pH, temperature, radiation, and any other pollutants not appropriately expressed by weight, by an appropriate unit of measure based upon usual scientific practice.

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§ 15.13 Monitoring, recording, and reporting.

(a) Any permit shall be subject to such monitoring requirements as may be reasonably required by the Regional Administrator, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods).

(b) Any discharge which the Regional Administrator requires to be monitored or contains toxic pollutants for which an effluent standard has been established by the Administrator pursuant to section 307(a) of the Act shall be monitored by the permittee for at least the following:

(1) Flow (in gallons per day); and

(2) All of the following pollutants:

(i) Pollutants (measured either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(ii) Pollutants which the Regional Administrator finds, on the basis of information available to him, could have a significant impact on water quality;

(iii) Pollutants specified by the Regional Administrator, in regulations issued pursuant to the Act, as subject to monitoring.

(c) Each effluent flow or pollutant from the aquaculture project required to be monitored pursuant to paragraph (b) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge from the aquaculture project of the monitored effluent flow or pollutant and as approved by the Regional Administrator. Variable effluent flows and pollutant levels shall be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels.

(d) The Regional Administrator shall specify recording requirements for any permit which require monitoring of the authorized discharge consistent with the following requirements:

(1) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(2) Any records of monitoring activities and results shall include, for all samples:

(i) The date, exact place, and time of sampling;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and

(v) The result of such analyses.

(e) The permittee shall be required to retain for a minimum of 5 years any records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Regional Administrator.

(f) The Regional Administrator shall require periodic reporting (at a frequency of not less than once per year) of monitoring results obtained by a permittee pursuant to monitoring requirements in a permit. Such reporting periods, the length of which shall be determined by the Regional Administrator, shall end on the last day of March, June, September, and/or December.

Subpart D—Notice and Public Participation

§ 115.14 Formulation of tentative determinations and draft permits.

(a) The Regional Administrator shall formulate and prepare tentative determinations with respect to a permit in advance of public notice of the proposed issuance or denial of the permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge to and from the aquaculture project described in the application; and,

(2) If the determination proposed in paragraph (a)(1) of this section is to issue the permit, the following additional tentative determinations should be included:

(i) Proposed effluent limitations for those pollutants to be utilized, and

(ii) A brief description of any other proposed special conditions which will have a significant impact upon the discharge from the aquaculture project described in the application.

(b) The Regional Administrator shall organize the tentative determinations prepared pursuant to paragraph (a) of this section into a draft permit.

§ 115.15 Public notice.

(a) Public notice of every complete application for a permit shall be circulated in a manner designed to inform interested and potentially interested persons of the aquaculture project and of the proposed determination to issue or to deny a permit. Public notice of hearings shall be circulated in a manner designed to inform interested and potentially interested persons of the aquaculture project and of the intention to hold a hearing on the matter. Procedures for the circulation of public notice shall include at least the following:

(1) Notice shall be circulated within the geographical area of the proposed aquaculture project. Such circulation shall include any one of the following:

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the aquaculture project is located; or

(ii) Posting near the entrance to the applicant's premises and in nearby places; or

(iii) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation; except that public notice of hearings shall be published in at least one newspaper of general circulation within the geographical area of the discharge in all cases.

(2) Notice shall be mailed to the applicant and to any person or group upon request; and

(3) The Regional Administrator shall add the name of any person or group upon request to a mailing list to receive copies of notices for all applications within the State or within a certain geographical area.

(4) The Regional Administrator shall notify Federal and State fish, shellfish, and wildlife resource agencies and other appropriate government agencies of each completed application for a permit and of hearings and shall provide such agencies an opportunity to submit their written views and recommendations on each completed application.

(b) (1) Where notice is being given of an application for a permit, the Regional Administrator shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views concerning the tentative determinations or request that a hearing be held. All written comments submitted during the 30 day comment period shall be retained by the Regional Administrator for a period of 3 years and considered in the formulation of his final determinations with respect to the application. Extensions of time for the receipt of comments following the end of the comment period may be granted by the Regional Administrator when the public interest warrants.

(2) Where notice is being given of a hearing, the Regional Administrator shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may prepare themselves for the hearing.

(c) The contents of public notice of an application shall include at least the following:

(1) Name, address, and phone number of the regional office issuing the public notice;

(2) Name and address of each applicant;

(3) A brief description of each applicant's activities or operations which utilize the discharge described in the application including a statement of whether the application will result in a violation of water quality standard outside of the project area;

(4) Name of waterway in which the aquaculture project is to be constructed;

(5) A brief description of the procedures for the formulation of final determinations, including the 30 day comment period required by paragraph (b) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(6) A statement of the tentative determination made pursuant to § 115.14;

(d) The contents of public notice of any hearing shall include at least the following:

(1) Name, address, and phone number of regional office holding the hearing;

(2) Name and address of each applicant whose application will be considered at the hearing;

(3) Name of the waterway and a short description of the location where the aquaculture project is or will be located;

(4) A brief reference to the public notice issued for each application, including identification number and date of issuance;

(5) Information regarding the time and location for the hearing;

(6) The purpose of the hearing;

(7) Address and phone number of premises at which interested persons may obtain further information, request a copy of each draft permit prepared pursuant to § 115.14, and inspect and copy forms and related documents; and

(8) Where applicable, a statement that confidential information has been received that may be used to determine some of the conditions for the permit.

(e) The Regional Administrator, in his discretion, may include in any notice of application for a permit under paragraph (c) of this section a notice of hearing in accordance with paragraph (d) of this section, whether or not any request for such hearing shall have been submitted to him.

(f) If individual States, in connection with applications for certification required by § 115.9 wish to enter into agreements for joint Federal-State public notice concerning permits, the Regional Administrator may, after consulting with the headquarters of the Environmental Protection Agency approve mutually satisfactory agreements consistent with this section.

§ 115.16 Public hearings.

(a) Any applicable effected party may, within 30 days of compliance by the Regional Administrator with the provisions of § 115.15, object to the issuance of the permit described in the public notice, and may request a public hearing.

(b) Within 10 days of receipt of any request for a public hearing under paragraph (a) of this section by any person who alleges facts which, if true, would be relevant to the decision to grant or deny the permit, the Regional Administrator shall call a public hearing, to be held as near as may be practicable to the location of the proposed aquaculture project. Notice of any such hearing shall be given under § 115.15 and shall be given not less than 10 working days prior to the time scheduled for the hearing. The Regional Administrator may convene a public hearing in any other case in which he determines there is substantial public interest in, or opposition to, the proposed permit, including any case in which his tentative determination is to deny the permit.

(c) Hearings convened pursuant to paragraph (b) of this section shall be conducted before a presiding officer to be designated by the Regional Administrator. The presiding officer shall have the authority to limit the introduction of irrelevant or repetitious evidence, and to limit cross-examination. Following the conclusion of the hearing, the presiding officer shall, within 15 working days, submit written findings and recommendations as to whether the tentative determination of the Regional Administrator should be adhered to, or modified in any respect.

§ 115.17 Public access to information.

Certifications issued pursuant to § 115.9, the comments of all governmental agencies on a permit application, and all information and data provided by an applicant or permittee identifying the nature of the aquaculture project shall be available to the public in accordance with the requirements of section 308(b) of the Act.

[FR Doc.74–13596 Filed 6–12–74;8:45 am]

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federal register

FRIDAY, JUNE 14, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 116
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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Confidential Secretary to the Deputy Associate Director (Domestic and Anti-Poverty Operations) is excepted under Schedule C.

Effective on June 14, 1974, § 213.3359 (p) is added as set out below.

§ 213.3359 Action.

• • • • •

(p) One Confidential Secretary to the Deputy Associate Director (Domestic and Anti-Poverty Operations).

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13709 Filed 6-13-74;8:45 am]

PART 213—EXCEPTED SERVICE

Civil Aeronautics Board

Section 213.3340 is amended to show that one position of Secretary to the Director, Bureau of International Affairs, is expected under Schedule C.

Effective on June 14, 1974, § 213.3340 (f) is added as set out below.

§ 213.3340 Civil Aeronautics Board.

• • • • •

(f) One Secretary to the Director, Bureau of International Affairs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13708 Filed 6-13-74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President; Correction

In the Federal Register of August 10, 1973, FR Doc. 73-16524, on page 21621, § 213.3303(i)(6) was inadvertently revoked. This section should read as follows:

§ 213.3303 Executive Office of the President.

• • • • •

(i) *Office of Telecommunications Policy.* • • •

(6) Confidential Secretary to the Director.

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13711 Filed 6-13-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the General Counsel is excepted under Schedule C.

Effective on June 14, 1974, § 213.3316 (p)(3) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • •

(p) *Office of the General Counsel.* • • •

(3) One Special Assistant to the General Counsel.

(5 U.S.C. secs. 3301, 3302, E.O. 10577 3 CFR 1954–58 comp. p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.74-13710 Filed 6-13-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases portions of Cimarron County in Oklahoma from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No area in Oklahoma remains under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

§ 73.1a [Amended]

In § 73.1a, paragraph (d) relating to the State of Oklahoma is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective June 11, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 11th day of June 1974.

J. M. Hejl,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13712 Filed 6-13-74;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments and Correction Notice

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by correcting typographical errors made in a document published in the Federal Register, Volume 39, Number 92, on May 10, 1974.

The errors in the document occurred in the preamble for amending § 112.7 on page 16856 and in § 113.97(c)(1)(vi) on page 16865.

1. The preamble for amending § 112.7 is corrected by changing (e)(5) to (d)(5) in the third line.

2. Section 113.97 (c)(1)(vi) is corrected by changing "at" to "and" in the fourth line.

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These amendments are administrative and corrective and make no substantive changes in the affected regulations.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 11th day of June 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-13686 Filed 6-13-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-8-AD; Amdt. 39-1874]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Model Airplanes

Screws of low strength were inadvertently installed at various locations in the control systems of certain models of Beech airplanes during manufacture. Since these screws could affect the long term reliability of the control systems of these model airplanes, an Airworthiness Directive (AD) is being issued applicable to certain models and serial numbers of Beech 33, 35, 35-33, 36, 55, 56TC, 58, 80, 90, 95-55 and A100 series airplanes, requiring inspection and replacement of the low strength screws with adequate strength screws within the next 100 hours' time in service. Beechcraft Service Instruction No. 0629-150 provides information concerning this subject matter.

Since the condition described herein is likely to exist in other airplanes of the same type design, a situation exists which requires expeditious adoption of this amendment. Accordingly, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89, 31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following models and serial numbers:

Models	Serial No.	Item No. (refers to items in table 1)
F33A	CE-447 through CE-463	(1), (2);
F33A	CE-372	(2).
F33C	CJ-31 through CJ-39	(1), (2);
G33	CD-1292 through CD-1304	(1), (2);
35-C33, 35-C33A	CD-1066 and CE-62	(2);
35-B33	CD-700	(2);
V35B, V35B-TC	D-9478 through D-9480, D-9482 through D-9531, D-9533 through D-9536, and D-9539.	(1);
A36	E-441 through E-474	(1), (2);
A36	E-323	(2);
D55 and D55A	TE-485, TE-615, TE-703, and TE-710	(2);
E55 and E55A	TE-923 through TE-937, TE-939, TE-940, TE-942, and TE-943.	(1), (2);
E55 and E55A	TE-790, TE-911	(2).
E55 and E55A	TE-905	(1), (2);
56TC	TG-78 and TG-82	(2).
58 and 58A	TH-49 and TH-180	(2).
	TH-145 and TH-343 through TH-384	(1), (2);
58 and 58A	TH-77, TH-114, TH-217, TH-324	(2).
	TH-340	(1), (2);
95-A55	TC-241	(1).
95-B55 and 95-B55A	TC-1510 and TC-661	(2);
95-B55 and 95-B55A	TC-1570 through TC-1607	(1), (2);
B80	LD-470 through LD-473	(1), (3), (5), (6), (7);
C90, E90	LJ-598 through LJ-610 and LW-61 through LW-79	(1), (3), (5), (6), (7);
A100	B-174 through B-178 and B-180	(1), (3), (4), (5), (6), (7);
95-C55 and 95-C55A	TE-271	(2).
95-C55 and 95-C55A	TE-415	(1).

Compliance; Required as indicated, unless already accomplished:

To reduce the possibility of mechanical fastener fatigue failure, accomplish the following within 100 hours' time in service after the effective date of this AD.

For affected models and serial numbers, determine those Item Numbers applicable thereto by referring to the column above entitled "Item Numbers". Next, determine the number, type and location of screws by referring to Table 1 (see below). Replace each screw at the specified location except that an existing screw need not be replaced if inspection shows that the head has at least one raised or depressed "X" mark. Replace the screws one at a time at the hinge brackets to retain original alignment of the bracket. Any alternate method of compliance with this AD must be submitted to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0629-150 covers the subject matter of this AD.

TABLE 1

Item 1. Two AN502-10-10 screws securing each hinge bracket at leading edge of rudder or ruddevator.

Item 2. Two AN502-10-10 screws securing each hinge bracket at leading edge of elevator.

Item 3. Two AN502-10-12 screws securing elevator control cables to forward bellcrank under pilot's compartment left hand floorboard.

Item 4. Two AN503-8-8 screws securing elevator control cables to aft bellcrank in fuselage tail section.

Item 5. Two AN503-8-10 screws securing rudder control cables to forward bellcrank under pilot's compartment floorboard aft of left hand rudder pedals.

Item 6. Two AN503-8-6 screws securing rudder control cables to aft bellcrank in the fuselage tail section.

Item 7. Two AN503-8-6 screws securing aileron control cables to bellcrank under floorboard just forward of the rear spar.

This amendment becomes effective June 18, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on June 4, 1974.

GEORGE R. LA CAILLE,
Acting Director, Central Region.

[FR Doc.74-13543 Filed 6-13-74;8:45 am]

[Docket No. 73-EA-8; Amdt. 39-1876]

PART 39—AIRWORTHINESS DIRECTIVE

Avco Lycoming Aircraft Engines

On page 9515 of the FEDERAL REGISTER for April 17, 1973, the Federal Aviation Administration published a proposed amendment applicable to Avco Lycoming IGO-540 and IGSO-540 series aircraft engines.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697], § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published, except to reflect the following corrections to the list of affected aircraft which corrections are necessary to update the amendment. Because of the air safety aspect of the Notice, notice and public procedure on the corrections are impractical.

1. Delete 411-49 and insert in lieu thereof 311-49.

2. Delete 2591-50 through 2631-50 and insert in lieu thereof 2591-50 through 2602-50, and insert thereafter 2606-50 through 2631-50.

3. Delete all after 2752-50 up to the words "and subsequent".

4. Delete in the Note 351 and insert in lieu thereof 351A.

This amendment is effective June 21, 1974.

Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1421 and 1423) and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 6, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

AVCO LYCOMING.—Applies to all IGO-540 series engines except IGO-540 series engines with serials Nos. 311-49 and subsequent; and to all IGSO-540 series engines except IGSO-540 series engines with serials Nos. 2558-50 through 2563-50, 2565-50 through 2582-50, 2584-50 through 2589-50, 2591-50 through 2602-50, 2606-50 through 2631-50, 2637-50, 2640-50, 2647-50 through 2652-50, 2657-50 through 2692-50, 2694-50 through 2713-50, 2718-50 through 2727-50, 2730-50 through 2750-50, 2752-50, and subsequent; and except all IGO and IGSO-540 series engines overhauled (also known as remanufactured) by Lycoming after October 29, 1970.

Compliance required as indicated after the effective date of this AD, unless already accomplished.

To prevent failures of connecting rod assemblies P/N 72606, P/N 73174, and P/N 75548, accomplish the following:

(a) Engines with connecting rod assemblies that have accumulated 400 hours or more in service since new or overhaul must have the connecting rod assemblies replaced with new connecting rod assembly, P/N 77450, within the next 50 hours in service.

(b) Engines that have connecting rod assemblies with less than 400 hours in service since new or overhauled must have the connecting rod assemblies replaced with new connecting rod assembly, P/N 77450, within the next 100 hours in service.

(c) Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA eastern region.

NOTE.—Lycoming Service Bulletin No. 351A covers this subject.

[FR Doc.74-13549 Filed 6-13-74;8:45 am]

[Docket No. 74-SO-57; Amdt. No. 39-1875]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-140 Series Airplanes

There have been failures of the throttle control cable ball joint assembly on the Piper PA-28-140 airplanes that could result in a failure to control engine power. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the replacement of the ball joint assembly with a spherical rod end bearing and an alignment bracket at the carburetor on PA-28-140 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER.—Applies to PA-28-140 Airplanes Serial Numbers 28-25001 to 28-26331 Inclusive; 28-26401 to 28-26946 Inclusive; 28-7125001 to 28-7125641 Inclusive, and 28-7225001 to 28-7425354 Inclusive.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent the loss of power due to a failed ball joint assembly, accomplish the following:

(a) Remove the lower engine cowl.

(b) Remove the throttle control cable ball joint assembly (P/N 31747-00) from throttle control cable and carburetor throttle level or alignment bracket if installed.

(c) Accomplish the following in accordance with instructions in Piper Kit 760 780V or an equivalent procedure approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region:

(1) Install Alignment Bracket (Piper Part Number 99929-0) unless already installed to the carburetor throttle lever using two each AN3-5A Machine Bolts, AN960-10 Flat Washers and MS20365-1032C Nuts.

(2) Install spherical rod and bearing (Piper Part Number 452-557) to throttle control cable and the 99929-0 Alignment Bracket using one AN3-10 Machine Bolt, one Piper Part Number 62833-101 Washer, one AN310-3 Nut, one MS24665-132 Cotter Pin and two Piper Part Number 63900-78 Spacers.

(3) Adjust so that the throttle closes completely and has some cushion at the throttle control handle in the cockpit.

(4) Check the inspection hole for visible threads and tighten the jam nut against the rod end.

(d) Replace the lower engine cowl.

Piper Service Letter No. 670 or other approved later revision pertains to this same subject.

This amendment becomes effective June 21, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Georgia, on June 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-13635 Filed 6-13-74;8:45 am]

[Airspace Docket No. 74-SW-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hobbs, N. Mex., control zone and transition area.

On May 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15143) stating the Federal Aviation Administration proposed to alter the Hobbs, N. Mex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the 5-mile radius zone to 10.5 miles SW of the VORTAC.

(2) In § 71.181 (39 FR 440), the Hobbs, N. Mex., transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the VORTAC to 11.5 miles SW, and within 5 miles each side of the Hobbs VORTAC 042° radial extending from the VORTAC to 21 miles NE.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13636 Filed 6-13-74;8:45 am]

[Airspace Docket No. 74-SW-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Cotulla, Tex., terminal area.

On May 2, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 15307) stating the Federal Aviation Administration proposed to alter the Cotulla, Tex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Cotulla, Tex., control zone is amended to read:

COTULLA, TEX.

That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 266° radial extending from the 3-mile radius zone to 11 miles west of the VOR.

(2) In § 71.181 (39 FR 440), the Cotulla, Tex., transition area is amended to read:

COTULLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 266° radial extending from the 5-mile radius area to 14 miles west of the VOR; and within

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8 miles north and 5 miles south of the Cotulla VOR 086° and 266° radials extending to 5 miles west and 12 miles east of the VOR.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13637 Filed 6-13-74;8:45 am]

[Airspace Docket No. 74-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Laredo, Tex. (Laredo Auxiliary No. 2 Airport).

On May 2, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15308) stating the Federal Aviation Administration proposed to designate the Laredo, Tex. (Laredo Auxiliary No. 2 Airport), transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

LAREDO, TEX. (Laredo Auxiliary No. 2 Airport)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laredo Auxiliary No. 2 Airport (latitude 27°28'0" N., longitude 99°18'45" W.) and within 2.5 miles each side of the Laredo, Tex., VORTAC 091° radial extending from the 5-mile radius area to 18.5 miles east of the VORTAC.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13638 Filed 6-13-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-169]

PART 153—ANTIDUMPING

Ceramic Wall Tile From the United Kingdom

JUNE 7, 1974.

On March 26, 1974, there was published in the FEDERAL REGISTER (39 FR 11207) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to ceramic wall tile from the United Kingdom. A finding of dumping applicable to this merchandise was published as T.D. 71-129, in the FEDERAL REGISTER of May 18, 1971 (36 FR 9009).

The above-mentioned notice set forth the reasons for the proposed modification, and interested persons were afforded an opportunity to make written submissions in connection therewith.

No written submissions having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," ceramic wall tile from the United Kingdom is no longer being, nor is it likely to be, sold in the United States at less than fair value by Pilkington's Tiles Sales Ltd., Manchester, England, and the finding of dumping with respect to such merchandise is hereby modified to exclude ceramic wall tile produced and sold by this company. Accordingly, § 153.43 of the Customs Regulations is amended to show the exclusion of ceramic wall tile produced and sold by this company from the finding of dumping:

Merchandise	Country	T.D.	Modified by—
Ceramic wall tile, except that produced and sold by Pilkington's Tiles Sales, Ltd., Manchester, England.	United Kingdom.	71-129	74-169

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C.) 160, 173)

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13546 Filed 6-13-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Use of Lecithin as Optional Anti-Sticking Agent; Confirmation of Effective Date of Order Amending Standards of Identity

An order was published in the FEDERAL REGISTER of February 19, 1974 (39 FR 6109), amending the standard of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread (21 CFR 19.750, 19.765 and 19.775) to permit the use of lecithin as an optional anti-sticking agent in these foods, and provided for the filing of objections on or before March 21, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective April 22, 1974.

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13678 Filed 6-13-74;8:45 am]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Use of Enzyme Modified Cheese As An Optional Ingredient

A notice of proposed rule making to amend the definitions and standards of identity for pasteurized process cheese (21 CFR 19.750), pasteurized process cheese food (21 CFR 19.765), and pasteurized process cheese spread (21 CFR 19.775) was published in the FEDERAL REGISTER of October 2, 1973 (38 FR 27299), based on a petition submitted by L. D. Schreiber Cheese Co., Inc., 1607 Main St., Green Bay, WI 54305. The petition proposed that the subject standards be amended to permit the use of enzyme modified cheese as an optional ingredient. In addition, the Commissioner of Food and Drugs proposed on his own initiative certain editorial changes in § 19.750(a)(1) (21 CFR 19.750(a)(1)) for the purpose of simplification in the event of future additions to § 19.750(d) and for consistency with §§ 19.765(a)(1) and 19.775(a)(1).

A period of 60 days were allowed for comments regarding this proposal. Eight comments were received. The issues raised by the comments and the Commissioner's responses are as follows:

1. Three comments were received from members of the food industry; all were in favor of the proposal as published.

2. One comment from a consumer favored the proposal but further stated an unwillingness to pay the same high price for a food made with the aid of enzyme modified cheese as that now required for "genuine old aged cheese."

The Commissioner advises that the Federal Food, Drug, and Cosmetic Act and the regulations thereunder do not allow the use of false or misleading labeling which would lead a consumer to believe the food was made from aged natural cheese. Terms such as "aged" or "sharp" cannot be used on the label when the flavor does not result from the use of aged natural cheese. When enzyme modified cheese is used, this fact must be declared in the statement of ingredients on the label of the pasteurized process cheese, cheese food, and cheese spread.

3. Four comments from consumers expressed the opinion that they did not want enzymes in cheese products because they questioned the safety of such use.

The Commissioner notes that several kinds of enzymes are present in and natural to milk from which cheese is made. These enzymes have historically contributed to the development of the flavor

and body of natural cheese varieties. In addition, most of the standards of identity for natural cheeses have for many years provided for the addition of safe and suitable enzymes to be used during the processes of manufacturing the cheeses. These enzymes plus the enzymes from the milk aid in flavor and body development of the cheeses. These same cheeses have then been used to manufacture pasteurized process cheeses, cheese foods, and cheese spreads. This amendment provides for the addition of the same safe and suitable enzymes to cheese(s), under controlled conditions as to amount and length of time. When the desired degree of flavor and body has been developed the enzymes themselves are deactivated or removed. The enzyme treated cheese is then used as an optional ingredient, along with cheese and other mandatory and optional ingredients, in the manufacture of pasteurized process cheeses, cheese foods, and cheese spreads.

The Commissioner concludes that, based on a review of the legislative intent of the Food Additives Amendment, the use of safe and suitable food additives such as enzymes is specifically expressed as a principal purpose of the law. This matter was elaborated upon in the order ruling on the proposal to amend 21 CFR 19.530, published in the FEDERAL REGISTER of June 17, 1972 (37 FR 12065). The Commissioner further concludes that, based on the definition of the terms, "safe and suitable" under § 10.1(d) (21 CFR 10.1(d)), published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17304) the consideration of safety has been met in regard to these proposed amendments.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the standards of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread as set forth below.

Due to the revisions of §§ 19.525 and 19.530 (21 CFR 19.525, 19.530) and the promulgation of § 19.531 (21 CFR 19.531), published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12935), the name creamed cottage cheese has been removed from § 19.750(a)(1) (21 CFR 19.750(a)(1)) because it is obsolete and the names "cottage cheese dry curd" and "lowfat cottage cheese" have been added. The purpose of these editorial changes is to update the list of cheeses not used for making pasteurized process cheese.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That Part 19 be amended as follows:

1. In § 19.750 by revising paragraph (a)(1) and by adding a new paragraph (d)(9) to read as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a)(1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, lowfat cottage cheese, cottage cheese dry curd, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim milk cheese for manufacturing with an emulsifying agent prescribed by paragraph (c) of this section into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) of this section may be used.

* * * * *

(d) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

2. In § 19.765 by adding a new paragraph (e)(9) to read as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

3. In § 19.775 by adding a new paragraph (f)(10) to read as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(10) Safe and suitable enzyme modified cheese.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 13, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13679 Filed 6-13-74;8:45 am]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Applesauce; Confirmation of Effective Date of Order Amending Standards of Identity and Fill of Container

In the FEDERAL REGISTER of March 5, 1974 (39 FR 8322), the Commissioner of Food and Drugs, in accordance with the procedure established in § 10.8 (21 CFR 10.8), issued an order amending the canned applesauce standards of identity and fill of container, §§ 27.80 and 27.81 (21 CFR 27.80 and 27.81), taking into consideration the recommended international standard for canned applesauce prepared by the Codex Alimentarius Commission. The order allowed for the filing of objections on or before April 4, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendments promulgated by that order became effective May 6, 1974.

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13680 Filed 6-13-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTICS AND ANTIBIOTIC-CONTAINING DRUGS

PART 149b—AMPICILLIN

Change in Effective Date and Corrections

Correction

A. In FR Doc. 74-8919, appearing at page 13877 in the issue of Thursday, April 18, 1974, the first two sentences under § 141.544 [Amended] should read as follows:

"1. In column 2 on page 9936, the last eight lines of paragraph (a)(1) in § 141.544 are deleted.

"2. In column 1 on page 9937, the authority citation is revised to read, 'The provisions of this Part 149b issued under sec. 507, 512(n), 59 Stat. 463 as amended, 82 stat. 350-351 (21 U.S.C. 357, 360b (n).' "

B. And in the fourth line of subparagraph 149b.23(a)(1), the word "ampillin" should read "ampicillin".

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SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Variances From Performance Standards

Correction

In FR Doc. 74–8915, appearing at page 13880 in the issue of Thursday, April 18, 1974, the word "Revoked" appearing in brackets after § 1020.30 should read "Amended".

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

General Counsel

Section 2.6 Administrator's delegations of authority, is amended to decentralize matters heretofore under the immediate jurisdiction of the General Counsel and to increase Chief Attorney authority accordingly.

It is found that it is impractical and contrary to the public interest to give preliminary notice and to postpone the effective date of this regulation until July 15, 1974 (§ 1.12 of this chapter) because the changes are rules of agency organization, procedure and practice, technical in nature and only made to conform the regulation to the present organization of the General Counsel.

In § 2.6 paragraphs (e) (1), (2), (3), the introductory portion of (4), and paragraph (5) are amended, paragraphs (e) (1) (iii) and (7) are added and paragraph (f) is revoked. The added and amended material reads as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672, authority is delegated to the General Counsel, Deputy General Counsel and Assistant General Counsel, or those authorized to act for them, to:

* * * * *

(iii) Authority delegated to the General Counsel may be redelegated by him to selected Chief Attorneys or those authorized to act for them.

(2) Under the provisions of 38 U.S.C. 236, the General Counsel, Deputy General Counsel, Assistant General Counsel and Chief Attorney, or those authorized to act for them, are authorized to consider, ascertain, adjust, determine, and settle tort claims cognizable thereunder and to execute an appropriate voucher and other necessary instruments in connection with the final disposition of such claims.

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651, et seq. (as implemented by Part 43, Title 28, Code of Federal Regulations), authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, to collect in full, compropromise, settle, or waive any claim and execute the release thereof; however, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, to:

* * * * *

(5) Pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, are authorized to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his or her service occurring subsequent to August 31, 1964.

* * * * *

(7) All authority delegated in this paragraph to Chief Attorneys will be exercised by them under the supervision of and in accordance with instructions issued by the General Counsel.

(f) [Revoked]

(72 Stat. 1114; (38 U.S.C. 210))

This VA Regulation is effective May 31, 1974.

Approved: May 31, 1974.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.74–13698 Filed 6–13–74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 144—POSTAGE METERS AND METER STAMPS

Correction

In FEDERAL REGISTER Doc. 73–17146 appearing at page 22383 in the issue for Monday, August, 20, 1973, the following change should be made on page 22385 in the second line of paragraph numbered 12: change "§ 144.1" to "§ 144.3".

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74–13674 Filed 6–13–74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

PART 39—ENVIRONMENTAL FINANCING

Policies and Procedures

Section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Environmental Financing Act) authorizes the Environmental Financing Authority to purchase State or local public-body obligations which finance the "non-Federal share" of the cost of a project for the construction of waste treatment works. Under this section the Environmental Protection Agency: (1) May certify to the Environmental Financing Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) must approve the project for grant assistance under the FWPCA, and (3) will guarantee the timely payment by the public body of principal and interest on the obligation.

Proposed regulations were published in the FEDERAL REGISTER for this program on August 23, 1973 (38 FR 22635). Written comments received from interested parties are on file with the Environmental Protection Agency. The Agency has carefully considered all comments submitted by the public, as well as comments made by EPA, State agency, and Department of the Treasury personnel. A number of these comments have been adopted or substantially satisfied by changes in, deletions from, or additions to this subpart. Publication of this part has been approved by the Board of Directors of the Environmental Financing Authority.

Major changes in this part are as follows:

(1) The definition of "non-Federal share" in § 39.105–3 has been changed, in light of agency comments as to legislative intent, to limit the "non-Federal share" to the amount remaining after the Federal share is subtracted from the total eligible costs included in determining the Federal share for grant assistance. Accordingly, site acquisition and certain other costs associated with the project but not eligible for FWPCA grant assistance will not be eligible for financial assistance from the Authority.

(2) The time at which a public body would normally submit an application for financial assistance has been changed in § 39.110(c) to the period after it has been awarded a Step 3 or combination Step 2 and 3 construction grant and solicited bids for obligations to finance the "non-Federal share" of the eligible costs of the project.

(3) (a) Section 39.110(d) has been changed to require solicitation for bids only on obligations over $250,000. For obligations of $250,000 and under the public body must only show that it has made an effort to place the obligation with at least two local or regional banks.

(b) A new provision has been included in § 39.110(d) to require an applicant for EFA financing, who is also eligible for Farmers Home Administration Loans under the Consolidated Farm and Rural Development Act to document that either (i) loans may not be obtained from the Farmers Home Administration on reasonable terms as defined in § 39.105–5; or (ii) the Farmers Home Administration has denied loan assistance for the non-Federal share of project costs. This provision was added for the purpose of calling attention to the loan program of the FHA as it applies to eligible projects and the favorable terms of such loans. It should be noted that FHA may make loans up to the amount of project costs after the Federal share is deducted.

(4) The repayment period for an obligation in § 39.118 has been limited to the useful life of the project or thirty years, whichever is less, in order to be consistent with the Title II construction grant regulations.

(5) Section 39.120(d) was added to clarify the extent to which obligations purchased by the Authority may be subordinated.

Where justified, a deviation from any substatutory requirement of this part may be granted pursuant to § 30.1001 of this chapter.

This part is promulgated as a final regulation. However, because of the numerous changes and additions which have been made throughout this part, public comment is again invited for the purpose of possible future changes in the regulation or possible proposed legislative changes. In particular, comment is invited upon the new provisions of the following sections: §§ 39.105–3 and 39.110 (d). Interested parties are encouraged to submit written comments, views, or data concerning this part to the Director, Grants Administration Division (PM–216), Environmental Protection Agency, Washington, D.C. 20460. All such submissions received within sixty days after promulgation of this regulation will be considered with respect to the need for amendment of this part.

The Environmental Financing Act provides that the interest rate on obligations purchased by the Authority shall be determined by the Secretary of the Treasury after he takes into consideration current market yields on Government and municipal obligations. Thus, the interest rate on obligations purchased by the Authority will depend on market yields at the time of purchase. At the time of issuance of this Part (May 1974) the interest rate determined by the Secretary was 6½ percent. Pursuant to § 39.105–5 of this Part, notification of any changes in this rate will be published by EPA in the FEDERAL REGISTER.

Effective Date. This part shall become effective July 15, 1974.

Dated: June 7, 1974.

JOHN QUARLES,
Acting Administrator.

1. The title of this Subchapter is hereby amended from "Grants" to "Grants and Other Federal Assistance."

2. Part 39 is added to read as follows:

Sec.
39.100 Purpose.
39.105 Definitions.
39.105–1 The authority.
39.105–2 Federal share.
39.105–3 Non-federal share.
39.105–4 Public body.
39.105–5 Reasonable terms.
39.110 Application.
39.115 Limitation on assistance.
39.118 Repayment period.
39.120 Certification.
39.125 Guarantee.

AUTHORITY: Sec. 12 of the FWPCA Amendments of 1972 Pub. L. 92–500, 33 U.S.C. 1281n.

§ 39.100 Purpose.

This part establishes policies and procedures (a) to insure that inability to borrow necessary funds on reasonable terms does not prevent the construction of any waste treatment works for which a grant has been or will be awarded in compliance with the Federal Water Pollution Control Act and (b) to provide for the guarantee by the Administrator of full and timely payment of principal and interest on any obligation purchased by the Environmental Financing Authority in reliance on any certification granted hereunder.

§ 39.105 Definitions.

Words and terms used in this part which have been defined in §§ 35.905 to 35.905–2b of this chapter shall have the meaning set forth therein. The following words and terms shall have the meaning set forth below.

§ 39.105–1 The Authority.

The Environmental Financing Authority established pursuant to the Environmental Financing Act of 1972 (section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500, 33 U.S.C. 1251 et seq.)).

§ 39.105–2 Federal Share.

The amount of any grant awarded under Part 35 of this chapter for construction of waste treatment works.

§ 39.105–3 Non-Federal Share.

The amount remaining after the Federal share is subtracted from the total eligible costs included in determining the Federal share. (EFA assistance is subject to the limitation set forth in § 39.115.)

§ 39.105–4 Public Body.

A public body is a State (see § 35.905–20 of this chapter), an interstate agency (see § 35.905–13 of this chapter), or a municipality. A municipality is a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the Act. This definition excludes a special district, such as a school district, which does not have as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes (as in § 35.905–14 of this chapter).

§ 39.105–5 Reasonable terms.

Reasonable terms are a rate less than or equal to the interest rate established by the Secretary of the Treasury at which the Authority will buy obligations of comparable maturities. Notification of the interest rate will be published by the Administrator in the FEDERAL REGISTER from time to time.

§ 39.110 Application.

(a) A public body which has applied for a grant under section 8 regulations (§ 35.800 of this chapter) or under § 35.930–1(a) (3), (4), or (5) of this chapter, or which has committed itself to finance the non-Federal share of any project(s) awarded such a grant, may apply through the relevant State agency to the Regional Administrator for a commitment from the Authority to purchase or participate in any obligation issued by the public body to finance the non-Federal share of the project.

(b) Application may be made for authority financing of the non-Federal share of Step 1 or Step 2 project costs only in conjunction with the application for financial assistance for Step 3.

(c) The application shall normally be submitted after award of a Step 3 or combination Step 2 and Step 3 construction grant. The application may be submitted in conjunction with the grant application if Authority financing is necessary to assure award of the grant.

(d) The application shall document that the public body is unable to obtain on reasonable terms as defined in § 39.105–5 sufficient credit to finance the non-Federal share of the project(s). Such documentation shall include: (1) The results of a public solicitation for bids for obligations to finance the non-Federal share, or, in the case of applications for commitments from the Authority to purchase not in excess of $250,000 of obligations a summary of the efforts by the public body to sell such obligations to at least two local or regional banks that ordinarily purchase municipal bonds and (2) a statement from a municipal bond underwriter, which submitted or which might normally have submitted a bid for the obligations, or from the two or more local or regional banks in the case of obligations not in excess of $250,000, of the credit, legal, or other reasons why the obligations could not be sold on reasonable terms, as defined herein. In addition, any public body eligible for loan assistance under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921), as amended, and the regulations adopted

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thereunder, shall document that (i) any loan which might be obtained under provisions of such Act would not be available on reasonable terms as defined in § 39.105–5 of this Part; or (ii) The Farmers Home Administration has, pursuant to its authority under such Act, denied loan assistance to the public body for the non-Federal share of total project costs.

(e) The application shall include a detailed schedule of estimated revenues for the treatment works system and their disposition over the life of the obligations which the Authority is requested to purchase. The schedule shall show that sufficient amounts will be available to meet each payment of principal and interest on such obligations and to provide for reasonable reserves for future payments. The Regional Administrator shall not certify that such obligations are eligible for purchase by the Authority unless he determines it is reasonable to anticipate that adequate revenues will be available.

(f) The application shall be accompanied by a legal opinion establishing that the applicant has legal authority to obligate itself for payment of the non-Federal share, to construct the project(s) and to issue the obligations, and that the obligations will be legal and binding obligations.

(g) The Regional Administrator may require the submission of additional financial or other information which he considers necessary.

§ 39.115 Limitation on assistance.

The amount of any grant, loan, or other assistance available from another Federal agency, a State, or other third parties for the non-Federal share of a project will be deducted from the amount which would be otherwise financed by the Authority, unless such assistance is not available on reasonable terms.

§ 39.118 Repayment period.

The repayment period for any obligation financed by the Authority shall be for a reasonable term not to exceed the useful life of the project or thirty years, whichever is less.

§ 39.120 Certification.

(a) Upon being satisfied that the requirement of the Environmental Financing Act and of these regulations have been fulfilled, the Regional Administrator may certify to the Authority, through the Administrator, that the public body is unable to obtain on reasonable terms sufficient credit to finance the non-Federal share of the project and that the obligations proposed to be issued to the Authority are otherwise eligible for purchase by it, provided that no such certification may be made in the case of a project for which the permanent financing occurred prior to October 18, 1972.

(b) The public body receiving certification must agree to:

(1) Maintain the facilities in good repair and operating condition during the period in which obligations financed by the Authority are outstanding.

(2) Maintain insurance and bonding adequate to protect the guarantor.

(3) Maintain and preserve until 3 years after the obligations financed by the Authority have been retired financial reports (including annual operating budgets) necessary to reflect receipt of revenues for repayment.

(4) Adopt a financial system designed to provide revenues adequate to assure repayment of principal and interest of obligations financed by the Authority. Such financial systems must be comparable to the capital cost recovery system relating to the Federal share of project costs in accordance with section 204(b) of the Act.

(5) Notify the Regional Administrator or his successor whenever it appears that projected annual revenues will be insufficient to meet payments for principal, interest, and operating costs.

(6) Revise its rate or rate structure with the approval of the Regional Administrator or his successor whenever such revisions are required to assure that annual revenues will be sufficient to meet projected operating costs and required payments of principal and interest.

(7) The enforcement of the foregoing conditions by the Regional Administrator or his successor in a court of competent jurisdiction.

(c) If the public body receiving certification will not be the operating agency, then such public body must produce evidence satisfactory to the Regional Administrator that the operating agency will meet the applicable requirements of paragraph (b) of this section.

(d) Obligations guaranteed by the Administrator may be subordinate to obligations issued prior to October 18, 1972, pursuant to instruments requiring such subordination. The Regional Administrator may consider a request for guarantee of obligations which will have equal standing with obligations which are issued to finance costs directly associated with the project but which are not eligible for guarantee by the Administrator.

§ 39.125 Guarantee.

The Administrator hereby unconditionally guarantees pursuant to section 12(e) (2) of the Act to the Authority and its successors or assigns full and timely payment of interest and principal in accordance with the terms of any obligation purchased by or issued to the Authority in reliance on any certification granted by a Regional Administrator pursuant to § 39.120.

[FR Doc.74–13632 Filed 6–13–74;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Miscellaneous Amendments

On December 23, 1971 (36 FR 24876), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated subpart A, General Provisions, and subparts D, E, F, G, and H which set forth standards of performance for new and modified facilities within five categories of stationary sources: (1) Fossil fuel-fired steam generators, (2) incinerators, (3) portland cement plants, (4) nitric acid plants, and (5) sulfuric acid plants. Corrections to these standards were published on July 26, 1972 (37 FR 14877), and on May 23, 1973 (38 FR 13562). On October 15, 1973 (38 FR 28564), the Administrator amended subpart A, General Provisions, by adding provisions to regulate compliance with standards of performance during startup, shutdown, and malfunction. On March 8, 1974 (39 FR 9308), the Administrator promulgated Subparts I, J, K, L, M, N, and O which set forth standards of performance for new and modified facilities within seven categories of stationary sources: (1) Asphalt concrete plants, (2) petroleum refineries, (3) storage vessels for petroleum liquids, (4) secondary lead smelters, (5) brass and bronze ingot production plants, (6) iron and steel plants, and (7) sewage treatment plants. In the same publication, the Administrator also promulgated amendments to subpart A, General Provisions. Corrections to these standards were published on April 17, 1974 (39 FR 13776).

Subpart D, E, F, G, and H are revised below to be consistent with the October 15, 1973, and March 8, 1974, amendments to subpart A. At the same time, changes in wording are made to clarify the regulations. These amendments do not modify the control requirements of the standards of performance. Also, to be consistent with the Administrator's policy of converting to the metric system, the standards of performance and other numerical entries, which were originally expressed in English units, are converted to metric units. Some of the numerical entries are rounded after conversion to metric units. It should be noted that the numerical entries in the reference methods in the appendix will be changed to metric units at a later date.

The new source performance standards promulgated March 8, 1974, applicable to petroleum storage vessels, included within their coverage storage vessels in the 40,000 to 65,000 gallon size range. The preamble to that publication discussed the fact that vessels of that size had not been included in the proposed rule, and set forth the reasons for their subsequent inclusion. However, through oversight, nothing was set forth in the regulations or preamble prescribing the effective date of the standards as to vessels within the 40,000 to 65,000 gallon range.

Section 111(a) (2) of the Act specifies that only a source for which construction is commenced after the date on which a pertinent new source standard is prescribed is subject to the standard unless the source was covered by the standard as proposed. In this case, the date of prescription or promulgation of the standard is clearly the operative date since there was no proposal date. Accordingly, § 60.1 is amended below to conform to the language of section 111 (a) (2), and all persons are advised hereby that the provisions of Part 60 promulgated March 8, 1974, apply to storage vessels for petroleum liquids in the 40,000 to 65,000 gallon size range for which construction is commenced on or after that date.

On March 8, 1974, § 60.7(d) was added to require owners and operators to retain all recorded information, including monitoring and performance testing measurements, required by the regulations for at least 2 years after the date on which the information was recorded. This requirement is therefore deleted from Subparts D, E, F, G, and H specific to each new source in this group to avoid repetition. On March 8, 1974, the definitions of "particulate matter" and "run" were added to § 60.2. Therefore the definition of "particular matter" is removed from Subparts D, E, F, G, and H, and the term "repetition," used in these subparts in sections pertinent to performance tests, is changed to "run."

On October 15, 1973, § 60.8(c) was revised to require that performance tests be conducted under conditions specified by the Administrator based on representative performance of the affected facility. For that reason, the sections in Subparts D, E, F, G, and H specifying operating conditions to be met during performance tests are deleted.

Sections 60.40, 60.41(b) and 60.42(a) (1) are revised to clarify that the performance standards for steam generators do not apply when an existing unit changes to accommodate the use of combustible materials other than fossil fuel as defined in § 60.41(b).

Sections 60.41(a) and 60.51(a) are revised to eliminate the requirement that a unit have a "primary" purpose. This change is intended to prevent circumvention of a standard by simply defining the primary purpose of a unit as something other than steam production or reducing the volume of solid waste.

In § 60.46, A.S.T.M. Methods D2015–66 (Reapproved 1972), D240–64 (Reapproved 1973), and D1826–64 (Reapproved 1970) are specified for measuring heating value. Prior to this issue no method was specified for determining heating value.

The phrase "maximum 2-hour average" in the standards of performance prescribed in §§ 60.42, 60.52, 60.62, 60.72, and 60.82 is deleted. Concurrently, in §§ 60.46, 60.54, 60.64, and 60.85 the sampling time requirements for particulate matter and acid mist are changed from a minimum of 2 hours to a minimum of 60 minutes per run. The phrase "maximum 2-hour average" is not consonant with § 60.8(f) which requires that compliance be determined by averaging the results of three runs. Results from performance tests conducted at power plants and other sources have not shown any decrease in the accuracy or precision of 1-hour samples as compared with 2-hour samples, and therefore the extra hour required to sample for 2 hours is not justified. The time interval between samples for sulfur dioxide and nitrogen oxides was originally established so that one run would be completed at approximately the same time as the particulate matter run. To maintain this relationship, the sampling intervals specified in §§ 60.46 and 60.74 are shortened to be consistent with the 60-minute-per-run requirement.

The requirement prescribed in §§ 60.46, 60.64, 60.74 and 60.85 for using "suitable flow meters" for measuring fuel and product flow rates is deleted. Such meters may be used if available, but other suitable methods of determining the flow rate of fuel or product during the test period may also be used.

A procedure specifying how to allow for carbon dioxide absorption in a wet scrubber and a formula for correcting particulate matter emissions to a basis of 12 percent CO_2 are added to § 60.54.

In anticipation of adding other appendices, the present appendix to Part 60 is being retitled "Appendix A—Reference Methods." The definitions of "reference method" and "particulate matter" are amended to be consistent with this change.

In the regulations in Subpart K setting forth the performance standard for storage vessels for petroleum liquids, the definition of "crude petroleum" was to have been changed to be consistent with the definition of "petroleum" in Subpart J. This change was inadvertently not made in 39 FR 9308 and thus §§ 60.110 and 60.111 are amended by replacing the term "crude petroleum" with "petroleum."

The remaining structural and wording changes are made for purposes of clarification.

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia remanded to EPA for further consideration the new source performance standards for portland cement plants. Portland Cement Association v. Ruckelshaus, 486 F.2d 375. On September 10, 1973, the same Court remanded to EPA for further consideration the new source performance standards for sulfuric acid plants and coal-fired steam electric generators. Essex Chemical Co. v. Ruckelshaus, 486 F.2d 427. The Agency has not completed its consideration with respect to the remanded standards. These amendments are not intended to constitute a response to the remands. At the time the Agency completes its consideration with respect to the remanded standards, it will publicly announce its decision and at that time if any revisions of the standards are deemed necessary or desirable, will make such revisions.

These actions are effective on June 14, 1974. The Agency finds good cause exists for not publishing these actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. These actions are intended for clarification and for maintaining consistency throughout the regulations. They are not intended to alter the substantive content of the regulations.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857 (c) (6) and (9))

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.1 is revised to read as follows:

§ 60.1 Applicability.

The provisions of this part apply to the owner or operator of any stationary source which contains an affected facility the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to such facility.

2. Section 60.2 is amended by revising paragraphs (s) and (v) as follows:

§ 60.2 Definitions.

* * * * *

(s) "Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

* * * * *

(v) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by Method 5 of Appendix A to this part or an equivalent or alternative method.

* * * * *

3. Section 60.40 is revised to read as follows:

§ 60.40 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each fossil fuel-fired steam generating unit of more than 63 million kcal per hour heat input (250 million Btu per hour), which is the affected facility. Any change to an existing fossil fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this subpart, shall not bring that unit under the applicability of this subpart.

4. Section 60.41 is amended by deleting "primary" in paragraph (a), revising paragraph (b), and deleting paragraph (c). As amended, § 60.41 reads as follows:

§ 60.41 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, and in subpart A of this part.

(a) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(b) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

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5. Section 60.42 is revised to read as follows:

§ 60.42 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain particulate matter in excess of 0.18 g per million cal heat input (0.10 lb per million Btu) derived from fossil fuel.

(2) Exhibit greater than 20 percent opacity except that a maximum of 40 percent opacity shall be permissible for not more than 2 minutes in any hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

6. Section 60.43 is revised to read as follows:

§ 60.43 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(1) 1.4 g per million cal heat input (0.80 lb per million Btu) derived from liquid fossil fuel.

(2) 2.2 g per million cal heat input (1.2 lb per million Btu) derived from solid fossil fuel.

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{y(1.4)+z(2.2)}{y+z}$$

where:

y is the percentage of total heat input derived from liquid fossil fuel, and

z is the percentage of total heat input derived from solid fossil fuel.

(c) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

7. Section 60.44 is revised to read as follows:

§ 60.44 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_2 in excess of:

(1) 0.36 g per million cal heat input (0.20 lb per million Btu) derived from gaseous fossil fuel.

(2) 0.54 g per million cal heat input (0.30 lb per million Btu) derived from liquid fossil fuel.

(3) 1.26 g per million cal heat input (0.70 lb per million Btu) derived from solid fossil fuel (except lignite).

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.36)+y(0.54)+z(1.26)}{x+y+z}$$

where:

x is the percentage of total heat input derived from gaseous fossil fuel,

y is the percentage of total heat input derived from liquid fossil fuel, and

z is the percentage of total heat input derived from solid fossil fuel (except lignite).

§ 60.45 [Amended]

8. Section 60.45 is amended by deleting and reserving paragraph (f).

9. Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.42, 60.43, and 60.44 as follows:

(1) Method 1 for sample and velocity traverses;

(2) Method 2 for velocity and volumetric flow rate;

(3) Method 3 for gas analysis;

(4) Method 5 for the concentration of particulate matter and the associated moisture content;

(5) Method 6 for the concentration of SO_2; and

(6) Method 7 for the concentration of NO_x.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Methods 6 and 7, the sampling site shall be the same as that for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft).

(d) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sample volume shall be 0.02 dscm (0.71 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The arithmetic average of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(e) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run values.

(f) Heat input, expressed in cal per hr (Btu/hr), shall be determined during each testing period by multiplying the heating value of the fuel by the rate of fuel burned. Heating value shall be determined in accordance with A.S.T.M. Method D2015–66 (Reapproved 1972), D240–64 (Reapproved 1973), or D1826–64 (Reapproved 1970). The rate of fuel burned during each testing period shall be determined by suitable methods, and shall be confirmed by a material balance over the steam generation system.

(g) For each run, emissions expressed in g/million cal shall be determined by dividing the emission rate in g/hr by the heat input. The emission rate shall be determined by the equation $g/hr = Q_s \times c$ where Q_s=volumetric flow rate of the total effluent in dscm/hr as determined for each run in accordance with paragraph (a)(2) of this section.

(1) For particulate matter, c=particulate concentration in g/dscm, as determined in accordance with paragraph (a)(4) of this section.

(2) For SO_2, $c=SO_2$ concentration in g/dscm, as determined in accordance with paragraph (a)(5) of this section.

(3) For NO_x, $c=NO_x$ concentration in g/dscm, as determined in accordance with paragraph (a)(6) of this section.

10. Section 60.50 is revised to read as follows:

§ 60.50 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each incinerator of more than 45 metric tons per day charging rate (50 tons/day), which is the affected facility.

§ 60.51 [Amended]

11. Section 60.51 is amended by striking the word "primary" in paragraph (a) and by deleting paragraph (d).

12. Section 60.52 is revised to read as follows:

§ 60.52 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this part shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.18 g/dscm (0.08 gr/dscf) corrected to 12 percent CO_2.

13. Section 60.53 is revised to read as follows:

§ 60.53 Monitoring of operations.

(a) The owner or operator of any incinerator subject to the provisions of this part shall record the daily charging rates and hours of operation.

14. Section 60.54 is revised to read as follows:

§ 60.54 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.52 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis and calculation of excess air, using the integrated sample technique.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) If a wet scrubber is used, the gas analysis sample shall reflect flue gas conditions after the scrubber, allowing for carbon dioxide absorption by sampling the gas on the scrubber inlet and outlet sides according to either the procedure under paragraphs (c)(1) through (c)(5) of this section or the procedure under paragraphs (c)(1), (c)(2) and (c)(6) of this section as follows:

(1) The outlet sampling site shall be the same as for the particulate matter measurement. The inlet site shall be selected according to Method 1, or as specified by the Administrator.

(2) Randomly select 9 sampling points within the cross-section at both the inlet and outlet sampling sites. Use the first set of three for the first run, the second set for the second run, and the third set for the third run.

(3) Simultaneously with each particulate matter run, extract and analyze for CO_2 an integrated gas sample according to Method 3, traversing the three sample points and sampling at each point for equal increments of time. Conduct the runs at both inlet and outlet sampling sites.

(4) Measure the volumetric flow rate at the inlet during each particulate matter run according to Method 2, using the full number of traverse points. For the inlet make two full velocity traverses approximately one hour apart during each run and average the results. The outlet volumetric flow rate may be determined from the particulate matter run (Method 5).

(5) Calculate the adjusted CO_2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{di}\ (Q_{di}/Q_{do})$$

where:

$(\%\ CO_2)_{adj}$ is the adjusted CO_2 percentage which removes the effect of CO_2 absorption and dilution air,

$(\%\ CO_2)_{di}$ is the percentage of CO_2 measured before the scrubber, dry basis,

Q_{di} is the volumetric flow rate before the scrubber, average of two runs, dscf/min (using Method 2), and

Q_{do} is the volumetric flow rate after the scrubber, dscf/min (using Methods 2 and 5).

(6) Alternatively, the following procedures may be substituted for the procedures under paragraphs (c) (3), (4), and (5) of this section:

(i) Simultaneously with each particulate matter run, extract and analyze for CO_2, O_2, and N_2 an integrated gas sample according to Method 3, traversing the three sample points and sampling for equal increments of time at each point. Conduct the runs at both the inlet and outlet sampling sites.

(ii) After completing the analysis of the gas sample, calculate the percentage of excess air (% EA) for both the inlet and outlet sampling sites using equation 3–1 in Appendix A to this part.

(iii) Calculate the adjusted CO_2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{di} \left[\frac{100+(\%\ EA)_i}{100+(\%\ EA)_o}\right]$$

where:

$(\%\ CO_2)_{adj}$ is the adjusted outlet CO_2 percentage,

$(\%\ CO_2)_{di}$ is the percentage of CO_2 measured before the scrubber, dry basis,

$(\%\ EA)_i$ is the percentage of excess air at the inlet, and

$(\%\ EA)_o$ is the percentage of excess air at the outlet.

(d) Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO_2 by using the following formula:

$$c_{12} = \frac{12c}{\%\ CO_2}$$

where:

c_{12} is the concentration of particulate matter corrected to 12 percent CO_2,

c is the concentration of particulate matter as measured by Method 5, and

$\%\ CO_2$ is the percentage of CO_2 as measured by Method 3, or when applicable, the adjusted outlet CO_2 percentage as determined by paragraph (c) of this section.

§ 60.61 [Amended]

15. Section 60.61 is amended by deleting paragraph (b).

16. Section 60.62 is revised to read as follows:

§ 60.62 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which:

(1) Contain particulate matter in excess of 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lb per ton).

(2) Exhibit greater than 10 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

(1) Contain particulate matter in excess of 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lb per ton).

(2) Exhibit 10 percent opacity, or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.

(d) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs (a)(2), (b)(2), and (c), such failure will not be a violation of this section.

17. Section 60.63 is revised to read as follows:

§ 60.63 Monitoring of operations.

(a) The owner or operator of any portland cement plant subject to the provisions of this part shall record the daily production rates and kiln feed rates.

18. Section 60.64 is revised to read as follows:

§ 60.64 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in § 60.62 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 5, the minimum sampling time and minimum sample volume for each run, except when process variables or other factors justify otherwise to the satisfaction of the Administrator, shall be as follows:

(1) 60 minutes and 0.85 dscm (30.0 dscf) for the kiln.

(2) 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

(c) Total kiln feed rate (except fuels), expressed in metric tons per hour on a dry basis, shall be determined during each testing period by suitable methods; and shall be confirmed by a material balance over the production system.

(d) For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation, $g/hr = Q_s \times c$, where Q_s=volumetric flow rate of the total effluent in dscm/hr as determined in accordance with paragraph (a)(3) of this section, and c=particulate concentration in g/dscm as determined in accordance with paragraph (a)(1) of this section.

19. Section 60.72 is revised to read as follows:

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§ 60.72 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain nitrogen oxides, expressed as NO_2, in excess of 1.5 kg per metric ton of acid produced (3.0 lb per ton), the production being expressed as 100 percent nitric acid.

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.73 [Amended]

20. Section 60.73 is amended by deleting and reserving paragraph (d).

21. Section 60.74 is revised to read as follows:

§ 60.74 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.72 as follows:

(1) Method 7 for the concentration of NO_x;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). Each run shall consist of at least four grab samples taken at approximately 15-minutes intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

(c) Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,

$$g/hr=Q_s \times c$$

where Q_s=volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph (a)(3) of this section, and c=NO_x concentration in g/dscm, as determined in accordance with paragraph (a)(1) of this section.

22. Section 60.81 is amended by revising paragraph (b) as follows:

§ 60.81 Definitions.

* * * * *

(b) "Acid mist" means sulfuric acid mist, as measured by Method 8 of Appendix A to this part or an equivalent or alternative method.

23. Section 60.82 is revised to read as follows:

§ 60.82 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of 2 kg per metric ton of acid produced (4 lb per ton), the production being expressed as 100 percent H_2SO_4.

24. Section 60.83 is revised to read as follows:

§ 60.83 Standard for acid mist.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain acid mist, expressed as H_2SO_4, in excess of 0.075 kg per metric ton of acid produced (0.15 lb per ton), the production being expressed as 100 percent H_2SO_4.

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.84 [Amended]

25. Section 60.84 is amended by deleting and reserving paragraph (d).

26. Section 60.85 is revised to read as follows:

§ 60.85 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.82 and 60.83 as follows:

(1) Method 8 for the concentrations of SO_2 and acid mist;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) Acid production rate, expressed in metric tons per hour of 100 percent H_2SO_4, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent H_2SO_4, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation, $g/hr=Q_s \times c$, where Q_s=volumetric flow rate of the effluent in dscm/hr as determined in accordance with paragraph (a)(3) of this section, and c=acid mist and SO_2 concentrations in g/dscm as determined in accordance with paragraph (a)(1) of this section.

§ 60.110 [Amended]

27. Section 60.110(b) is amended by striking the words "the crude."

28. In § 60.111, paragraphs (b), (d), (g), and (h) are revised.

As amended § 60.111 reads as follows:

§ 60.111 Definitions.

* * * * *

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396–69, gas turbine fuel oils Numbers 2–GT through 4–GT as specified in A.S.T.M. D2880–71, or diesel fuel oils Numbers 2–D and 4–D as specified in A.S.T.M. D975–68.

* * * * *

(d) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

* * * * *

(g) "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(h) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

* * * * *

29. The appendix to Part 60 titled "Appendix—Test Methods" is retitled "Appendix A—Reference Methods."

[FR Doc.74–13633 Filed 6–13–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15–1—GENERAL

PART 15–26—CONTRACT MODIFICATIONS

Novation and Change of Name Agreements

Chapter 15 of the Code of Federal Regulations is amended as set forth below. Subpart 15–1.51 is deleted because the Federal Procurement Regulations have issued a regulation on the same subject, Novation and Change of Name Agreements. A new subpart 15–26.4 is added to set forth internal procedures relative to the processing of such agreements.

It is the general policy of the EPA to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

Effective date: These amendments are effective on June 14, 1974.

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

1. Subpart 15–1.51 is hereby deleted in its entirety.

2. The following is added to the table of contents of Part 15–26 contract modifications.

Subpart 15–26.4—Novation and Change of Name Agreements

Sec.
15–26.404 Processing novation and change of name agreements.

AUTHORITY: 40 U.S.C. 486(c).

Subpart 15–26.4—Novation and Change of Name Agreements

§ 15–26.404 Processing novation and change of name agreements.

(a) Any EPA procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by memorandum to the Director of Contracts Management Division.

(b) To avoid duplication of effort on the part of EPA activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between EPA and the contractor involved. The Chief of the Contracts Policy and Review Branch will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name agreement, including without limitation the following:

(1) Obtain from the contractor a list of all affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence.

(2) Verify the accuracy of the list of contractors through the Contract Information System.

(3) Draft and execute a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. The supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) Agreements and supporting documents covering successor in interest shall be reviewed for legal sufficiency by the Associate General Counsel for Grants, Contracts and General Administration Division. Change of name agreements may be approved by the contracting officer.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Contracts Management Division.

(2) Advise each of the affected activities, by memorandum, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change (S.F. 30) acknowledging the change of name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documentary and supplemental agreement are filed.

[FR Doc.74–13634 Filed 6–13–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–46; Notice No. 74–10]

PART 391—QUALIFICATIONS OF DRIVERS

APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

Revision of Questions and Answers for Drivers Written Examination

The Director of the Bureau of Motor Carrier Safety is revising Appendix C to the Federal Motor Carrier Safety Regulations by replacing the current driver's written examination with a new form of examination. The new form of written examination consists of 66 multiple-choice questions, nine of which deal with transportation of hazardous materials by motor vehicle. The new form replaces the old list of 99 true-false questions.

Under § 391.35 of the regulations, the examination must be given to each driver before he is first employed to operate a commercial motor vehicle in interstate or foreign commerce. Exceptions are provided for in the case of a driver who is "grandfathered" under § 391.61 of the regulations and in the case of drivers of certain farm vehicles, as provided for in § 391.67. In addition, a written examination is not required in the case of a driver who has a valid certificate of examination that is less than three years old.

As is presently the case, the new examination will be given primarily as an educational device, and there is no mandatory passing grade. As the Director indicated in a notice of proposed rule making issued on January 24, 1973 (38 FR 3364), the Bureau has been attempting to develop a written examination which must be completed successfully with a specified passing grade as a prerequisite to a driver's qualification under the Federal Motor Carrier Safety Regulations. A contract was awarded, under which the contractor was required to supply the Bureau with an examination form that was "validated" under guidelines of the Equal Employment Opportunity Commission. The examination form now being instituted is the product of that contract. Regrettably, it has not been possible to secure the agreement of Federal agencies concerned with equal opportunity in employment to the use of this examination form or the other forms developed under the contract, as part of an examination requirement that would exclude from the driver force individuals who fail to pass the examination.

Because the form of examination developed under the contract has been validated and is demonstrably an improvement over the one now in use, the Director has decided to revise Appendix C in order to make use of it. Since the form of examination selected contains nine questions that deal with transportation of hazardous materials, the Bureau is requiring those questions to be given only in the case of drivers who will engage in that type of transportation.

In consideration of the foregoing, § 391.35 and Appendix C of the Federal Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49, CFR) are amended as set forth below.

Effective date. These amendments are effective on October 1, 1974. However, immediate compliance with these amendments, in lieu of the rules now found in § 391.35 and Appendix C, is authorized.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on June 6, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

I. § 391.35 is amended by revising paragraph (e) thereof to read as follows:

§ 391.35 Written examination.

* * * * *

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title need not answer questions

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58–66, inclusive. The questions given during the examination must be the questions published in Appendix C to this subchapter.[1]

* * * * *

II. Appendix C to subchapter B is revised to read as follows:

Appendix C—Written Examination For Drivers

INSTRUCTIONS

All of the questions contained herein are based on the United States Department of Transportation's Federal Motor Carrier Safety Regulations. Applicants for the position of commercial driver are required to take the examination.

Each question has four answers but only one is right. Your job on each question is to read all of the answers and then to pick the one answer you think is right. Mark an "X" in the space next to the answer you choose. Do not pick more than one answer for each question.

Here is a sample question to show you what is to be done:

The Federal Motor Carrier Safety Regulations were written for:

1. ( ) vehicle makers.
2. ( ) drivers only.
3. ( ) carriers only.
4. ( ) drivers and carriers.

The right answer is number 4, "drivers and carriers," so you would mark an "X" in the space next to answer number 4.

Finally, be sure to answer every question and do not skip any pages. Keep in mind that most of the Regulations covered here are different from what is required of passenger car drivers; they apply to commercial bus and truck drivers. Again, pick only one answer for each question. There is no time limit on the examination, but try to work as fast as you can.

1. 390.32 A motor carrier who is also a driver (owner-operator):

1. ( ) is not covered by the safety regulations.
2. ( ) must obey only those parts of the regulations which cover drivers.
3. ( ) must obey only those parts of the regulations which cover motor carriers.
4. ( ) must obey both the parts covering drivers and the parts covering motor carriers.

2. 391.11(b)(1) With only a few exceptions, the Federal Motor Carrier Safety Regulations say a driver must be:

1. ( ) at least 18 years old.
2. ( ) at least 19 years old.
3. ( ) at least 20 years old.
4. ( ) at least 21 years old.

3. 391.15(c)(2)(3) A driver cannot drive a motor vehicle:

1. ( ) For one year after a first offense conviction for a felony involving a commercial motor vehicle he was driving.
2. ( ) For one year after a first offense conviction for driving a commercial vehicle under the influence of alcohol or narcotics.
3. ( ) For one year after a first offense conviction for leaving the scene of an accident which resulted in personal injury or death.
4. ( ) For one year after a first offense conviction for any of the above.

4. 391.21(b)(7)(8)(10) Every driver applicant must fill out an application form giving:

1. ( ) a list of all vehicle accidents he was in during the previous 3 years.
2. ( ) a list of all of his motor vehicle violation convictions and bond forfeits (except for parking) during the previous 3 years.
3. ( ) a list of names and addresses of all of his employers during the previous 3 years.
4. ( ) all of the above.

5. 391.27(a)(b) At least once a year, a driver must fill out a form listing all motor vehicle violations (except parking) which he had during the previous 12 months. He must fill out the form:

1. ( ) even if he had no violations.
2. ( ) only if he was convicted.
3. ( ) only if he was convicted or forfeited bond or collateral.
4. ( ) only if the carrier requires it.

6. 391.33(a)(2) If a driver applicant has a valid certificate showing he passed a driver's road test:

1. ( ) the carrier must accept it.
2. ( ) the carrier may still require the applicant to take a road test.
3. ( ) the carrier cannot accept it.
4. ( ) the carrier may request a road test waiver from the Bureau of Motor Carrier Safety.

7. 391.41(b)(5) Persons with breathing problems which may affect safe driving:

1. ( ) cannot drive.
2. ( ) cannot drive unless the vehicle has an emergency oxygen supply.
3. ( ) cannot drive unless another driver is along.
4. ( ) cannot drive except on short runs.

8. 391.41(b)(7) Persons with arthritis, rheumatism, or any such condition which may affect safe driving:

1. ( ) cannot drive unless they are checked by a doctor before each trip.
2. ( ) cannot drive.
3. ( ) cannot drive except when they are free of pain.
4. ( ) cannot drive unless another driver is along.

9. 391.41(b)(8) Persons who have ever had epilepsy:

1. ( ) cannot drive unless another driver is along.
2. ( ) cannot drive.
3. ( ) cannot drive on long runs.
4. ( ) cannot drive without monthly medical examinations.

10. 391.41(b)(9)(12)(13) In order to be able to drive, a person:

1. ( ) must not have any mental, nervous or physical problem likely to affect safe driving.
2. ( ) must not use an amphetamine, narcotic or any habit-forming drug.
3. ( ) must not have a current alcoholism problem.
4. ( ) must not have or use any of the above.

11. 391.45(c) Any driver who gets an injury or illness serious enough to affect his ability to perform his duties:

1. ( ) must report it at his next scheduled physical.
2. ( ) cannot drive again.
3. ( ) must take another physical and be recertified before driving again.
4. ( ) must wait at least 1 month after recovery before driving again.

12. 392.2 A driver may *not* drive faster than posted speed limits:

1. ( ) unless he is sick and must complete his run quickly.
2. ( ) at any time.
3. ( ) unless he is passing another vehicle.
4. ( ) unless he is late and must make a scheduled arrival.

13. 392.3 When a driver's physical condition while on a trip requires that he stop driving, but stopping would not be safe, the driver:

1. ( ) must stop anyway.
2. ( ) may try to complete his trip, but as quickly as possible.
3. ( ) may continue to drive to his home terminal.
4. ( ) may continue to drive, but must stop at the nearest safe place.

14. 392.5(a)(1) A driver may not drink or be under the influence of any alcoholic beverage (regardless of alcoholic content):

1. ( ) within 4 hours before going on duty or driving.
2. ( ) within 6 hours before going on duty or driving.
3. ( ) within 8 hours before going on duty or driving.
4. ( ) within 12 hours before going on duty or driving.

15. 392.7 A driver must satisfy himself that service and parking brakes, tires, lights and reflectors, mirrors, coupling and other devices are in good working order:

1. ( ) at the end of each trip.
2. ( ) before the vehicle may be driven.
3. ( ) only when he considers it necessary.
4. ( ) according to schedules set by the carrier.

16. 392.8 Which of the following must be in place and ready for use before a vehicle can be driven?

1. ( ) at least one spare fuse or other overload protector of each type used on the vehicle.
2. ( ) a tool kit containing a specified list of hand tools.
3. ( ) at least one spare tire for every four wheels.
4. ( ) a set of spark plugs.

17. 392.9(a)(3) If any part of the cargo or anything else blocks a driver's front or side views, his arm or leg movements, or his access to emergency equipment, the driver:

1. ( ) can drive the vehicle, but must report the problems at the end of the trip.
2. ( ) cannot drive the vehicle.
3. ( ) can drive the vehicle, but only at speeds under 40 miles per hour.
4. ( ) can drive the vehicle, but only on secondary roads.

18. 392.9(a) Any driver who needs glasses to meet the minimum visual requirements:

1. ( ) must drive only during daylight hours.
2. ( ) must always wear his glasses when driving.
3. ( ) must always carry a spare pair of glasses.
4. ( ) must not drive a motor vehicle.

19. 392.9(b) A driver may drive with a hearing aid:

1. ( ) if he always has it turned on while he is driving.

2. ( ) if he always carries a spare power source for it.
3. ( ) if he can meet the hearing requirements when he has it turned on.
4. ( ) if all of the above requirements are met.

20. 392.10(a) A driver required to stop at a railroad crossing should bring his vehicle to a stop no closer to the tracks than:

1. ( ) 5 feet.
2. ( ) 10 feet.
3. ( ) 15 feet.
4. ( ) 20 feet.

21. 392.10(a) Shifting gears is not permitted:

1. ( ) when traveling faster than 35 miles per hour.
2. ( ) when moving across any bridge.
3. ( ) when crossing railroad tracks.
4. ( ) when traveling down a hill steeper than 10 degrees.

22. 392.13 Drivers of motor vehicles not required to stop at drawbridges without signals:

1. ( ) must drive at a rate of speed which will permit a stop before reaching the lip of the draw.
2. ( ) must sound their horn before crossing.
3. ( ) can proceed across without reducing speed.
4. ( ) must slow down only if directed to by an attendant.

23. 392.15(a) A driver turning his vehicle should begin flashing his turn signal:

1. ( ) at least 50 feet before turning.
2. ( ) at least 80 feet before turning.
3. ( ) at least 75 feet before turning.
4. ( ) at least 100 feet before turning.

24. 392.16 Which of the following is true?

1. ( ) if a seat belt is installed in the vehicle, a driver must have it fastened before beginning to drive.
2. ( ) a driver may or may not use the seat belt, depending on his judgment.
3. ( ) seat belts are not necessary on heavier vehicles.
4. ( ) a driver must use his seat belt only if required to by the carrier.

25. 392.21 When a motor vehicle cannot be stopped off the traveled part of the highway, the driver:

1. ( ) must keep driving.
2. ( ) may stop, but shall get as far off the traveled part of the highway as possible.
3. ( ) may stop, but shall make sure that the vehicle can be seen as far as possible to its front and rear.
4. ( ) may stop if he has to, but should do both 2 and 3 above.

26. 392.22(b)(1) If a vehicle has a breakdown the driver must place one emergency signal:

1. ( ) 100 feet in front of the vehicle in the center of the lane it occupies.
2. ( ) 100 feet in back of the vehicle in the center of the lane it occupies.
3. ( ) 10 feet in front or back of the traffic side.
4. ( ) at all of the above locations.

27. 392.22(b)(1)(i) If a vehicle has a breakdown on a poorly-lit street or highway, the driver shall place on the traffic side:

1. ( ) a reflective triangle.
2. ( ) a lighted red electric lantern.
3. ( ) a red reflector.
4. ( ) any one of the above.

28. 392.22(b)(2)(iii) No emergency signals are required for a vehicle with a breakdown if the street or highway lighting is bright enough so it can be seen at a distance of:

1. ( ) 100 feet.
2. ( ) 200 feet.
3. ( ) 500 feet.
4. ( ) 750 feet.

29. 392.22(b)(2)(v) If a vehicle has a breakdown and stops on a poorly-lit *divided or one way* highway, the driver must place one emergency signal:

1. ( ) 200 feet in back of the vehicle in the center of the lane it occupies.
2. ( ) 100 feet in back of the vehicle on the traffic side of the vehicle.
3. ( ) 10 feet in back of the vehicle on the traffic side of the vehicle.
4. ( ) at all of the above locations.

30. 392.25 Lighted flame-producing emergency signals, including fuses:

1. ( ) may not be used with vehicles carrying Class A or B explosives.
2. ( ) may not be used with tank vehicles, loaded or empty, which are used to carry flammable liquids or gas.
3. ( ) may not be used with any vehicle using compressed gas as a fuel.
4. ( ) may not be used with any of the above.

31. 392.30(a) A driver is required to have his lights on:

1. ( ) from one-half hour *before* sunset to one-half hour before sunrise.
2. ( ) from one-half hour before sunset to sunrise.
3. ( ) from one-half hour *after* sunset to one-half hour *before* sunrise.
4. ( ) from sunset to one-half hour before sunrise.

32. 392.32(a)(b) When lights are required on the open highway, a driver shall use the high beam:

1. ( ) except when within 500 feet of an on-coming vehicle or a vehicle he is following.
2. ( ) except when within 400 feet of an on-coming vehicle or a vehicle he is following.
3. ( ) except when within 200 feet of an on-coming vehicle or a vehicle he is following.
4. ( ) except when within 100 feet of an on-coming vehicle or a vehicle he is following.

33. 392.32(a) When lights are required, drivers may use lower beam lights:

1. ( ) when fog, dust or other such conditions exist.
2. ( ) when approaching tunnels or bridges.
3. ( ) when driving on one way highways.
4. ( ) when within 1,000 feet of business areas or where people live.

34. 392.40 Every driver involved in an accident must follow the Safety Regulation procedures whenever an injury or death is involved or if:

1. ( ) the accident is caused by the driver and property damage of over $250.00 results.
2. ( ) property damage of over $250.00 results, no matter who is at fault.
3. ( ) property damage of over $100.00 results.
4. ( ) property damage of any kind results.

35. 392.41 If a driver strikes a parked vehicle, he should *first*:

1. ( ) stop and call the local police.
2. ( ) stop and call his carrier.
3. ( ) stop and try to find the driver or owner of the parked vehicle.
4. ( ) stop and estimate the damage.

36. 392.42 When a driver receives notice that his operator's license or permit has been revoked, suspended, or withdrawn, he must:

1. ( ) notify his carrier within 72 hours.
2. ( ) notify his carrier within one week.
3. ( ) notify his carrier before the end of the next business day.
4. ( ) take no action since his carrier will also get a notice.

37. 392.6 Except in emergencies, no driver shall allow his vehicle to be driven by any other person:

1. ( ) except those he knows can drive it.
2. ( ) except on roads with little or no traffic.
3. ( ) except those allowed by the carrier to do it.
4. ( ) unless he goes along with the person driving.

38. 392.64 A person may ride inside a vehicle's closed body or trailer:

1. ( ) only on short runs.
2. ( ) only if there is an easy way to get out from the inside.
3. ( ) only if the inside of the body or trailer is lighted.
4. ( ) only if there is no cargo in it.

39. 392.66 If carbon-monoxide is inside a vehicle or if a mechanical problem may produce a carbon-monoxide danger, the vehicle:

1. ( ) may be sent out and driven so long as the windows are left open.
2. ( ) may not be sent out or driven.
3. ( ) may be sent out and driven only if the carrier decides the vehicle has to be used.
4. ( ) may be sent out and driven on short runs.

40. 392.68 No motor vehicle shall be operated out of gear:

1. ( ) except when fuel must be saved.
2. ( ) except on hills which are less than 20 degrees.
3. ( ) except when it is necessary for stopping or shifting gears.
4. ( ) except when the vehicle's speed is under 25 miles per hour.

41. 393.1(a) Under the Federal Motor Carrier Safety Regulations, no vehicle may be driven:

1. ( ) until a list of all missing or defective equipment has been prepared and given to the carrier.
2. ( ) until all equipment has been inspected and replacements for defective parts have been ordered.
3. ( ) unless all missing equipment is to be replaced no later than the end of the vehicle's next run.
4. ( ) until it meets all of the equipment requirements of the Regulations.

42. 393 various Minimum requirements for lighting, reflecting and electrical equipment and devices on buses and trucks:

1. ( ) are set by the vehicle makers.
2. ( ) are set by the National Safety Council.
3. ( ) are specified in the Safety Regulations.
4. ( ) are set by the trucking associations.

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[1] Copies of the questions (and answers to the questions) may be obtained by writing to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590, or to any Regional Motor Carrier Safety Office at the address given in § 390.40 of this subchapter.

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43. 393.18(a)(b) Every motor vehicle which has a load sticking out over its sides must be specifically marked with flags and lamps. Additional flags and lamps must be added if the load or tailgate sticks out beyond the rear of the vehicle by more than:

1. ( ) 2 feet.
2. ( ) 4 feet.
3. ( ) 6 feet.
4. ( ) 8 feet.

44. 393.41(a) Every vehicle shall have a parking brake system which will hold it, no matter what its load:

1. ( ) on any grade on which it is operated which is free from ice and snow.
2. ( ) on all grades under 15 degrees which are free from ice and snow.
3. ( ) on all grades under 20 degrees which are free from ice and snow.
4. ( ) ou all grades under 25 degrees which are free from ice and snow.

45. 393.77(b)(6) A portable heater may not be used in any vehicle cab:

1. ( ) unless it is secured.
2. ( ) unless it is of the electric filament type.
3. ( ) at any time.
4. ( ) without approval from the carrier.

46. 395.3(a) Drivers are not generally allowed to drive for more than:

1. ( ) 6 hours following 8 straight hours off duty.
2. ( ) 8 hours following 8 straight hours off duty.
3. ( ) 10 hours following 8 straight hours off duty.
4. ( ) 12 hours following 8 straight hours off duty.

47. 395.3(a) Most drivers of large vehicles are *not* allowed to drive:

1. ( ) after they have been *on duty* for 16 hours.
2. ( ) after they have been *on duty* for 15 hours.
3. ( ) after they have been *on duty* for 14 hours.
4. ( ) after they have been *on duty* for 12 hours.

48. 395.3(b) Generally, a driver may not be "on duty":

1. ( ) for more than 40 hours in any 7 straight days.
2. ( ) for more than 50 hours in any 7 straight days.
3. ( ) for more than 60 hours in any 7 straight days.
4. ( ) for more than 70 hours in any 7 straight days.

49. 395.7 When a driver is riding in a vehicle, but is not driving and has no other responsibility, such time shall be counted as:

1. ( ) on-duty time.
2. ( ) on-duty time unless he is allowed 8 straight hours off duty when he gets to the destination.
3. ( ) on-duty time unless he is allowed 6 straight hours off duty when he gets to the destination.
4. ( ) on-duty time unless he is allowed 4 straight hours off duty when he gets to the destination.

50. 395.8(b) Every driver must prepare an original and one copy of a daily log which he must keep current by updating it:

1. ( ) every time he changes a duty status.
2. ( ) every 24 hours.
3. ( ) every 8 hours.
4. ( ) at the end of each trip.

51. 395.8(c) Except for the name and main address of the carrier, all entries in a log:

1. ( ) must be printed in ink or typed.
2. ( ) must be made by the carrier dispatcher.
3. ( ) must be made in front of a witness.
4. ( ) must be written in the driver's own handwriting.

52. 395.8(1)(p)(q) Which of the following is *not* to be put in a driver's log?

1. ( ) Time spent in a sleeper berth.
2. ( ) Total hours in each duty status.
3. ( ) The name of the carrier or carriers.
4. ( ) The name and make of his vehicle.

53. 395.11 If an emergency delays a run which could normally have been completed within hours of service limits, the driver:

1. ( ) must still stop driving when the hours of service limit is reached.
2. ( ) may drive for 1 extra hour.
3. ( ) may drive for 2 extra hours.
4. ( ) may finish his run without being in violation.

54. 395.13 Any driver declared "Out of Service":

1. ( ) must take a road test before driving again.
2. ( ) must wait 72 hours before driving again.
3. ( ) must appeal to the Director of the Bureau of Motor Carrier Safety to drive again.
4. ( ) can drive again only after hours of service requirement are met.

55. 396.4 If a vehicle on a trip is in a condition likely to cause an accident or breakdown:

1. ( ) the driver should report it at the end of his run so repairs can be made.
2. ( ) the driver should drive at lower speeds for the rest of the run.
3. ( ) the driver should stop immediately unless going on to the nearest repair shop is safer than stopping.
4. ( ) the driver should change his route so as to get away from heavily traveled roads.

56. 396.5(c) If authorized Federal inspectors find a vehicle which is likely to cause an accident or breakdown:

1. ( ) it will be reported to the carrier for repair as soon as the vehicle is not scheduled.
2. ( ) it will be reported to the carrier for repair at the end of the trip.
3. ( ) it will be marked with an "Out of Service Vehicle" sticker and not driven until repairs are made.
4. ( ) the driver will be held responsible and declared "Out of Service."

57. 396.5(c)(4) If the driver makes his own repairs on an "Out of Service" vehicle:

1. ( ) his work must be approved by a mechanic.
2. ( ) he must complete and sign a "Certification of Repairman" form himself.
3. ( ) his work must be approved by his supervisor.
4. ( ) his work must be approved by a Federal inspector.

58. 397.3 Department of Transportation Regulations covering the driving and parking of vehicles containing hazardous materials:

1. ( ) replace State and local laws.
2. ( ) prevent States and cities from having their own laws.
3. ( ) must be obeyed even if State or local laws are less strict or disagree.
4. ( ) should not be obeyed if State or local laws disagree.

59. 397.5(c) A vehicle which contains hazardous materials *other than* Class A or B explosives must be attended at all times:

1. ( ) by the driver.
2. ( ) by the driver except when he is involved in something else necessary to his duties as a driver.
3. ( ) by the driver or a person chosen by the driver.
4. ( ) by the driver or a police officer.

60. 397.5(d)(1) A vehicle containing Class A or B explosives or other hazardous materials on a trip is "attended":

1. ( ) when the person in charge is anywhere within 100 feet of it.
2. ( ) as long as the driver can see it from 200 feet away.
3. ( ) when the person in charge is within 100 feet and has a clear view of it.
4. ( ) when the person in charge is resting in the berth.

61. 397.7(a)(3) Except for short periods when operations make it necessary, trucks carrying Class A or B explosives cannot be parked any closer to bridges, tunnels, building or crowds of people than:

1. ( ) 50 feet.
2. ( ) 100 feet.
3. ( ) 200 feet.
4. ( ) 300 feet.

62. 397.13(a) Smoking or carrying a lighted cigarette, cigar or pipe near a vehicle which contains explosives, oxidizing or flammable materials is not allowed:

1. ( ) except in the closed cab of the vehicle.
2. ( ) except when the vehicle is moving.
3. ( ) except at a distance of 25 feet or more from the vehicle.
4. ( ) except when approved by the carrier.

63. 397.15(a)(b) When a vehicle containing hazardous materials is being fueled:

1. ( ) no person may remain in the cab.
2. ( ) a person must be in control of the fueling process at the point where the fuel tank is filled.
3. ( ) the area within 50 feet of the vehicle must be cleared.
4. ( ) the person who controls the fueling process must wear special clothes.

64. 397.17(a) If a vehicle carrying hazardous materials is equipped with dual tires on any axle, the driver must examine the tires:

1. ( ) at all fueling stops only.
2. ( ) only at the end of each day or tour of duty.
3. ( ) at the beginning of each trip and each time the vehicle is parked.
4. ( ) at the beginning of each trip only.

65. 397.17(c) If a driver of a vehicle carrying hazardous materials finds a tire which is overheated, he must:

1. ( ) wait for the overheated tire to cool before going on.
2. ( ) remove and replace the overheated tire, store it on the vehicle and drive on.
3. ( ) remove the tire, place it a safe distance from the vehicle and not drive the vehicle until the cause of the overheating is fixed.
4. ( ) drive slowly to the nearest repair shop and have the cause of the overheating fixed.

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66. 177.823(a)(3) When required, specified hazardous materials markings or signs must be placed:

1. ( ) wherever they can be seen clearly.
2. ( ) on the sides and rear of the vehicle.
3. ( ) on the front, rear and sides of the vehicle.
4. ( ) on the front and rear bumpers of the vehicle.

SCORING KEY

WRITTEN EXAMINATION

Section:	*Answer*
(1) 390.82	4
(2) 391.11(b)(1)	4
(3) 391.15(c)(2)(3)	4
(4) 391.21(b)(7)(8)(10)	4
(5) 391.27(a)(b)	1
(6) 391.33(2)	2
(7) 391.41(b)(5)	1
(8) 391.41(b)(7)	2
(9) 391.41(b)(8)	2
(10) 391.41(b)(9)(12)(13)	4
(11) 391.45(c)	3
(12) 392.2	2
(13) 392.3	4
(14) 392.5(a)(1)	1
(15) 392.7	2
(16) 392.8	1
(17) 392.9(a)(3)	2
(18) 392.9 a	2
(19) 392.9 b	4
(20) 392.10(a)	3
(21) 392.10(a)	3
(22) 392.13	1
(23) 392.15(a)	4
(24) 392.16	1
(25) 392.21	4
(26) 392.22(b)(1)	4
(27) 392.22(b)(1)(i)	4
(28) 392.22(b)(2)(iii)	3
(29) 392.22(b)(2)(v)	4
(30) 392.25	4
(31) 392.30(a)	3
(32) 392.32(a)(b)	1
(33) 392.32(a)	1
(34) 392.40	4
(35) 392.41	3
(36) 392.42	3
(37) 392.61	3
(38) 392.64	2
(39) 392.66	2
(40) 392.68	3
(41) 393.1(a)	4
(42) 393 various	3
(43) 393.18(a)(b)	2
(44) 393.41(a)	1
(45) 393.77(b)(6)	3
(46) 395.3(a)	3
(47) 395.3(a)	2
(48) 395.3(b)	3
(49) 395.7	2
(50) 395.8(b)	1
(51) 395.8(c)	4
(52) 395.8(1)(p)(q)	4
(53) 395.11	4
(54) 395.13	4
(55) 396.4	3
(56) 396.5(c)	3
(57) 396.5(c)(4)	2
(58) 397.3	3
(59) 397.5(c)	2
(60) 397.5(d)(1)	3
(61) 397.7(a)(3)	4
(62) 397.13(a)	3
(63) 397.15(a)(b)	2
(64) 397.17(a)	3
(65) 397.17(c)	3
(66) 177.823(a)(3)	3

[FR Doc.74-13677 **Filed** 6-13-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised S.O. No. 1108; Amdt. No. 5]

PART 1033—CAR SERVICE

Reading Company et al.

JUNE 11, 1974.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of June 1974.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634; 38 FR 5876, 23792; 39 FR 1851 and 10591), and good cause appearing therefor:

Revised Service Order No. 1108 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

It is ordered, That:

§ 1033.1108 Service Order No. 11080.

(a) (Reading Company, Richardson Dilworth and Andrew L. Lewis, Jr., Trustees, authorized to operate over tracks of Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, trustees).

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 15, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)) Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13714 Filed 6-13-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 643]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 16–22, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.943 Lemon Regulation 643.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons its deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is rather sluggish, mainly because of cool or unsettled weather conditions, primarily in the East.

Average f.o.b. price was $6.34 per carton the week ended June 8, 1974, compared to $6.37 per carton the previous week.

Track and rolling supplies at 194 cars were down 6 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation

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for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order*. (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 16, 1974 through June 22, 1974, is hereby fixed at 325,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13896 Filed 6-13-74;11:40 am]

[Lime Reg. 4]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 16–22, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.404 Lime Regulation 4.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order shipping point prices for fresh market limes have fallen sharply during May and early June. The committee further reports the fresh market demand for limes continues weak because of a shift in shipping point purchase activity to consignment sales and unsettled weather in several major markets. Fresh shipments for the weeks ended June 8, 1974, and June 1, 1974, were 20,109 bushels and 19,790 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became aballable and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order*. (1) The quantity of limes grown in Florida which may be handled during the period June 16, 1974, through June 22, 1974 is hereby fixed at 20,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13897 Filed 6-13-74;11:40 am]

[Valencia Orange Reg. 469]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 14–20, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.769 Valencia Orange Regulation 469.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Large supplies are accumulating in the markets, however. Prices f.o.b. averaged $3.65 per carton on a reported sales volume of 1,028 carlots last week, compared with an average f.o.b. price of $3.63 per carton and sales of 895 carlots a week earlier. Track and rolling supplies at 651 cars were down 24 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order*. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 14, 1974, through June 20, 1974, are hereby fixed as follows:

(i) District 1: 285,000 cartons;
(ii) District 2: 215,000 cartons;
(iii) District 3: Unlimited movement;

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: June 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13762 Filed 6-12-74;12:25 pm]

[Avocado Reg. 16]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Avocado Regulation 16 prescribes during the period June 17, 1974, through April 30, 1975, the following grade and maturity requirements for fresh avocados grown in South Florida: Avocados shipped to points outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (as the maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must also meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to help keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

On June 4, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 19784), regarding a proposed regulation to be made effective on June 17, 1974, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Such proposed regulation was recommended by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons time in which to submit written data, views, or arguments in connection with the proposed regulation. During such time, the Avocado Administrative Committee supplied information on more current avocado crop conditions, after considering the stage of maturity on the tree for the varieties and types of avocados specified in the proposed regulation. After careful appraisal of such information, including crop maturity, the Department found that is was necessary and appropriate to make minor changes to the shipping dates and/or add minimum diameters, based on additional maturity studies and ripening indices, for the Arue, Booth 8, and Booth 7 named varieties of avocados, to make such dates and/or minimum diameters conform to other maturity requirements of the regulation.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the additional and supplemental information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation hereinafter set forth is based upon an appraisal of current and prospective crop and market conditions. Total 1974–75 season production of Florida avocados is estimated at 765,000 bushels, as compared with fresh shipments of about 755,000 bushels in the 1973–74 season. The regulation is designed to permit the shipment of an ample proportion of the total supply of fruit to fresh markets of a quality and maturity which will be acceptable to consumers and in the interest of producers, consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at open meetings on April 10 and May 8, 1974, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (39 FR 19784); (4) the regulation herein specified is, except for the minor modifications, essentially the same as the proposed regulation.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

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Dated June 11, 1974, to become effective June 17, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

§ 915.316 Avocado Regulation 16.

(a) *Order.* (1) During the period June 17, 1974, through April 30, 1975, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR 915; 37 FR 11314; 38 FR 1921), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, no avocados of the varieties listed in column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), (7), and (8) hereof.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	6-24-74	14 oz. 3 3/16 in.	7- 8-74	12 oz. 3 9/16 in.	7-22-74	10 oz. 2 14/16 in.	8-12-74
K-5	7- 1-74	16 oz. 3 5/16 in.	7-15-74	14 oz. 3 3/16 in.	7-29-74		
Dr. DuPuis	6-24-74	16 oz. 3 9/16 in.	7- 8-74	14 oz. 3 7/16 in.	7-22-74		
Hardee	7- 8-74	16 oz. 3 2/16 in.	7-15-74	14 oz. 2 15/16 in.	8- 5-74		
Pollock	7- 8-74	18 oz. 3 13/16 in.	7-22-74	16 oz. 3 7/16 in.	8- 5-74		
Simmonds	7- 8-74	16 oz. 3 9/16 in.	7-22-74	14 oz. 3 7/16 in.	8- 5-74		
Nadir	7- 8-74	14 oz. 3 3/16 in.	7-15-74	12 oz. 3 1/16 in.	7-22-74	10 oz. 2 15/16 in.	8- 5-74
Katherine	7- 8-74	16 oz.	7-22-74	14 oz.	8- 5-74		
Halle	7-22-74	16 oz.	7-29-74	14 oz.	8-19-74		
Dawn	7-22-74	12 oz. 3 4/16 in.	8- 5-74	10 oz. 3 9/16 in.	8-19-74		
Peterson	7-29-74	14 oz. 3 5/16 in.	8-12-74	10 oz. 3 2/16 in.	8-26-74	8 oz. 2 15/16 in.	9- 9-74
Gretchen	8- 5-74	14 oz.	8-19-74	12 oz.	9- 2-74		
Trapp	8-19-74	14 oz. 3 10/16 in.	9- 2-74	12 oz. 3 7/16 in.	9-16-74		
Waldin	8-19-74	16 oz. 3 9/16 in.	9- 2-74	14 oz. 3 7/16 in.	9-16-74	12 oz. 3 4/16 in.	9-30-74
Ruehle	7-22-74	18 oz. 3 11/16 in.	7-29-74	16 oz. 3 9/16 in.	8- 5-74	14 oz. 3 7/16 in.	9- 2-74
Pinelli	8- 5-74	18 oz. 3 12/16 in.	8-19-74	16 oz. 3 10/16 in.	9- 2-74		
Miguel	8- 5-74	22 oz.	8-19-74	20 oz.	9- 2-74	18 oz.	9-16-74
Webb 2	7-22-74	18 oz.	8- 5-74	16 oz.	8-19-74		
Nesbitt	8- 5-74	22 oz.	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74
Beta	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74		
Tower 2	8-19-74	14 oz.	9- 2-74	12 oz.	9-30-74		
Tonnage	9- 2-74	14 oz. 3 5/16 in.	9- 9-74	12 oz. 3 9/16 in.	9-16-74	10 oz. 2 13/16 in.	9-23-74
Fairchild	9- 2-74	16 oz. 3 10/16 in.	9-16-74	14 oz. 3 7/16 in.	9-30-74	12 oz. 3 4/16 in.	10- 7-74
Nirody	9- 2-74	18 oz. 3 15/16 in.	9-16-74	16 oz. 3 13/16 in.	9-30-74		
Black Prince	9-16-74	28 oz.	9-30-74	16 oz.	10-21-74		
Catalina	9-16-74	24 oz.	9-23-74	22 oz.	10- 7-74		
Blair	9-30-74	14 oz. 3 4/16 in.	10-21-74				
Collinson	9-30-74	16 oz. 3 10/16 in.	10-28-74				
Chica	9-30-74	12 oz. 3 7/16 in.	10-14-74	10 oz. 3 4/16 in.	10-28-74		
Rue	9-30-74	30 oz. 4 5/16 in.	10- 7-74	24 oz. 3 15/16 in.	10-21-74	18 oz. 3 9/16 in.	11- 4-74
Booth 5	9-30-74	16 oz. 3 11/16 in.	10-28-74				
Hickson	10- 7-74	15 oz. 3 5/16 in.	10-21-74	12 oz. 3 1/16 in.	10-28-74		
Simpson	10- 7-74	16 oz. 3 9/16 in.	10-28-74				
Vaca	10- 7-74	16 oz. 3 9/16 in.	10-28-74				
Sherman	10- 7-74	16 oz.	10-21-74	14 oz.	11- 4-74	10 oz.	11-25-74
Marcus	10- 7-74	32 oz.	11-18-74				
Booth 10	10-14-74	16 oz. 3 10/16 in.	11-11-74				
Booth 7	9-30-74	18 oz. 3 13/16	10-14-74	16 oz. 3 10/16 in.	10-28-74	14 oz. 3 5/16 in.	11-11-74
Avon	10-14-74	15 oz. 3 11/16 in.	11- 4-74				
Booth 11	10-14-74	16 oz. 3 12/16 in.	11- 4-74				
Leona	10-14-74	18 oz. 3 10/16 in.	10-28-74				
Winslowson	10-14-74	18 oz. 3 14/16 in.	11- 4-74				
Nelson	10-14-74	14 oz. 3 5/16 in.	10-28-74	12 oz. 3 5/16 in.	11-11-74	10 oz. 3 1/16 in.	12- 2-74
Hall	10-14-74	26 oz. 3 15/16 in.	10-28-74	20 oz. 3 9/16 in.	11-11-74		
Lula	10-21-74	18 oz. 3 11/16 in.	11- 4-74	14 oz. 3 5/16 in.	11-18-74		
Choquette	10-21-74	24 oz. 4 1/16 in.	11- 4-74	20 oz. 3 15/16 in.	11-25-74		
Monroe	10-21-74	24 oz. 4 1/16 in.	11- 4-74	20 oz. 3 15/16 in.	11-25-74		
Herman	10-21-74	16 oz. 3 9/16 in.	11- 4-74	14 oz. 3 5/16 in.	11- 8-74		
Murphy	10-21-74	16 oz.	11- 4-74	14 oz.	11-18-74	11 oz.	12- 9-74
Ajax (B7-B)	10-28-74	18 oz. 3 15/16 in.	11-18-74				
Booth 1	10-28-74	16 oz. 3 13/16 in.	11-18-74				
Booth 3	10-28-74	16 oz. 3 10/16 in.	11-18-74				
Taylor	10-28-74	14 oz. 3 5/16 in.	11-11-74	12 oz. 3 3/16 in.	11-25-74		
Dunedin	11-11-74	16 oz. 3 10/16 in.	11-25-74	14 oz. 3 5/16 in.	12- 9-74	10 oz. 3 1/16 in.	12-30-74
Byars	11-18-74	16 oz. 3 15/16 in.	12- 9-74				
Linda	11-18-74	18 oz. 3 13/16 in.	12- 9-74				
Nabal	11-18-74	14 oz. 3 9/16 in.	12- 9-74				
Zio	12- 2-74	12 oz.	12-16-74	10 oz.	12-30-74		
Wagner	12- 9-74	12 oz. 3 5/16 in.	12-23-74	10 oz. 3 3/16 in.	1- 6-75		
Maya	12-30-74	13 oz.	1-13-75	11 oz.	1-27-75		
Brookslate	1-13-75	14 oz.	1-27-75	12 oz.	2-10-75	10 oz.	2-24-75
Schmidt	1-20-75						
Itzamna	2-17-75						

(3) From the date listed for the respective variety in column 2 of Table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of Table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of Table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle during the period June 17, 1974, through July 21, 1974, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/16 inches in diameter;

(7) No handler shall handle (i) prior to August 26, 1974, any Lisa variety avocados, (ii) during the period August 26, 1974, through September 1, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period September 2, 1974, through September 8, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 9, 1974, through September 15, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 16, 1974, through September 23, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(8) No handler shall handle (i) prior to September 16, 1974, any Booth 8 variety avocados, (ii) during the period September 16, 1974, through October 6, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 9/16 inches in diameter, or (iii) during the period October 7, 1974, through October 20, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 6/16 inches in diameter, or (iv) during the period October 21, 1974, through November 3, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 3/16 inches in diameter, (v) during the period November 4, 1974, through November 18, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3 1/16 inches in diameter.

(9) Except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 8, 1974.

(ii) from July 8, 1974, through August 4, 1974, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 5, 1974, through September 8, 1974, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 9, 1974, through October 6, 1974, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(10) Except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, varieties of avocados not covered by paragraphs (a) (2) through (9) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 23, 1974.

(ii) From September 23, 1974, through October 20, 1974, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 21, 1974, through December 22, 1974, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(11) Notwithstanding the provisions of paragraphs (a) (2) through (10) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), (9), and (10) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(12) The provisions of paragraphs (a)(2) through (11) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the terms "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(c) The provisions of this regulation shall become effective June 17, 1974.

Dated: May 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-13763 Filed 6-13-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rice Supp., Amdt. 7]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

DETERMINATION OF QUALITY

The regulations issued by Commodity Credit Corporation published at 39 FR 17527 contained 2 errors: Paragraph 2 refers to § 1421.304, paragraph (a), which should read paragraph (b) and section head, § 1421.304 *Determination of Quality,* should follow second paragraph.

Because these changes are merely corrections, it is determined that compliance with the notice of proposed rulemaking procedure at this time is not necessary. Therefore, this amendment is being issued without following such proposed rulemaking procedure and shall be effective on June 14, 1974.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply secs. 5, 62 Stat. 1072, sec. 101, 401, 62 Stat. 1051, as amended; 1054, sec. 302, 72 Stat. 988; (15 U.S.C. 714c, 7 U.S.C. 1421, 1441))

Effective Date: June 14, 1974.

Signed at Washington, D.C., on June 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-13685 Filed 6-13-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

Section 1822.83(k) of Title 7, Code of Federal Regulations (37 FR 18700) is amended by striking the words, "municipal corporation or other corporate agency of a State or local Government." The stricken words appear in the definition of the word "Organization," and are public bodies which under the regulations might receive rural rental housing loans. Under the Housing Act of 1949 such loans are not permissible.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process. However, inasmuch as this amendment implements the Housing Act of 1949 and is editorial in nature, the public rulemaking process is unnecessary.

Pursuant to an order of Frank W. Naylor, Acting Administrator, dated April 18, 1974, (39 FR 14499), the abbreviation for Farmers Home Administration is now "FmHA" instead of "FHA." This document has been amended to reflect that change.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective date. This amendment becomes effective June 14, 1974.

Dated: June 7, 1974.

Frank B. Elliott,
Administrator,
Farmers Home Administration.

[FR Doc.74-13684 Filed 6-13-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 287]

ARREST OF ALIEN WITHOUT WARRANT

Disposition Without Unnecessary Delay

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 287.3, pertaining to the disposition without unnecessary delay of cases of aliens arrested without warrants.

Section 287(a) (2) of the Immigrantion and Nationality Act provides that an alien arrested without a warrant under the authority of that section shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States. The implementing regulation, 8 CFR § 287.3, requires that a decision be made within twenty-four hours as to whether an alien arrested without a warrant will be continued in custody or released, and whether deportation proceedings will be instituted. This regulatory requirement gives rise to difficulties when the twenty-four hour period extends into a weekend or holiday. Because of the difficulties engendered by the twenty-four hour requirement when an arrest without warrant occurs on a Friday or a day preceding a holiday; this amendment to § 287.3 is being proposed to provide that the determination as to the alien's continued custody or release and the institution of deportation proceedings be made no later than the close of the next business day. In conformity with the recent amendments of §§ 242.1 and 242.2, amendment of the enumeration of officers empowered to make such determination is also being proposed to include assistant district directors for investigations and officers in charge enumerated in § 242.1(a).

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by July 12, 1974, will be considered.

In § 287.3, it is proposed to amend the fifth and sixth sentences. As proposed, amended § 287.3 reads as follows:

§ 287.3 Disposition of cases of aliens arrested without warrant.

An alien arrested without a warrant of arrest under the authority contained in section 287(a) (2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer, unless no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, in which event the arresting officer, if the conduct of such examination is a part of the duties assigned to him, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he shall refer the case to a special inquiry officer for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter. An alien arrested without warrant of arrest shall be advised of the reason for his arrest and his right to be represented by counsel of his own choice, at no expense to the Government. He shall also be advised that any statement he makes may be used against him in a subsequent proceeding and that a decision will be made without unnecessary delay, but no later than the close of the next business day, as to whether he will be continued in custody or released on bond or recognizance. Unless voluntary departure has been granted pursuant to § 242.5 of this chapter, the alien's case shall be presented promptly, and in any event no later than the close of the next business day, to the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) for a determination as to whether there is prima facie evidence that the arrested alien is in the United States in violation of law and for issuance of an order to show cause and warrant of arrest prescribed in Part 242 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: June 10, 1974.

James F. Greene,
Acting Commissioner of
Immigration and Naturalization.

[FR Doc.74-13671 Filed 6-13-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-117; Notice No. 74-8]

SPECIFICATION 1M GLASS CARBOY IN POLYSTYRENE PACKAGING AND CANCELLATION OF CERTAIN OBSOLETE SPECIFICATION PACKAGINGS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendment of Parts 173 and 178 of the Department's Hazardous Materials Regulations to provide a specification for glass carboys in polystyrene packaging, to authorize use of this packaging with various commodities, and to clarify a shipper's responsibility for compliance with specifications involving certain packagings.

The Manufacturing Chemists Association and a number of holders of outstanding special permits have petitioned the Board to amend the regulations to provide for a new specification for a glass carboy in polystyrene packaging and to authorize use of this packaging with various commodities. This proposal identifies the new packaging as specification DOT-1M.

The Board believes that the assignment of responsibility for compliance with the Department's regulations involving composite packaging specifications must be clearly set forth. In Docket No. HM-69; Amendment No. 178-20 (36 FR 16579), the Board established a manufacturer's registration system for the purpose of identifying manufacturers of containers and to clearly establish responsibility for compliance with the specification. The proposed specification includes, in addition to identification of the manufacturer of each component, identification of the person who as-

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sembles the completed unit constituting the specification to clearly specify responsibilities for composite packagings. The Board proposes that each assembler obtain a registration number for identification on the exterior packaging. The assembler's registration number will contain the letter "A" immediately following the numerals. This identification will be in addition to the polystyrene packaging manufacturer's registration number if he is not the assembler.

In addition, the Board proposes an amendment of § 173.22 to clarify shipper responsibility for compliance with specifications when the specifications prescribe functions to be performed by the shipper as described in Parts 173 and 178.

The Board has available information which indicates that certain specification packagings are obsolete. Therefore, by this notice, the Board is proposing to cancel packaging specifications 1B, 1C, 1E, 28, 28A, 31, 34B, and 43A from Part 178 and also proposes to remove the authorizations for their use wherever they appear in Part 173. Any person using one of the above-listed specification packagings who requests that it be continued in the regulations for either construction or use should provide the Board with information concerning its use, including the number being used and the type of use.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

I. PART 173—SHIPPERS

(A) In § 173.22, paragraph (a) would be amended to read as follows:

§ 173.22 Shipper's responsibility.

(a) When a container is supplied by the shipper, the shipper shall be responsible to determine that shipments of hazardous materials are made in containers which, unless otherwise provided in this part (see § 173.9(c)), have been made, assembled with all parts or fittings in their proper place, and properly secured, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this subchapter or with specifications of the Department in effect at date of manufacture of container. The shipper may accept the manufacturer's certification or specification marking to determine that completed specification containers were manufactured in accordance with applicable specifications. The shipper must be familiar with the applicable specifications as prescribed in Parts 178 and 179 of this subchapter and he must perform those functions required by the specifications to be performed by the shipper. Where containers are supplied by the carrier, the shipper shall determine that the containers in which commodities are to be loaded are proper containers for the transportation of such commodities by examining the manufacturer's identification plate, specification marking, or certification by the carrier.

* * * * *

(B) In § 173.119, paragraph (a)(1) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(1) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3, 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A or 1C. Specification 1M carboy may not be used to package liquids where contact with the liquid or its vapor may result in deterioration of the polystyrene.

* * * * *

(C) In § 173.145, paragraph (a)(1) would be amended to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical and methylhydrazine.

(a) * * *

(1) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(D) In § 173.221, paragraph (a)(1) would be amended to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) * * *

(1) Specification 1A, 1D, or 1M (§§ 178.1, 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

* * * * *

(E) In § 173.222, paragraph (a)(2) would be amended to read as follows:

§ 173.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.

(a) * * *

(2) Specification 1A, 1D, or 1M (§§ 178.1, 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

* * * * *

(F) In § 173.223, paragraph (a)(3) would be amended to read as follows:

§ 173.223 Peracetic acid.

(a) * * *

(3) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(G) In § 173.245, paragraph (a)(3) would be amended to read as follows:

§ 173.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(3) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch guage at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(H) In § 173.247, paragraph (a)(3) would be amended to read as follows:

§ 173.247 Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuryl chloride; Silicon chloride; Sulfur chloride (mono and di); Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

(a) * * *

(3) Specification 1A, 1C, 1D, 1E, 1K, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.14, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

* * * * *

(I) In § 173.248, paragraph (a)(1) would be amended to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(1) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. (For spent sulfuric acid only.)

* * * * *

(J) In § 173.262, paragraph (a)(1) would be amended to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(1) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum or polystyrene packaging.

* * * * *

(K) In § 173.263, paragraph (a)(7) would be amended to read as follows:

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(7) Specification 1D, 1E, 1EX, (single-trip), or 1M (§§ 178.4, 178.7, 178.6, 178.17 of this subchapter). Glass carboys packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous materials to the environment.

* * * * *

(L) In § 173.265, paragraph (c)(1) would be amended to read as follows:

§ 173.265 Hydrofluosilicic acid.

* * * * *

(c) * * *

(1) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboys packed in a box, keg, plywood drum, or polystyrene packaging. Use of a rubber stopper and gasket is also authorized for Specification 1A, 1C, 1D, or 1E carboy.

* * * * *

(M) In § 173.266, paragraph (c)(7) would be added to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(c) * * *

(7) Specification 1M (§ 178.17 of this subchapter). Glass carboy packed in a polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(N) In § 173.267, paragraph (a)(10) would be added to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(10) Specification 1M (§ 178.17 of this subchapter). Glass carboy packed in a polystyrene packaging. Authorized only for mixed nitric and sulfuric acid, containing not over 17 percent nitric acid and containing at least 33 percent water. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(O) In § 173.268, paragraph (f)(3) would be amended to read as follows:

§ 173.268 Nitric acid.

* * * * *

(f) * * *

(3) Specification 1D, 1E, or IM (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(P) In § 173.269, paragraph (a)(2) would be amended to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(2) Specification 1A, 1C, 1D, 1E, 1K, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.14, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(Q) In § 173.272, paragraph (i)(16) would be amended to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(16) Specification 1D, 1E, or 1M (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging.

* * * * *

(R) In § 173.276, paragraph (a)(1) would be amended to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(1) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(S) In § 173.277, paragraph (a)(2) would be amended to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(2) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(T) In § 173.278, paragraph (b)(2) would be amended to read as follows:

§ 173.278 Nitrohydrochloric acid.

* * * * *

(b) * * *

(2) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

(U) In § 173.291, paragraph (a)(2) would be amended to read as follows:

§ 173.291 Flame retardant compound liquid.

(a) * * *

(2) Specification 1D, 1E, or 1M (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(V) In § 173.295, paragraph (a)(3) would be amended to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(3) Specifications 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, and 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(W) In § 173.346, paragraph (a)(13) would be amended to read as follows:

§ 173.346 Poisonous liquids not specifically provided for.

(a) * * *

(13) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging.

* * * * *

(X) In § 173.348, paragraph (a)(2) would be amended to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(2) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3, 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging.

* * * * *

(Y) In § 173.349, paragraph (a)(2) would be amended to read as follows:

§ 173.349 Carbolic acid (phenol) liquid.

(a) * * *

(2) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging.

* * * * *

II. PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In Part 178 Table of Contents, § 178.17 would be added to read as follows:

§ 178.17 Specification 1M; glass carboy in non-reusable polystyrene packaging.

(B) § 178.17 would be added to read as follows:

§ 178.17 Specification 1M; glass carboy in non-reusable polystyrene packaging.

§ 178.17–1 General requirements.

(a) Each package must meet the requirements of § 173.24 of this subchapter.

(b) Polystyrene packaging may not be used again after contents hvae been removed.

§ 178.17–2 Capacity.

Carboy must not exceed 6.5 United States gallons overflow, tolerance plus 10 fluid ounces.

§ 178.17–3 Construction requirements.

(a) Glass carboy:

(1) The glass must be machine-blown and thoroughly and properly annealed.

(2) The top lip portion of each carboy must be smooth and even.

(3) The neck must be provided with threads for closing by screw cap.

(4) The weight of each carboy must be 14 pounds with a tolerance of minus 8 ounces plus 16 ounces.

(5) The minimum thickness of the glass in the carboy must be 0.075 inch.

(b) Outside packaging:

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(1) Expandable polystyrene must be molded to form a protective outside packaging.

(2) This packaging must consist of 2 sections, namely top and bottom portions, which interlock. Each section must be molded with a cavity to maintain a snug fit in all areas of contact with the carboy.

(3) The minimum density of the polystyrene must be 2 pounds per cubic foot.

(4) The minimum thickness of the polystyrene must be 1 inch.

§ 178.17–4 Closure.

(a) Glass carboy:

(1) A gasketed or lined threaded screw cap is required.

(b) Outside packaging:

(1) Weather resistant, pressure sensitive, cloth, or laminated reinforced paper tape must be circumferentially applied at the mating areas of the top and bottom sections to prevent separation. The tape must be at least 2½ inches in width and have a tensile strength of not less than 50 pounds per inch of width.

§ 178.17–5 Tests.

(a) Glass carboy:

(1) *Internal pressure test*. Each carboy must be capable of withstanding a sustained internal pressure of 20 p.s.i.g. for a 15-day period. The carboy manufacturer shall demonstrate to the Bureau of Explosives that the carboy design will meet this test prior to start of production.

(2) *Hydrostatic pressure test*. One carboy selected at random from each 200 produced on each mold must be subjected to bursting by an instantaneous hydostatic pressure test. The bursting pressure may not be less than 40 p.s.i.g. If a carboy fails at a pressure less than 40 p.s.i.g., 12 additional samples must be selected from the same lot of 200 carboys and tested in the same manner. All 12 samples must pass the required test, otherwise the entire lot must be rejected.

(3) *Reports and records*. The manufacturer shall prepare a report on the tests described in (a) (1) and (2) of this subsection and shall retain the report on the results of these tests for at least one year following the termination of the production of each carboy design.

(b) Outside packaging:

(1) *Drop tests*. Randomly selected samples of completed packages, with carboys filled with water to capacity and closed as for shipment, must be subjected to drop tests onto solid concrete. A minimum of six packages must be tested, each not required to be subjected to more than one drop, A complete test cycle consists of the following:

(i) Two units dropped flat on bottom from a height of four feet,

(ii) Two units dropped flat on side from a height of four feet, and

(iii) Two units dropped flat on top from a height of four feet.

(2) *Required results*. Each package in one test cycle must pass the test without leakage from or breakage of the inside container. If any failure occurs, the complete cycle must be repeated until the passing requirements have been satisfied.

(3) *Testing frequency*. Tests for the completed package described in paragraph (b)(1) of this subsection must be performed prior to the start of initial production from each mold, each six months thereafter, and upon any change in source of resin, type of resin, or process method. If production is discontinued and then resumed, this requirement will also apply if prescribed tests have not been made within the previous six months. The tests must also be repeated when any component or the design of the package is changed.

(4) *Records*. The manufacturer of the polystyrene packaging or the assembler shall prepare a report on the tests described in (b) (1), (2), and (3) of this subsection and shall retain the report on the results of these tests for at least one year following the sale of the polystyrene packaging. These reports must be available for examination by representatives of the Department.

§ 178.117–6 Markings.

(a) The markings required by this subsection must be legible and in characters at least one inch in height. The marking requirements of § 173.24 of this subchapter with the exception of subparagraphs (c)(1)(ii) and (iv), are applicable to the glass carboy and polystyrene packaging.

(b) No person may mark any carboy with the specification identification "DOT–ID" and any polystyrene packaging with the specification identification "DOT–IM" unless:

(1) The carboy or polystyrene packaging is manufactured in compliance with the requirements of this section, and

(2) For the polystyrene packaging, the manufacturer has a registration number (M**** or M****A) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(c) No person may mark the polystyrene packaging with the letter "A" immediately following the registration number unless he is responsible for assembly of the complete package. If the assembler is not the polystyrene packaging manufacturer, he must obtain a registration number (M****A) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(d) The following markings must be embossed in the bottom of each carboy:

(1) Manufacturer's mark (must be registered with Bureau of Explosives),

(2) Year of manufacture,

(3) DOT–1D.

(e) The following markings must be embossed in the bottom of each polystyrene packaging:

(1) DOT–1M.

(2) NRC.

(3) Year of manufacture.

(4) Registration number (M****) of the manufacturer. When manufacturer of the polystyrene packaging is also the assembler, the letter "A" must follow his registration number on the polystyrene packaging.

(5) Registration number (M****A) of the assembler. When assembler is not the polystyrene manufacturer, his registration number must appear on the polystyrene packaging in addition to the polystyrene packaging manufacturer's registration number.

(f) The markings required by subparagraphs (e)(1) and (e)(2) of this subsection must be displayed sequentially on each polystyrene packaging. For example: DOT–1M NRC.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before September 30, 1974 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215, Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831–835), section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on June 10, 1974.

W. J. Burns,
Director, Office of Hazardous Materials.

[FR Doc.74–13729 Filed 6–13–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 12]

UNIFORM TIRE QUALITY GRADING

Passenger Car Tires

This notice proposes standards for a revised Uniform Tire Quality Grading System. The first proposal for a Uniform Tire Grading regulation was published September 21, 1971 (36 FR 18751) and withdrawn April 21, 1972 (37 FR 7903). A subsequent proposal was published March 7, 1973 (38 FR 6914), amended August 14, 1973 (38 FR 21939), issued as a final rule on January 4, 1974 (39 FR 1037), and revoked on May 9, 1974 (39 FR 16469).

The proposed system would require the grading of passenger car tires for treadwear, traction, and high speed performance. The revised requirements are proposed as a result of the inability of the NHTSA to obtain from the tire industry "control tires" which were to have been used under the previous regulation as the basis for determining the comparative

performance grades for treadwear and traction.

Treadwear. Treadwear grades in this proposal would be based on a tire's projected mileage (the distance traveled before it is worn down to its treadwear indicators) as tested on a single predetermined test course of approximately 6,400 miles. The mileage categories represented by each grade would be: less than 15,000 miles (X), 15,000 miles or more (15), 25,000 miles or more (25), 35,000 miles or more (35), 45,000 miles or more (45), and 60,000 miles or more (60).

The test course would be established by NHTSA. This agency plans to locate the course in the vicinity of San Angelo, Texas, a city in the central part of that state. The course would be approximately 400 miles long, and each treadwear test would require 16 circuits of the course. It is anticipated that both the industry, at each manufacturer's option, and the agency, would perform treadwear tests on this course; the former for establishing grades, and the latter for purposes of compliance testing, i.e., testing the validity of the grades assigned. The agency would provide a means by which test time would be allocated to industry members who wish to use the site. While manufacturers would not be required to test on the site, it would obviously be to their advantage to do so, since the legal standard against which compliance with the regulation would be measured would be a tire's performance in government tests on that course.

The NHTSA would design the course with a level of severity that it found appropriate to differentiate adequately the treadwear performance of the three main tire construction types (bias, bias-belted, and radial), and the significant variations in performance within those types. The treadwear performance of candidate tires would be measured against that of a standard tire of the same general construction type. The standard tires would be production tires procured by the NHTSA—one group each of the three general types—which would be made available by this agency for purchase and use by regulated persons at the test site. It is anticipated that the course would produce a projected total mileage of 40,000 miles for the standard radial, 30,000 miles for the standard bias-belted, and 18,000 miles for the standard bias-ply tires. Base projected mileage figures for the three standard tires would be computed using the same procedures by which candidate tires are to be measured, and thereafter would serve as the basis for correction factors to adjust for changes in course severity with time and for variations in the driving patterns of test convoys.

Each test convoy would consist of a car equipped with four standard tires, with other cars equipped with the candidate tires, an identical pair on each axle. At the end of each 400-mile lap, the tread depth would be measured at ten equally-spaced locations in each tire groove, and the tires would be rotated (front to same side of rear, rear to opposite side of front). At the end of the 16-lap test, the mean measured tread depth for each lap would be expressed as a wear rate, and the wear rates for each lap would be geometrically averaged as an overall wear rate for the run. The original tread depth divided by the wear rate would provide the projected mileage for a tire. This projection would be adjusted for changes in course severity by a multiplier consisting of the base mileage for that type of standard tire divided by the measured average of the projected mileages for the four standard tires in that convoy. The adjusted projected mileages of the candidate tires would be the basis for their grade, with reference to the categories set forth above.

Similarly to the other consumer information regulations issued by this agency, a grade category would represent a minimum performance figure to which every tire would be expected to conform if tested by the government under the procedures set forth in the regulation. Thus, any manufacturer in doubt as to the performance capabilities of a line of his tires would be free to assign a lower grade than what might actually be achieved, and he would be expected to take due care that substantially all the tires marked with a particular grade would be capable of achieving it.

Traction. Traction grades would be in the form of asterisks or 5-pointed stars, and would be based on the tire's traction coefficient when tested on two wet surfaces, one of concrete and the other of asphalt. The grades would be based on benchmark traction coefficients, three each for asphalt and concrete. One asterisk would signify that the tire exceeded the lower benchmark on both of the surfaces. Two asterisks would signify that the tire exceeded the second benchmark on both surfaces. Three asterisks would signify that the tire exceeded the upper benchmark on both surfaces. A "0" would be a negative representation, that the tire did not necessarily meet the lower benchmark on either surface, or in other words that no representation was being made as to its traction performance.

The traction test is similar to that of the prior regulation in that it utilizes a two-wheeled test trailer built in accordance with American Society for Testing and Materials Method E–274–70. A major objection to that test, however, was that it is presently impossible to create identical test skid surfaces at various sites, and thus there is no assurance that results obtained at different sites would be comparable.

The NHTSA proposed on January 4, 1974 (39 FR 1061) to utilize special test surfaces being developed by the Federal Highway Administration. These surfaces have not been developed at this time to the extent that their use in this proposal is possible. The NHTSA is responding to the objection by proposing, as in the treadwear test, to provide test facilities for use by manufacturers as well as by the agency. The surfaces would be constructed in San Angelo, Texas, so that companies may test for both treadwear and traction in the same geographical area. The agency would allocate testing time to any industry member who wished to test his tires on the site.

The two surfaces proposed represent typical highway surfaces: an asphalt surface having a traction coefficient when tested wet using the ASTM tire of 0.50±0.10, and a concrete surface having a coefficient of friction when similarly tested of 0.47±0.05. The surfaces would be constructed and maintained in accordance with the "Manual for the Construction and Maintenance of Skid Surfaces," a contract report resulting from an agency contract (No. FH–11–7718) with Texas A & M University. The report is publicly obtainable from the National Technical Information Service, Springfield, Virginia 22151, under the title and number "DOT HS–800 814."

Each traction test would measure the candidate tire's traction coefficient on both surfaces, using the ASTM trailer. A measurement of the surface coefficient of each surface using two ASTM tires would be made before each candidate tire test. The candidate tire's coefficient of friction would then be measured, and adjusted for variations in the surface by adding a fixed coefficient (0.50 for asphalt, 0.47 for concrete) and subtracting the average coefficient measured with the two ASTM tires.

High speed performance. The proposed test for high speed performance is essentially the same as that contained in the previous regulation. It extends the laboratory wheel test for high speed performance in Motor Vehicle Safety Standard No. 109 by increasing incrementally the speed of the laboratory wheel. Certain modifications have been made, however, to the previously published requirements and procedures.

The explanation of the high speed grades contained on the tread label have been modified to eliminate all references to highway speeds. While those speeds were intended to reflect only general driving conditions, the agency agrees with industry comments that there is a lack of technical support for the correlations between the grades and the highway speeds expressed on the label. A general description of the tire characteristics graded by the test has been substituted on the label as an explanation of the various grades.

The criterion for failure at any stage of the test has also been revised to conform to newly issued requirements defining tire failure in Motor Vehicle Safety Standard No. 109 (38 FR 27050, September 28, 1973; 39 FR 11423, March 28, 1974). Some changes have been made as well to the laboratory wheel speeds representing each grade. The NHTSA believes the revised values better reflect actual performance differences in production tires that have been observed in agency tests.

In response to numerous comments, the time specified for each test speed

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stage has been reduced from one hour to one-half hour. It appears that a tire will stabilize after testing at any one speed for one-half hour, making further testing at that speed unnecessary.

Provision of grading information. The revised proposal retains the scheme for providing grading information to purchasers through the molding of quality grades into or onto the tire sidewall between the tire's maximum section width and shoulder, and through the use of tread labels containing the quality grades for each tire and an explanation of the grading scheme. Objections to the requirement for tread labels were received in the prior rulemaking on the basis that the labels may not remain attached to the tires before their delivery to dealers, and that in many cases the customer does not see the tires he purchases before they are mounted. It was suggested that grading information could be made available through the use of point-of-sale material such as posters and leaflets.

After considering these objections, however, the NHTSA has tentatively decided that the tread label approach will be more successful in bringing grading information to the attention of consumers. Tread labels are presently used to identify tires throughout the tire industry. If labels should be detached, manufacturers can furnish dealers with replacement labels which they can affix before a tire is sold. Although the actual tires a motorist purchases may not be seen by him prior to delivery, representative tires are usually displayed in most locations where tires are sold. Such display tires would have labels affixed to their tread surface, and the information would thus be available to purchasers before sale in an obvious and conspicuous location.

Point-of-sale material, in the form of retainable printed matter, would be required as well, under the general consumer information requirements that information be provided to prospective purchasers. The NHTSA does not consider it desirable, however, to rely on point-of-sale material alone. The dissemination of that material under existing consumer information requirements has frequently been hampered by a lack of knowledge as to its availability on the part of both dealers and consumers. Under the proposed tread-label approach the tire must be labeled at the time of sale, and the NHTSA has clear authority to enforce the labeling requirement throughout the entire chain of distribution.

In light of the above, it is proposed that Part 575 of Title 49, Code of Federal Regulations, be amended by adding a new § 575.104, Uniform Tire Quality Grading System, in the manner set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. September 12, 1974.

Proposed effective date. May 1, 1975.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 11, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

§ 575.104 Uniform Tire Quality Grading System.

(a) *Scope.* This section requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and high speed performance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires.

(d) *Requirements*—(1) *Information.* (i) Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall provide grading information for each tire of which he is the manufacturer or brand name owner in the manner set forth in paragraphs (d)(1)(i)(A) and (d)(1)(i)(B) of this section. The grades for each tire shall be only those specified in paragraph (d)(2) of this section. Each tire shall be able to achieve the level of performance represented by each grade with which it is labeled. An individual tire need not, however, meet further requirements after having been subjected to the test for any one grade.

(A) Each tire shall be graded with the words, letters, symbols, and figures specified in paragraph (d)(2) of this section, permanently molded into or onto the tire sidewall between the tire's maximum section width and shoulder in accordance with one of the methods described in Figure 1.

(B) Each tire, except a tire sold as original equipment on a new motor vehicle, shall have affixed to its tread surface in a manner such that it is not easily removable a label containing its quality grades and other information in the form illustrated in Figure 2. The grade attributed to the tire for each area of performance shall be circled.

(ii) In the case of information required in accordance with § 575.6(c) of this part to be furnished to prospective purchasers of motor vehicles and tires, each vehicle manufacturer and each tire manufacturer or brand name owner shall as part of that information list all possible grades and restate verbatim the explanations for each performance area specified in Figure 2. The information need not be in the same format as Figure 2, but must indicate clearly and unambiguously the grade in each performance area for each tire of the tire manufacturer or brand name owner offered for sale at a particular location, including each tire offered for sale on a new motor vehicle.

(iii) In the case of information required in accordance with § 575.6(a) of this part to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall as part of that information list all possible grades and restate verbatim the explanation for each performance area specified in Figure 2. The information need not be in the format of Figure 2, but must clearly and unambiguously indicate the quality grades for the tires with which the vehicle is equipped.

(2) *Performance* — (i) *Treadwear.* Each tire shall be graded for treadwear performance with the word "TREADWEAR" followed by the letter or number X, 15, 25, 35, 45, or 60, based on its adjusted projected mileage when the tire is tested in accordance with the conditions and the procedures specified in paragraph (e) of this section.

(A) The tire shall be graded X if its adjusted projected mileage is less than 15,000 miles.

(B) The tire may be graded 15 only if its adjusted projected mileage is 15,000 miles or more.

(C) The tire may be graded 25 only if its adjusted projected mileage is 25,000 miles or more.

(D) The tire may be graded 35 only if its adjusted projected mileage is 35,000 miles or more.

(E) The tire may be graded 45 only if its adjusted projected mileage is 45,000 miles or more.

(F) The tire may be graded 60 only if its adjusted projected mileage is 60,000 miles or more.

(ii) *Traction.* Each tire shall be graded for traction performance with the word "TRACTION", followed by the symbols 0, *, **, or *** (either asterisks or 5-pointed stars) when the tire is tested in accordance with the conditions and the procedures specified in paragraph (f) of this section.

(A) The tire shall be graded 0 when its adjusted traction coefficient is either:

(*1*) .41 or less when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, or

(*2*) .38 or less when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(B) The tire may be graded * only when its adjusted traction coefficient is both:

(*1*) More than .41 when tested in accordance with paragraph (f)(2) on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(*2*) More than .38 when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(C) The tire may be graded ** only when its adjusted traction coefficient is both:

(*1*) More than .46 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(*2*) More than .43 when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(D) The tire may be graded *** only when its adjusted traction coefficient is both:

(*1*) More than .57 when tested in accordance with paragraph (f)(2) on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(*2*) More than .49 when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(iii) *High speed performance.* Each tire shall be graded for high speed performance with the words "HIGH SPEED" followed by the letter A, B, or C, based on its performance when the tire is tested in accordance with the procedures specified in paragraph (g) of this section. A tire shall be considered to have completed a test stage without failure in accordance with this paragraph if, at the end of the test stage, it exhibits no visual evidence of tread, sidewall, ply, cord, innerliner or bead separation, chunking, broken cords, cracking or open splices as defined in § 571.109 of this chapter, and the tire pressure is not less than the pressure specified in paragraph (g)(1) of this section.

(A) The tire shall be graded C if it fails to complete the 500 rpm test stage specified in paragraph (g)(9) of this section.

(B) The tire may be graded B only if it completes the 525 rpm test stage specified in paragraph (g)(9) of this section.

(C) The tire may be graded A only if it completes the 575 rpm test stage specified in paragraph (g)(9) of this section.

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.* (i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered in public use for tires of differing construction types.

(ii) Treadwear grades are established by comparing the projected total tire mileage of a candidate tire with the projected mileage of four standard tires of the same general construction type (bias, bias-belted, or radial), based on a 6,400-mile test run on the test course of a convoy with both types of tires. The three types of standard tires are production tires, each type identical as to manufacturer, line or trade name, construction type, and size designation, which are made available by the NHTSA for purchase by any persons conducting tests at the test course.

(iii) In convoy tests each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) Wheel alignment is that specified by the vehicle manufacturer and is maintained throughout the test.

(2) *Treadwear grading procedure.* (i) Equip a convoy with standard and candidate tires of the same construction type. Place four new standard tires on one vehicle. On each other vehicle place four candidate tires, with identical (as to manufacturer, line, and size designation) pairs on each axle.

(ii) Inflate each candidate and each standard tire to an inflation pressure 8 pounds less than its maximum permissible inflation pressure.

(iii) Load each vehicle so that the load on each standard and candidate tire is 85 percent of the load specified in Appendix A of § 571.109 of this chapter (Standard No. 109) at the inflation pressure specified in paragraph (e)(2)(ii) of this section.

(iv) Subject each candidate and standard tire to "break-in" by running the tires in convoy for one circuit of the test roadway (400 mi).

(v) Allow the tire to cool to the inflation pressure specified in paragraph (e)(2)(ii) of this section and measure, to the nearest 0.001 inch, the tread depth of each candidate and standard tire, avoiding treadwear indicators, at ten equally spaced points in each groove, and for each tire compute the average of the measurements.

(vi) Drive the convoy on the test roadway for 6,400 miles. After each 400 miles:

(A) Measure the average tread depth of each tire in accordance with paragraph (e)(2)(v) of this section; and

(B) Rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(vii) Compute the projected mileage for standard and candidate tires as follows:

(A) Determine the rate of wear for each individual standard or candidate tire, for each 400 mile test section, using the following formula:

$$R_n = 2.5 \times (\overline{m}_{n-1} - \overline{m}_n)$$

where: R_n = The rate of wear in mils per 1000 miles for the n^{th} 400-mile segment

and $\overline{m}_n$ = The averaged tread depth measurement at the end of the n^{th} segment for an individual standard or candidate tire.

(B) Determine the average rate of wear (R) in mils per 1000 miles for each standard or candidate tire for the 6,400 mile test using the following formula:

$$\overline{R} = \text{antilog}\left(\frac{1}{16}\sum_{n=1}^{16}\log R_n\right)$$

(C) Determine the projected mileages for each standard or candidate tire using the following formula:

$$\text{Projected mileage} = 1000 \times \frac{(\overline{m}_o - 62)}{\overline{R}} + 400$$

Where $\overline{m}_o$ = The average tread depth measurement of each standard or candidate tire at the end of the break-in period specified in paragraph (e)(2)(iv) of this section.

(viii) Compute the arithmetic average of the projected mileages for the four standard tires.

(ix) Determine the adjusted projected mileages for the four standard tires.

(ix) Determine the adjusted projected mileage for each individual candidate tire as follows:

(A) Divide the base mileage determined by the NRTSA for that construction type by the average projected mileage for the standard tires, to obtain the course severity adjustment factor.

(B) Multiply the projected mileage for the candidate tire by the course severity adjustment factor, to obtain the adjusted projected mileage.

NOTE: The base mileages will be determined by the NHTSA on the basis of test runs over the prescribed course with convoys using standard tires, under conditions and procedures the same as those set forth in this paragraph for treadwear grading. Precise base mileages have not yet been determined but it is expected that the approximate values for each standard tire construction type will be:

Radial: 40,000 miles.
Bias-belted: 30,000 miles.
Bias: 18,000 miles.

(f) *Traction grading conditions and procedures*—(1) *Conditions.* (i) Tire traction performance is evaluated on skid pads that are established by the NHTSA both for its own compliance testing and for that of regulated persons. The test pavements are asphalt and concrete surfaces constructed in accordance with the specifications for pads "C" and "A" in the "Manual for the Construction and Maintenance of Skid Surfaces", National Technical Information Service No. DOT HS–800 814. The surfaces have locked wheel traction coefficients when evaluated in accordance with paragraphs (f)(2)(i) through (f)(2)(vii) of this section of 0.50±0.10 and 0.47±0.05 respectively.

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(ii) The standard tire is the American Society for Testing and Materials (ASTM) E 501 "Standard Tire for Pavement Skid Resistance Tests."

(iii) The pavement surface is wetted in accordance with paragraph 3.5, "Pavement Wetting System", of ASTM Method E 274–70, "Skid Resistance of Paved Surfaces Using A Full-Scale Tire."

(iv) The test apparatus is a test trailer built in conformity with the specifications in paragraph 3, "Apparatus," of ASTM Method E 247–70, and instrumented in accordance with paragraph 3.3.2 of that method, except that "wheel load" in paragraph 3.2.2 and tire and rim specifications in paragraph 3.2.3 of that method are as specified in the procedures in paragraph (f)(2) of this section for standard and candidate tires.

(v) The test apparatus is calibrated in accordance with ASTM Method F 377–74, "Standard Method for Calibration of Braking Force for Testing of Pneumatic Tires" with the trailer's (standard) tires inflated to 24 psi and loaded to 1085 pounds.

(vi) Consecutive tests on the same surface are conducted not less than 30 seconds apart.

(vii) A standard tire is discarded in accordance with American Society for Testing and Materials Method E 501.

(2) *Procedure.* (i) Prepare two standard tires as follows:

(A) Condition the tires by running them at a load of 1085 pounds for 100 miles on a passenger car.

(B) Mount each tire on a "test rim" as defined in S3 of Standard No. 109 (§ 571.109 of this chapter), or on any rim listed for use with that tire in the Appendix of Standard No. 110 (§ 571.110 of this chapter) that is of a width within −0+0.50 inches of the test run width. Inflate the tire to 24 psi.

(C) Statically balance each tire-rim combination.

(D) Allow each tire to cool to ambient temperature and readjust its inflation pressure to 24 psi.

(ii) Mount the tires on the test apparatus described in paragraph (f)(1)(iv) of this section and load each tire to 1085 pounds.

(iii) Tow the trailer on the asphalt test surface specified in paragraph (f)(1)(i) of this section at a speed of 40 mph, lock one trailer wheel, and record the locked-wheel traction coefficient on one tire between 0.2 and 1.2 seconds after wheel lockup.

(iv) Repeat the test for a total of ten measurements on the same test surface, locking the same wheel.

(v) Repeat the procedures specified in paragraphs (f)(2)(iii) and (f)(2)(iv) of this section on the same surface, locking the other wheel.

(vi) Average the 20 measurements to find the standard tire traction coefficient for the asphalt surface.

(vii) Repeat the procedures specified in paragraphs (f)(2)(i) through (f)(2)(vi) of this section on the concrete surface, to find the standard tire traction coefficients for the concrete surface.

(viii) Prepare two candidate tires of the same type, trade name or line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test them according to the procedures of paragraphs (f)(2)(ii) through (vii) of this section, except that for both preparation and testing the inflation pressure shall be 8 pounds less than the tire's maximum permissible inflation pressure and the load on each tire shall be 85 percent of the load specified for the tire's size designation at that inflation pressure in Appendix A of Standard No. 109 (§ 571.109 of this chapter), and the measurements for each tire shall be averaged separately to obtain traction coefficients for each tire, for asphalt and for concrete.

(ix) Compute a candidate tire's adjusted traction coefficient for asphalt (u_a) by the following formula:

u_a=Measured candidate tire coefficient for asphalt+0.50—Measured standard tire coefficient for asphalt

(x) Compute a candidate tire's adjusted traction coefficient for concrete (u_c) by the following formula:

u_c=Measured candidate tire coefficient for concrete+0.47—Measured standard tire coefficient for concrete

(g) *High speed performance grading.* (1) Mount the tire on any test rim as defined in S3 of Standard No. 109 (§ 571.109 of this chapter) and inflate it to 2 pounds less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 105° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds less than maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

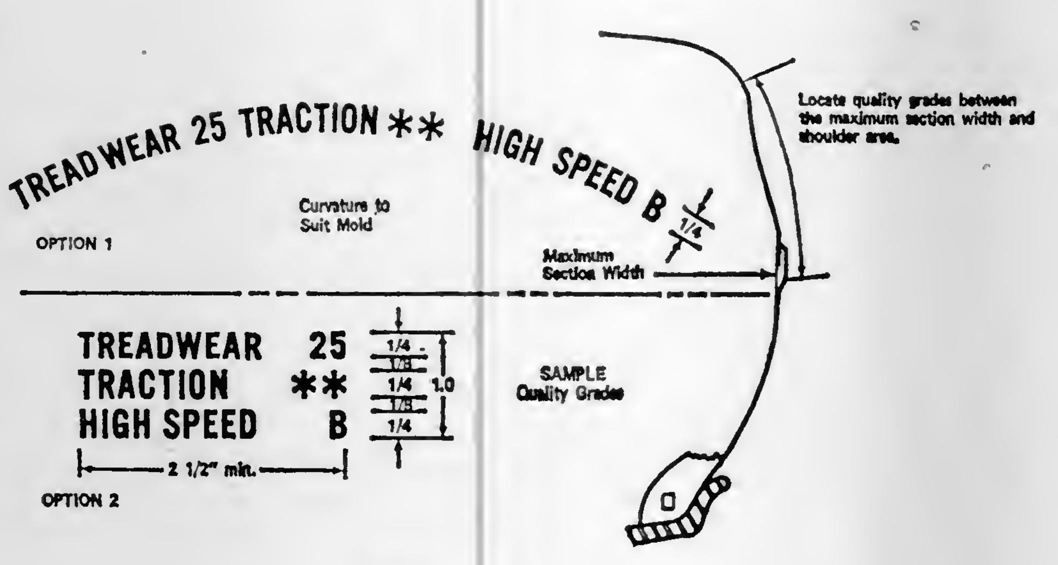
(5) During the test, including the pressure measurements specified in paragraphs (g)(1) and (g)(3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 105° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

(6) Press the tire against the test wheel at the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's size designation, type, and inflation pressure that is 8 pounds less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 rpm for 2 hours.

(8) Remove the load, allow the tire to cool to 105° F. or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, and then at 25 rpm increments, each for 30 minutes, until the tire has run at 575 rpm for 30 minutes or to failure, whichever occurs first.



Note: The quality grades shall be in "Futura Bold, Modified, Condensed or Gothic" characters permanently molded (.020 to .040 deep) into or onto the tire as indicated.

FIGURE 1

Figure 2

DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS

Treadwear 60 45 35 25 15 X	The treadwear grades range from 60 to 15, representing the projected minimum life, in thousands of miles, of the tire on a specified government test course. For example, a tire graded 25 would achieve a projected mileage of at least 25,000 miles on the government course. A tire marked X for treadwear is ungraded, and may have a mileage life of less than 15,000 miles on the government course. *THESE FIGURES DO NOT REPRESENT THE ACTUAL MILEAGES THAT WILL BE ACHIEVED IN USE, AND SHOULD BE USED ONLY FOR COMPARING ONE TIRE WITH ANOTHER.*
Traction *** ** * 0	The traction grades are *** (the highest), **, and *, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surface. A tire marked 0 for traction is ungraded, and may have poor traction performance.
High speed performance A B C	The high speed performance grades are A (the highest), B, and C, representing the tire's resistance to heat and its ability to dissipate heat. Heat can result from speed, outside temperature, improper inflation, and other factors. Sustained high heat can cause the material of the tire to degenerate and reduce tire life, and excessive heat can lead to sudden tire failure. The grade C represents the resistance to heat which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law.

[FR Doc.74-3697 Filed 6-13-74;2:00 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19995]

CABLE TELEVISION; NETWORK PROGRAM EXCLUSIVITY

Order Extending Time

In the matter of the amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. On April 9, 1974, the Commission released its Notice of Inquiry and Proposed Rule Making[1] (39 FR 16484) in this proceeding, setting deadlines of June 17, 1974, and July 5, 1974, for comments and reply comments respectively.

2. Now before us is a Motion for Extension of Time, filed on June 4, 1974, by the Association of Maximum Service Telecasters, Inc. (MST),[2] requesting that the deadline for filing comments in this proceeding be extended 30 days to July 17, 1974 and that the deadline for filing reply comments be extended to August 9, 1974. MST argues that additional time is needed in order to develop carefully considered and well-documented comments which will include the type of substantial statistical data the Commission has specifically requested be submitted in this proceeding.

3. The Commission recognizes that the matters under consideration in this proceding are somewhat complex and may require a considerable expenditure of time by parties wishing to file comments which fully address the issues raised in Docket No. 19995. It would, therefore, appear that good cause exists to provide a reasonable extension of time for the filing of comments and reply comments in this proceeding.

Accordingly, it is ordered, That the Motion for Extension of Time, filed on June 4, 1974, by the Association of Maximum Service Telecasters, Inc., is granted to the extent indicated below.

It is further ordered, That the time for filing comments and reply comments in the above captioned proceeding is extended until July 15, 1974, and August 12, 1974, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules.

Adopted: June 7, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74-13689 Filed 6-13-74;8:45 am]

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[1] Notice of Inquiry and Proposed Rule Making in Docket No. 19995, FCC 74-335, (1974).

[2] Statements in support of the MST petition have been filed by various broadcasting interests. The petition of the Rocky Mountain Broadcasters Association, to the extent it requests an extension beyond that sought by MST, is denied.

[47 CFR Part 81]

[Docket No. 20072, FCC 74-578]

CLASS II–B LIMITED COAST STATIONS

Proposed Equipping for Certain Distress, Safety and Calling Frequency

In the matter of amendment of Part 81 of the rules to require Class II–B Limited Coast stations to be equipped for the distress, safety and calling frequency 2182 kHz.

1. Notice of Proposed Rule Making is hereby given in the above-entitled matter.

2. It has come to the Commission's attention that some radio-telephony limited coast stations have been using their assigned working frequencies for the purpose of calling vessels for routine radiocommunications purposes. Consequently, many vessels, and especially those that may be equipped with only one radio receiver, may be adopting the practice of keeping their radio stations tuned most or all of the time to a working frequency of the coast station with which they frequently exchange communications, and not the distress, safety and calling frequency 2182 kHz.

3. The practice of keeping a ship radio station tuned only to a working frequency when not in use for communications is a violation of § 83.223 of the rules that requires a listening watch on the frequency 2182 kHz be maintained. The practice undermines the maritime mobile safety system. Distress calls could be transmitted by nearby vessels and not heard by the vessel whose radio station is tuned to a working frequency or frequencies.

4. To discourage the above-described practice and to enhance and improve the safety system, we propose to provide in our rules that limited coast telephony stations operating on low or medium frequencies must be equipped for the calling frequency 2182 kHz and that calling must ordinarily be done on that frequency. VHF limited coast stations are currently required to be equipped with the calling frequency 156.8 MHz and to ordinarily call on that frequency. In addition to the above described substantive rule change, we are editorially rewriting § 81.104 of our rules to delete certain obsolete footnotes therefrom, and to relocate other footnotes which, because of the passage of time, should now be located in the body of the rule section.

5. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 18, 1974, and reply comments on or before July 29, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specified comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

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Adopted: June 5, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.104, paragraphs (b) and (c) are amended, and new paragraphs (d) and (e) are added as follows:

§ 81.104 Facilities required at coast stations.

* * * * *

(b) Each coast station using telephony on frequencies in the band 1600–3500 kHz shall be equipped and licensed to transmit on the frequency 2182 kHz and at least one working frequency [1] in that band.

(c) With regard to public coast stations:

(1) Apparatus to comply with paragraph (b) of this section shall include transmitting and/or receiving equipment installed at each location where transmitting and/or receiving equipment, respectively, is installed and regularly used by the particular station to provide service on one or more working frequencies within the band 1600 to 3500 kHz.

(2) Compliance with paragraph (c) (1) of this section shall be a condition precedent to obtaining a new or renewed station license unless the applicant therefor makes a showing satisfactory to the Commission that, for purposes of maritime safety, all or any portion of such apparatus for operation on the 2182 kHz channel is not necessary for effective transmission and reception to and from mobile stations within the associated working frequency service area of the coast station.

(3) The transmitter power on the frequency 2182 kHz must be 50 watts or the maximum power used on any other frequency in the band, whichever is less.

(d) Each coast station licensed to transmit on frequencies in the band 1600–3500 kHz shall be capable of receiving A3[3] and A3H emission on the frequency 2182 kHz and of receiving A3[3] and A3H[4] emission on at least one working frequency in that band.

(e) Each coast station licensed to transmit in the band 156–162 MHz shall be able to transmit and receive on 156.8 MHz and at least one working frequency in the band.

2. In § 81.368(a), subparagraph (2) is amended to read as follows:

§ 81.368 General radiotelephone operating procedure.

(a) * * *

(2) Limited coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device). Calling shall be on the frequencies 2182 kHz or 156.8 MHz, depending on which band the coast station is operating, except that calling may be on a working frequency if it is known that the ship station being called is equipped with two receivers in the appropriate band and is maintaining a listening watch on a working frequency as well as the frequency 2182 kHz or 156.8 MHz.

* * * * *

[FR Doc.74-13688 Filed 6-13-74;8:45 am]

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[1] Commissioner Quello not participating.

[1] In public coast stations, capability to transmit A3H emission on working frequencies shall be provided until January 1, 1977.

[3] Capability to receive A3 emission shall be provided until January 1, 1977. This requirement may be fulfilled by provision of the capability to receive emission A3H.

[4] Capability to receive A3H emission on the working frequencies shall be provided until January 1, 1977. After January 1, 1977, capability to receive A3A and A3J emissions shall be provided.

FEDERAL TRADE COMMISSION

[16 CFR Part 502]

DETERGENT PRODUCTS

Common Name and Ingredient Listing

In the FEDERAL REGISTER of February 8, 1974 (39 FR 4887) the Commission gave notice of a proposal to issue regulations under the Fair Packaging and Labeling Act which would require the use of a common name and require the inclusion of a list of ingredients on the label of packaged detergent products. Interested persons were afforded the opportunity to file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, any written data, views, or arguments by April 9, 1974 which was extended to June 10, 1974 as published in the FEDERAL REGISTER (39 FR 12362).

The Soap and Detergent Association, 475 Park Avenue, South, New York, New York 10016 has requested that the time for filing comments be further extended to June 28, 1974 on grounds that this additional time is required to complete the technical studies undertaken before submitting comments.

Good reason therefor appearing, the time for filing comments in this matter hereby extended to June 28, 1974.

By Direction of the Commission dated June 6, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-13749 Filed 6-13-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELECTRIC GOLF CARS FROM POLAND

Antidumping Proceeding

JUNE 11, 1974.

On June 7, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that electric golf cars from Poland are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

> The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for home market consumption in a country not having a controlled economy.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13730 Filed 6-13-74;8:45 am]

PHOTO ALBUMS FROM CANADA

Discontinuance of Antidumping Investigation

JUNE 11, 1974.

On April 15, 1974, there was published in the FEDERAL REGISTER a "Notice of Tentative Discontinuance of Antidumping Investigation" (39 FR 13564) concerning photo albums from Canada.

The statement of reasons for the tentative action was published in the abovementioned notice, and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

No written submissions or requests to present oral views having been received, and for the reasons stated in the "Notice of Tentative Discontinuance of Antidumping Investigation," I hereby discontinue the antidumping investigation of photo albums from Canada.

This "Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(d) of the Customs Regulations (19 CFR 153.15(d)).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13731 Filed 6-13-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD MISSION RESOURCES PANEL

Notice of Meeting

JUNE 10, 1974.

The USAF Scientific Advisory Board Mission Resources Panel will hold an open meeting on July 11, 1974, from 8:30 a.m. until 4:15 p.m., at the Lowry Technical Training Center, Denver, Colorado.

The Scientific Advisory Board Mission Resources Panel will visit the Lowry Technical Training Center to view facilities and activities, and receive informational briefings on LTTC operations.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.74-13676 Filed 6-13-74;8:45 am]

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP—EUROPE (DIAGE)

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 26 June 1974, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters which come under the purview of subparagraph (4), section 552(b), Title 5 USC.

The agenda topics will be the Alliance Defense Industry and Technology, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 41.44.00 Ext. 5729, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQs. NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence & Directives Division OASD (Comptroller).

JUNE 11, 1974.

[FR Doc.74-13668 Filed 6-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 74-67]

PROPOSED ACQUISITION OF MERCER SLOUGH ECOLOGICAL AREA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Outdoor Recreation, in cooperation with the City of Bellevue and the Washington Interagency Committee for Outdoor Recreation, has prepared a draft environmental statement for a proposed acquisition of Mercer Slough Ecological Area and invites written comments on or before August 13, 1974. Comments from interested members of the public should be addressed to Regional Director, Bureau of Outdoor Recreation, Northwest Regional Office, 1000 Second Avenue, Seattle, Washington 98104.

The proposed project is to acquire 181 acres of marshland for preservation and minimal recreation development. The project is located within the city limits of Bellevue, Washington, near the interchange between Interstate #90 and Interstate #405, being the major north-south and east-west freeways of the State.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Northwest Regional Office, 1000 Second Avenue, Seattle, Washington 98104.
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.
Washington Interagency Committee for Outdoor Recreation, 4800 Capitol Boulevard, Tumwater, Washington 98504.
City of Bellevue, Planning Department, 111-116th Street, SE., Bellevue, Washington 98004.

Copies may be obtained by writing the Regional Director, Northwest Regional

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Office, 1000 Second Avenue, Seattle, Washington 98104. Please refer to the statement number above.

Dated: June 7, 1974.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.74-13704 Filed 6-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 82]

ALABAMA POWER CO.

Issuance of Annual License

JUNE 7, 1974.

On February 4, 1970, Alabama Power Company, Licensee for Mitchell Project No. 82, located on the Coosa River in Coosa and Chilton Counties, Alabama filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§ 16.1–16.6).

The license for Project No. 82 was issued effective June 27, 1921, for a period ending June 26, 1971. The project has been operated under annual license since its expiration date. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Mitchell Project No. 82.

Take notice that an annual license is issued to Alabama Power Company (Licensee) under Section 15 of the Federal Power Act for the period June 27, 1974, to June 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mitchell Project No. 82, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13651 Filed 6-13-74;8:45 am]

[Docket No. CI74-359]

APEXCO, INC.

Order Setting Hearing Date and Prescribing Procedures

MAY 24, 1974.

On December 21, 1973, Apexco, Inc. (Apexco) filed in Docket No. CI74-359 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to El Paso Natural Gas Company (El Paso), from the South Carlsbad Field, Eddy County, New Mexico (Permian Basin Area).

Specifically, Apexco proposes to sell to El Paso approximately 30,000 Mcf of gas per month for one year at 55.0¢ per Mcf at 14.65 p.s.i.a., subject to upward and downward adjustment from a 1,000 Btu base.

Apexco began an emergency sale to El Paso under authority of Order No. 418 on October 15, 1973.

A petition to intervene in support of the application was filed by El Paso on February 11, 1974.

We take further note however, that the Commission in a number of recent orders has already held that an emergency exists on El Paso's system. See The Superior Oil Company, ---- FPC ----, Docket No. CI74-271, and Phillips Petroleum Company, ---- FPC ----, Docket No. CI74-283, both issued January 16, 1974. We therefore conclude, that there is an emergency on El Paso's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431 [1] and therefore reouires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ---- FPC ----, Docket No. CI73-691, order issued August 30, 1973, and ------ FPC ------, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through nonaffiliated entities.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of El Paso in this proceeding may be in the public interest.

The Commission orders. (A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-359 is hereby set for hearing.

(B) El Paso is hereby permitted to intervene in the proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on June 25, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before June 12, 1974, Apexco and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.[2]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-13654 Filed 6-13-74;8:45 am]

[Docket No. E-8700]

BOSTON EDISON CO.

Extension of Time

JUNE 6, 1974.

On April 23, 1974, Boston Edison Company filed a joint motion [1] requesting an extension of time for Norwood and New England Power Company to file a response to the petition for a declaratory order.

Upon consideration, notice is hereby given that the time is extended to and including July 1, 1974, within which to respond to the petition for a declaratory order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13649 Filed 6-13-74;8:45 am]

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

[2] Commissioners Brooke and Smith, concurring, and Commissioner Moody, dissenting, issued separate statements filed as part of the original document.

[1] Motion filed in Docket Nos. E-8187 and E-8700.

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Change in FPC Gas Tariff

MAY 29, 1974.

Take notice that Columbia Gas Transmission Corporation (Columbia) on May 9, 1974, tendered for filing substitute Eleventh Revised Sheet No. 16 and Fifth Revised Sheet No. 64B to its FPC Gas Tariff, Original Volume No. 1. The proposed increase is pursuant to Columbia's Purchased Gas Cost Adjustment Clause and would result in the recovery of increased gas costs of $18,285,076 annually. According to Columbia, the increase is necessary because of Texas Eastern Transmission Corporation's (Texas) general rate filing in Docket No. RP74-41, which was suspended and will become effective on June 14, 1974, and Texas' revised PGA rate filing in Docket No. RP72-156, which had a proposed effective date of May 1, 1974. Due to the increased workload associated with Columbia's recent general rate increase filing, the Company requests waiver of the forty-five day notice provision of § 154.38(d)(4)(v) of the Commission's rules and regulations effective on June 14, 1974. Columbia to permit the proposed increase to be states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13667 Filed 6-13-74;8:45 am]

[Docket No. E-6886]

EL PASO ELECTRIC CO.

Notice of Application

JUNE 5, 1974.

Take notice that on April 29, 1974, El Paso Electric Company (Applicant), filed an Application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to extend the termination date of its Employee Stock Purchase Plan from June 30, 1974, to June 30, 1979. No increase in the number of shares reserved under the Plan is involved.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexioo and approximately 120 miles southeasterly from El Paso to Van Horn, Texas with a population of approximately 456,000 of whom 360,000 reside in the Metropolitan area of El Paso.

Any person desiring to be heard or to make any protest with reference to the Application should, on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13664 Filed 6-13-74;8:45 am]

[Docket No. CI74-520]

JAMES M. FORGOTSON

Limited Term Certificate; Order Setting Hearing Date, Prescribing Procedures, and Granting Intervention

MAY 31, 1974.

On March 18, 1974, James M. Forgotson (Applicant) filed in Docket No. CI74-520 an application requesting issuance of a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to United Gas Pipe Line Company (United) from the South Hallsville/Hosston-Cotton Valley Field, Harrison County, Texas.

Specifically, Applicant proposes to sell to United up to 5,000 Mcf of gas per day for six months at 55.0¢ per Mcf subject to upward and downward Btu adjustment, plus reimbursement for all taxes. Applicant began a 60-day sale to United on March 20, 1974, under authority of Order No. 418.

A petition to intervene in support of the application was filed by United on April 19, 1974. In support of its petition United states, inter alia, that it is presently curtailing deliveries to its customers and that although the gas involved herein will not eliminate the need to curtail deliveries, it will have a direct relationship on the amount of gas United will have available for delivery to its customers.

We take note that the Commission in a recent order recognized that an emergency exists on United's system. See Basin Operating Co., Ltd., ---- FPC ----, Docket No. CI74-459 issued April 30, 1974. We conclude, therefore, that there is an emergency on United's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431 [1] and therefore requires evidence to be submitted by the pipeline in the hearing hereinafter ordered (to the extent not hereinabove found to exist) (1) that it has an emergeucy need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [Nueces Industrial Gas Company, 45 FPC 1224, 1227, (1971)] and whether that rate is in line with the prevailing intrastate market (Atlantic Richfield Company. ---- FPC ----, Docket No. CI73-691. order issued August 30, 1973, and ---- FPC ----, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for

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[1] Section 2.70 of the Commission's General Policy and Interpretations.

V 39 116 JUN 14 74 XUM

hearing in accordance with the procedures set forth below.

(2) The participation of United Gas Pipe Line Company may be in the public interest.

The Commission orders. (A) The application for a limited term certificate for the sale of natural gas filed in Docket No. C174-520 is hereby set for hearing.

(B) The above-named party is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided,* however, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided,* further, That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 23, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before July 10, 1974, James M. Forgotson, and any supporting party shall file with the Commission, and upon all parties, including Commission Staff Counsel, their testimony and exhibits in support of the instant application.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority (18 CFR 3.5(d))] shall prescribe relevant procedural matters not herein provided.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13665 Filed 6-13-74;8:45 am]

[Docket No. CI74-344]

McCORMICK OIL AND GAS CORP. ET AL.

Notice of Petition To Amend

JUNE 5, 1974.

Take notice that on May 20, 1974, McCormick Oil and Gas Corporation (Operator) et al. (Petitioner), 1204 Tenneco Building, Houston, Texas 77002, filed in Docket No. CI74-344 a petition to amend the order issued in the subject docket on April 4, 1974 (51 FPC ____), pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas from additional acreage to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner is currently authorized in said docket to sell to Texas Eastern approximately 3,000 Mcf of gas per day from the Cage Estate "G" Well, Brooks County, Texas, pursuant to a contract dated November 15, 1973, on file as Petitioner's FPC Gas Rate Schedule No. 1. Petitioner is authorized to deliver the subject gas to Trunkline Gas Company for the account of Texas Eastern. Petitioner seeks authorization to sell gas produced from the Cage Estate "J" Well (located on an adjacent property to the "G" Well), estimated in the application to be 7,000 Mcf of gas per day. Applicant states that its contract with Texas Eastern dated August 29, 1973, covering the "J" Well has terms and conditions identical to those of the "G" Well contract. Said "J" Well contract indicates that the estimated sales volume from the "J" Well is 3,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13657 Filed 6-13-74;8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CO.

Order Establishing Section 206 Proceeding, Granting Intervention and Establishing Procedural Dates

JUNE 6, 1974.

On March 6, 1974, Metropolitan Edison Company (Met. Ed.) filed a petition requesting the Commission to institute an investigation under section 206 of the Federal Power Act of the company's present wholesale rate to the Borough of Middletown, Pennsylvania, which is fixed by a contract dated July 4, 1906.[1] According to the provisions of the contract, Met-Ed will supply, at a cost of one cent per kwh per month, as much power as required by Middletown unless terminated by six months prior notice by Middletown. Met Ed also requests that the Commission approve the company's proposal that the contract rate be replaced by Met-Ed's tariff rate, including a fuel adjustment clause, which is applicable to its other 69 kv wholesale customers.

Met-Ed's petition alleges that the Middletown contract rate is unjust and unreasonable in that it produces grossly inadequate compensation to the company for the service it renders and consequently impairs the company's capacity to raise capital needed to carry out its public service obligation. In support of this, Met-Ed states that Statement M of the cost of service study on file in Docket No. E-8439 shows that 1972 revenues under the present rate to Middletown were $368,990, while the cost to serve Middletown was $663,179, leaving a revenue deficiency of $294,189 or 44.4 percent. Met-Ed alleges that these revenues do not fully recover operating expenses.

Met-Ed alleges further that the Middletown contract is unlawful in that it constitutes an undue burden on Met-Ed's other customers, and that it is unduly discriminatory and preferential.

Notice of Met-Ed's petition was issued on April 3, 1974, with protests or petitions to intervene due on or before April 15, 1974. On March 18, 1974, the Borough of Middletown, Pennsylvania, filed a petition to intervene in which Middletown denied 1) that the contract yields revenues on a 1972 test year basis of 55.6 percent of costs properly allocated to Middletown; 2) that its contract is unjust and unreasonable; 3) that the contract rate is an undue burden on Met-Ed's other customers; and, 4) that the contract is discriminatory or preferential. Middletown requests that Met-Ed's petition be summarily denied. No other protests or petitions have been received.

Our review of the rate schedule which is part of Met-Ed's contract with Middletown indicates that issues are raised which require development in an evidentiary proceeding. If the Middletown contract produces a substantial negative rate of return and that impact of that is borne by the other jurisdictional customers of Metropolitan Edison, an issue of undue rate discrimination is presented. From the petition and preliminary staff analysis, it appears that sufficient question is raised as to rate discrimination to warrant further investigation in an evidentiary hearing. Accordingly, we conclude that a section 206 investigation of Met-Ed's Rate Schedule FPC No. 16 is necessary to determine whether a sufficient showing can be made so as to satisfy the test enunciated by the Supreme Court in the Sierra case.[3]

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Met-Ed's fixed rate contract with Middletown.

(2) Good cause exists to grant the petition to intervene mentioned above.

The Commission orders. (A) Pursuant to the Authority of the Federal Power Act, particularly section 206 thereof, the Commission rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on August 27, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in the Met-Ed's fixed rate contract with Middletown.

(B) Metropolitan Edison Company shall serve its direct testimony and exhibits on or before June 25, 1974. Staff shall serve its testimony on or before July 16, 1974. Intervenors shall serve their direct case on or before July 30, 1974. Met-Ed shall serve its rebuttal evidence on or before August 13, 1974.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(D) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Borough of Middletown is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided,* however, That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided,* further, That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order issued by the Commission in these proceedings.

(F) The Secretary shall order prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13655 Filed 6-13-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating An Additional Member

JUNE 3, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* Additional members of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

C. King Mallory, III, Deputy Assistant Secretary—Energy and Minerals, Department of the Interior.

Mr. Mallory replaces Mr. William A. Vogely.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13647 Filed 6-13-74;8:45]

[Docket Nos. CP74-290 and CP74-291]

NORTHERN BORDER PIPELINE CO.

Notice of Applications

MAY 30, 1974.

Take notice that on May 14, 1974, Northern Border Pipeline Company, a partnership, to be succeeded by Northern Border Pipeline Corporation (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket Nos. CP74-290 and CP74-291 related applications pursuant to section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport approximately 3,376,000 Mcf of natural gas per day in interstate commerce from an interconnection with the proposed Canadian Arctic Pipeline Limited's (Canadian Arctic) pipeline near Monchy, Saskatchewan, Canada, southeastward across approximately 1,619 miles of the United States to a point near Delmont, Pennsylvania, for the account of various contract shippers and authorizing the construction, operation, maintenance and connection of facilities at the international boundary between Montana and Saskatchewan to effect the delivery of natural gas produced in the Prudhoe Bay region of Alaska and the Mackenzie River Delta region of Canada into the United States, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant is a partnership organized and existing under the laws of the State of Delaware and is composed of six corporations. Applicant states that none of the partners is presently a natural gas company within the meaning of the Natural Gas Act; however, each partner is or will be an affiliate or subsidiary of a natural gas company as more fully described in Appendix A hereto.[1]

Applicant proposes in Docket No. CP74-291 to construct, operate, maintain and connect on the international boundary between Montana and Saskatchewan a section of 48-inch pipeline which will connect with the proposed pipeline of Canadian Arctic. Concurrently, Applicant proposes in Docket No. CP74-290 to construct and operate a natural gas pipeline system consisting of approximately 1,619 miles of 48-inch, 42-inch, 36-inch, and 26-inch pipeline extending from the international border at a point near Monchy, southeasterly through the states of Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, and West Virginia, and terminating at a point near Delmont, Pennsylvania; and thirty compressor stations with a total of 883,500 installed horsepower. Applicant proposes to construct said system in five phases over a six-year period with service projected for July 1978 and full operation projected to be attained in November 1982.

Phase I will consist of the construction of approximately 1,061 miles of 48-inch pipeline extending from Monchy to a point in Illinois near the Illinois River, and approximately 77 miles of 42-inch pipeline extending from that point to a point of delivery to Natural Gas Pipeline Company of America (Natural) near Kankakee, Illinois, with an intermediate delivery point to Michigan Wisconsin Pipe Line Company (Mich Wisc) at the terminus of the 48-inch segment, and the installation of one 30,000 horsepower compressor station to be installed on the 48-inch segment in Martin County, Minnesota. Construction of Phase I is projected by Applicant to commence in the latter part of 1976 with operation anticipated to commence by July 1, 1978.

Phase II will consist of the construction of approximately 305 miles of 36-inch pipeline, extending from the terminus of the 42-inch segment to a point of delivery to Columbia Gas Transmission Corporation (Columbia) near Treat, Ohio, with delivery points to Northern Natural Gas Company (Northern) installed on the 48-inch segment in Brown County, South Dakota, in Martin County, Minnesota, and in Hancock County, Iowa, and five 30,000 horsepower compressor stations installed on the 48-inch segment in Roosevelt County, Montana, Dunn and McIntosh Counties, North Dakota, Hamlin County, South Dakota, and Linn County, Iowa. Construction of Phase II is projected by Applicant to commence in late 1978 with operation anticipated to commence by July 1. 1979.

Phase III will consist of the construction of approximately 176 miles of 26-inch pipeline from the terminus of the 36-inch segment to a point of delivery to Texas Eastern Transmission Corporation (Texas Eastern) near Delmont, Pennsylvania, and the installation of seven 30,000 horsepower compressor stations located in Valley County, Montana, McKenzie and Morton Counties, North Dakota, Brown County, South Dakota, Murray County, Minnesota, and Bureau and Iroquois Counties, Illinois. Intermediate delivery points will be installed for deliveries to Panhandle Eastern Pipe Line Company (Panhandle) in Jasper and Wells Counties, Indiana, and to Columbia in Washington and Westmoreland Counties, Pennsylvania. Construction of Phase III is projected by Applicant to commence in mid-1980 with operation anticipated to commence by November 1, 1980.

Phase IV consists of the construction of seven 30,000 horsepower compressor stations located in Roosevelt County,

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[3] Separate statements by Commissioners Brooke, concurring, and Moody, dissenting, filed as part of the original document.

[1] Met-Ed Rate Schedule FPC No. 16.

[3] Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

[1] Appendix A filed as part of the original document.

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Montana, Dunn and Emmons Counties, North Dakota, Clark County, South Dakota, Cottonwood County, Minnesota, Butler County, Iowa, and Union County, Ohio. Construction of Phase IV is projected by Applicant to commence in early 1981 with operation anticipated to commence by November 1, 1981.

Phase V will consist of the construction of nine 30,000 horsepower compressor stations located in Valley and Roosevelt Counties, Montana, Martin County, North Dakota, McPherson County, South Dakota, Lincoln County, Minnesota, Hancock and Cedar Counties, Iowa, LaSalle County, Illinois, and Huntington County, Indiana, and one 13,500 horsepower compressor station located in Harrison County, Ohio. Construction of Phase V is projected by Applicant to commence in early 1982 with operation anticipated to commence by November 1, 1982.

Applicant states in Docket No. CP74–290 that upon completion its proposed pipeline system will have a summer day design capacity of 3,376,000 Mcf of gas. Applicant estimates that 92.5 percent of such capacity will be attained (3,500,000 Mcf per day) after all facilities are installed and effect is given to load factor limitations on both the receipt of gas from Canadian Arctic and the delivery of gas by Applicant to shippers. Applicant's breakdown of shippers and their projected delivered quantities assumed to be transported by Applicant is attached as Appendix B hereto.[2] The application states that the assumptions of volumes to be transported for its affiliated companies are not intended to indicate that shippers other than the affiliated companies will not be permitted to contract for the shipment of gas through Applicant's system.

Applicant states that it does not expect that the entire capacity of its facilities will be under contract to shippers, whether partners or affiliated companies, however, Applicant requests authorization to transport the fifth year volumes as set forth in Appendix B hereto. Applicant states further that it proposes to operate its system as a contract carrier and not as a buyer and seller of gas.

Applicant indicates in Docket No. CP 74–290 that the total estimated capital cost of its proposed pipeline system is $1,800,000,000.

Applicant pursuant to § 1.14 of the Commission's rules of practice and procedure (18 CFR 1.14), requests that the Commission waive the requirements to file presently Exhibits H, I, K, L, N, O, and P to the application in Docket No. CP74–290, upon Applicant's commitment and understanding to supply such exhibits in conformity with the rules at the earliest possible date.

Applicant states that the contract shippers of the Canadian and Alaskan arctic gas through its proposed pipeline will file their own applications under section 3 of the Natural Gas Act to export and import natural gas.

Applicant states further that this proposal is an integral part of an overall project designed to make large volumes of natural gas produced in the arctic regions of Alaska and Canada available to markets in the United States and Canada. The total project contemplates the transmission of gas from Prudhoe Bay area of Alaska through proposed pipeline facilities of Alaskan Arctic Gas Pipeline Company [3] to a point of interconnection on the Alaskan-Yukon Boundary with facilities proposed to be constructed by Canadian Arctic Gas Pipeline Limited (Canadian Arctic).[4] Canadian Arctic will transport the Prudhoe Bay gas from that point to an interconnection with another supply leg of the Canadian Arctic system which will transport natural gas produced in the Mackenzie River Delta region of Canada. The Alaskan gas and the Canadian gas will then be transported in a joint stream through Canadian Arctic's facilities to a point near Caroline, Alberta, where the facilities of Canadian Arctic will bifurcate.

Natural gas destined for delivery to pipeline companies serving western markets of the United States will be transported through a delivery leg which ends at a point on the international boundary near Kingsgate, British Columbia. Gas destined for delivery to shippers serving the midwestern and eastern markets of the United States and Canada will be transported through a second delivery leg of the Canadian Arctic system which ends at a point on the Saskatchewan-Montana border near Monchy, Saskatchewan.

Applicant proposes in Docket No. CP74–290 to construct its pipeline to interconnect with Canadian Arctic's pipeline to enable Applicant to render a transportation service for shippers serving the midwestern and eastern markets of the United States.

The application in Docket No. CP74–290 states that the results of a regional gas study conducted by Applicant indicate that there is an urgent need for large additional supplies of gas in the midwestern and eastern market areas. Applicant projects that absent the receipt of such gas serious deficiencies could occur in these market areas in the 1980's, which applicant estimates could result in a net loss in Gross National Product in these areas of 18 billion dollars a year.

In further support of its proposed pipeline system Applicant states that in addition to providing access to arctic gas reserves for markets in the midwest and eastern regions of the United States its pipeline would be located so as to provide economic access to large coal deposits in the western region of the United States for transportation of coal gas. Applicant states further that its proposed pipeline would provide flexibility for the exchange of natural gas as a west-to-east pipeline intersecting the generally south-to-north pipeline systems of its affiliated companies and other natural gas companies at multiple points.

Applicant, a Delaware partnership with its principal place of business at Wilmington, Delaware, states that it anticipates that within a period of not more than seven years after commencement of pipeline operations, such partnership will be merged into Northern Border Pipeline Corporation, a corporation incorporated under the laws of Delaware for the purpose of succeeding to the partnership as owner and operator of the facilities applied for herein. Applicant states further that it will operate as an independent entity with independent officers and staff personnel separate and apart from its constituent partners and its affiliated companies. Prior to the merger into corporate form, the succeeding corporation will have no assets or personnel staff with the result that upon change into corporate form there will be no change in officers and directors, in staff personnel, in operating practices, in contracts or commitments, or in the service to be rendered.[5]

Applicant states that it is currently being managed by a management committee, which will continue through the partnership phase, consisting of one representative of each of the six partners. Following merger Applicant indicates that the board of directors of the corporation will be elected by its stockholders, namely the partner companies, by cumulative voting.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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[2] Applicant states that Shippers' volumes detailed in Appendix B, filed as part of the original document, for the first two years are consistent with certain undertakings for the purchase of gas between Columbia and Northern as purchasers and certain Alaskan producers as sellers and between Natural and Mich Wisc as purchasers and certain Canadian producers as sellers. Applicant states further that the capacity remaining in the pipeline after making deliveries to Columbia, Northern, Natural and Mich Wisc in the third, fourth, fifth and subsequent years was allocated for design purposes one-third to Panhandle, one-third to Texas Eastern and one-third prorated in six equal parts among the six affiliated companies.

[3] Alaskan Arctic Gas Pipeline Company has filed in Docket No. CP74–239 on March 21, 1974, for certificate authorization to construct its facilities.

[4] Canadiain Arctic Gas Pipeline Limited has filed with the National Energy Board of Canada for authorization to construct its proposed system.

[5] The merger will be accomplished by the transfer of all of the business and assets of the partnership to the corporation in exchange for the stock of the corporation and the agreement of the corporation to assume all the obligations and liabilities of the partnership.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP74–290 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74–13661 Filed 6–13–74;8:45 am]

[Docket No. RP74–36]

NORTHERN NATURAL GAS CO.

Notice of Petition

JUNE 5, 1974.

Take notice that on October 19, 1973, Northern Natural Gas Company (Northern) tendered for filing petition for approval to defer interest expense on unrecovered gas purchase costs and later inclusion of interest in purchased gas cost rate adjustment. Northern states the purpose of said petition is to seek Commission authorization to defer interest expense on certain unrecovered gas purchase costs and to approve Northern's later inclusion of interest expense in the computation of the annual rate adjustment to reflect changes in gas purchased cost under paragraph 20 of the general terms and conditions of Northern's FPC Gas Tariff, Third Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13663 Filed 6–13–74;8:45 am]

[Docket No. RP74–95]

NORTHWEST PIPELINE CORP.

Proposed Changes in FPC Gas Tariff

JUNE 6, 1974.

Take notice that Northwest Pipeline Corporation (Northwest) on May 31, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $15,690,754 annually based on the 12 month period ending January 31, 1974, as adjusted. In addition, the changes would convert the statement of Northwest's Rate Schedule PL–1 from an Mcf basis to a therm basis to be consistent with the statement of all of Northwest's other rate schedules.

The following revised tariff sheets have been submitted:

RELATED TO RATE INCREASE	
Second Revised Sheet No. 10	Statement of Rates.
RELATED TO CHANGING RATE SCHEDULE PL–1 FROM MCF TO THERM BASIS	
Substitute First Revised Sheet No. 24	Rate Schedule PL–1.
First Revised Sheet No. 25	
Second Revised Sheet No. 52	General Terms and Conditions.
Substitute First Revised Sheet No. 54	
First Revised Sheet No. 55	
First Revised Sheet No. 56	
First Revised Sheet No. 57	
First Revised Sheet No. 59	

Northwest asserts that the principal reason for the increase in rates is that the jurisdictional revenues at present rates are inadequate to meet the cost of service and provide a fair rate of return. It is further asserted that among the factors contributing to the need for the increase are the adverse impact upon revenues resulting from curtailment of Canadian gas supplies, the need for increased depreciation rates, and operation of the pipeline system on a divested basis by the Company. Northwest claims that the fair rate of return is 9.375 percent, which would provide a return of approximately 15 percent to the common equity portion of the rate base.

Since First Revised Sheet Nos. 24 and 54 are presently under suspension in Docket No. RP74–49, Northwest requests special permission, pursuant to Section 154.66 of the Commission's regulations, to permit a change in these Tariff Sheets so that the complete revision of Rate Schedule PL–1 can be accomplished.

The filing also includes revised service agreements with the two customers receiving service under Rate Schedule PL–1 to complete the conversion from an Mcf basis to a therm basis.

Northwest proposes an effective date of July 1, 1974. According to Northwest, copies of the filing were served upon the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13653 Filed 6–13–74;8:45 am]

[Project No. 502]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

The Licensee for Drum-Spaulding-Summit Transmission Line Project No. 502, located in Nevada County, State of California, is Pacific Gas and Electric Company.

The license for Project No. 502 was issued effective June 23, 1924, for a period ending June 23, 1974. Therefore, in order to authorize the continued operation of the project, pursuant to section 15 of the Federal Power Act, pending filing and completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for the continued operation and maintenance of Drum-Spaulding-Summit Transportation Line Project No. 502.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) for the period June 24, 1974 to June 23, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 502, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13646 Filed 6–13–74;8:45 am]

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[Docket Nos. CI74–264, CI74–408]

PENNZOIL CO. AND ANADARKO PRODUCTION CO.

Order Remanding Procedure and Setting Date for Hearing

MAY 31, 1974.

This case is before us on exceptions to an initial decision issued May 6, 1974, by Administrative Law Judge William Beasley Harris, filed by Pennzoil Company (Pennzoil), Anadarko Production Company (Anadarka), Panhandle Eastern Pipe Line Company (Panhandle), and the American Public Gas Association (APGA). The Commission staff filed a brief opposing exceptions. These proceedings involve two applications filed by Pennzoil and Anadarko under the optional procedure established in Order No. 455 to sell natural gas to Panhandle from the same acreage, the East Hobart Ranch and the Buffalo Wallow areas in Hemphill County, Texas. Both contracts contained the same pricing provisions which provide for an initial price of 50.0 cents per Mcf at 14.65 psia including present tax reimbursement, and reimbursement for ⅞ of new or increased taxes with an annual escalation charge of one cent per Mcf. For the reasons stated herein, we remand the case to the Judge.

Citing Order No. 455[1] and Belco,[2] the Administrative Law Judge concluded that a finding of special circumstances was not required to allow a departure from the cost findings in Opinion No. 586, Area Rates for Hugoton-Anadarko Area (44 FPC 761 (1970)). Relying on evidence submitted by the applicants under § 2.75(g) of Order No. 455, the presiding Judge reviewed the applications in terms of "the justness and reasonableness of the particular sales and rates herein proposed and their effect upon public convenience and necessity."[3] Based on his consideration of cost and non-cost factors, he found an initial rate of 45 cents per Mcf to be just and reasonable and consistent with the public convenience and necessity.

In its brief on exceptions, APGA argued that cost evidence was not submitted to show that the "supply project" in question had incurred costs which make the applicable area rate no longer just and reasonable and that therefore the applications should be denied. On May 15, 1974, we issued an order in Rodman Corporation, Docket No. CI73–694, remanding the case for further hearings to give all the parties an opportunity to present evidence on actual project costs. On the same day in three other dockets involving optional procedure,[4] we granted interventions and set the cases for hearing specifically directing the parties to present evidence on this matter.

Actual project costs were not submitted into evidence and we deem them relevant to the issues involved here. Accordingly, without in any way passing upon the issues now before us, we shall remand the case for further hearings to give all parties an opportunity to present evidence on this matter so that the record will be complete. The Administrative Law Judge should render his initial decision upon the whole record, as originally made and as supplemented as a result of this remand.

In Order No. 455, Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (*id.* 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proferred by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Or course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C., 230 F. 2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

The Commission finds. It is necessary and in the public interest that the above-docketed proceeding be remanded and set for further hearings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. CI74–164 and CI74–408 are remanded for the purpose of further hearings and disposition.

(B) A public hearing on the issues herein shall be held commencing on July 16, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) Applicants and any intervenor supporting the applications shall file their direct testimony and evidence on or before June 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before June 28, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence shall be served on or before July 9, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13666 Filed 6–13–74;8:45 am]

[Docket No. CI74–669]

PHILADELPHIA OIL CO.

Notice of Application

JUNE 6, 1974.

Take notice that on May 16, 1974, Philadelphia Oil Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CI74–669 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Kentucky West Virginia Gas Company (Kentucky) from Applicant's leasehold acreage, Dickenson County, Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 261,000 Mcf of natural gas per month to Kentucky from Applicant's 18 wells on leasehold acreage in Dickenson County at an initial rate of 45.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment of one-tenth of one cent per Btu from a base of 1,000 Btu per cubic foot, pursuant to the terms of a contract between Applicant and Kentucky dated May 1, 1974. Said contract calls for a price escalation of one cent per annum under a contract term of twenty years.

Applicant indicates that the gas sold hereunder will be delivered to Berea Gathering Company for further delivery into existing facilities of The Pittston Company and thence to Kentucky's existing facilities at the Kentucky-Virginia state line.

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[1] Docket No. R–441, issued August 3, 1972 (48 FPC 218).

[2] Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73–273 et al. Opinion No. 659, issued May 30, 1973 (49 FPC 1154).

[3] Initial Decision, p. 8.

[4] CNG Producing Company, Docket No. CI74–495, Texas Eastern Exploration Company, Docket No. CI74–530, and N. C. Perryman and J. A. Wallender, Docket No. CI74–362.

[1] The dissenting statements of Commissioners Brooke and Moody filed as part of the original document.

Applicant asserts that the cost findings as determined in Commission Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, issued December 12, 1972 (48 FPC 1299), and Opinion No. 676, Felmont Oil Corporation, issued July 25, 1973 (50 FPC ____), support the proposed rates herein. Applicant further asserts that the cost of alternative supplies of gas to Kentucky justify the present proposal. Applicant states that many purchasers in the Appalachian Area have been offering 60 cents per Mcf for nearly a year and that the cost of Alaskan gas, liquefied natural gas, and synthetic gas significantly outstrip the cost of gas herein. Applicant states that Commission authorization of the price requested herein is vital to Applicant's future gas exploration efforts.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13658 Filed 6–13–74;8:45 am]

[Docket No. RP73–49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Revision to Tariff

JUNE 5, 1974.

Take notice that on May 24, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following amendments to the revised tariff sheets which were filed with the Commission on May 16, 1974:

Substitute Sixth Revised Sheet No. 3A
Substitute Thirty-First Revised Sheet No. 5
Substitute Thirtieth Revised Sheet No. 6
Substitute Twenty-Second Revised Sheet No. 9
Substitute Twenty-First Revised Sheet No. 11
Substitute Twenty-Fifth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73–49 issued April 13, 1973. The company further states that it proposes to increase its rates $401,634 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on May 16, 1974, which will increase South Georgia's cost of Gas $694,861 annually. An effective date of July 1, 1974 is requested.

South Georgia further states that the instant amendments are in substitution for a filing made on May 16, 1974. South Georgia asserts that the May 16, 1974 filing was based on preliminary rates supplied by Southern which were subsequently adjusted by Southern to those set forth in the instant substitute filing. The instant filing results in jurisdictional rates which are $54,391 lower than those originally filed on May 16, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13656 Filed 6–13–74;8:45 am]

[Docket No. RP74–91–2]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Notice of Request for Emergency Relief and Request for Waiver

JUNE 6, 1974.

Take notice that on May 20, 1974, the city of Senatobia, Mississippi (Senatobia) filed a Petition for Relief from Curtailment Proceedings and a Petition for Waiver pursuant to § 2.78(b) of the Commission's regulations and § 1.7(b) of the Commission's rules of practice and procedure. Senatobia states that it erroneously calculated its gas requirements to the extent thata the amount of gas allowable to it pursuant to the Tennessee curtailment plan is 37,000 Mcf per year below that which reasonably will be required to fulfill its needs during 1974. Senatobia requests that the Commission issue an order increasing the amount of gas allowable to it under Tennessee's curtailment plan from 512,789 Mcf per year to 551,700 Mcf per year for the year 1974 and thereafter according to estimates to be submitted by it from time to time. It states that the granting of the requested relief would be in accord with the basic purpose of curtailment proceedings which is, as defined in the Commission's Order 467, 38 FR 1503, January 3, 1973, "the protection of deliveries for the residential and small volume customers * * *" Attached to Senatobia's petition for relief is an affidavit reflecting the error in computation.

Further, Senatobia requests that its request for relief from curtailment be accepted without the minimal information required by § 2.78(b) since it is not seeking relief from the priorities of delivery contained in Tennessee's curtailment plan and to provide such minimal information would require expenditure of amounts of time and money that are beyond its capabilities and would work a hardship upon it.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13662 Filed 6–13–74;8:45 am]

[Project No. 696]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 7, 1974.

On June 23, 1969, Utah Power and Light Company, Licensee for Upper and Lower American Project No. 696, located in Utah County, Utah, on the American Fork Creek, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1 to 16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 696 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original

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date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its license.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13650 Filed 6-13-74;8:45 am]

[Project No. 703]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

June 7, 1974.

On June 24, 1969, Utah Power and Light Company, Licensee for Paris Project No. 703 located in Bear Lake County, Idaho, on the Paris Creek filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1 to 16.6).

The license for Project No. 703 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its license.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13652 Filed 6-13-74;8:45 am]

[Docket No. R-469]

UTILIZATION AND CONSERVATION OF NATURAL GAS RESOURCES

Order Denying Petition To Intervene and Denying Application for Rehearing

June 6, 1974.

On January 8, 1973, the Commission issued Order No. 467 in Docket No. R-469. This was subsequently amended by Order No. 467-A on January 15, 1973; by Order No. 467-B on March 2, 1973; and by Order No. 467-C on April 4, 1974.

On May 3, 1974, Michigan Gas Utilities Company (MGU), pursuant to section 15(a) of the Natural Gas Act and § 1.8 of the Commission's rules of practice and procedure, petitioned the Commission for leave to intervene in the above captioned proceeding. Simultaneously, MGU, pursuant to section 19(a) of the Natural Gas Act and § 1.34 of the Commission's rules of practice and procedure, sought rehearing of Order No. 467-C.

MGU is an intra-state pipeline which receives deliveries from both Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company. Both are said to be currently curtailing deliveries to MGU. MGU states that if the several extraordinary relief applications that have been filed for relief from the curtailment plan on Panhandle's system are granted, the provisions of Order No. 467-C will cause irreparable harm to it and other similarly situated customers. Specifically, MGU asserts that Order No. 467-C in reality is a rulemaking proceeding with the concomitant requirements of the Administrative Procedure Act which provide for notice and an opportunity for comment by interested parties; that Order No. 467-C is violative of the 5th Amendment of the Constitution because it deprives MGU of property without due process or just compensation; and that the Commission, in requiring a distribution company to show an end-use profile for its system as part of its request for extraordinary relief for one of its customers, has exceeded the limits of its legislatively granted authority by seeking to control local distribution companies and their allocation of gas supplies.

Our Order No. 467-C more clearly defined the minimum evidentiary submittal that a petitioner must provide in seeking extra-ordinary relief. Additionally we indicated our intentions relative to a pay-back of volumes received under the extraordinary relief procedures. In any event, the evidentiary record in each such request would establish the relief to be granted, if any, based on all relevant issues including the impact on service to the other customers on the system. The foregoing may be gleened from the specific language in Order No. 467-C:

> By orders issued in the United[1] and Panhandle[2] curtailment proceedings, we further elaborated on the procedures for filing requests for relief and the factual information to be included in those requests. From experience acquired in processing numerous such requests, we conclude that certain supportive data should be presented in all future petitions for relief from curtailment. One purpose of this order is to define areas of inquiry which are common to requests for relief, and to require, as part of the initial request, presentation of pertinent facts accompanied by attestation of a responsible company official.

The petition now before us, is in essence, a collateral attack on (1) our orders in United and Panhandle supra, and (2) our previous order in this docket which disposed of similar arguments (See Order No. 467-B issued March 2, 1973).

As heretofore noted Order No. 467-C is a Policy Statement and is not intended to initiate a proceeding or to provide a binding rule without further proceedings directed toward curtailment problems on specific pipelines. Therefore, petitions to intervene are unnecessary, and petitions for rehearing do not lie. We therefore treat the instant filing as a petition for reconsideration and, in view of the foregoing, deny the same.

The Commission orders. (A) The petition of Michigan Gas Utilities Company to intervene in this docket is denied.

(B) The petition of Michigan Gas Utilities Company for rehearing is denied.

By the Commission.

[SEAL] Kenneth F. Plumb,
Secretary.

[FR Doc.74-13660 Filed 6-13-74;8:45 am]

[Project No. 400]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

June 6, 1974.

On January 28, 1969, The Western Colorado Power Company, Licensee for Tacoma Ames Project No. 400 located in La Plata, San Juan, San Miguel, and Ouray Counties, Colorado, on the Animas and South Fork San Miguel River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1 to 16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Company for continued operation and maintenance of Project No. 400.

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[1] United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120, Order on Clarification issued November 30, 1973, 50 FPC ----, as modified by Order on Rehearing issued January 11, 1974, 51 FPC ----

[2] Panhandle Eastern Pipe Line Company, Docket No. RP71-119, Order on Clarification issued December 13, 1973, 50 FPC ----

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma Ames Project No. 400, subject to the terms and conditions of its license.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13659 Filed 6-13-74;8:45 am]

[Project No. 2131]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Annual License

June 6, 1974.

On June 24, 1971, Wisconsin Michigan Power Company, Licensee for Kingsford Project No. 2131, located on the Menominee River in Dickinson County, Michigan, and Florence County, Wisconsin, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulation thereunder (§§ 16.1 to 16.6).

The License for Project No. 2131 was issued October 23, 1953 for a period ending June 30, 1974. In order to authorize the continued operation of the project, pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Company for the continued operation and maintenance of Kingsford Project No. 2131.

Take notice that an annual license is issued to Wisconsin Michigan Power Company (Licensee) for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 2131, subject to the terms and conditions of its present license.

Kenneth F. Plumb,
Secretary.

[FR Doc.74-13648 Filed 6-13-74;8:45 am]

[Docket No. G-3721, et al.]

GETTY OIL COMPANY, ET AL.

Findings and Order Approving Abandonments of Service, Amending Certificates, Terminating Certificates, Cancelling Gas Rate Schedules, and Accepting Rate Schedule Supplements for Filing

June 4, 1974.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service or a petition to amend an order issuing a certificate of public convenience and necessity by deleting therefrom authorization to sell natural gas from certain acreage, all as more fully set forth in the tabulation and in the applications and petitions to amend in this proceeding.

Some Applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. In cases where Applicants propose to abandon service completely and have rate schedules, the certificates authorizing such sales will be terminated and the related rate schedules cancelled.

After due notice by publication in the Federal Register, no petition to intervene, notice of intervention or protest to the granting of the applications or petitions has been filed.

At a hearing held on May 29, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(4) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relating to the complete abandonments hereinafter permitted and approved should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The orders issuing certificates of public convenience and necessity in various dockets are amended by deleting therefrom authorization to sell natural gas as more fully described in the petitions to amend and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(C) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization	*Terminated certificate*
CI69-842	CI69-842 [1]
CI73-94	CI61-573
CI73-278	CI70-317
CI73-517	CI72-572
CI73-580	G-9759
CI73-581	G-8448
CI73-619	G-10125
CI73-641	CI64-535
CI73-683	G-10087
CI73-814	G-18145
CI73-834	CI65-736
CI73-875	G-6198
CI74-10	CI72-162
CI74-23	G-3031 [2]

[1] Temporary certificate.

[2] Certificate terminated only with respect to sales under Cities Service Oil Company FPC Gas Rate Schedule No. 360.

Abandonment authorization	*Terminated certificate*
CI74-27	G-17746
CI74-58	G-16140
CI74-180	G-2635
CI74-210	G-10981
CI74-350	G-20132
CI74-380	CI62-910
CI74-388	CI71-883
CI74-389	CI63-621
CI74-391	G-3486
CI74-395	CI62-134
CI74-412	CI67-577
CI74-418	CI63-1319
CI74-437	CI68-102
CI74-438	CI68-98
CI74-440	CI61-32
CI74-488	CI67-1595
CI74-497	CI66-651
CI74-514	CI63-1432
CI74-516	C170-75

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(D) Applicant in Docket No. CI74–27 is not relieved of any refund obligations in Docket No. RI71–424 as a result of the abandonment permitted and approved herein.

(E) Applicant in Docket No. CI74–210 is not relieved of any refund obligations in Docket No. RI65–143 as a result of the abandonment permitted and approved herein.

(F) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
G-3721 D 3-13-74	Getty Oil Co. (Operator) et al.	Texas Eastern Transmission Corp. San Domingo et al., Fields, Live Oak et al., Counties, Tex.	Notice of partial cancellation, 3-5-74.[3]	7	31
G-12078 D 8-22-73	Mobile Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Jack Herbert et al., Fields, Upton County, Tex.	Notice of partial cancellation, 8-20-73.[3]	104	20
G-12004 D 2-25-74	Mobile Oil Corp	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of partial cancellation, 2-22-74.[3]	138	10
CI61-630 D 3-13-74	The California Co., a division of Chevron Oil Co. (Operator) et al.	Texas Gas Transmission Corp., South Thornwell and North Hayes Fields, Calcasieu and Jefferson Davis Parishes, La.	Notice of partial cancellation, 3-11-74.[2 3]	24	21
CI61-1281 D 10-5-72	Mobile Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Major and Dewey Counties, Okla.	Notice of partial cancellation, 10-3-72.[4]	322	23
CI64-373 D 3-26-73 [4]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., Mammoth Creek North Field, Lipscomb County, Tex.	Notice of partial cancellation, 3-26-73.[3]	20	
CI64-1410 D 4-30-73 [4]	R & G Drilling Co. Inc. (Operator) et al.	El Paso Natural Gas Co. Blanco Mesa Verde Field San Juan County, N. Mex.	Notice of partial cancellation.[3 6 7]	2	11
CI68-1023 D 5-14-73	William C. Russell (Operator) et al.	do	Notice of partial cancellation,[3 7 8].	2	16
CI69-842 B 7-3-73 [10]	Amerada Hess Corp	United Gas Pipe Line Co., Atchafalaya Bay Area, St. Mary and Terrebonne Parishes, La.	Notice of cancellation, 6-29-73.[3]	158	5
CI73-94 B 8-7-72 [4]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., West Waka Field, Ochiltree County, Tex.	Notice of cancellation, 8-4-72.[3]	10	6
CI73-151 B 8-28-72	Ferguson Oil Co., Inc	Cities Service Gas Co., Deerhead North Field, Barber County, Kans.	([3]) ([11]) ([12])		
CI73-278 B 10-10-72	Exchange Oil & Gas Corp. (Operator) et al.	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	Letter agreement, 9-8-72.[3 11]	16	7
CI73-439 B 12-18-72	Jerome B. Rosenthal, c/o LeClair Operating Co., Inc.	El Paso Natural Gas Co., Sprayberry Field, Glasscock County, Tex.	([3]) ([12])		
CI73-517 B 1-29-73	Burk Gas Corp. (Operator) et al.	Lone Star Gas Co., Red Springs Field, Smith County, Tex.	Notice of cancellation.[14 13]	16	11
CI73-520 B 1-26-73 [16]	Chas. T. McCord, Jr., d.b.a. McCord Oil Co.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	([3]) ([13])		
CI73-580 B 3-5-73	Gulf Oil Corp	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Goliad Counties, Tex.	Notice of cancellation, 3-1-73.[2 3]	40	14
CI73-581 B 3-5-73 [17]	Gulf Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	Notice of cancellation, 3-1-73.[3]	86	15
CI73-619 B 3-16-73	Continental Oil Co	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Goliad Counties, Tex.	Notice of cancellation, 3-13-73.[2 3]	137	15
CI73-641 B 3-26-73 [4]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Notice of cancellation, 3-26-73.[3]	24	3
CI73-683 B 4-11-73	Atlantic Richfield Co	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Golaid Counties, Tex.	Notice of cancellation, 4-6-73.[2 3]	134	14
CI73-806 B 5-17-73 [18]	John L. Crawford	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	([3]) ([13])		
CI73-814 B 5-18-73.[19]	Edwin L. Cox	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla.	Notice of cancellation, 5-11-73.[2 3 19]	26	9
C-73-834 B 5-29-73.[20]	The Superior Oil Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sparks Field, Stanton County, Kans.	Notice of cancellation, 3-16-73.[3]	113	9

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
C-173-875 B 6-11-73 [17]	Gulf Oil Corp	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of cancellation, 6-7-73.[2 3]	337	6
CI74-10 B 7-5-73 [21]	Edwin L. Cox	Cities Service Gas Co., Sterling Area, Comanche County, Okla.	Notice of cancellation, 7-2-73.[2 3]	87	4
CI74-23 B 7-13-73 [22]	Cities Service Oil Co	Arkansas Louisiana Gas Co., Rodessa Field Area, Marion County, Tex.	Notice of cancellation, 7-10-73.[2 3 22]	360	8
C-174-27 B 7-11-73 [23]	Placid Oil Co., (Operator) et al [24]	Southern Natural Gas Co., Cranfield Field, Adams and Franklin Counties, Miss.	Notice of cancellation, 7-9-73.[2 3]	25	3
CI74-58 B 7-26-73 [21]	J. M. Huber Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, Twin (Marmaton) Field, Hansford County, Tex.	Notice of cancellation, 7-23-73.[2 3 24]	35	4
CI74-97 B 8-31-73 [24]	Beacon Resources Corp. (Operator) et al.	Cities Service Gas Co., Wildcat Field, Barber County, Kans.	([3]) ([13])		
CI74-126 B 8-13-73 [26]	Phillips Petroleum Co	Atlantic Richfield Co., acreage in Tom Green County, Tex.	([3]) ([3]) ([27])		
CI74-180 B 9-10-73 [21]	Phillips Petroleum Co. et al.	Texas Eastern Transmission Corp., Henze Field, De Witt County, Tex.	Notice of cancellation, 9-5-73.[3 28]	37	17
CI74-210 B 10-5-73 [30]	Ashland Oil, Inc	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Hutchins Field, Wharton County, Tex.	Assignment, 3-7-73 [31] Notice of cancellation, 10-2-73.[3]	214 214	11 12
CI74-350 B 12-13-73 [32]	Texaco, Inc	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	Notice of cancellation, 11-28-73.[2 3 33]	207	4
CI74-380 B 1-10-74	Union Texas Petroleum, a division of Allied Chemical Corp.	Texas Gas Pipe Line Corp., North Big Hill Field, Jefferson County, Tex.	Notice of cancellation, 1-7-74.[2 3]	100	16
CI74-383 B 1-11-74	Geological Exploration Co. (Operator) et al.	Lone Star Gas Co., Penn Griffith Field, Rusk County, Tex.	([3]) ([13])		
CI74-388 B 1-21-74	Exxon Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Pita Field, Kenedy County, Tex.	Notice of cancellation, 1-15-74.[2 3]	483	3
CI74-389 B 1-21-74	Exxon Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, South Angleton Field, Brazoria County, Tex.	Notice of cancellation, 1-15-74.[2 3]	318	5
CI74-391 B 1-21-74	Phillips Petroleum Co. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lissie Field, Colorado and Wharton Counties, Tex.	Notice of cancellation, 1-17-74.[3]	209	14
CI74-395 B 1-25-74	The California Co., a division of Chevron Oil Co.	Valley Gas Transmission, Inc., East Alta Mesa Field, Brooks County, Tex.	Notice of cancellation, 1-21-74.[2 3 34 35]	59	6
CI74-412 B 1-14-74 [36]	Tom W. Penn, dba Penntex Petroleum Co., (Operator) et al.	Trunkline Gas Co., East Huffsmith Field, Harris County, Tex.	Notice of cancellation, 3-27-74.[2 3]	1	2
CI74-418 B 2-4-74	Continental Oil Co	United Gas Pipe Line Co., West Hollywood Field, Terrebonne Parish, La.	Notice of cancellation, 1-31-74.[3]	251	12
CI74-429 B 2-22-74	Wm. J. O'Connor	Transwestern Pipeline Co., Morrow (South) Field, Lipscomb County, Tex.	([3]) ([13])		
CI74-437 B 2-14-74	Texaco, Inc	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	Notice of cancellation, 2-12-74.[2 3]	403	7
CI74-438 B 2-14-74	do	do	Notice of cancellation, 2-12-74.[2 3]	402	4
CI74-440 B 2-14-74	W. C. Curry (Operator) et al.	Texas Eastern Transmission Corp., Spider Field, De Soto Parish, La.	Notice of cancellation, 2-11-74.[3]	1	3
CI74-446 B 2-19-74	The Ballard & Cordell Corp.	Columbia Gas Transmission Corp., Florence Field, Vermilion Parish, La.	([3]) ([13])		
CI74-448 B 2-11-74	J. R. Perkins et al., d./b./a. Perkins Production Company.	Lone Star Gas Co., Woolsey Field,[37] Stephens County, Okla.	([3]) ([38]) ([13])		
CI74-453 D [39] 2-12-74	Robert Mosbacher (Operator) et al.	Transcontinental Gas Pipe Line Corp., North Live Oak Field, Vermilion Parish, La.	Notice of partial cancellation.[40 41]		
CI74-488 B 3-4-74	A/C Engineering & Operating Co.	Panhandle Eastern Pipe Line Co., Cedar Field, Barber County, Kans.	Notice of cancellation, 2-28-74.[3]	1	3
CI74-497 B 3-8-74	Sun Oil Co	Natural Gas Pipeline Co. of America, South Taloga Field, Dewey County, Okla.	Notice of cancellation, 2-28-74.[1]	437	6
CI74-499 B 3-8-74	Jake L. Hamon	Lone Star Gas Co., Penn Griffith/Pettit Field, Rusk County, Tex.	([3]) ([13])		
CI74-500 B 3-8-74	Jake L. Hamon (Operator) et al.	El Paso Natural Gas Co., Sprayberry Trend Field, Reagan County, Tex.	([3]) ([3]) ([13])		

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Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
CI74-514 B 3-18-74	Skelly Oil Co	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Notice of cancellation, 3-15-74.[3]	186	5
CI74-516 B 3-15-74	Clinton Oil Co	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Notice of cancellation, 3-13-74.[3]	33	2

[1] Unless otherwise stated, the effective date is the date of this order.

[2] Depleted.

[3] Includes buyer's concurrence.

[4] Includes assignment whereby Applicant assigned to Phillips Petroleum Co. certain non-producing intersts in the Chester formation of the Continental-Kimball Unit.

[5] Additional information submitted on Mar. 14, 1974.

[6] Applicable only to Hammond number 43 Well.

[7] Application treated as notice of partial cancellation.

[8] Application was noticed incorrectly in Docket No. CI66-779.

[9] Applicable only to Graham number 48 Well.

[10] Additional information submitted on Oct. 4, 1973.

[11] Uneconomical, well plugged and abandoned.

[12] Small producer abandonment; there is no rate schedule on file with the Commission for this sale.

[13] Agreement whereby Applicant and purchaser cancel the contract.

[14] Application treated as Notice of Cancellation.

[15] Lone Star was granted authorization in Docket No. CP70-313 on Dec. 18, 1972, to rearrange its system in such a manner as to divert the subject gas from interstate commerce to intrastate commerce. Applicant's filing reflects the change in the classification of its sale to Lone Star.

[16] Additional information submitted on Feb. 25, 1974.

[17] Additional information submitted on Mar. 12, 1974.

[18] Additional information submitted on Jan. 24, 1974.

[19] The subject well, incapable of any future production, was converted to a salt water disposal well.

[20] Additional information submitted on Feb. 4, 1974.

[21] Additional information submitted on Jan. 28, 1974.

[22] No further development of casinghead gas is contemplated, per information submitted on Feb. 7, 1974.

[23] Applicant's filing indicates "(Operator, et al.," even though the rate schedule is not so designated. Additional information submitted on Feb. 11, 1974.

[24] Applicant advised that no reserves remain which might be recovered by additional facilities. Well has been abandoned and sold for salvage value.

[25] Additional information submitted on Feb. 22, 1974.

[26] Additional information submitted on Feb. 28, 1974.

[27] Abandonment of percentage-type sale; there is no rate schedule covering sale.

[28] Additional information submitted on Feb. 11, 1974.

[29] Applicant's interest in gas production declined to 4 M ft³ per day, which will be used for lease operations and no further sales of gas are contemplated.

[30] Additional information submitted on Apr. 11, 1974.

[31] Conveys from Applicant to Kenneth C. English remaining non-producing interest.

[32] Additional information submitted on Feb. 8, 1974.

[33] Two of the three subject wells are plugged and abandoned; remaining well, which has watered out, will be plugged. Applicant states there is no potential for additional gas production.

[34] Assignment to J. O. Clark, Jr., dated May 11, 1973, has been made part of Supplement No. 6.

[35] Attempt to rework well was unsuccessful on the remaining lease which was assigned to J. O. Clark, Jr., who allowed lease to expire.

[36] Additional information submitted on Apr. 1, 1974.

[37] Involves McMahon Lease (No. 1 McMahon) and Simpson-Hurst Lease (No. 1 Simpson-Hurst).

[38] Wells have been disconnected. Reservoir, which warranted installation of compressor due to pressure decline, finally resulted in flow of salt water.

[39] Application was noticed incorrectly in Docket No. CI66-287 which was terminated by order issuing a small producer certificate to Kilroy Properties Incorporated, predecessor in part.

[40] Small producer abandonment; there is no rate schedule on file with the Commission for this sale. Seller shows that buyer concurs. No action required on notice of partial cancellation.

[41] The subject well has ceased production and production is no longer possible because of water encroachment.

[FR Doc.74-13416 Filed 6-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602 at 10 a.m. on June 21, 1974.

It has been determined that the first meeting of this Committee must be held not later than June 21, 1974, in order to give farmers, warehousemen and buyers sufficient time to prepare for marketing the 1974 flue-cured tobacco crop which is expected to begin before mid-July. Inasmuch as the charter establishing this Committee was not issued until June 4, 1974, it is impossible to meet the 15 days advance notice required by OMB Circular A-63 March 27, 1974.

The purpose of the meeting is to advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets he has designated pursuant to the Tobacco Inspection Act, 7 U.S.C. 511–511g.

Matters to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404. In addition, organizational structures will be discussed to seek overall committee effectiveness. Officers will be elected.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

JOHN C. BLUM,
Acting Administrator.

JUNE 10, 1974.

[FR Doc.74-13687 Filed 6-13-74;8:45 am]

Packers and Stockyards Administration

VANDE VOORDE LIVESTOCK AUCTION SHOW LOW, ARIZONA, ET AL.

Notice of Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyard, date of posting.

ARIZONA

AZ-107 Vande Voorde Livestock Auction, Show Low, Apr. 1, 1974.

MISSISSIPPI

MS-154 Cow Palace, Inc., McComb, May 25, 1974.
MS-153 Tri-County Stockyards, Inc., Tupelo, May 17, 1974.

OKLAHOMA

OK-192 Poor-Boy Livestock Auction, Wister, May 30, 1974.

TENNESSEE

TN-172 Sampson & Maxwell Livestock Auction, Lewisburg, May 18, 1974.

TEXAS

TX-306 Mesquite Livestock Auction, Mesquite, May 25, 1974.

Done at Washington, D.C., this 11th day of June 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestsock Marketing Division.

[FR Doc.74-13713 Filed 6-13-74;8:45 am]

MARITIME ADMINISTRATION

[Docket No. S-417]

AMERICAN PRESIDENT LINES, LTD.

Amended Notice of Applications

In FR Doc. 74-12245, appearing in the FEDERAL REGISTER on May 31, 1974 (39 FR 19247) notice was given that American President Lines, Ltd., a Delaware Corporation, had filed two applications with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended, with respect to a long-term operating-differential subsidy contract.

Said notice invited any request for hearing or submission of comment by close of business on June 18, 1974. The date of June 18, 1974 is hereby extended to close of business on July 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: June 11, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-13728 Filed 6-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DRUG ABUSE EDUCATION PROGRAM

Criteria for Selection of Applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention Projects

On March 15, 1974 there was published in the FEDERAL REGISTER at 39 FR 10007 a notice of proposed rule making which set forth criteria for selection of applications and other relevant program standards governing the award of grants to local educational agencies for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention Projects under section 3 of the Drug Abuse Education Act of 1970 (21 U.S.C. 1002), designed to assist in providing trained leadership to deal with drug abuse problems in grades 7 through 12 (with emphasis on grades 9 through 12) in schools in the school district of the applicant local educational agency.

Interested persons were invited to submit written comments, suggestions, or objections regarding these proposed criteria on or before July 1, 1974.

A. *Summary of comments.* The following comments were submitted to the Office of Education regarding the proposed criteria.

1. *Comment.* A commenter suggested that training session dates be included.

Response. The criteria which were published in the FEDERAL REGISTER on March 15, 1974 apply only to applications from local educational agencies to select local educational personnel and send them to regional centers to receive training in drug abuse education. Contracts are awarded separately by the Office of Education for the operation of the regional training centers. The contractor provides the training pursuant to the terms of its contract. These criteria are not applicable to such contracts, or the type of training to be provided by the contractor. With respect to the specific comment, it is expected that grantees will receive, from the contractor which operates the training center, a schedule of training sessions which will take place at the center during the period of July, 1974 through March, 1975. Mutually acceptable, dates will then be arranged between the contractor and the grantees. No change has been made in the criteria.

2. *Comment.* Several commenters suggested that grades 1 through 6 are the level for which training is needed more than for grades 9 through 12, since attitudes toward drugs that are formed in the early years are likely to be firmly held at the age of students in grade 9.

Response. The Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255) established in the Executive Office of the President a Special Action Office for Drug Abuse Prevention, responsible for overall planning and policy and establishment of objectives and priorities for all Federal drug abuse prevention functions. The Office of Education is cooperating with the Special Action Office in carrying out its national policy on drug abuse. Recent evidence of success in dealing with drug abuse problems in the upper grades 7 through 12 with children who have had some experience in drug use, has led to the emphasis this year of drug abuse education programs aimed at those grade levels. In the past, the Office of Education has emphasized drug abuse programs in the lower grades where children had not dealt with drugs. No change has been made in the criteria.

3. *Comment.* A commenter expressed concern with regard to the lack of coordination between the local project and the State Department of Education and Single State Agency in providing information about available services to which students with drug problems can be referred. He suggested pre-training communication as to the referral services available in the various States.

Response. The Office of Education is providing the basis on a national scale, for coordination of this nature through the contracts mentioned above. The training to be offered under these contracts will include the availability of drug referral services at the local and State levels. No change has been made in the criteria.

4. *Comment.* A commenter suggested that the trainees be made familiar with the policies toward drug abuse of their own States and the organizations and methods for dealing with drug abuse problems.

Response. Local, State, and regional resources for dealing with drug abuse are expected to be discussed as a part of the training offered by the training center contractor. No change in the criteria has been made.

B. *Other changes.* Typographical corrections have been made.

After consideration of all comments the Commissioner hereby adopts the proposed criteria which were published in the FEDERAL REGISTER on March 15, 1974 for the selection of applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention projects, as set forth below.

Effective date. Since no substantial change has been made, the criteria will be effective on June 14, 1974.

A separate set of selection criteria for community based drug abuse education projects was published in final form in the FEDERAL REGISTER on April 4, 1974 at 39 FR 12277.

(Catalog of Federal Domestic Assistance Program No. 13.420, Drug Abuse Education Program)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 7, 1974.

CASPAR W. WEINBERGER
Secretary of Health, Education, and Welfare.

I. *General—Drug Abuse Prevention and Early Intervention Projects.* (a) The purpose of the Drug Abuse Prevention and Early Intervention projects is to assist local educational agencies to provide trained leadership to deal with drug abuse problems in grades 7 through 12, with emphasis on grades 9 through 12, in schools within the school district of the applicant local educational agency.

(b) Teams composed of educational personnel (such as school administrators, counselors, teachers, psychologists, school board members, and school staff paraprofessionals) will receive short term training in problems related to drug abuse at designated regional training centers. Each team will be composed of five members. There will be at least one administrator, one teacher, and one counselor or psychologist on each team. Team members may represent various schools within the school district of the applicant local educational agency.

(c) One team member (who shall be a full time employee of the local educational agency) shall be designated as the program coordinator, responsible for coordinating the implementation of drug abuse programs, following such training, in the schools represented by the team members.

(d) The training of team members will emphasize activities such as (1) the understanding of drug use and abuse problems among students and how to deal with these problems; (2) familiarization with the current drug culture; (3) the development of communication skills; (4) the development of leadership skills; (5) familiarization with available services to which students with drug problems can be referred; (6) alternatives to drugs; (7) familiarization with a variety of learning environments; and (8) dealing with drug abuse problems on a team basis. Training will also include approaches especially appropriate for dealing with drug abuse problems in a school setting such as group counseling, peer group counseling, group discussions, parent-youth programs, and training in better understanding of other persons and their values. The training centers will provide team members with skills necessary to assess drug abuse problems, mobilize resources, develop and carry out comprehensive drug abuse programs in their local schools, and coordinate their efforts with similar community efforts related to drug abuse. Training centers will provide on-site technical assistance to teams once they have returned to their local schools.

(21 U.S.C. 1001(b), 1002, 1002(b)(5), 1004, 1133)

II. *Applicants for Drug Abuse Prevention and Early Intervention Projects.* Local educational agencies may apply for assistance for Drug Abuse Prevention and Early Intervention projects.

(21 U.S.C. 1002, 1133)

III. *Assurances.* Applicants shall provide satisfactory assurances that team members will be available to participate on a team basis in the development and administration

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of drug abuse programs in the school district of the applicant upon completion of training at the regional training centers. An application must set forth policies and procedures which assure that Federal funds made available under this program will be so used as to supplement and, to the extent practical, increases the level of funds that would in the absence of such Federal funds, be made available by the applicant for the purposes of this program, and in no case supplement such funds.

(21 U.S.C. 1002, 1133)

IV. *Activities eligible for assistance.* Grants awarded by the Commissioner of Education under the program will not exceed $10,000. A grant may be used to support training of teams (as described in I above) at regional training centers to deal with drug abuse problems. Grants may cover the following expenses:

(1) travel expenses of team members to and from the training centers;

(2) subsistence for team members while undergoing training at the centers;

(3) where appropriate, expenses of the applicant related to the release of team members from their regular duties to attend these training sessions;

(4) hardship expenses (additional expenses which if not reimbursed would prevent individual team members from participating); and

(5) compensation and regular fringe benefits during one academic year following training, for project related activities of the project coordinator (not to exceed $6,000).

(21 U.S.C. 1002, 1133)

V. *Criteria for selection of applications.* In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account, in addition to the criteria set forth in section 100a.26(b) of 45 CFR Subtitle B, Chapter I, subchapter A (General Provisions for Office of Education programs), the following:

(a) the extent to which the award of assistance will result in a distribution of assistance under the program among school systems of varying characteristics such as size, ethnic composition, and socioeconomic level in urban, suburban, and rural areas;

(b) the extent of the drug abuse problem in the schools and local community to be served;

(c) the extent to which the proposed activities address unmet drug abuse education and prevention needs in the schools to be served;

(d) the extent to which any drug abuse prevention and education efforts by the applicant will be coordinated with related efforts by other agencies, organizations and groups in local community.

(e) the extent to which team membership reflects individuals who have demonstrated leadership or potential for leadership regarding, and concern for, or interest in, drug abuse problems;

(f) the extent to which the team is composed of persons representing a variety of education related disciplines;

(g) the extent to which and the manner in which the team will be utilized after training in the development and administration of drug abuse prevention and early intervention programs in the schools in the school district of the applicant local educational agency; and

(h) the degree of commitment on the part of the applicant to support and facilitate the drug abuse activities of the team after training is completed as demonstrated by provision for such matters as facilities, administrative support, and program planning.

(20 U.S.C. 1221c(b)(1); 21 U.S.C. 1002, 1133)

VI. *General provisions regulations.* Assistance will be subject to regulations in Part 100a of Title 45 of the Code of Federal Regulations, as well as other applicable statutory and regulatory requirements.

(20 U.S.C. 1221c(b)(1))

[FR Doc.74-13670 Filed 6-13-74;8:45 am]

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

Notice of Criteria for Selection of Applications in Fiscal Year 1974

Pursuant to the authority contained in Title VIII, section 808 of the Elementary and Secondary Education Act as amended (20 U.S.C. 887a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare has established criteria for selection of applications in Fiscal Year 1974 for grants for demonstration projects to improve school health and nutrition services for children from low-income families, as set forth below.

These criteria were proposed in the FEDERAL REGISTER on March 19, 1974 (39 FR 10257, 10259) as part of a complete set of regulations for this program.

In light of the comments received from the public and of the time required to revise and republish the proposed rules as final regulations, it is necessary to republish the funding criteria separately so as not to hold the funding of the projects in abeyance pending preparation of the final regulations for publication in the FEDERAL REGISTER.

No comments were received from the public on the funding criteria at the public hearing held on April 16, 1974, or during the comment period. These criteria are therefore adopted without change.

Effective date. These criteria shall be effective on June 14, 1974.

(Catalog of Federal Domestic Assistance Number 13.523, Demonstration Projects in School Health and Nutrition Services for Children from Low-Income Families.)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 7, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

CRITERIA FOR SELECTION OF APPLICATIONS IN FISCAL YEAR 1974

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

(Sec. 164 of Pub. L. 91-230, 84 Stat. 153 (20 U.S.C. 887a))

Decisions on applications will be made by the Commissioner and will be based on consideration of the criteria set forth in § 100a.26 (b) of this chapter, in addition to the following criteria:

(1) The degree to which the proposed project will achieve the delivery of services through the coordination of community resources and thus minimize the need for direct purchase of services;

(2) The adequacy of the proposed relationship between the regular education programs in the project target school or schools to be served by the project, and the health and nutrition needs of the project target children;

(3) The adequacy of plans for effective and meaningful parental involvement; and

(4) The likelihood of the continuation of project activities beyond the end of the funding period.

(20 U.S.C. 887a)

[FR Doc.74-13669 Filed 6-13-74;8:45 am]

Office of the Secretary

FEDERAL COUNCIL ON THE AGING

Meeting Announcement

The Federal Council on the Aging will hold their first meeting in the New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C., on June 25, 1 p.m. to 5 p.m. in Room 2010 and on June 26, 9 a.m. to 3 p.m. in Room 2008. The Council will determine means of organizing themselves to carry out their general responsibilities as directed by the Congress in the 1973 amendments to the Older Americans Act. Meeting open to public observation.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 11, 1974.

[FR Doc.74-13761 Filed 6-13-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Sunday, June 30, 1974, at 10 a.m. to 4 p.m. and Monday, July 1, 1974, from 9 a.m. to 4 p.m. in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C. Beginning at 4 p.m. on Sunday, June 30, two subcommittees of the Advisory Council will meet. One subcommittee deals with social security financing, the other with equal treatment under the social security program based on sex and marital status. The meetings of the Advisory Council and its subcommittees are open to the public.

Further information on the Council may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594-2514. Further information on the Council's subcommittee on the status of women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594-2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807, Social Security Programs)

Dated: May 31, 1974.

JOHN TROUT,
Executive Secretary,
Advisory Council on Social Security.

[FR Doc.74-13705 Filed 6-13-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. ADVISORY COMMITTEE ON OBSTACLE CLEARANCE REQUIREMENTS

Notice of Renewal

Notice is hereby given that the U.S. Advisory Committee on Obstacle Clearance Requirements is being renewed. The Flight Standards Service is the sponsor of the Committee which consists of a group of 14 experts on obstacle clearance requirements. The Committee develops information and data in support of proposals to be submitted by the United States to the ICAO Obstacle Clearance Panel for consideration and/or for positions to be taken by the United States relating to proposed international standards and requirements for prevention of the erection or removal of obstacles to air navigation. The Committee's activity is limited to those obstacle clearance matters which have international implications.

The Secretary of Transportation has determined that the formation and use of the U.S. Committee on Obstacle Clearance Requirements are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on June 4, 1974.

GERALD E. GIBSON,
Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements.

[FR Doc.74-13639 Filed 6-13-74;8:45 am]

STATE PARTICIPATION PROGRAM

Federal Railroad Administration

Investigative and Surveillance Activities

This is to give notice pursuant to § 212.17 of the State Participation Regulations published by the Federal Railroad Administration (FRA) as Part 212 of Title 49 of the Code of Federal Regulations (38 FR 34782) that the States of Missouri and Vermont will participate in carrying out the investigative and surveillance activities prescribed by the Federal Railroad Administrator (the Administrator) as necessary for the enforcement of the FRA Track Safety Standards (49 CFR Part 213) during fiscal year 1975 (July 1, 1974 to June 30, 1975).

The Public Service Commission (the Commission) of Missouri has executed a certification for fiscal year 1975 on April 25, 1974. Investigative and surveillance activities conducted by the Missouri Commission are to commence on July 1, 1974. The Commission now employs one Track Inspector who will conduct the prescribed track investigative and surveillance activities to be carried out under this certification. Pursuant to § 212.53(c) (49 CFR 212.53(c)) the Commission will comply within three years of this initial certification with the requirement for three (3) track inspectors for the State of Missouri.

The Public Service Board (the Board) of Vermont has executed an agreement with the Administrator under which the Board will conduct the prescribed track investigative and surveillance activities during the periods July 1, 1974 to November 1, 1974 and May 1, 1975 to June 30, 1975.

This notice is published under the authority of sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.), section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)), and § 212.17 of the regulations of the Federal Railroad Administration (49 CFR 212.17).

Issued in Washington, D.C. on June 6, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74-13681 Filed 6-13-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS GENERAL ELECTRIC COMPANY SUBCOMMITTEE

Notice of Meeting

JUNE 12, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' General Electric Company Subcommittee will hold a meeting on July 1, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss General Electric's Standard Safety Analysis Report (GESSAR). This is the first of at least two meetings on this subject.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

MONDAY, JULY 1, 1974, 9:00 A.M.-5:00 P.M.

Discussions with the General Electric Company and the AEC Regulatory Staff. Representatives of the General Electric Co. will make presentations on General Electric's Standard Safety Analysis Report (GESSAR).

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of, the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the General Electric Co. to discuss privileged information relating to the proposed standard design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 24, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on July 1, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 27, 1974 to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after July 3, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after September 3, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-13839 Filed 6-13-74;9:25 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON ANTICIPATED TRANSIENT WITHOUT SCRAM

Notice of Meeting

JUNE 12, 1974.

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Anticipated Transient Without Scram (ATWS) will hold a meeting at 8:30 a.m. on July 3, 1974 in Room 1062, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is implementation of the Technical Report on ATWS, WASH 1270. This meeting will be closed to the public.

The Subcommittee is meeting with their consultants and Regulaotry Staff participants to discuss several Regulatory Staff proposals for implementing positions taken in WASH 1270 and to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the meeting will consist of a discussion of proposed plans and the exchange of opinions regarding these proposed plans, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that any non-exempt material that will be discussed during the above closed session will be inextricably intertwined with exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee,
Management Officer.

[FR Doc.74-13777 Filed 7-13-74;8:45 am]

[Docket Nos. 50–348–OL 50–364–OL]

ALABAMA POWER CO.

Notice and Order for Special Prehearing Conference

In the matter of Alabama Power Company (Joseph M. Farley Nuclear Plant, units 1 and 2).

Notice is hereby given that, pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Facility Operating Licenses", dated May 17, 1974 (39 FR 18131), and in accordance with § 2.751(a) of said Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held in the above captioned proceeding on June 28, 1974 at 10 a.m. local time in "4th Floor Courtroom" at the Houston County Court House, Main and Oak Streets, Dothan, Alabama.

This Special Prehearing Conference will be held before the Atomic Safety and Licensing Board (the Board) which was established in the aforementioned notice of hearing which is composed of Dr. Hugh Paxten, Dr. Harry Foreman and Mr. John F. Wolf, Chairman.

This Special Prehearing Conference will deal with the following matters:

1. The identification of key issues in the proceeding;
2. Any steps necessary for further identification of the issues;
3. The need for discovery and the time further action and
4. The establishment of a schedule for further action; and
5. Any pending motions and such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties are directed to confer in advance of the Special Perhearing Conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding issues in controversy or any other mutually agreeable procedures to expedite this proceeding.

By order of the Atomic Safety and Licensing Board.

Dated this 10th day of June 1974, at Bethesda, Maryland.

JOHN F. WOLF,
Chairman.

[FR Doc.74-13643 Filed 6-13-74;8:45 am]

[Docket Nos. 50–400, 50–401, 50–402, 50–403]

CAROLINA POWER AND LIGHT CO.

Notice of Third Prehearing Conference

In the matter of the Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4).

Please take notice that, pursuant to the Atomic Energy Commission's Notice of Hearing dated September 21, 1972, and in accordance with the Commission's rules of practice (10 CFR Part 2), the Atomic Safety and Licensing Board will conduct a prehearing conference for this proceeding starting at 10 a.m. e.d.t., July 2, 1974, at the following location:

ASLB Hearing Room, Room 1202
12th Floor, Landow Building
7910 Woodmont Avenue
Bethesda, Maryland

This prehearing conference is preliminary to a public evidentiary hearing that will be held by an Atomic Safety and Licensing Board ("the Board") to consider the application of the Carolina Power and Light Company ("the Applicant") for AEC construction permits to build four pressurized water nuclear reactors on the applicant's site about 20 miles southwest of Raleigh, North Carolina, the proposed plant to be known as the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4.

This prehearing conference will deal with the following procedural matters:

(1) Ascertain readiness of all parties for the evidentiary hearing,

(2) Resolve any outstanding motions or disputes between counsel for the parties,

(3) Assure that all discovery has been completed pursuant to the Board's May 24 Order,

(4) Obtain any last-minute agreements, stipulations or admissions of the parties directed toward narrowing the scope of the hearing and avoiding unnecessary proof and time-consuming foundational questions.

(5) Identification of proposed witnesses and limitation on the number of expert witnesses,

(6) The setting of a daily hearing schedule (hours, proposed daily recesses) and schedule for exchanging pre-filed direct testimony,

(7) Entertain any proposals or suggestions that might expedite the presentation of witnesses and exhibits, and such other matters as may aid in the orderly disposition of the proceeding.

Counsel for the parties are directed to confer in advance of the prehearing conference in an attempt to work out agreements relating to the foregoing items and also to be prepared to report to the Board on the prospects for:

1. Settlement or dropping of any of the now-admitted contentions;
2. Any further stipulations that might narrow the scope of any of the matters in controversy;
3. A stipulation or agreement listing basic material facts so as to eliminate unnecessary foundational witnesses;
4. A list of those major exhibits and documents that are to be offered in evidence without objection by any party.

All interested members of the public are invited to attend this prehearing conference, as well as the later evidentiary hearing. Limited appearance statements will not be heard or received at the prehearing conference, but any person wishing to make a limited appearance addressing his concerns or interests regarding the proposed plant may do so, orally or in writing, on the first day of the later public evidentiary hearing (now scheduled for July 16, 1974 in Raleigh, North Carolina). See Title 10 Code of Federal Regulations, § 2.715 regarding limited appearance statements.

It is so ordered.

Issued at Bethesda, Maryland, this 10th day of June, 1974.

For the Atomic Energy Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.74-13644 Filed 6-13-74;8:45 am]

[Docket No. 50–254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Authority To Operate Using Mixed Oxide Fuel

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 22, 1974 (39 FR 10927), the Atomic Energy Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–29 to the Commonwealth Edison Company and the Iowa-Illinois Gas and Electric Company (jointly referred to as the licensee). This amendment, effective immediately, authorizes the licensee to operate the Quad-Cities Nuclear Power Station Unit 1 (the facility) using a partial loading of five 7 x 7 fuel assemblies containing mixed plutonium and uranium oxide. The related changes to the Technical Specifications are incorporated in Amendment No. 11 as Change No. 20. The licensee is presently licensed to possess and operate the facility located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U–235).

The Commission has found that (a) the application for the above action dated February 28, 1974, including supplements filed prior to the application dated June 15, 1973, July 11, 1973, December 14, 1973, and March 18, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations published in 10 CFR Chapter I, (b) there is reasonable assurance that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public and that such activities will be conducted in compliance with the rules and regulations of the Commission, and (c) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission's Directorate of Licensing has completed its evaluation of the action and issued a favorable Safety Evaluation.

A copy of Amendment No. 11 with Change No. 20 to the Technical Specifications of Facility Operating License No. DPR–29 and the Directorate of Licensing's Safety Evaluation issued concurrently with the amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. Single copies of these items may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 7th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-13645 Filed 6-13-74;8:45 am]

[Docket Nos. 50–346A, 50–440A, 50–441A]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order Rescheduling Prehearing Conference

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company, (Davis-Besse Nuclear Power Station), (Perry Plant, Units 1 and 2).

Take notice that the Prehearing Conference in the above-captioned matter, as noticed and announced by an order of this Board dated May 31, 1974, by agreement of the parties and the Board, is hereby rescheduled to occur on Tuesday, June 25, 1974, commencing at 9:30 a.m. local time at the Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C.

It is so ordered.

Issued at Bethesda, Maryland, this 10th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-13642 Filed 6-13-74;8:45 am]

[Docket Nos. 50–369, 50–370]

DUKE POWER CO.

Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing

In the matter of Duke Power Company, William B. McGuire Nuclear Station Units 1 and 2, Docket Nos. 50–369, and 50–370.

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operation licenses from Duke Power Company (the applicant) which would authorize the applicant to possess, use, and operate the William B. McGuire Nuclear Station, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the applicant's site on the shore of Lake Norman in Mecklenburg County, North Carolina, approximately seventeen miles north-northwest of Charlotte, North Carolina. Each unit would operate at a steady-state reactor core power level of 3411 megawatts thermal.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR

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Part 50, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facilities, is being made available at the Metropolitan Clearinghouse, P.O. Box 4168, Charlotte, North Carolina 28204, and at the State Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to Duke Power Company which would authorize the applicant to possess, use, and operate the William B. McGuire Nuclear Station, Units 1 and 2 in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Ch. I. Construction of the facilities was authorized by Construction Permit Nos. CPPR–83 and CPPR–84, issued by the Commission on February 28, 1973. Construction of Unit No. 1 is anticipated to be completed by March 1, 1977 and Unit No. 2 by January 1, 1978.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before July 15, 1974, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing of a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by July 15, 1974. A copy of the petition should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Mr. W. L. Porter, Duke Power Company, PO. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated May 30, 1974, and the applicant's environmental report dated May 30, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Directorate of Licensing; (2) the Commission's draft environmental statement; (3) the Commission's final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 7th day of June 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing—Regulation.

[FR Doc.74–13758 Filed 6–13–74;8:45 am]

[Docket No. 50–10]

COMMONWEALTH EDISON COMPANY

Notice of Request for Variance Involving Facility Operating License

The Commonwealth Edison Company of Chicago, Illinois (the licensee), is authorized by Facility Operating License No. DPR–2 to operate a nuclear power reactor identified as Unit No. 1 of the licensee's Dresden Nuclear Power Station, located in Grundy County, Illinois, at steady-state power levels up to 700 MWt. The licensee has requested a variance for Unit No. 1 from the July 1, 1974, requirement for achieving compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the deadline for achieving compliance for Dresden Unit 1 from July 1, 1974 to January 1, 1976. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of the licensee's June 10, 1974 request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 12th day of June, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74–13779 Filed 6–13–74;8:45 am]

[Docket No. 50–155]

CONSUMERS POWER CO.

Notice of Request for Variance Involving Facility Operating License

The Consumers Power Company of Jackson, Michigan (licensee) is authorized by Facility Operating License No. DPR–6 to operate a nuclear power reactor identified as the Big Rock Point Nuclear Plant (the facility), located in Charlevoix County, Michigan, at steady-state power levels up to 240 MWt. The licensee has requested a variance for the facility of the July 1, 1974, requirement for achieving compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the deadline for achieving compliance for the facility from July 1, 1974 to November 15, 1975. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of the licensee's May 30, 1974, request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Charlevoix Public Library at 107 Clinton Street, Charlevoix, Michigan.

Dated at Bethesda, Maryland, this 12th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors No. 2, Directorate of Licensing.

[FR Doc.74–13778 Filed 7–13–74;8:45 am]

[Docket No. 50–206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Consideration of Variance Involving Facility Provisional Operating License No. DPR–13

The Southern California Edison Company of Rosemead, California and San Diego Gas and Electric Company of San Diego, California (licensees) are authorized by Facility Operating License No. DPR–13 to operate a nuclear power reactor identified as San Onofre Unit 1 (the facility), located in San Diego County, California, at steady state power levels up to 1347 MWt.

By letters dated September 30, 1971, December 29, 1971, May 12, 1972, and January 31, 1973, the Southern California Edison Company (SCE) submitted the results of its analysis for San Onofre Unit 1 reactor, demonstrating that the performance of the ECCS would meet the requirements of the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971). This analysis was accepted by the staff in a letter to SCE dated March 6, 1974. Recently, the staff has undertaken a reexamination of (i) whether compliance with the Interim Acceptance Criteria is satisfied by an analysis such as that provided for San Onofre Unit 1 by SCE which relies upon the availability of off-site power, and (ii) whether under these circumstances, a variance from the July 1, 1974 requirement for achieving compliance with the Interim Acceptance Criteria may be required for San Onofre, Unit 1.

Notice is hereby given that the Director of Regulation is considering a variance which would extend the July 1, 1974 deadline for achieving compliance for the facility. The variance may be granted upon a finding that there is good cause and that there is reasonable assurance that the granting of the extension will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of SCE's letters of September 30, 1971, December 29, 1971, May 12, 1972, and January 31, 1973, and related correspondence and documents including the Commission's letter of March 6, 1974, have been placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Public Library at 233 Granda Street, San Clemente, California.

Dated at Bethesda, Maryland, this 12th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74–13838 Filed 6–13–74;8:45 am]

INTERNATIONAL NUCLEAR POWER PROGRAM

Preparation of Environmental Impact Statement

Notice is hereby given that the U.S. Atomic Energy Commission has commenced the preparation of an environmental impact statement on its International Nuclear Power Program. This Program includes agreements for cooperation in the civil uses of atomic energy under section 123 of the Atomic Energy Act of 1954, as amended, uranium enrichment services contracts between the Commission and foreign persons, and export licenses. The procedures and guidelines to be followed in preparing the environmental impact statement will be those established by the Commission's regulations (10 CFR Part 11), and the Guidelines of the Council on Environmental Quality (CEQ) of August 1, 1973 (38 FR 20550).

Copies of documents to be utilized in the preparation of this statement will be available for inspection at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

All persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statement are invited to send them in duplicate to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before August 15, 1974.

Dated at Germantown, Md., this 12th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–13837 Filed 6–13–74;8:45 am]

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CIVIL AERONAUTICS BOARD

[Order 74–6–42, Docket No. 26779]

ALLEGHENY AIRLINES, INC.

System Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of June, 1974.

By this order the Board proposes to establish a final subsidy-free mail rate for Allegheny Airlines, Inc., effective on and after July 1, 1974. Allegheny has received subsidy under a series of local-service class subsidy rates since January 1, 1961, and is the first of the domestic local service airlines to achieve self-sufficient status.

By Order 74–1–123, dated January 24, 1974, in Docket 25659, the Board established Class Rate VII as the fair and reasonable final subsidy rate for the local-service industry for the period on and after July 1, 1973. Order 74–2–59, dated February 14, 1974, amended Class Rate VII to reflect the results of the first six-month review under the profit-offset provisions of the class rate, effective January 1, 1974. By Petition for Reconsideration of Order 74–1–123, filed February 6, 1974, and Exception to Order 74–2–59, filed February 26, 1974, Allegheny has requested the Board to correct an asserted error in the distribution of revenue data between eligible and ineligible services used by the Board in determining Allegheny's subsidy need.

We will resolve the matters raised by Allegheny's filings in Docket 25659 and make final the carrier's mail rate for the period July 1, 1973, through June 30, 1974, by a separate order to be issued later. It is not necessary to dispose of these matters before proceeding to a determination of the fair and reasonable rate of mail compensation for Allegheny for the period on and after July 1, 1974. The background and basis for our proposal to establish a subsidy-free rate for Allegheny beginning July 1, 1974, are detailed in the following sections of this order.

During the past several years Allegheny has experienced rapid development and growth which has been accompanied by a steadily declining need for subsidy support. This growth is due in part to mergers with Lake Central and Mohawk and in part to Allegheny's aggressive development of its preexisting system. Certainly, the route modifications and awards under the Board's route strengthening program have contributed substantially to Allegheny's commendable progress.

In calendar year 1973, Allegheny's revenues, other than subsidy, totaled $325.5 million, more than six times its commercial revenues in 1967, just prior to the Lake Central merger. The carrier is now the largest of the domestic local service carriers by a substantial margin and, in terms of passenger-miles carried, is nearly 80 percent the size of Braniff, the smallest domestic trunkline.

This growth has been matched by a steady reduction in subsidy need, as shown in Appendix A.[1] In fiscal year 1967, Allegheny required $4,687,000 in subsidy support for its pre-merger route system. In that same year, the combined subsidy of the Allegheny, Lake Central, and Mohawk systems was over $12 million. By fiscal year 1971, after the Lake Central merger but before the merger with Mohawk, Allegheny's subsidy was down to $1,251,000. Allegheny's and Mohawk's combined subsidy that year was $3,509,000. In fiscal year 1973, Allegheny's subsidy was reduced to $2,765,000 for its entire system reflecting both mergers.

For the 12 months ending March 31, 1974, Allegheny reported a system operating profit of $18.1 million, based on operating revenues of $334.2 million, exclusive of subsidy, and operating expenses of $316.1 million. After application of the standard rate-making adjustments (shown in Appendix C) the operating profit becomes $22.0 million. This amount represents a system rate of return on an adjusted investment of $178.2 million (see Appendix D) of 12.32 percent—without subsidy. Under the guidelines of Class Rate VII, Allegheny would be allowed a system rate of return of 11.7 percent[2] or $20.8 million. By the same token, Allegheny's return on investment compares favorably with the return standard of 12.35 percent set for local service carriers in the Domestic Passenger-Fare Investigation for commercial rate purposes.[3] On the basis of its most recent adjusted earnings, its steadily declining subsidy need, and its favorable prospects for the future, it is clear that Allegheny no longer requires subsidy support.

As can be seen below, the results for the year ended March 31, 1974 represent an improvement over the carrier's experience for the 12 months ending September 30, 1973 which were used as a basis for the initial review of Class Rate VII (Order 74–2–59).

	12 Months Ending	
	Sept. 30, 1973	Mar. 31, 1974
Adjusted investment (thousand)	$151,978	$178,302
Adjusted operating profit: (thousand) excluding subsidy	18,351	21,971
Return on adjusted investment: excluding subsidy (percent)	10.08	12.32

Although Allegheny's subsidy-eligible services still are not self supporting, the economic need generated by these operations is more than offset by the profits from ineligible services. For the year ending March 31, 1974, Allegheny experienced an operating loss on eligible services, after rate-making adjustments, of $2.1 million but generated profits of $24.1 million on its lucrative routes that are ineligible for subsidy. Therefore, when the need of the carrier as a whole is considered as the Board is required to do in computing subsidy,[4] the conclusion is inescapable that Allegheny is a mature carrier and no longer needs to be nurtured by subsidy.[5]

Allegheny has achieved a greater degree of self sufficiency than other carriers removed from subsidy in the past. Subsidy was terminated for Hawaiian carriers based on indications that the operations had the potential to become self sufficient.[6] Continental asked to be removed from subsidy on the strength of benefits expected to result from growth.[7]

Although free of subsidy Allegheny retains many of the characteristics of a local service carrier (Appendix B). Allegheny will, therefore, continue to be regarded as a local service carrier for regulatory purposes, e.g., the standards and requirements established by the Board in the Domestic Passenger-Fare Investigation for local service carriers will continue to apply to Allegheny.

On the basis of the foregoing, we tentatively find and conclude that, on and after July 1, 1974, the fair and reasonable rates of compensation to be paid to Allegheny Airlines, Inc., for the transportation of mail over its entire system as constituted on or subsequent to July 1, 1974, the facilities used and useful therefor, and the services connected therewith, are the service mail rates payable to Allegheny Airlines, Inc., by the Postmaster General in effect on July 1, 1974, or thereafter established by the Board.[8]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the mail rates specified above.

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 14 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order.

3. If notice of objection is not filed within 14 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if any answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final order, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the rates herein specified.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Allegheny Airlines, Inc., and the Postmaster General.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.74–13700 Filed 6–13–74;8:45 am]

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[1] Appendices filed as part of the original document.

[2] This represents a differentiated rate of return of 10.6 percent on eligible investment and 12.35 percent on ineligible investment. See explanatory note 9 of Appendix D.

[3] Docket 21866–8, Order 71–4–58, April 9, 1971.

[4] Delta Air Lines v. Summerfield, 347 U.S. 74 (1954).

[5] Allegheny's situation in this regard is no different from other self-sufficient carriers, all of which operate some routes which do not pay their way.

[6] Aloha Airlines, Inc., and Hawaiian Airlines., Mail Rates, Order E–24230 September 27, 1966; Order E–24430, November 22, 1966.

[7] Continental Air Lines, Inc., Mail Rates, 25 C.A.B. 76 (1957).

[8] Allegheny's current service mail rates are the temporary rates established by Order 74–1–89, dated January 16, 1974, which are subject to retroactive adjustment upon issuance of an order establishing final mail rates in Docket 23080–2.

[Order 74–6–44, Docket No. 25280 Agreement C.A.B. 24415]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by the Joint Traffic Conferences; Order

June 10, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 22, 1974.

Specific commodity item No.	*Description and rate*
5708	Quartz and silica products 80 cents per kg., minimum weight 1,000 kgs. From Paris to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That: 1. Agreement C.A.B. 24415, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73–2–24 of February 6, 1973, Order 73–7–9 of July 5, 1973, Order 73–9–109 of Septembr 28, 1973, and Order 74–4–7 of April 2, 1974 and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the Federal Register.

[SEAL] Edwin Z. Holland,
Secretary.

[FR Doc.74–13699 Filed 6–13–74;8:45 am]

[Docket No. 26662]

NON-ACCEPTANCE OF WATCHES WHEN THE DECLARED VALUE EXCEEDS $1,000 PER SHIPMENT PROPOSED BY JET AIR FREIGHT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 28, 1974, at 10 a.m. (local time), in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Robert M. Johnson.

In order to facilitate the conduct of the conference, the Bureau of Economics is instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) request for information; (4) statement of position; and (5) proposed procedural dates on or before June 18, 1974.

Dated at Washington, D.C., June 11, 1974.

[SEAL] Ralph L. Wiser,
Chief Administrative Law Judge.

[FR Doc.74–13701 Filed 6–13–74;8:45 am]

[Docket No. 26642]

REVISIONS TO DEMAND SCHEDULING FARE CONCEPT PROPOSED BY AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 27, 1974, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference, the Bureau of Economics is instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) request for information; (4) statement of position; and (5) proposed procedural dates on or before June 17, 1974.

Dated at Washington, D.C., June 10, 1974.

[SEAL] Ralph L. Wiser,
Chief Administrative Law Judge.

[FR Doc. 74–13702 Filed 6–13–74;8:45 am]

[Docket No. 24739]

SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Hearing

In the matter of Schenker and Co., GmbH (Germany), d/b/a Schenkers International Forwarders, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 16, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the supplemental prehearing conference report served on May 14, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 10, 1974.

[SEAL] Richard M. Hartsock,
Administrative Law Judge.

[FR Doc.74–13703 Filed 6–13–74;8:45 am]

[Dockets 25513, 25661, Agreement C.A.B. 24392 R–1 through R–3, Agreement C.A.B. 24398]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Agreement Relating to North Atlantic, South Pacific and North/Central Pacific Proportional Fares

Correction

In FR Doc. 74–12747, appearing on page 19802 in the issue of Tuesday, June 4, 1974, add "Order No. 74–5–140" to the heading.

[Docket No. 22859; Order 74–6–19]

TRANS WORLD AIRLINES, INC.

Order of Suspension

Correction

In FR Doc. 74–13252, in the issue of Monday, June 10, 1974, in paragraph 2

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in the second column the last line should read "markets over 1,250 miles;"

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon on June 28, 1974, at the Young Men's Christian Association, 11 and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss projects recommended for SAC study during FY '75.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1974.

Isaiah T. Creswell, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13727 Filed 6-13-74;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 18, 1974, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine 04331.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss (1) the reconstitution of the Maine State Advisory Committee and (2) suggested SAC projects for FY '75.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 3, 1974.

Isaiah T. Creswell, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13726 Filed 6-13-74;8:45 am]

SOUTH CAROLINA STATE ADVISORY COMMITTEE

Notice and Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the South Carolina State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on June 21, 1974, in the Buccaneer Room of the Capitol Cabana Hotel, 1901 Assembly Street, Columbia, South Carolina 29201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting shall be to determine the role of the SAC in gathering background material for a proposed factfinding meeting on the use of Law Enforcement Assistance Administration (LEAA) funds in the Lower Savannah Planning District.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1974.

Isaiah T. Creswell, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13725 Filed 6-13-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from June 3 through June 7, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this Federal Register notice of availability. (July 29, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

Department of Agriculture

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Holland Lake, Flathead National Forest, Missoula County, Mont., June 3: The statement refers to a proposed revised multiple use plan for the Holland Lake Planning Unit, Swan Lake-Condon Ranger District, Flathead National Forest. The Unit contains 93,400 acres, of which 70,500 acres are National Forest lands. The eleven management units of the Planning Unit will be managed for recreation, timber, and roadless values. Adverse impact will result from road construction and timber harvesting activities (105 pages). Comments made by: DOI. (ELR Order No. 40910.)

Ten Year Management Plan, Flathead National Forest, several counties, Montana, June 3: The statement refers to a proposed ten year timber management plan for the Flathead National Forest. The Forest totals 2,355,366 acres, of which 942,339 acres are considered to be in the timber growing land base. There will be construction of forest roads, skid trails, firelines, and log landings. Adverse impact will be to water quality, aesthetics, wildlife habitat, and vegetative succession (185 pages). Comments made by: USDA, DOC, EPA, DOI, State and local agencies and concerned citizens. (ELR Order No. 40920.)

Lower Wolf Planning Unit, Kootenai National Forest, Montana, June 6: Proposed is the implementation of a multiple use plan on the Lower Wolf Unit of the Kootenai National Forest. Management will be for such values at big game habitat, primitive conditions, timber harvesting, and aesthetics. There will be some road construction; the wilderness option will be reduced on 18,000 acres of the Richards Mountain Inventoried Roadless Area. Comments made by: EPA, USDA, DOI, State and local agencies and concerned citizens. (ELR Order No. 40935.)

Atomic Energy Commission

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

River Bend Station, Units 1 and 2, West Feliciana County, La., June 7: Proposed is the issuance of construction permits to the Gulf States Utilities Co. for the two unit Station. The identical boiling water reactors will each produce 2894 MWt, which will be used to generate 940 MWe; future levels of 3015 MWt and 980 MWe (net) are considered in the statement. Cooling will be with water drawn from and returned to the Mississippi (after flowing through a forced draft tower system); cooling water will be lost (through evaporation) at 48 cfs. Eighty percent of the 2679 acre site is forest, the remaining being pasture; 700 acres will be disturbed by construction activities. (ELR Order No. 40937.)

Shirley Basin Uranium Mill, Carbon County, Wyo., June 6: Proposed is the construction of Source Material License SUA-442, issued to Utah International Co., for the operation of a uranium mill in the Shirley Basin area. The mill is designed as an acid-leach, resin ion-exchange uranium ore processing plant with a design capacity of 1500-1800 tons/day. Although the licensing action does not extend to mining, the environmental impact of that activity is included in the statement (65 pages). (ELR Order No. 40930.)

Final

Comanche Peak Station, Units 1 and 2, Somervell County, Tex., June 7: The statement refers to the issuance of construction permits to the Texas Utilities Generating Company for the two unit Comanche Peak Steam Electric Station. Each unit will produce 3425 MWt, which will be used to generate 1161 MWe (net) design levels of 3575 MWt and 1206 MWe (net) are anticipated. A 3228 acre reservoir will be constructed to provide cooling water for the station. In addition to the land inundated by the reservoir, 400 acres of rangeland will be committed to project measures; another 439 acres will be acquired as right-of-way for 15 miles of transmission lines; 8 farm residences will be displaced. Comments made by: EPA, FPC, DOI, HEW, USDA, COE, USCG, AHP, State agencies. (ELR Order No. 40939.)

Surry Power Station, Units 3 and 4, Surry County, Va., June 3: The statement refers to the proposed issuance of a construction permit to the Virginia Electric Power Company for Units 3 and 4 at the Surry Power Station. Each Unit will employ a pressurized water reactor to produce 2631 MWt in order to generate 882 MWe (net); an ultimate power level of 2763 MWt is anticipated. Exhaust steam will be cooled by the recirculation of condenser cooling water through floating spray modules in a landlocked canal, for which makeup water will be obtained from the existing discharge canal for Units 1 and 2. Blowdown will be discharged to the existing intake canal for Units 1 and 2. James River water will be consumed at 60 cfs. Comments made by: USDA, FPC, DOC, HEW, HUD, DOT, DOI, EPA, State agencies. (ELR Order No. 40922.)

Exxon Nuclear, Mixed Oxide Fuel Plant, Washington, June 5; Proposed is the issuance of a full-term (five year) Special Nuclear Material License to the Exxon Nuclear Co., Inc. for the operation of a mixed oxide fuel element fabricating pilot plant in Richland. The plant is designed to process mixed UO2 and PuO2 powder into fully clad and assembled fuel elements. The mixed oxide fuels plant shares its 160 acre site with a UO2 fabrication plant. (202 pages.) Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, FPC. (ELR Order No. 40927.)

Department of Defense

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. 202-693-7168.

Draft

Foster City Development, San Mateo County, Calif., June 3: The Estero Municipal Improvement District, Foster City has applied for a Department of the Army Permit to place approximately 2,470,000 cubic yards of fill on 5 areas totalling 382 acres in Foster City, San Mateo County. The 5 areas are proposed to be used for residential, city center, and light industrial development. The alteration of land use would eliminate wildlife habitat, and increase the chance of air quality degradation. (San Francisco District.) (51 pages.) (ELR Order No. 40919.)

Wildcat and San Pablo Creeks (2), Contra Costa County, Calif., June 5: This revised draft discusses independent channel improvement on Wildcat and San Pablo Creeks. The project will allow for protection from a 100-year frequency flood, urban development of the floodplain, improved housing in North Richmond, and creation of a recreation complex with regional and local significance. Adverse impacts are the loss of 5 acres of riparian habitat along San Pablo Creek, conversion of segments of the channel to concrete, and negative effects normally associated with construction. (San Francisco District.) (ELR Order No. 40929.)

Beach Erosion Project, Duval County, Fla., June 6: The project consists of placing about 3.75 cubic yards of sand along 10 miles of Atlantic Ocean shoreline in Duval County. Periodic nourishment will be required to compensate for erosion losses during the fifty year life of the project. Dredging will temporarily degrade water quality, close the beach, and destroy most benthic organisms in the borrow and nourishment areas. (Jacksonville District.) (35 pages.) (ELR Order No. 40933.)

Dworshak Dam and Reservoir, Clearwater County, Idaho, June 3: The proposed action is the completion, operation, and management of Dworshak Dam and Reservoir, a multiple-purpose water resource project located in Clearwater County. The project has been under construction since 1963 and is 91% complete. Project purposes are flood control and power production with additional benefits to recreation. Adverse impacts are the loss of 54 miles of river, and negative effects on aesthetics and recreation with reservoir drawdown. (Walla Walla District.) (ELR Order No. 40921.)

Degognia and Fountain and Grand Tower Districts, Illinois, Missouri, June 4: The statement refers to the construction of five pumping stations and 75,080 feet of ditching in the Degognia and Fountain Bluff Levee and Drainage District and Grand Tower Drainage and Levee District in Jackson County, Illinois, and Perry County, Missouri. Adverse impacts include the direct loss of 82 acres of timber and brushland; 500 to 700 acres of wooded land will gradually be converted to cropland. (St. Louis District.) (26 pages.) (ELR Order No. 40925.)

Lower Rio Grande Basin, Cameron, Hidago, and Willacy Counties, Tex., June 5: Proposed is a development plan for the Lower Rio Grande Basin. Project measures will include 164 miles of flood-related channel works; 1,394 miles of multi-purpose channel works and land treatment measures. The plan is intended to reduce floodwater damages, reduce sediment yield, and increase net agricultural yields. Impact will include the diversion of agricultural production on 28,000 acres. (46 pages.) (ELR Order No. 40928.)

Grays Harbor and Chehalis River Navigation Project, Grays Harbor County, Wash., June 5: The statement refers to the ongoing and proposed maintenance activities comprising the Grays Harbor and Chehalis River Navigation Project, including maintenance dredging for Harbor navigation channels and turning basins and the construction, rehabilitation, and maintenance of the North Jetty, the South Jetty, erosion protection works at Point Chehalis, and breakwaters at Westhaven Cove. Adverse impacts are the loss of 125 acres of tidelands annually due to deposition of dredged materials, the removal of organisms in the channel trough, and short-term negative effects associated with the rehabilitation of the North Jetty. (ELR Order No. 40913.)

Final

Aransas Pass, Gulf Intracoastal Waterway, Tex., June 3: The statement refers to the proposed deepening and widening of the channel of Aransas Pass and nearby navigation areas. Dredged spoil will be placed in existing land disposal areas. Adverse impact will be to marine biota; 30 acres of marsh will be covered by spoil. (Galveston District.) (80 pages.) Comments made by: DOT, EPA, HEW, DOI, State, and local agencies. (ELR Order No. 40911.)

Shell Dredging, San Antonio Bay, Tex., June 7: The statement refers to the proposed continuation of Army Corps permits for the dredging of shells in San Antonio Bay, subject to imposition of certain limitations and restrictions based on environmental considerations. There will be minor local damage to oyster beds, with more widespread but relatively minor and temporary damage to the small animals that live in the bay bottom and furnish food for fish and shrimp. (Galveston District.) (Six volumes.) Comments made by: EPA, HEW, DOC, DOI, DOT, State, and local agencies, and concerned citizens. (ELR Order No. 40936.)

Department of Interior

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

King Range National Conservation Area, Mendocino and Humboldt Counties, Calif., June 5: Proposed is the establishment of the 54,000 King Range National Conservation Area. Included is the designation of Area boundaries, a multiple use plan, a management program, and regulations to govern mining in the Area. The proposal will result in the construction of 37 miles of new roads and the reconstruction of 30 miles of existing road; the reseeding of 1200 acres of eroding soils; and the reforestation of 2600 acres. Recreation use will increase by over 100 percent, leading to adverse impacts on wildlife and primitive recreation values. There will be restrictions placed on mineral exploration (94 pages). (ELR Order No. 40926.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft

Importation Regulations on injurious wildlife, June 3: Proposed is the establishment of lists of wildlife species that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry or wildlife of the United States. Injurious species would then be imported only by permit. The action is designed to prevent a detrimental impact on the environment by greatly reducing the possibility of the establishment of exotic species of wildlife in the United States. The major adverse impact will be that of economic effects to those importers who will not be eligible for permits for scientific, educational, medical, or zoological purposes (37 pages). (ELR Order No. 40917.)

GEOLOGICAL SURVEY

Final

Proposed Oil and Gas Operations, Ocala National Forest, Lake, Marion, and Putnam Counties, Fla., June 3: The statement refers to the issuance of a permit for the drilling of an exploratory well on an existing oil and gas lease in the Ocala National Forest. One hundred and sixty-three leases have been issued for land in the forest. The statement is intended to outline potential oil and gas operations in the Forest ranging up to the possible development in the event of a major discovery; and to determine whether additional terms and conditions should be proposed for the leases prior to development, in order to prevent environmental damage (2 volumes). Comments made by: USDA, DOD, COE, DOT, EPA, State agencies. (ELR Order No. 40914.)

Interstate Commerce Commission

Draft

Plummer to New Duval Railroad, Duval County, Fla., June 3: Proposed is the construction and operation, by the Georgia Southern and Florida Railway Co., of a branch railroad line connecting Plummer, Kings Road, and the planned new community of New Duval. Construction of the line, in connection with the new community, will encourage industrial development of the presently rural section of Duval County west of Jacksonville (71 pages). (ELR Order No. 40916.)

Railway Abandonment, Related Construction (SCL), South Carolina, Georgia, June 4: Proposed is the abandonment of 24.07 miles of rail line, between Goosaw and Pritchard, South Carolina, and between Savannah and Hutchinson Island, Georgia, by the Seaboard Coast Line Railroad (SCL). In a related action, SCL would construct a new line from Hardeeville to Leavy, a distance of 7.53 miles. The total action will result in the elimination of 20 miles of track, much of which traverses environmentally sensitive coastal estuary land, in favor of 7 miles of track,

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which will traverse high-ground commercial timber land (39 pages). (ELR Order No. 40923.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401. 615-755-2002.

Draft

Johnsonville Steam Plant; Humphreys Co., Humphreys County, Tenn., June 3: Proposed is the construction and operation of a 600 MW gas turbine plant at the Johnsonville Steam Plant. Adverse impact will include the discharge of particulates, SO2 and NOx, and the possible spillage or leakage of fuel oil into Kentucky Reservoir (36 pages). (ELR Order No. 40912.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, SW., Washington, D.C. 20590. 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Door County, Cherryland Airport, Door County, Wis., June 7: Proposed is the construction of a NE/SW runway extension, 75 x 1000', in order to increase the load bearing capacity of the runway and to allow use by general aviation turbo-jet aircraft. Taxiway, turnaround, apron, and lighting measures will also be constructed. Adverse impacts will include the acquisition of 8.87 acres in fee and 69.06 acres easement, the loss of trees and wildlife habitat, and the increase of noise levels in the nearby state park. Comments made by: USDA, EPA, HUD, DOI, DOT, DOC, State, and local agencies. (ELR Order No. 40938.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Alabama Route 59, Baldwin County, Ala., June 3: The statement refers to the construction of Alabama Route 59 for approximately 21 miles in Baldwin County. There are 6 alternate locations presented in this draft for the proposed project. Adverse impacts are the acquisition of land, the displacement of people, and increased air and noise pollution. (69 pages.) (ELR Order No. 40915.)

Steese Highway, Farmers Loop to Fox, Alaska, June 3: The project includes relocation, grading, drainage, and surfacing of the Steese Highway between the Farmers Loop Road intersection and Fox. Several different locations are discussed in the statement. Adverse impacts are the displacement of people, and increased air and water pollution. (ELR Order No. 40918.)

Route 60, Stoddard County, Missouri, June 6: The project consists of the adding of two 12 foot lanes to 13.1 miles of Route 60 in Stoddard County. The ultimate facility will include 3 diamond interchanges, a grade separation and access roads. Adverse impact will include the loss of some wildlife habitat, the removal of 13 houses, and other construction-related impacts. (9 pages.) (ELR Order No. 40934.)

I-40, Carson and Gray Counties, Tex., June 6: The statement refers to the construction of I-40 from 2.0 miles west of Groom to 2.0 miles east of Groom, a total length of 5.5 miles. Adverse impact will include the taking of 269 acres of land, and increased noise and air pollution. (25 pages.) (ELR Order No. 40932.)

Final

Cross Island Highway, St. Croix, Virgin Islands, June 4: The statement refers to the proposed construction of 8.25 miles of four lane highway between Christiansted and Frederiksted. Right-of-way acquisition would impact 55 residences, 25 businesses, 3 churches, and 1 school. Additionally, several thousand large shade trees would be destroyed by the project. (82 pages.) Comments made by: EPA, DOT, USDA, DOI, HEW, HUD. (ELR Order No. 40924.)

I-57, Milwaukee to Green Bay, Sheboygan, Manitowoc, and Brown Counties, Wis., June 6: The proposed project is the construction of 49 miles of I-57 from Milwaukee to Green Bay. The facility will be a 4 lane, divided controlled-access freeway. The corridor will require 2,000 acres of land displacing 30 to 40 families and affecting 50 to 70 farm operators. The facility will traverse several streams increasing erosion. Loss of wildlife and increases in noise and air pollution will occur. (391 pages.) Comments made by: DOT, DOI, EPA, USDA, USCG, HEW, COE, State, and local agencies. (ELR Order No. 40931.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-13691 Filed 6-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1490) has been filed by Amchem Products, Inc., Ambler, PA 19002, proposing establishment of a tolerance (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity figs at 5 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a procedure in which the residues are esterified with diazomethane and then analyzed by gas chromatography using an alkali thermionic detector or a flame photometric detector in the phosphorus mode.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13733 Filed 6-13-74;8:45 am]

AVITROL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1498) has been filed by Avitrol Corp., Post Office Box 45141, Tulsa, OK 74145, proposing establishment of a tolerance (40 CFR Part 180) for residues of the bird repellant 4-aminopyridine in or on sunflower seeds at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the bird repellant is a gas chromatographic procedure using a flame ionization detector.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13734 Filed 6-13-74;8:45 am]

CHEVRON CHEMICAL CO.

Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 4H5054) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide O,S-dimethylacetylphosphoramidothioate and its metabolite O,S-dimethyl phosphoramidothioate in cotton seed meal at 8 parts per million; soybean hulls at 6 parts per million; and cottonseed hulls at 4 parts per million resulting from application of the insecticide to growing cotton and soybeans.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13735 Filed 6-13-74;8:45 am]

MARYLAND; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for Approval of State Program

The State of Maryland has submitted a request for approval of its state program for control of discharges of pollutants to navigate waters under section 402 of the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376, Supp. 1973 (the Act).

A public hearing to consider this request will be held July 17, 1974, at the Francis Scott Key Memorial Hall, St. Johns College, Annapolis, Maryland starting at 2 p.m.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program the State must have, among other authorities: (1) Authority to issue permits which comply with all pertinent requirements of the Act, (2) authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, and any affected States and

agencies are given notice of and opportunity for a public hearing with regard to each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of Maryland proposes that the Maryland Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland (area code 301-267-5041), operate this program for control of discharges into navigable waters of the State in compliance with the Act.

The hearing panel will consist of the Environmental Protection Agency Administrator, or his representative, who will serve as the Presiding Officer, the Director of the Department of Natural Resources or his representative, and the Environmental Protection Agency Regional Administrator, Region III, or his representative.

This request and program description may be inspected by the public at the Maryland Department of Natural Resources or at the United States Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (area code 215-597-9800).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by July 24, 1974, either in person or by mail, to the Environmental Protection Agency, Region III, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments received by July 24, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Maryland's request for state program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

JUNE 11, 1974.

[FR Doc.74-13732 Filed 6-13-74;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a meeting of the Effluent Standards and Water Quality Information Advisory Committee, established under section 515 of the Federal Water Pollution Control Act ("the Act") 33 U.S.C. 1374; Pub. L. 92-500, to be held in Crystal Mall Building No. 2, Arlington, Virginia, throughout the week of July 8–July 12, 1974. A schedule of individual workshop rooms will be posted at the ESWQIAC Office, room No. 821, building No. 2, Crystal Mall.

The agenda consists of the following workshops:

JULY 8

9 AM TO 12 NOON

Fertilizer
Off-site rendering; meat and poultry processing
Inorganic chemical products

1:30 PM TO 4:30 PM

Pressed and blown glass
Animal feed; breakfast cereal and wheat starch
Organic chemicals
Asbestos manufacturing; textile, friction materials and sealing devices

JULY 9

9 AM TO 12 NOON

Auto and other laundries
Canned and preserved fruits and vegetables
Miscellaneous food and beverages
Mineral mining and processing

1:30 PM TO 4:30 PM

Water supply
Ore mining and dressing
Transportation
Fish hatcheries and farms

JULY 10

9 AM TO 12 NOON

Paving and roofing materials
Paint and ink
Miscellaneous chemicals
Machinery and mechanical

1:30 PM TO 4:30 PM

Coal mining
Pottery, etc.
Petroleum and gas
Steam supply

JULY 11

9 AM TO 12 NOON

Converted paper products
Rubber processing
Pulp and paper
Electroplating

1:30 PM TO 4:30 PM

Ferro Alloys—Iron and steel industry
Timber products and furniture mfg.
Canned and preserved seafood processing

JULY 12

9 AM TO 12 NOON

Plastics and synthetics
Other non-fertilizer phosphates
Cane sugar
Non-ferrous metals

The workshops are being conducted to acquire scientific and technical information which will improve the development of effluent limitations. Attendees are requested to bring to these workshops information in writing to meet the above objective. In addition, as a result of these worshops additional data and information requirements may be generated from attendees.

The workshops will be open to the public and under the overall direction of the committee chairman. Individual workshops will be conducted by members of the ES&WQIAC Committee. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room #821, Crystal Mall Building #2, Washington, D.C. 20460. (Telephone (703) 557-7390.)

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.74-13739 Filed 6-13-74;8:45 am]

MILPRINT, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H5051) has been filed by Milprint, Inc., 4200 North Holton Street, Milwaukee, WI 53201, proposing that § 121.1074 *Piperonyl Butoxide* (21 CFR 121.1074) and § 121.1075 *Pyrethrins* (21 CFR 121.1075) be amended to provide for the safe use of combinations of piperonyl butoxide and pyrethrins for insect control as components of cellophane/polyolefin two-ply bags to be used only for prunes, raisins, and other dried fruits.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13736 Filed 6-13-74;8:45 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1503) has been filed by NOR-AM Agricultural Products, Inc., 1275 Lake Ave., Woodstock, IL 60098, proposing establishment of an exemption from the requirement of a tolerance for residues of isophorone (3,5,5-trimethyl-2-cyclohexen-1-one) when used as an inert solvent or cosolvent in postemergence herbicides applied to beets (sugar beets and table beets).

The analytical method proposed in the petition for determining residues of isophorone is by measurement of its absorbance at 233 nanometers on a recording ultraviolet spectrophotometer.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13737 Filed 6-13-74;8:45 am]

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UNIROYAL CHEMICAL

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1499) has been filed by Uniroyal Chemicals, Bethany, CT 06525, proposing establishment of tolerances for combined negligible residues of the fungicide carbon (5,6-dihydro-2-methyl-1-4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities peanuts and peanut hay at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which caustic digestion cleaves aniline from the fungicide. The aniline is removed by steam distillation and analyzed with a gas chromatograph using a microcoulometric nitrogen detector.

Dated: June 7, 1974.

John B. Ritch, Jr.
Director, Registration Division.

[FR Doc.74–13738 Filed 6–13–74;8:45 am]

[OPP–32000/66]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the Federal Register (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before August 13, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under Section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 13, 1974.

Applications Received

EPA Reg. No. 264–9. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. Weedone 2,4,5-T Woody Plant Herbicide. Active Ingredients: 2,4,5-Trichlorophenoxyacetic acid, butoxyethanol ester 59.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125–237. Chemagro Division of Baychem Corporation, P.O. Box 4913, Kansas City, Missouri 64120. Nemacur 10% Granular Nematicide. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050–G. Chemco Chemical Company, 115 Cole, Dallas, Texas 75207. Zor-O-Cide Synergized Pyrethrins Area Spray. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide Technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroluem distillate 98.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050–R. Chemco Chemical Company, 115 Cole, Dallas, Texas 75207. Biothrin. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans allethrin (allyl homolog of Cinerin I) 0.100%; Related compounds 0.008%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.392%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239–2186. Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, California 94804. Ortho Paraquat CL. Active Ingredients: Paraquat Dichloride 29.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239–EUEU. Chevron Chemical Company, Ortho Division, 940 Hensley Street, Richmond, California 94804. Diquat Herbicide Concentrate. Active Ingredients: Diquat dibromide [6.7-dihydrodipyrido (1,2-a:2′,1′-c) pyrazinedilum dibromide] 35.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5549–TR. Coastal Chemical Corporation, P.O. Box 856, Greenville, North Carolina 27834. CCC TMP 6–1.5. Active Ingredients: Toxaphene 55.4%; O,O-dimethyl O-p-nitrophenyl thiophosphate 13.8%; Xylene 26.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34095–R. Commonwealth Sanitation Services Inc., P.O. Box 8422, Santurce, P.R. 00910. Rochek-A Residual Insecticide. Active Ingredients: O,O-Diethyl-O-(2-isopropyl-4-methyl- 6 -purimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; n-Octyl Sulfoxide of isosafrole 0.230%; Related compounds 0.031%; Petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 230–TT. FMC Corporation, Industrial Chemical Division, 633 Third Avenue, New York, New York 10017. FMC Pool Start C—Superchlorinator and Stabilizer. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 729–LL. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. Gulf Lite Outdoor Fogger. Active Ingredients: (5-Benzyl-3-furyl)-methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related compounds 0.050%; Aromatic Petroleum solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729–LA. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. Gulfspray Outdoor Fogger. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related Compounds 0.050%; Aromatic Petroleum solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905–80. Helena Chemical Company, Clark Tower, Suite 2900, Memphis, Tennessee 38137. Helena Hels—Mate. Active Ingredients: Toxaphene 66.6%; O,O-dimethyl O-p-nitrophenyl thiophosphate 16.1%; Xylene 3.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651–RR. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. Hunter's Algicide Concentrate 400. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651–RG. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. Hunter's Algicide Concentrate 100. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148–EE. Leffingwell Chemical Company, 111 South Berry Street, Brea, California 92621. Leffingwell Phosphamidon 8 Spray. Active Ingredients: Phosphamidon 74.5%; Related Compounds 3.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9554–EI. Levenson Chemical Co., 1407 Harney Street, Omaha, Nebraska 68102. Dursban Apartment and Household Insect Spray. Active Ingredients: Chloropyrifos (O, O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.5%; Pyrethrins 0.1%; Piperonyl butoxide, technical 0.2%; N-octyl bicycloheptene dicarboximide 0.3%; Aromatic petroleum derivative solvent 1.0%; Petroleum distillate 97.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881–LA. Lystads, Incorporated, 901 University Avenue, Grand Forks, North Dakota 58201. Lystads Pyrispray Poultry House Spray. Active Ingredients: Pyrethrins 0.30%; Piperonyl butoxide, technical 1.50%; Petroleum distillate 98.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33925–R. Marto Chemicals, Inc., P.O. Box 15583, Orlando, Florida 32808. Instant Mildew Remover. Active Ingredients: Calcium Hypochlorite 4.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33735–R. Middle States Oil Company, 14812 Detroit Avenue, Cleveland, Ohio 44107. No-Pidge for Bird and Insect Control. Active Ingredients: Polybutene

92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34339–R. Mid-Lands Chemical, 1617 Vinton Street, Omaha, Nebraska 68108. Action Surface Disinfectant Cleaner. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28% C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Isopropanol 0.63%; Sodium carbonate 2.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12310–RG. Misco International Chemicals, Inc., 1021 South Noel Avenue, Wheeling, Illinois 60090. AquaCheck. Active Ingredients: Diquat dibromide 6,7-Dihydropyrido (1,2–a:2′,1′-cpyrazinedilum dibromide) 4.35%. Method of support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224–UO. Mobil Chemical Company, Industrial Chemicals Division, P.O. Box 26683, Richmond, Virginia 23261. Technical Grade Bifenox. Active Ingredients: Methyl 5-(2′,4′-dichlorophenoxy)-2-nitrobenzoate 97.0%; Related compounds 1.3% Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969–RRE. Parsons Chemical Works, Inc., P.O. Box 146, Grand Ledge, Michigan 48837. Parsons Mole-Gopher Killer Bait. Active Ingredients: Arsenic trioxide 1.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–333. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. Prentox Sulfoxide 40% Solution—An Insecticide for Formulating Use. Active Ingredients: N-octyl sulfoxide of isosafrole 35.2%; Related compounds 4.8%; Methylated Naphthalenes 60.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 572–261. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell, New Jersey 07006. Summer Green with Dursban 20–5–10. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.575%; Aromatic petroleum derivative solvent 0.322%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572–EIU. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell, New Jersey 07006. Rockland Residual Fly Spray-B. Active Ingredients: Fenthion, O,O-Dimethyl O-[4-(methylthio)-m-toly] phosphorothioate 25.2%; Aromatic Petroleum Distillate 69.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2155–TT. I. Schneid, Inc., 1429 Fairmont Avenue, Atlanta, Georgia 30318. Pool-Cide. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2155–TA. I. Schneid, Inc. Towercide 5. Active Ingredients: Poly[oxyethylene (dimethylimino) ethylene (dimethylimino) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2155–TI. I. Schneid, Inc. Towercide 10. Active Ingredients: Poly[oxyethylene (dimethylimino) ethylene (dimethylimino) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 538–58. O. M. Scott & Sons, Marysville, Ohio 43040. (Scotts) Halts Plus Crabgrass Preventer Plus Lawn Fertilizer. Active Ingredients: S - (0, 0 - Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1685–TT. The State Chemical Mfg. Co., 3100 Hamilton Avenue, Cleveland, Ohio 44114. Stop 'N' Gro Granular Weed-Killer & Fertilizer. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.00%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1685–TI. The State Chemical Mfg. Co., 3100 Hamilton Avenue, Cleveland, Ohio 44114. Formula 220–A, Brush-Kill Selective Weed and Brush Killer. Active Ingredients: Butoxyethyl ester of 2,4-Dichlorophenoxyacetic Acid 18.9%; Butoxyethyl ester of 2,4,5-Trichlorophenoxyacetic Acid 18.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476–ERLI. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. Imidan 70–WP Agricultural Insecticide—Wettable Powder. Active Ingredients: *N*-(Mercaptomethyl)-phthalimide, *S*-(*O,O*-Dimethyl Phosphorodithioate) 70%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33586–R. A. E. Stein Company, P.O. Box 138, New Braunfels, Texas 78130. Algaecide #4200. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400–80. Uniroyal Chemical, Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. Vitavax Fungicide. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin - 3 - carboxanilide) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400–103. Uniroyal Chemical, Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. Kylar–85A Plant Regulant. Active Ingredients: Succinic acid 2,2-dimethylhydrazide 85.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EGL. Velsicol Chemical Corporation, 341 East Ohio Street, Chicago, Illinois 60611. Velsicol Technical EPN For Formulation of Insecticides Only. Active Ingredients: O-Ethyl O-p-nitrophenyl phenylphosphonothioate 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639–T. Willard Products, 70 Chemical Way, Redwood City, California 94064. Willard Penta-Tox Water Repellent and Penta Preservative. Active Ingredients: Pentachlorophenol 4.5%; Other Chlorophenols and Related Compounds 0.5%; Mineral Spirits 86.7%. Method of Support: Application proceeds under 2(c) of interim policy.

Republished Item

The following item represents a correction and/or change in the list of Applications Received previously published in the Federal Register of May 21, 1974 (39 FR 17886).

EPA Reg. No. 11687–7. Transvaal, Inc., P.O. Box 691, Marshall Road, Jacksonville, Arkansas 72076. Transvaal Brush–RHAP LV-4T Herbicide 2,4,5-T Low Volatile. Active Ingredients: Isooctyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 65.5%. . . . Correction: Originally published as 65.1%.

Dated: June 7, 1974.

John B. Ritch, Jr.,
Director,
Registration Division.

[FR Doc.74–13590 Filed 6–13–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 704]

DOMESTIC PUBLIC RADIO SERVICES

Common Carrier Services Information;[1] Applications Accepted for Filing[2]

June 10, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Federal Communications
Commission
[seal] Vincent J. Mullins,
Secretary.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

V39 116 JUN 14 74 XUM

Applications Accepted For Filing

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21484–C2–P–74, AnsweRite Professional Telephone Service, Edward C. Smith, d/b/a (New). C.P. for a new 2-way station operating on 454.250 MHz located at 220 East New York Avenue, De Land, Florida.

21485–C2–TC–(2)–74, Communications Engineering Inc. Consent to Transfer of Control from Sernco, Inc., a California Corporation, TRANSFEROR, to Howell Corporation, A Texas Corporation, TRANSFEREE. (KWA634, Anchorage, Alaska) (KWB404, Anchorage, Alaska)

21486–C2–P–74, New Jersey Mobile Telephone Co., Inc. (KEK290). C.P. to relocate facilities operating on 454.200 MHz at New Loc. #1: On top of hill overlooking Pompton Lakes, Passaic, New Jersey.

21487–C2–P–74, New England Telephone And Telegraph Company (KCC268). C.P. to replace transmitter operating on 152.72 MHz located at Mt. Greylock, 2.6 miles West of Adams, Massachusetts.

21488–C2–P–74, Peoples Telephone Company, Inc. (New). C.P. for a new 2-way station to operate on 152.75 MHz to be located near Alabama Hwy. 68, 2 miles N.W. of Leesburg, Alabama.

21489–C2–P–74, The Ohio Bell Telephone Company (KQA771). C.P. to replace test facilities operating on 157.92 MHz at Loc. #1: 121 Huron Street, Toledo, Ohio; & replace facilities operating on 152.66 MHz (Base) at Loc. #2: East South Boundary Street at intersection of Maple Street, Perrysburg Township, Ohio.

21490–C2–P–74, Indiana Telephone Corporation (New). C.P. for a new 1-way station to operate on 158.10 MHz located at 14 Jackson Street, North Vernon, Indiana.

21491–C2–P–74, Salisbury Answering Service (KGH868). C.P. to add location #2: 1.27 Miles Northeast of Berlin, Maryland to operate on 152.15 MHz.

21492–C2–P–(2)–74, Eastern Illinois Telephone Corporation (KSC869). C.P. to relocate base facilities on 152.60 MHz, change antenna location and antenna system located at N.E. Corner of 13th Street N.E. and Route 40, Casey, Illinois.

21493–C2–P–(2)–74, Gulf Central Communications & Electronics, Inc. (KKO352). C.P. for additional facilities at Loc. #1: North Side of Southern Pacific RR Tracks, Approx. 1 Mile West of Lafayette, Louisiana to operate on 454.275 and 454.300 MHz.

21494–C2–P–(3)–74, Radiotelephone Company of Indiana, Inc. (KSA811). C.P. to add Loc. #3: 11 South Merdian Street, Indianapolis, Indiana to operate on 454.100 MHz, 454.200 MHz, 454.275 MHz.

Major amendments

8463–C2–P–72, Zanesville Radiotelephone (New). Amend to change the base frequency from 152.03 MHz to 454.350 MHz. All other particulars of operation remain as reported in Public Notice #599, dated June 5, 1972.

6248–C2–P–73, Tele-Page, Inc. (New). Amend to change the 454.275 MHz base frequency to 454.175 MHz. All other particulars are to remain as reported on Public Notice #686, dated February 4, 1974.

20975–C2–P–74, Mobile Radio Systems, Ltd. (KQZ702). Amend to change antenna radiation pattern and increase effective radiated power. All other particulars are to remain as reported on Public Notice #689, dated February 25, 1974.

Corrections

Application File #21334–C2–P–(2)–74 filed by Edward C. Smith d/b/a AnsweRite Professional Telephone Service (KLF658) on the Commission's Public Notice dated May 13, 1974, should have been listed as a Major Amendment to file #20985–C2–P–74 on the Commission's Public Notice dated March 4, 1974.

The Following Renewal application was timely filed but inadvertently left off a previous Public Notice:

NEW JERSEY

Licensee	*Call Sign*
Radio Dispatch Co	KUO630

Correction: to indicate (2) applications were filed for separate facilities formerly appearing as file Number #21309–C2–P–(2)–74 on Public Notice dated May 6, 1974, Report No. 699. Facilities on 35.22 MHz now under file number 21361–C2–P–74.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

OHIO

Buckeye Communications Company (KUO-558), 20136–C2–MP–74.

Central Mobile Radio Phone Service (KUO-557), 20428–C2–P–(2)–74.

RURAL RADIO SERVICE

60314–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new Central Office Station to be operated on 152.51 MHz located 35 miles SW of TOK, Mentasta "J" Rptr., Alaska

60315–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new Rural Subscriber Station to be operated on 157.77 MHz located at Mentasta Village, 178 miles SE of Fairbanks, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4430–C1–P–74, United Video, Inc. (KXQ54), 4.5 Miles ENE of Galesburg, Illinois. Lat. 40°57'16" N., Long. 90°16'55" W. C.P. to correct coordinates of station and to transmit frequencies 10735.0V MHz and 10895.0V MHz toward a new point of communication at Canton, Illinois, on azimuth 153°06'.

4431–C1–ML–74, American Telephone and Telegraph Company (KJM94), 10.3 Miles East of Thelma, Georgia. Lat. 30°49'39" N., Long. 82°39'03" W. Mod. of License to change polarization on existing frequencies to 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, and 4130H toward Benton, Florida.

4432–C1–ML–74, Same (KJM95), 3 Miles North of Benton, Florida. Lat. 30°31'05" N., Long. 82°40'22" W. Mod. of License to change polarization on existing frequencies to 3750V, 3770H, 3830V, 3850H, 3910V, 3930H, 3990V, 4010H, 4070V, 4090H, 4170H toward Fargo, Georgia.

4433–C1–ML–74, Same (KSV33), 1.1 Miles NE of Gulf Hammock, Florida. Lat. 29°15'41" N., Long. 82°42'32" W. Mod. of License to change polarization on existing frequencies to 3770H, 3850H, 3930H, 4010H, 4090H, 4170H, and 4198V toward Dunnellon, Florida.

4434–C1–ML–74, Same (KSV34), 2.7 Miles South of Dunnellon, Florida. Lat. 29°00'-30" N., Long. 82°27'00" W. Mod. of License to change polarization on existing frequencies to 3730H, 3810H, 3890H, 3970H, 4050H, 4130H, and 4190V toward Gulf Hammock, Florida.

4435–C1–ML–74, Same (KIL94), 24 O'Henry Avenue, Asheville, North Carolina. Lat. 35°35'45" N., Long. 82°33'29" W. Mod. of License to change polarization of existing frequencies to 3950V and 4110V toward Mt. Olive Church, North Carolina.

4436–C1–ML–74, Same (KJX28), 2.0 Miles SE of Black Mountain, North Carolina. Lat. 35°35'28" N., Long. 82°17'28" W. Mod. of License to change polarization of existing frequencies to 3950V and 4110V toward Marion, North Carolina.

4437–C1–ML–74, Same (KJX27), End of Mulford Avenue, Marion, North Carolina. Lat. 35°41'18" N., Long. 82°01'39" W. Mod. of License to change polarization of existing frequencies to 3990V and 4150V toward Black Mountain, North Carolina.

4438–C1–ML–74, Same (KID65), Currahee Mountain, 4.5 Miles SW of Toccoa, Georgia. Lat. 34°31'46" N., Long. 83°22'30" W. Mod. of License to change polarization on existing frequencies to 3730H, 3750V, 3810H, 3830V, 3890H, 3910V, 3970H, 3990V, 4050H, 4070V, 4130H, and 4150V toward Little Mountain, South Carolina.

4439–C1–ML–74, Same (KID66), Little Mountain, 5 Miles SW of Anderson, South Carolina. Lat. 34°26'33" N., Long. 82°42'04" W. Mod. of License to polarization of existing frequencies to 3710V, 3770H, 3790V, 3850H, 3870V, 3930H, 3950V, 4010H, 4030V, 4090H, 4110V, and 4170H toward Currahee Mountain, Georgia.

4440–C1–ML–74, American Telephone and Telegraph Company (KJM89), Garretta, 8.2 Miles ESE of Rentz, Georgia. Lat. 32°19'55" N., Long. 82°52'03" W. Mod. of License to change polarization on existing frequencies to 3750V, 3770H, 3830V, 3850H, 3910V, 3930H, 3990V, 4010H, 4070V, 4090H, 4170H, toward Nickelsville, Georgia.

4441–C1–P–74, Same (KJM88), 4.2 Miles SE of Nickelsville, Georgia. Lat. 32°39'15" N., Long. 83°01'48" W. Mod. of License to change polarization on existing frequencies to 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, 4130H, toward Garretta, Georgia.

4442–C1–P/L–74, CPI Microwave, Inc. (New). Application for C.P. and License for a new station within the operating territory of CPI Microwave, Inc. and its affiliated companies, which currently includes the States of Texas and Ohio on frequencies 11695.0 MHz and 11700.0 MHz.

4443–C1–ML–74, Pacific Northwest Bell Telephone Company (KYS62), 1503 Third Avenue West, Seattle, Washington. Lat. 47°37'58" N., Long. 122°21'36" W. Mod. of License to change polarization on existing frequencies to 3770H, 3850H, and 3930H toward Gold Mountain, Washington.

4444–C1–ML–74, Same (KYS63), Gold Mountain, 7.4 Miles West of Bremerton, Washington. Lat. 47°32'58" N., Long. 122°47'03" W. Mod. of License to change polarization on existing frequencies to 3730H, 3810H, and 3890H toward Seattle 5, Washington.

4453–C1–P–74, Western Tele-Communications, Inc. (New), 3.5 Miles SE of Waukesha, Wisconsin. Lat. 42°57'43" N., Long. 88°10'19" W. C.P. for a new station on frequencies: 6226.9H toward Plat, Wisconsin; 6226.9V toward Salem, Wisconsin; 11385.0V toward Milwaukee, Wisconsin.

4459–C1–P–74, Data Transmission Company (New), 0.8 Mile NW of Shawsville, Maryland. Lat. 39°39'00" N., Long. 76°33'57" W. C.P. for a new station on freqs. 6404.8V toward Hebbville, Maryland, on azimuth 206°19'; 6375.2H toward Truce, Pennsylvania, on azimuth 45°45'.

4460–C1–P–74, Same (New), 0.6 Mile W. of Truce, Pennsylvania. Lat. 39°53'08" N., Long. 76°15'05" W. C.P. for a new station on frequency 6123.1V toward Shawsville, Maryland, on azimuth 225°57'; 6123.1H toward Welsh Mtn, Pennsylvania on azimuth 49°28'.

4461–C1–P–74, Western Tele-Communications, Inc. (New), 1 Mile North of Flat Rock, Michigan. Lat. 42°06'54" N., Long. 83°16'49" W. C.P. for a new station on frequencies: 10975V toward Detroit, Michigan on azimuth 37°45'; 6034.2V toward La Salle, Michigan, on azimuth 210°06'.

Major amendments

Informative: Western Tele-Communications, Inc., hereby amends twenty-one (21) applications between Chicago, Illinois and Pittsburgh, Pennsylvania in accordance with the Commissions Rules governing the April 30, 1974 deadline.

4307–C1–P–72, Western Tele-Communications, Inc. (New), Chicago. C.P. to relocate facilities to the John Hancock Building at Lat. 41°53'57" N., Long. 87°37'24" W. frequency 6226.9V on azimuth 136°51' towards new point of communication Gary.

4309–C1–P–72, Same (New), Gary C.P. to change station name from Glen Park to Gary and relocate facilities to Lat. 41°35'53" N., Long. 87°14'53" W. Frequencies 5974.8V on azimuth 317°06' toward Chicago, and 5945.2V on azimuth 81°33' toward Michigan City.

4310–C1–P–72, Same (New), Michigan City. C.P. to relocate facilities to Lat. 41°38'55" N., Long. 86°47'10" W. Change point to communication to Gary on frequency 6226.9H on azimuth 261°51', frequency 6226.9H on azimuth 93°58' towards South Bend.

4311–C1–P–72, Same (New), South Bend. C.P. to relocate facilities to Lat. 41°36'58" N., Long. 86°11'32" W. Frequencies 5974.8H on azimuth 274°22' towards Michigan City and 5974.8H on azimuth 84°48' towards new point to communication La Grange:

4312–C1–P–72, Same (New), La Grange. C.P. to change station name and location from Sturgis to La Grange at Lat. 41°39'36" N., Long. 85°31'16" W. Frequencies 6226.9H on azimuth 265°14' towards South Bend, and 6226.9V on azimuth 68°04' towards Kinderhook.

4313–C1–P–72, Same (New), Kinderhook. C.P. to relocate facilities to Lat. 41°48'04" N., Long. 85°02'59" W. Frequencies 5974.8V on azimuth 248°23' towards new point of communication La Grange, and 10775V on azimuth 74°50' towarda Hillsdale.

4314–C1–P–72, Same (New), Hillsdale. C.P. to relocate facilities to Lat. 41°53'14" N., Long. 84°37'15" W. Frequencies 11665V on azimuth 255°07' towards Kinderhook and 5974.8H on azimuth 84°06' towards Adrian.

4315–C1–P–72, Same (New), Adrian. C.P. to relocate facilities to Lat. 41°55'48" N. Long. 84°02'51" W. Frequencies 6226.9H on azimuth 264°29' towards Hillsdale, and 6226.9V on azimuth 133°08' towards Toledo.

4316–C1–P–72, Same (New), Toledo. C.P. to relocate facilities to Lat. 41°37'28" N. Long. 83°36'50" W. Frequencies 5945.2V on azimuth 313°25' towards Adrian, 5945.2V on azimuth 133°46' towards Fremont, and 6034.2V on azimuth 23°19' towards La Salle.

4317–C1–P–72, Same (New), La Salle. C.P. to relocated facilities to Lat. 41°51'31" N., Long. 83°28'44" W. Frequencies 6315.9V on azimuth 203°24' towards new point to communication Flat Rock.

4318–C1–P–72, Same (New), Detroit. C.P. to relocate facilities to Lat. 42°20'02" N., Long. 83°03'06" W. Change frequency to 11625V on azimuth 217°54' towards new point to communication Flat Rock.

4319–C1–P–72, Same (New), Fremont. C.P. to relocate facilities to Lat. 41°22'56" N., Long. 83°16'44" W. Frequencies 6197.2V on azimuth 314°06' towards Toledo, and 6197.2H on azimuth 105°58' towards Monroeville.

4320–C1–P–72, Same (New), Monroeville. C.P. to relocate facilities to Lat. 41°61'02" N., Long. 82°45'06" W. Frequencies 6004.5V on azimuth 286°19' towards Fremont, and 6034.2H on azimuth 77°16' towards new point of communications Henrietta.

4321–C1–P–72, Same (New), Henrietta. C.P. to change station name and location from Oberlin to Henrietta at Lat. 41°20'38" N., Long. 82°17'46" W. Frequencies 6197.2V on azimuth 257°34' towards Monroeville, and 6256.5V on azimuth 87°14' toward Cleveland.

4322–C1–P–72, Same (New), Cleveland. C.P. to relocate facilities to Lat. 41°21'49" N., Long. 81°09'28" W. Frequencies 6197.2V on azimuth 267°37' towards new point of communication Henrietta, and 5974.8V on azimuth 94°53' towards Hiram.

4323–C1–P–72, Same (New), Hiram. C.P. to relocate facilities to Lat. 41°19'35" N., Long. 81°09'28" W. frequencies 6197.2V on azimuth 275°15' towards Cleveland, and 6226.9H on azimuth 150°29' towards new point of communication Berlin Center.

4324–C1–P–72, Same (New), Berlin Center. C.P. to change station name and location from Austintown to Berlin Center at Lat. 41°00'34" N., Long. 80°55'16" W. Frequencies 5945.2V on azimuth 330°39' towards Hiram, and 5974.8V on azimuth 123°44' towards East Palestine.

4325–C1–P–72, Same (New), East Palestine. C.P. to relocate facilities to Lat. 40°50'38" N., Long. 80°35'44" W. Frequencies 6226.9V on azimuth 303°57' towards new point of communication Berlin Center, and 6226.9H on azimuth 130°23' toward Aliquippa.

4326–C1–P–72, Same (New), Aliquippa. C.P. to relocate facilities to Lat. 40°37'15" N., Long. 80°15'08" W. Frequencies 5945.2H on azimuth 310°37' towards East Palestine and 5945.2H on azimuth 150°47' towards new point of communication, Carnegie.

4327–C1–P–72, Same (New), Carnegie. C.P. to change station name and location from Pittsburg to Carnegie at Lat. 40°24'36" N., Long. 80°05'53" W. Frequencies 6197.2H on azimuth 330°53' towards Aliquippa.

3133–C1–P–70, Data Transmission Company (New). Change Station location to 0.3 mile SW of Cooksville, Maryland. Lat. 39°19'08" N., Long. 77°01'35" W. Change frequencies and points of communications to 6226.9H MHz on azimuth 187°41' towards Washington D.C., and 6315.9H MHz on azimuth 86°49' towards Hebbville, Maryland, respectively.

3134–C1–P–70, Same (New). Change station location to 0.8 Mile SW of Hebbville, Maryland. Lat. 39°19'47" N., Long. 76°46'11" W. Change frequency on azimuth 107°40' toward Baltimore, Maryland; change frequencies and points of communication to 6063.8V MHz on azimuth 266°58' towards Cooksville, Maryland, and 6152.8H MHz.

3135–C1–P–70, Same (New). Change station location to 201 North Charles Street, Baltimore, Maryland. Lat. 39°17'29" N., Long. 76°36'55" W. Change frequency and point of communication to 10775V MHz and Hebbville, Maryland, on azimuth 287°46'.

3141–C1–P–70, Same (New). Station location: 525 Wm. Penn. Place, Pittsburgh, Pennsylvania. Change frequency on azimuth 194°52' towards McMurray, Pennsylvania to 11585V MHz.

3142–C1–P–70, Same (New), 1.3 Miles SW of McLeary, Pennsylvania. Change Radio Path azimuth towards Salem, Ohio to 307°13'.

3143–C1–P–70, Same (New). Change station location to 2.4 Miles S of Salem, Ohio. Lat. 40°51'18" 1N., Long. 80°53'18" W. Change radio path azimuths toward McLeary, Pennsylvania, and Rootstown, Ohio, to 126°55' and 310°49', respectively.

3144–C1–P–70, Same (New), 3.0 Miles SE of Rootstown, Ohio. Change radio path azimuth towards Salem, Ohio, to 130°37' and change polarization of frequency 6404.8 MHz on azimuth 297°23' towards Broadview Ht., Ohio, to Horizontal.

3145–C1–P–70, Same (New), Cleveland, Ohio. Change Frequency on azimuth 181°56' towards Broadview Hts., Ohio, to 11385H MHz.

3146–C1–P–70, Same (New), 4.0 Miles SW of Amherst, Ohio. Change frequency on azimuth 105°22' towards Broadview Hts. to 6375.2V MHz and change polarization of frequency 6404.8 MHz on azimuth 267°31' towards Castalia, Ohio, to Vertical.

3148–C1–P–70, Same (New), 1.3 Miles SW of Williston, Ohio. Change frequency on azimuth 01°35' towards Oldport, Michigan, to 6375.2V MHz.

3149–C1–P–70, Data Transmission Company (New), 3.1 Miles SW of Oldport, Michigan. Change frequency on azimuth 181°34' towards Williston, Ohio, to 6123.1V MHz.

3150–C1–P–70, Same (New), Cadillac Square and Bates Street, Detroit, Michigan. Change frequency on azimuth 212°31' towards Oldport, Michigan, to 6404.8V MHz.

3153–C1–P–70, Same (New). Change station location to Welsh Mtn., 2.9 Miles SW of Elverson, Pa. Lat. 40°07'45" N., Long. 75°52'46" W. Change frequencies and points of communication to 6286.2H MHz on azimuth 123°30' towards Lima, Pa., and 6375.2V MHz on azimuth 229°42' towards Truce, Pa., add frequency 6256.5V on azimuth 337°40' towards new point of Communication at Bernville, Pa.

3155–C1–P–70, Same (New). Change station location to 0.8 Mile SW of Lima, Pa. Lat. 39°54'38" N., Long. 75°27'08" W. Change frequencies on azimuth 303°47' towards Welsh Mtn., Pa., to 6034.2V MHz and to 10775V MHz on azimuth 79°0' towards Philadelphia, Pa.

3156–C1–P–70, Same (New). Change station location to 1700 Market Street, Philadelphia, Pa. Lat. 39°57'09" N., Long. 75°10'11" W. Change frequencies and point of communication to 11385V MHz on azimuth 259°10' toward Lima, Pa.

3157–C1–P–70, Same (New). Change station location to 1.0 Mile SW of Palmerton, Pa. Lat. 40°46'53" N., Long. 75°38'34" W. Change frequency on azimuth 78°53' towards Hope, New Jersey, to 6375.2V MHz and change frequency and point of communication to 6197.2H MHz and Bernville, Pa., respectively, on azimuth 225°51'.

3158–C1–P–70, Same (New), 7.0 Miles E. of Hope, New Jersey. Change frequencies on azimuth 259°28' toward Palmerton, Pa., to 6123.1H MHz and on azimuth 63°58' toward Woodstock, New Jersey, to 6034.2V MHz.

2268–C1–P–73, Same (New). Change station location to American University, Washington, D.C. Lat. 38°56'10" N., Long. 77°05'33" W. Change frequency and point to communication to 5974.8V MHz and Cooksville, Md., respectively, on azimuth 7°38'.

2271–C1–P–73, Same (New), 3.4 Miles SW of Broadview Heights, Ohio. Change frequencies on azimuth 285°44' toward Amherst, Ohio, to 6123.1H MHz and on azimuth 1°56' toward Cleveland, Ohio, to 10935V MHz.

3540–C1–P–73, Same (New), McMurray, 2.0 Miles S. of Bethel, Pa. Change polarization of frequency 6152.8 MHz on azimuth 317°7' toward McLeary, Pa., to Horizontal.

3541–C1–P–73, Data Transmission Company Change station location to 3.4 Miles NE of Bernville, Pa. Lat. 40°28'10" N., Long. 76°03'45" W. Change frequency on azimuth 42°12' toward Palmerton, Pa., to 5945.2H MHz and change point of communication and frequency to Welsh Mtn., Pa., and 6004.5H MHz, respectively, on azimuth 157°33'.

3542–C1–P–73, Same (New), 1.0 Mile NW of Woodstock, New Jersey. Change frequency on azimuth 244°10' towards Hope, New Jersey to 6286.2H MHz.

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MULTIPOINT DISTRIBUTION SERVICE

50160–C5–P–74, M.C.C.A. Service Corporation (New), 14 Lafayette Square, Buffalo, New York. Lat. 40°53′09″ N., Long. 78°52′17″ W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Buffalo, New York).

501610–C5–P–74, Same (New), 222 Midtown Towers, Rochester, New York. Lat. 43°09′15″ N., Long. 77°36′12″ W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Rochester, New York).

50162–C5–P–74, Same (New), 821 Frighton Avenue, East, Jamesville, New York. Lat. 43°00′19″ N., Long. 76°07′50″ W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Syracuse, New York).

[FR Doc.74–13690 Filed 6–13–74;8:45 am]

FEDERAL ENERGY OFFICE

CONSUMER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Consumer Advisory Committee will meet June 20, 1974, at 9:30 a.m., Room 3000–A, 12th & Pennsylvania Ave., NW., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Office (FEO), with respect to general consumer interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

1. Project Independence Blueprint—progress report.
2. Consumer Energy Act of 1974—S. 2506, including discussions of amendments 1025 (Deregulation of Natural Gas) and 643 (FOGCO).
3. FEA Advisory Committee—status under reorganizations plans.
4. Justification of Controlled Oil Price Increase—as announced by the Cost of Living Council.
5. FEO Price Decontrol—options available.
6. Subcommittee Meetings
    - —Pricing.
    - —Energy Conservation and Environment.
    - —Energy Resource Development.
    - —International Energy Affairs.
    - —Special Impact.
    - —Economics & Data.
    - —Consumer Affairs.
7. Subcommittee Reports

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Carol Jordan, Federal Energy Office, Washington, D.C., phone number (202) 961–8033.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Due to the need for input from the Committee, at this time, this meeting is being scheduled prior to elapse of the usual 15-day notice period.

Issued at Washington, D.C., on June 12, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74–13802 Filed 6–13–74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01017	Westfal-Larsen & Co. A/S: *M/S Villanger.*
01028	Flensburger Schiffsparten Vereinigung AG.: *Saturn.*
01063	E. B. Rederi A/S Aaby's: *Rego.*
01112	Trade Banner Line, Inc.: *Trade Carrier.*
01125	N. V. Ubem S.A. (Union Belge D' Enterprises Maritimes): *Lovcrval.*
01172	H. Clarkson and Company Limited: *Gallic Bridge.*
01239	A/S Nittedal & A/S Tank: *Bjorgfjell, Bjorghav.*
01437	The Carlton Steamship Co. Ltd.: *Trumentor.*
01465	Scottish Ship Management Limited. *Temple Bar, Temple Inn.*
01527	Cia Carreto De Navegacion S.A.: *Pearl Creek.*
01578	Harald Jacobsen Shipping A/S: *Janne.*
01583	I/S Kvartia Marin: *Storfold.*
01838	Skipsaksjeselskapet Eidsiva: *Vinni.*
01854	Southern Towing Co.: *STC 2011, SS 2012.*
01935	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AF 1912 Adtieselskab: *Susan Maersk.*
01995	Rederi AB Disa: *Vishamn.*
02156	Lorentzens Skibs A/S: *Mary Stove.*
02199	Atlantic Richfield Co.: *Atlantic Navigator.*
02245	Extramar Panama S.A.: *Albano.*
02285	Atlan Lines, S.A.: *Jade, Topacio.*
02428	The Kinsman Marine Transit Company: *Buckeye Monitor, Henry Laliberte, Joe S. Morrow, Kinsman Independent, R. E. Webster, Uhlmann Brothers.*
02496	United States Steel Corporation: *AB 752, AB 754, CL 750, TJ 511 E, TJ 515 E.*
02524	Watergate Steam Shipping Co., Ltd: *Starworth.*
02665	Ubersee - Schiffahrtsgesellschaft Schmidt & Co. KG: *Bodil Schmidt.*
02716	Aktieselskabet Det Dansk-Franske Dampskibsselskab: *Slesvig.*
02956	Ashland Oil, Inc.: *A.O. & R. Co S–223.*
02975	Venture Shipping (Managers) Limited: *Vera Venture.*
03115	Pansurena Navegacion S.A. Panama: *Aristovoulous.*
03137	The Cunard Steamship Company Limited: *Cunard Campaigner, Cunard Caravel.*
03165	Asimi Maritime Co. Ltd.: *St Demetrius.*
03216	Rederiaktiebolaget Rex: *Blido.*
03236	Compania Petrolera Armadora S.A.: *North Prince.*
03329	Hudson Waterways Corporation: *Transchamplain.*
03502	Shinyei Senpaku K. K.: *Otowasan Maru.*
03635	Hines, Incorporated: *John Picton*
04016	Mayaguez Fishing Company, Inc.: *Lexington.*
04019	Nord-Transport Strandheim & Stensaker: *Hansel.*
04040	Halfdan Ditlev Simonsen & Co.: *Inni.*
04058	Ugland Shipping Co. A/S Jorgensens Rederi A/S Skips A/S Kysten: *Bonita.*
04066	Taurus Shipping Co. Inc.: *Akbar.*
04172	Eklof Marine Corp.: *E 12.*
04364	The Jamaica Banana Producers Steamship Co. Ltd.: *Jamaica Planter.*
04404	Lars Rej Johansen: *Jolandia, Jorinka.*
04601	American Tunaboat Association: *Anna Maria, Calypso, City of Lisbon, City of Panama, Jacquelina A, Mary Elizabeth, Rosa Olivia.*
04609	Standard Dredging Corporation: *Alabama, Burlington.*
04708	M.S. "Jogela" Tunnecke Schiffahrtsgesellschaft, Bremen: *Jogela.*
04711	M.S. "Embla" Tunnecka Schiffahrtsgesellschaft, Bremen: *Jowood.*
04712	Tunnecke Schiffahrtsgesellschaft M.S. "Joquita", Bremen: *Joquita.*
04794	Sea King Corporation: *Grand Valor.*
04970	Stainless Tanker I/S: *Stainless Tanker.*
05024	Continental Shipping, Inc.: *Constance.*
05539	Westgate Terminals, Inc.: *Southgate, Westgate.*
05579	Black Sea Shipping Co.: *Medynj.*
05765	Chricodi Compania Naviera S.A Panama: *Zougro.*
05854	Levin Metals Corporation: *DE 705.*
05923	Pacific Tradewinds, Inc.: *Pacific Tradewinds.*
06042	Luzon Stevedoring Corporation: *CSC–252.*
06036	South Texas Towing, Inc.: *T–700.*
06114	Masahei Yamamoto: *Seishu Maru No. 8, Seishu Maru No. 22.*
06129	Azov Shipping Company: *Zaporozye.*
06572	K/g "Nordsee" Frachtschiffahrt GMBH & Co.: *Jennes.*
06833	Mediterranean Klif Shipping Co. Ltd. & A. H. Basse & T. Gulner Jensen & J. Poulsen: *Mediterranean Klif.*
06928	Kimini Love, Inc.: *Mini Love.*
07123	Prilam Shipping Co. Ltd.: *Lorna P.*
07178	Water Tunnel Contractors: *S–101, S–102.*
07241	Bacanamar Compania Naviera S.A.: *Nafsika.*
07347	Navegantes Transatlantica S.A.: *Rio Casca.*
07847	Toshin Yusosen Co., Ltd.: *Toyo Maru.*
07857	Plotinos Shipping Co. S.A.: *Elisavet K.*
07956	Sanford Towing Inc.: *Grand Turk.*
08193	Orepton Shipping Company Limited: *Maritihi.*
08315	Burmast Shipping & Exploration Corp.: *Burmah Amber.*
08602	Orellastar Shipping Company Limited: *Marisuerta.*
08692	Rita Shipping Co. Ltd.: *RS I.*
08823	Blue Water Transport, Inc.: *Conoco America, Conoco Canada.*
09006	Stena Line AB: *Stena Trailer.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–13722 Filed 6–13–74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01443	Denholm Line Steamers Limited: *Monach.*
01547	Costa Armatori S.P.A.: *Luisa C, Anna C, Giovanna C.*
01605	D'Amico Societa Di Navigazione S.P.A.: *Cielo Di Salerno, Cielo Di Roma.*
01861	BP Tanker Company Limited: *British Trident.*
02021	Atlantska Plovidba: *Ruder Boskovic.*
02038	Polskie Linie Oceaniczne: *Kuznica.*
02190	Bugsier-Reederei-und Bergungs-Aktien-Gesellschaft: *P.W.D. Victoria.*
02246	Blue Star Line Ltd.: *Sanstefano, Annaflora, Imperia.*
02472	Texasgulf, Inc.: *TG 23, TG 24.*
02928	PHS Van Ommeren (France): *Port Renard.*
02952	Blandford Shipping Company Limited: *Star Blackford, Star Bulford.*
02976	Arthur-Smith Corporation: *Tenneco 150.*
03139	Offshore Marine Ltd.: *Cromarty Shore.*
03301	Prudential Grace Lines Inc.: *Santa Ana.*
03391	Societe Maritime Shell: *Mactra.*
03420	Dainichi Kaiun Kabushiki Kaisha: *Nichigaku Maru.*
03438	Inui Kisen K.K.: *Kenjyu Maru.*
03453	Kyosei Kisen K.K.: *Seiho Maru.*
03459	Meiji Kaiun K.K.: *Meitai Maru.*
03484	Sanko Kisen K.K.: *Eastern Dale.*
03503	Shofuku Kisen K.K.: *Iwaki Maru.*
03544	Herness Shipping Company A/S: *Nordic Regent, Nodic Rover.*
03923	Shinwa Kaiun Kabushiki Kaisha: *Seiyo Maru.*
04037	C. F. Bean, Inc.: *Tide Mar XXI.*
04070	Frota Oceanica Brasileira S.A.: *Frotasirius, Frotavega.*
04122	Kristian Gerhard Jebsen Skipsrederi: *Kiwi Arrow.*
04126	Jugoslavenska Linijska Plovidba, Rijeka: *Nikola Tesla, Treci Maj.*
04138	Dixie Sand and Gravel Company: *Steel Dredge No. 8.*
04289	Dixie Carriers, Inc.: *DXE 134 BDC, DXE 271 DC, DXE 272 DC, DXE 292 BDC.*
04407	Domar, Inc.: *Domar 6501.*
04420	Navigation Alta Italia S.P.A.: *Nai Rocco Piaggio.*
04423	Marcona Carriers Limited: *Marcona Venturer, Marcona Vanguard, Marcona Voyager, Marcona Pioneer, Marcona Pathfinder, Marcona Traveler, Marcona Exporter, Marcona Trader.*
04458	Naviera Artola, S.A.: *Irache.*
04503	Okutsu Suisan Kabushiki Kaisha: *Zenkomaru No. 31.*
04601	American Tunaboat Association: *Jo Ann, Conquest.*
04637	McAllister Brothers Inc., N.Y.: *527N, 659.*
04638	McAllister Brothers Inc. Del.: *YRB 27.*
04803	Brent Towing Company, Inc.: *S. B. Thomas.*
04884	Hall Corporation Shipping Ltd.: *Axel Heiberg.*
04939	Panocean Shipping & Terminals Ltd.: *Post Endeavour.*
05039	Inland Oil & Transport Co.: *IOT–401, IOT–402, IOT–451, IOT–452, IOT–309, Lady Julie, Lady Mignon.*
05098	Esso Tankers Inc.: *Esso Melbourne.*
05239	Zapata Off-Shore Company: *Zapata Ugland.*
05425	Georgia Transporters, Inc.: *GT 115, GT 121.*
05508	Galaction Shipping Co., Ltd.: *Marvella.*
05549	Polsk Zegluga Morska: *Politechnika Slaska, Syn Pulku.*
05577	Far-Eastern Shipping Company: *Pravdinsk, Alehandr Tvardovsky.*
05579	Black Sea Shipping Co.: *Medin, Ismailia.*
05636	Takashiromaru Kaiun Kabushiki Kaisha: *Takashiro Maru No. 25.*
05736	Flota Cubana De Pesca: *Oceano Atlantico.*
05763	Towa Senpaku K.K.: *Prince Maru No. 7.*
05822	"Marcosa" Maritima Contenental Y De Comercio S.A.: *Marcoverde.*
06117	Helmut Bastian Reederei: *Pelikan.*
06578	Van Nievelt, Goudriaan & Co. N.V.: *Anne Christina, Megrez, Meres.*
06877	Societe Francaise De Transports Maritimes: *Penmen, Penmarch, Post Energie.*
06885	Bewa Line A/S: *Lita Bewa, Lykke Bewa, Rikke Bewa.*
06921	Lee Lai Maritime S.A. (Panama): *Chieh Teh, Chieh Foo, Chieh Teng.*
06963	Societe Francaise De Transports Maritimes A.T.A. Walon: *Mulsanne.*
07498	Louisiana Materials Co., Inc.: *SC 930.*
07717	Mississippi Marine Transport Co.: *Miss Kathy.*
07763	TTT, Inc.: *El Taino.*
07833	Pyramid Ventures Group, Inc.: *Pyramid Viking.*
07904	Kabushiki Kaisha Koyo Gyogyo: *Koyomaru No. 25.*
08555	Universal Towing Company-D J. Marine Service, Inc.: *LSMR–518, Crane Barge.*
08642	Shinwa Steamship Co., (HK) Ltd: *Asia Prosperity.*
08643	Cape Navigation S.A.: *Cape Esan.*
08660	Caminos Oceanicos Armadora, S.A.: *Lord Nelson.*
08665	New Zealand Government: *Toa Moana.*
08675	Torre Canal S.P.A. Di Navigazione: *Piviere.*
08746	N.V. Bocimar: *Eeklo, Zelzate, Belval, Chertal, Stolt Boel.*
08787	Smit Internationale Zeesleep–En Bergingsbedrijfbv: *Barentsz-Zee, Tasman Zee, Thames, Orinoco, Hudson, Mississippi, Smit Salvor, Elbe, Rode Zee, Noordzee, Poolzee, Zwarte Zee, Witte Zee.*
08801	Nordestal Maritima S.A.: *Caroie.*
08818	Venus Carriers Corporation S.A.: *Blue Bottle.*
08823	Conoco Shipping Company: *Conoco America, Conoco Canada.*
08867	Purple Planet Shipping Limited *Wistaria Purple.*
08894	Maritime Coastal Containers Limited: *Hansa Bay, Bergfalck.*
08909	Dominique Maritime Corp.: *Dominique.*
08931	American River Transportation Co.: *Sally Archer.*
08941	Ogden Danube Transport, Inc: *Ogden Danube.*
08955	Lonborg Rederierne A/S: *Nina Lonborg, Tobias Lonborg.*
08966	Baring Shipping Company S.A. Panama: *Baring.*
08978	Cayman Island Vessels Ltd: *Hollis Hedberg.*
08993	Venus Shipping & Trading Corporation: *Petrola XI.*
08995	Electra Shipping & Trading Corporation: *Petrola XVI.*
09002	Commercial Transport Corporation: *Chem 100, Chem 101, Chem 102, Chem 103, Chem 104, Chem 105, Chem 106, Chem 107 Chem 108, Chem 109.*
09003	VTG Vereinigte Tanklager Und Transportmittel GMBH: *Sachsentor.*
09019	Del Monte Del Ecuador, C.A: *Artic Maid, San Antonia V.*
09020	General Navigation Ltd.: *Sterling*
09023	Korea Tanker Co. Ltd.: *Lucky No. 1.*
09024	Veb Fischkomobinat Rostock: *F. C. Weiskopf, Rudolf Leonhardt, Bodo Uhse, Evershagen*
09030	Leodamas Maritime Company: *Leodamas.*
09036	Comandamentul Flotei Di Pescuit Oceanic Navorm-Tulcea: *Marea Neagra, Delta Dunar II, Razelm, Sinoe, Negoiu, Ceahlau, Moldoveanu, Retezat, Rarau, Polar IV, Inau, Semenic, Mures, Trotus, Ialomitza, Siret, Milcov, Neaglov, Juil, Polar I, Polar II, Polar III.*
09043	Sofisana Shipping Company, S.A: *Soula K.*
09044	Demka Shipping Company, S.A: *Eugenia K.*
09045	Isanaso Shipping Company, S.A: *Michalis K.*
09047	R/A Hadrian: *Vespasian*
09048	Ipiros Shipping Company Limited: *Marivana Maria.*
09050	Xanadu Cruises, Inc.: *Xanadu*

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No. Certificate	Owner/operator and vessels
09053	Farpesca, S.A.: *Farpesca Cuarto.*
09054	A/S Geir: *Skarbo.*
09057	Ryan-Walsh Stevedoring Company, Inc.: *D.B. 235, Frank L.*
09058	M/S "Landmark" Heyer K.G.: *Roro Cimbria.*
09059	Samson Tug & Barge Co., Inc.: *STB 10.*
09060	Navifrut S.A.N.C.I.I.A.Y.F.: *Cipolletti.*
09062	Davit Transport Corporation: *Susan Maersk.*
09061	Pan Mal Compania Naviera, S.A.: *Pothiti.*
09066	National Transport Corp.: *Vantage Defender.*
09067	Allied Marine Transports Limited: *Leonidas D.*
09068	Aslan Shipping Corporation: *Astyanax.*
09070	Raleigh Bay Shipping Co., Ltd.: *Pavlina.*
09071	BASF Wyandotte Corporation: *Star Wyandotter.*
09076	Ferrostaal-Poseidon Bulk Reederei GMBH: *Puerto Buitrago.*
09077	Andromache Compania Naviera S.A.: *Aegis Heroic.*
09079	Maidstone Shipping Corporation: *Aegis Typhoon.*
09080	Surrey Shipping Co., Ltd.: *Star Kestrel.*
09081	Blue Shipping Co., S.A.: *Blue Sky.*
09082	Trans Maritime Shipping S.A.: *Oriental Garnet.*
09083	Balbao Navigation S.A.: *Sovereign Opal.*
09085	Equator Carriers Limited: *Kythnos.*
09086	Jutland Shipping Corporation: *Soult.*
09087	General Bulk Carriers Limited: *Serifos.*
09088	Dong Won Fisheries Co., Ltd.: *Dong Won No. 6, Dong Won No. 16.*
09089	Fucsia Shipping Company Ltd.: *Five Fields, Forsizia.*
09096	Dong Won Industrial Co., Ltd.: *Dong Won No. 83, Dong Won No. 86.*
09097	Nagos Navigation Co., Ltd.: *Triada.*
09100	Pride Shipping Co., Ltd.: *Aegis Storm.*
09101	Aeacos Compania Naviera S.A.: *Aegis Atomic.*
09102	Ariel Maritime Limited: *Aegis Thunder.*
09103	Anemone Shipping Company Limited: *Anco Elias.*
09106	Antilles Marine Cargo Limited: *Amorgos.*
09109	Fukuryu Gyogyo Kabushiki Kaisha: *Fukuryu Maru No. 31.*
09110	Blue Sea Shipping Company, Ltd.: *Blue Sea.*
09114	Blue Saga Shipping Company, Ltd.: *Blue Saga.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13723 Filed 6-13-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

JUNE 7, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, June 20, 1974, from 1:30 p.m. to 3:30 p.m., Room 5334, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. This meeting will be for the purpose of arriving at Architect-Engineer selection recommendations for the proposed Exterior Repair, Building Nos. 159-159E and 160, Navy Yard Annex, Washington, D.C. (GS-00B-02677).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-13673 Filed 6-13-74;8:45 am]

[Federal Property Management Regulations; Temp. Reg. F-223]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding involving the application of the City of Colorado Springs, Colorado, for an increase in gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 6, 1974.

[FR Doc.74-13672 Filed 6-13-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 11, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards: Voluntary Energy Conservation Labeling Program Retailer Interview Schedule, Energy Guide Label for Refrigerators and Freezers, Form ____, Single time, Weiner, Retail sales personnel.
Home Playground Equipment Interview Questionnaire and Home Playground Equipment Handout Questionnaire, Form NBS 787, NBS 788, Single time, Caywood, Households.
Children's Furniture and Equipment Handout Questionnaire, Form NBS 786, Single time, Caywood, Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: CWS Progress Report—Assistance to Students Who Reside in, But Who Attend Eligible Institutions Outside of, American Samoa or the Trust Territory of the Pacific Island, Institutions of Postsecondary education.
Alcohol, Drug Abuse, and Mental Health Administration, Child Abuse: Baseline Data, Form ADAMH 0530, Single time, Reese, Parents in Chicago area.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Mechanism to Heighten Physician Awareness and Utilization of Physician's Assistants, Form HRABHRD 0605, Occasional, HRD/Caywood, Practicing MDs & PAs in Florida.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Bituminous Coal and Lignite Mine Capacity, 1973, Form 6-1401-X-1, Single time, Weiner, Business firms.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, Application for Enlistment, Form CG 2520, Occasional, Sheftel, General public Ages 17-42.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Brewers and Dealers Hop Stocks Report, Form ____, Semiannual, Lowry, Brewers and hop dealers.
Egg-Type Pullet Chicks for Hatchery Supply Flocks, Form ____, Monthly, Lowry, Egg-type chicken breeders.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, DMS Statement of Controlled Materials Requirements for Class "A" Products—Production or R&D, Form DMS 4A, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.
DMS—Detailed Breakdown of Controlled Materials Requirements', Form DMS 4S, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.

DMS—Statement of Controlled Materials Requirements for Class "A" Products—Construction, Form DMS 4C, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.
Bureau of the Census, Food Stamp Recipiency Supplement—August 1974, Form CPS 1, Single time, Planchon/Sunderhauf, Households.

FEDERAL RESERVE SYSTEM

Report of Condition—State Member Banks, Form FR 105, Quarterly, Weiner, Business firms.

FEDERAL RESERVE BOARD

Report of Outstanding Commercial Paper Placed by Brokers and Dealers: Form FR 957a, Monthly, Weiner, Brokers and dealers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Request for Payment of BEOG Award, Form OE 304, Occasional, Lowry, BEOG recipients and institutions of enrollment.
  Request for Additional Payment of BEOG Award, Form CE 304-1, Occasional, Lowry, Individuals.
  Alcohol, Drug Abuse, and Mental Health Administration, Client Oriented Data Acquisition Process (CODAP), Form ADAMNIDA 0528, Quarterly, HRD/Reese, Federally funded treatment programs.
  Social and Rehabilitation Service, Statistical Report on Numbers of Recipients and Amounts of Money Payments under Public Assistance Programs, Form SRS NCSS 2078.1, 2078.1A, 2078.2, 2078.3, Monthly, Sunderhauf/Caywood, 54 State PA agencies.
  Annual Budget for Child Welfare Services, Form SRS CSA (CWS)-2, Annual, Caywood, State public welfare agencies.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:
  Application for Milk Indemnity Payment, Form ASCS 373, Occasional, Evinger, Dairy farmers.
  Marketing and Payment Report—Milk Indemnity Payment Program, Form ASCS 374, Single time, Evinger, Dairy farmers.
  Federal Crop Insurance Corporation, Claim for Citrus Indemnity, Form FCI 63 Citrus, Occasional, Evinger, Farmers.
  Foreign Agricultural Service, Regulations—Financing Commercial Sales of Agricultural Commodities under Title I, P.L. 480, Form ____, Occasional, Evinger, Commodity suppliers shipping firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for School Assistance in Federally Affected Areas, Title I of P.L. 874, Form OE 4019, Annual, Evinger (x).
Application and Nomination for a Graduate Fellowship, Form OE 1048, Occasional, Evinger (x).
State Plan and Report of Project Applications for Grants to Institutions of Higher Education, Form OE 1117, Annual, Evinger (x).
Application for Special Project Grant under Title V, Section 505 of the Elementary and Secondary Education Act of 1965, Form OE 4439, Occasional, Evinger (x).
Guarantee Agency Monthly Report, Guaranteed Student Loan Program, P.L. 89-329, Form OE 1130, Monthly, Evinger (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities
Application for Rehabilitation Loan-Owner-Occupied Property Containing One-to-Four-Dwelling Units, Form 6230, Occasional, CVA (x).
Request for Rehabilitation Check—Section 312 Rehabilitation Loan Program, Form 6236, Occasional, CVA (x).
Application for Rehabilitation Loan-Investor Owned Residential Property or Mixed-Use Loan, Form 6243, Occasional, CVA (x).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-13834 Filed 6-13-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Charter

1. *Objectives and scope of activities.* The owners and Tenants Advisory Board, established pursuant to section 3(j) of Public Law 92-578 (October 27, 1972), is to advise and assist the Board of Directors of the Pennsylvania Avenue Development Corporation during the preparation of a comprehensive development plan for the area adjacent to the north side of Pennsylvania Avenue between Third and Fifteenth Streets, NW., in Washington, District of Columbia. The Advisory Board's advice and assistance is rendered through meetings with the Corporation's Board of Directors and through separate meetings with representatives of the Corporation's staff.

2. *Advisory Board tenure.* The functions of the Advisory Board will be discharged upon completion of the preparation period of the development plan and the termination of the subsequent review period by Congress of the plan, which extends for 60 legislative days after submission of the plan to Congress by the Corporation.

3. *Official to whom Advisory Board reports.* The Advisory Board will report to Ms. Katharine Gresham, Urban Planner and member of the Corporation staff.

4. *Support services.* Necessary support for the Advisory Board will be provided by the Pennsylvania Avenue Development Corporation.

5. *Advisory Board duties.* The Advisory Board shall perform the following duties, which are solely advisory in nature:

a. To review, discuss and comment on elements of the evolving development plan as prepared by the Corporation staff and considered by the Board of Directors, and to recommend alternatives and additional considerations for inclusion in the plan;

b. To provide a communication link between the Pennsylvania Avenue Development Corporation and owners and tenants of the affected area;

c. To prepare an annual report of its activities and recommendations that have occurred during the past year; and

d. To maintain competent and adequate records of all actions taken and detailed minutes of all meetings held.

6. *Estimated annual cost.* Estimated annual operating cost of the Advisory Board will be $1,860, and will involve approximately 21 man/days of staff support.

7. *Meetings.* Meetings of the Advisory Board shall be open to the public; such meetings shall occur at least bimonthly and shall continue through to the termination date of the Board.

8. *Termination date.* The Advisory Board shall terminate at the end of the Congressional review period of the completed plan as provided in section 4(d) of Pub. L. 92-578, or on December 31, 1974, whichever date occurs first.

9. The date of this charter is June 14, 1974.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-13675 Filed 6-13-74;8:45 am]

POSTAL SERVICE

POSTAL CONTRACTING MANUAL

Proposed Patent Rights Policy

The Postal Service has under consideration a proposal to adopt a patent policy calling for the acquisition and management of patent rights so as to foster economy in providing postal services.

The principal features of the proposed patent policy are:

(1) Postal Service acquisition of all right, title and interest in inventions through the inclusion of certain prescribed patent rights clauses in every contract a purpose of which is (a) research, (b) development or engineering, (c) architect-engineer or other personal or professional services, or (d) other similar services.

(2) Postal Service acquisition of an unrestricted, irrevocable, royalty-free license, exclusive as regards Postal Service competitors, in those instances where it is conclusively demonstrated that an invention discovered during the course of performance of a Postal Service contract is primarily based on "background" patents or proprietary data which are the property of the particular contractor involved.

(3) Active promotion of early public use of Postal Service-owned patents by means of licensing or sale.

(4) Establishment of a Patent Rights Board to manage and promote the Postal Service's patent rights portfolio.

(5) Under specified conditions, authorization of joint ventures, joint ownership of patent rights or other joint arrangements with Postal Service contractors.

The above-described proposed patent rights policy, if adopted, will be incorporated in section 9 of the Postal Contracting Manual as paragraphs 9-105 through 9-105.10. The Postal Contract-

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ing Manual has been incorporated by reference in the Federal Register. See 39 CFR 601.100. Notice of regular changes to the Postal Contracting Manual are periodically published in the Federal Register. The text of the changes are filed with the Director of the Federal Register, and subscribers of the Manual receive the amendments from the Government Printing Office. See 39 CFR 601.105.

Inasmuch as the above proposed patent rights policy represents a departure from the policy currently being followed by the Postal Service, the Postal Service is publishing in the Federal Register the full text of the proposed changes to the Postal Contracting Manual and solicits the views of interested persons on these changes.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed patent rights policy to the Assistant General Counsel, Contracts and Property Division, United States Postal Service, Washington, D.C., 20260, at any time on or before July 19, 1974. Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making, the Postal Service proposes to amend section 9 of the Postal Contracting Manual by adding new 9–105 to read as set forth below.

(39 U.S.C. 401)

Louis A. Cox,
General Counsel.

9–105 *Patent Rights.*

9–105.1 *Background.* The Postal Service is under Congressional mandate to provide prompt, reliable, efficient, and economical postal service. Accordingly, businesslike management of all Postal Service property, including patent rights, is both essential and mandatory.

9–105.2 *Policy.* Patent rights shall be acquired and managed in such manner as to promote the economic, operational, and competitive well-being of the Postal Service. In furtherance of this general policy, the following specific policies apply:

(a) *Postal Service Title.* The entire right, title, and interest shall be acquired in and to any invention under applicable contracts (see 9–105.3) except as prescribed in (b) below.

(b) *Postal Service License.* Where it is conclusively demonstrated that the invention is primarily based on "background" patents or proprietary data which are the property of the contractor, an unrestricted, irrevocable, royalty-free license, exclusive as regards Postal Service competitors, shall be acquired.

(c) *Early Public Use.* To insure the early public use of Postal Service patent rights, commercial license or sale at fair market value shall be actively promoted except where it would jeopardize the competitive position of the Postal Service.

9–105.3 *Application.* The applicable patent rights clause set forth in 9–105.10 shall be included in every contract, a purpose of which is research, development or engineering; architect-engineer or other personal or professional services; or other similar work.

9–105.4 *Deviations.* Notwithstanding the provisions of 1–109, approval of the Assistant Postmaster General, Procurement and Supply Department, is required for any proposed deviation to this 9–105. Proposed deviations shall be supported by a written justification, reviewed by the Law Department and signed by the contracting officer, clearly demonstrating that the deviation will be in the overall best interest of the Postal Service.

9–105.5 *Contractor Acceptance.* Where a prospective contractor is unwilling to accept, requires revisions to, or proposes profit or other concessions concerning inclusion of a required patent rights clause, an analysis, including any necessary discussions, shall be conducted to determine the course of action which is in the overall best interest of the Postal Service. The analysis shall include consideration of such factors as obtaining the work from other sources, the estimated fair market value of any probable patent rights, possible effect on the competitive position of the Postal Service, and the contractor's absorption of equivalent costs of contract performance. Should the prospective contractor's position prevail, in whole or in part, it shall be considered a deviation and processed in accordance with 9–105.4.

9–105.5 *Responsibilities.*

(a) *Technical Personnel.* Technical personnel are responsible for identifying those proposed contracts under which inventions may be developed, for determining that the contractor has identified and reported all inventions, and for analyzing the potential application and value of each invention.

(b) *Contracting Officer.* The contracting officer is responsible for including the appropriate patent rights provisions in the contract, for conducting all negotiations for purchase, sale, royalty, use and other agreements thereon, and for administering contracts, licenses and agreements therefor in such manner that the Postal Service receives full compliance and benefits thereunder.

(c) *Law Department.* The Law Department is responsible for maintaining the Postal Service patent rights portfolio and insuring that all appropriate patent applications, licenses, agreements and similar safeguards are properly filed and prosecuted.

(d) *Patent Rights Board.* A Patent Rights Board consisting of one representative of the Procurement and Supply Department, who shall be the chairman, and one representative each of the Law Department, Finance Department, Research and Engineering Department, Customer Services Department, and Real Estate and Buildings Department shall be responsible for the overall business management and commercial promotion of the Postal Service patent rights portfolio.

9–105.7 *Approval.* Approval in accordance with the procedures of 9–105.4 is required, except where patent rights are obtained through use of the clauses in 9–105.10, for all acquisition or disposition of patent rights. Examples are:

(i) Specific acquisition of patents rights by contract, license, or agreement,

(ii) Specific disposition of patent rights by contract, license, or agreement, and

(iii) Granting of title under paragraph (e)(i), of the Patent Rights clause in 9–105.10(a).

9–105.8 *Consideration.* Fair market value shall be obtained for all disposition of patent rights, except that:

(i) No consideration, other than a share of royalties received by the contractor, shall be required where title is granted under 9–105.7(iii), and

(ii) Lesser or no consideration, as appropriate, may be obtained from Governmental and non-profit organizations.

9–105.9 *Joint Arrangements.* Notwithstanding any other provisions of this 9–105, point ventures, joint ownership of patent rights, or other joint arrangements may be entered into with contractors when approved in accordance with 9–105.4.

9–105.10 *Clauses.*

(a) *Research, Development or Engineering.* The following clause shall be included in every contract, a purpose of which is research, development, or engineering.

PATENT RIGHTS (JULY 1974)

(a) *Definitions Used in This Clause.* (1) Subject Invention means any invention or discovery, whether or not patentable, conceived or first actually reduced to practice in the course of or under this contract. The term "Subject Invention" includes, but is not limited to, any art, method, process, machine, manufacture design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(2) Postal Service purpose means the right of the Postal Service to practice and have practiced (make or have made, use or have used, sell or have sold, or otherwise authorize the use by anyone) any Subject Invention throughout the world by or on behalf of the Postal Service.

(3) Contract means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Postal Service where a purpose of the contract is the conduct of experimental, developmental, research or engineering work.

(4) Subcontract and subcontractor means any subcontract or subcontractor of the Contractor, any lower-tier subcontract or subcontractor under this contract.

(b) *Rights Granted to the Postal Service.* Except as provided in (e) of this clause, the Contractor agrees to grant the Postal Service all right, title and interest in and to each Subject Invention (made by the Contractor). Nothing contained in this Patent Rights clause shall be deemed to grant any rights with respect to any invention other than a Subject Invention.

(c) *Invention Disclosures and Reports.* (1) With respect to Subject Inventions (made by the Contractor), except those which are obviously unpatentable under the patent laws of the United States, the Contractor shall furnish to the Contracting Officer:

(i) A written disclosure of each invention promptly after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete in technical detail to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation, and to the extent known the physical, chemical, or electrical characteristics of the Invention; when unable to submit a complete disclosure, the Contractor shall within three (3) months thereof submit a disclosure which inlcudes all such technical detail then known to him and shall, unless the Contracting Officer authorizes a different period, submit all other technical detail necessary to complete the disclosure within three (3) additional months.

(ii) Interim reports at least every six (6) months, the initial period of which shall commence with the date of this contract, each report listing all such Inventions conceived or first actually reduced to practice more than three (3) months prior to the date of the report and not listed on a prior interim report, or certifying that there are no such unreported Inventions;

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports, or certifying that there are no such unreported Inventions (This Final Report and any Interim Report under (ii) above shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.);

(iv) Information in writing, as soon as practicable, of the date and identity of any public use, sale, or publication of such Invention made by or known to the Contractor or of any contemplated publication by the Contractor;

(v) Upon request, such duly executed instruments and other papers (prepared by the Postal Service) as are deemed necessary to vest in the Postal Service the rights granted it under this clause and to enable the Postal Service to apply for and prosecute any patent application, in any country, covering such Invention where the Postal Service has the right under this clause to file such application; and

(vi) Upon request, an irrevocable power of attorney to inspect and make copies of each United States patent application filed by, or on behalf of, the Contractor covering any such Invention.

(2) With respect to each Subject Invention in which the Contractor has been granted rights under paragraph (e) of this clause, the Contractor agrees to provide written reports at reasonable intervals, when requested by the Postal Service as to:

(i) The commercial use that is being made or is intended to be made of such Invention;

(ii) The steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing.

(d) *Subcontracts.* (1) The Contractor shall, unless otherwise authorized or directed by the Contracting Office, include a patent rights clause containing all the provisions of this Patent Rights clause except provision (f) in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, research or engineering work. In the event of refusal by a subcontractor to accept this Patent Rights clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not, in any subcontract or by using such a subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Postal Service in the performance of this contract). Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish to the Contracting Officer a copy of such subcontract, and notify him when such subcontract is completed. It is understood that the Postal Service is a third party beneficiary of any subcontract clause granting rights to the Postal Service in Subject Inventions, and the Contractor hereby assigns to the Postal Service all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Postal Service with respect to Subject Inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligatione of the subcontractor to the Postal Service in regard to Subject Inventions.

(e) *Contractor's Request for Rights.* The Contractor at the time of first disclosing a Subject Invention pursuant to paragraph (c)(1)(i) of this clause, but in no event later than three (3) months thereafter in the case of (i) below, may submit in writing to the Contracting Officer a fully documented request for:

(i) Right, title, and interest at no cost where it can be conclusively demonstrated that the Invention is primarily based on "background" patents or proprietary data which were the property of the Contractor at the date of this contract, or

(ii) In the case of other Inventions, rights which the Contractor proposes to obtain by purchase or license at fair market value.

The Contracting Officer will review the Contractor's request for rights and will notify the Contractor whether such request will be granted in whole or in part. Rights requested under (i) above will be granted where the Contracting Officer determines that the demonstration is conclusive, except that the Postal Service will retain (a) a share of all royalties received by the Contractor therefrom (50 percent unless otherwise set forth in the contract) and (b) for Postal Service purposes an irrevocable, royalty-free license, exclusive as regards practice or use by Postal Service competitors. Rights requested under (ii) above will be as the Postal Service may elect to license or sell under separate agreement between the parties.

(f) *Withholding of Payment.* (1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (c)(1)(iii), all written invention disclosures required by (c)(1)(i), and all information as to subcontracts required by (d)(2).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (c)(1)(ii), or a written invention disclosure required by (c)(1)(i), the Contracting Officer shall withhold from payment $50,000 or ten percent (10 percent), of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety percent (90 percent) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80 percent) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Postal Service contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000 or ten percent (10 percent), of the amount of this contract whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, and information specified in (1) above. Subject to the ten percent (10 percent) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (f) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2) and (3) above shall not exceed $50,000 or ten percent (10 percent), of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Postal Service under this contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (f), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of this contract" means "estimated cost of this contract."

(g) *Right to Disclose Subject Inventions.* The Postal Service may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this Patent Rights clause.

(h) *Forfeiture of Rights in Unreported Subject Inventions.* The Contractor shall forfeit to the Postal Service all rights in any Subject Invention which he fails to report to the Contracting Officer at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon, or (ii) submits the final report required by (c)(iii) of this clause, whichever is later, provided that the Contractor shall not forfeit rights in a Subject Invention if (A) contending that the invention is not a Subject Invention, he nevertheless reports the invention and all the facts pertinent to his contention to the Contracting Officer within the time specified in (i) or (ii) above, or (B) he establishes that the failure to report was due entirely to causes beyond his control and without his fault or negligence. The Contractor shall be deemed to hold any such forfeited Subject Invention, and the patent applications and patents pertaining thereto, in trust for the Postal Service pending written assignment of the Invention. The rights accruing to the Postal Service under this paragraph shall be in addition to and shall not supersede any other rights which the Postal Service may have in relation to unreported Subject Inventions. Nothing contained herein shall be construed to require the Contractor to report any invention which is not in fact a Subject Invention.

(i) *Examination of Records Relating to Inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

(j) *Preparing Patent Applications.* The Contracting Officer may require the Contractor, pursuant to the procedures of the Changes clause, to prepare for Postal Service filing a United States patent application covering any Subject Invention under the contract to which the Postal Service has the entire right, title, and interest.

(b) *Architect-Engineer.* Clause 7 of PS Form 7490 shall be included in every contract, a purpose of which is architect-engineer services. That clause reads as follows:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF POSTAL SERVICE (JULY 1974)

(a) All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Postal Service and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such

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materials beyond such period. Prior to final settlement of this contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(b) The Postal Service shall have the right to assign this contract or any part hereof, including the transfer of the aforementioned documents. Any such assignment, however, shall not release the Postal Service from any of its obligations under this contract.

(c) *Other Personal or Professional Services.* Except for (a) and (b) above, the following clause shall be included in every contract, a purpose of which is personal or professional services.

INTELLECTUAL PROPERTY RIGHTS (JULY 1974)

All intellectual property rights evolving from studies, reports, or other data delivered under this Contract shall be the sole property of the Postal Service. The Contractor agrees to make, execute and deliver to the Postal Service any and all papers or other instruments in such terms and contents as may be required for the filing of any required instrument necessary for preserving an intellectual property right and does hereby assign and transfer to the Postal Service the entire right, title and interest in and to said intellectual property rights. Prior to final settlement of this Contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(d) *Other Contracts.* One of the foregoing clauses shall be included in every other contract where a patent rights clause is considered appropriate.

[FR Doc.74-13696 Filed 6-13-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8381]

AMERICAN LEADERS FUND, INC., ET AL.

Notice of Filing of Application

JUNE 7, 1974.

Notice is hereby given that American Leaders Fund, Inc. ("American Leaders"), Presidential Exchange Fund, Inc. ("Presidential"), Second Presidential Exchange Fund, Inc. ("Second Presidential"), and Fifth Presidential Exchange Fund, Inc. ("Fifth Presidential") (collectively "Applicants"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed transactions pursuant to which Presidential, Second Presidential and Fifth Presidential will be merged with American Leaders as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are incorporated under the laws of the State of Maryland and the governing instruments of the Applicants are substantially similar. In addition, Applicants operate under investment advisory contracts containing substantially similar terms and conditions. The same individuals who serve as directors for American Leaders also serve as directors for Presidential, Second Presidential and Fifth Presidential. American Leaders Research Corp., P.E.F. Research Corp., S.P.F. Research Corp. and F.P.F. Research Corp., wholly owned subsidiaries of Federated Investors, Inc., act as investment advisers to American Leaders, Presidential, Second Presidential and Fifth Presidential respectively, and Federated Research Corp., another wholly owned subsidiary of Federated Investors, Inc., acts as sub-investment adviser to the Applicants. Accordingly, each of the Applicants may be deemed to be under common control and, therefore, each of the Applicants may be deemed to be an affiliated person of the others within the meaning of Section 2(a)(3) of the Act.

Applicants have entered into a Plan and Agreement of Merger ("Agreement of Merger") which provides for the merger, pursuant to Maryland law, of Presidential, Second Presidential and Fifth Presidential into American Leaders. Each of the Applicants will obtain either a ruling from the Internal Revenue Service or opinions from their respective tax counsel that: the merger will constitute a tax-free reorganization; no gain or loss will be recognized by the Applicants or their shareholders as a result of the merger; and the assets of Presidential, Second Presidential and Fifth Presidential respectively will have the same tax basis in the hands of American Leaders as they had in the hands of Presidential, Second Presidential and Fifth Presidential respectively. Approval of the Agreement of Merger requires the affirmative vote of the holders of a majority of the outstanding shares of each of the Applicants. If the Agreement of Merger is approved, it is anticipated that the merger will take place on or about July 1, 1974.

On the effective date of the merger, the outstanding shares of common stock of Presidential, Second Presidential and Fifth Presidential owned by each shareholder of said three Funds will be converted into that number of full shares (and fractional interests in a full share) of American Leaders as shall have an aggregate net asset value, as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the merger, equal to each Presidential, Second Presidential and Fifth Presidential shareholder's pro rata interest in the value of the net assets of Presidential, Second Presidential and Fifth Presidential. Prior to the effective date of the merger, each Applicant will declare a dividend to its respective shareholders consisting of substantially all of its undistributed net taxable investment income and net shortterm capital gains. With respect to longterm capital gains realized by Presidential and Fifth Presidential from April 1, 1973 (the beginning of their fiscal years) up to the effective date of the merger and by Second Presidential from December 1, 1973 (the beginning of its fiscal year) up to the effective date of the merger, Presidential, Second Presidential and Fifth Presidential will accrue the Federal tax payable thereon as a liability to be paid by American Leaders as the surviving corporation, and in determining the number of shares of American Leaders to be issued in the transaction, a reduction in an amount equal to such tax will be made on the net asset values of Presidential, Second Presidential and Fifth Presidential. Shortly before the effective date, American Leaders will distribute to its shareholders a long-term capital gains distribution, if available, substantially equal to the net long-term capital gains realized but not previously distributed since March 1, 1974 (the beginning of its fiscal year).

No adjustment in the net asset values of the Applicants will be made to compensate for any potential Federal income tax impact on the shareholders of the Applicants which may result from the differences among the Applicants in the percentage of each Applicant's net unrealized capital appreciation to its net asset value and in the amount of each Applicant's realized tax loss carry forward. Applicants assert that such potential tax consequences to shareholders cannot practically be determined and that there is, therefore, no way in which such potential consequences can be offset in an equitable manner. Applicants contend, moreover, that, in any case, such tax consequences will be minor with regard to the proposed transaction.

If the proposed merger had taken place on May 15, 1974, when American Leaders had 134,954 shares outstanding and net assets of $1,067,184, and Presidential had 231,715 shares outstanding and net assets of $7,188,726, and Second Presidential had 260,003 shares outstanding and net assets of $7,761,872, and Fifth Presidential had 332,664 shares outstanding and net assets of $9,517,062, shareholders of Presidential, Second Presidential and Fifth Presidential would have received per share approximately 3.92, 3.77 and 3.62 shares of American Leaders, respectively.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or an affiliated person of such a person, from knowingly selling to, or purchasing from, such investment company any security or property. Section 17(b) of the Act, provides that the Commission may exempt a proposed transaction from section 17(a) of the Act if the evidence establishes that (1) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and (3) the proposed transaction is consistent with the general purposes of the Act.

Applicants represent that the transaction is fair and reasonable and does not involve overreaching by any party concerned, in that the merger will be accomplished on the basis of the net asset value of American Leaders, Presidential, Second Presidential and Fifth Presidential determined at the same point in time. Applicants assert that the shareholders of each Applicant will benefit by the elimination of certain presently duplicated expenses such as legal, proxy and advisory expenses. In addition, greater investment flexibility both with respect to normal portfolio transactions and redemption procedures is expected.

Applicants state that the investment objectives of each Applicant are substantialy identical and may be generally characterized as long term growth of capital and income. In addition, Applicants state that the proposed merger is consistent with the general policies of the Act.

The aggregate expenses of the Applicants in connection with the proposed merger, including legal, accounting, transfer agent and other miscellaneous expenses, are estimated at $25,000. All such expenses will be allocated to each Applicant in proportion to its respective net asset value.

Notice is further given that any interested person may, not later than July 3, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants as the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13720 Filed 6-13-74;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

JUNE 7, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 8, 1974 through June 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13718 Filed 6-13-74;8:45 am]

[File No. 500-1]

LIBCO CORP.

Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Libco Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4 p.m. (e.d.t.) on June 6, 1974 through June 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13719 Filed 6-13-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (classes A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 9, 1974 through June 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13721 Filed 6-13-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 529]

Assignment of Hearings

JUNE 11, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35796, Bus Fares, Between New York, N.Y. and New Jersey Points, now assigned July 29, 1974, will be held in Room 208, Tax Court, Federal Bldg., 26 Federal Plaza, New York, New York.

MC-C-5640 Sub 2, Mayflower Transit Lines, Inc.—Revocation of Certificate, now being assigned hearing July 23, 1974, (1 day), at New York, N.Y., in a hearing room to be later designated.

FF 426 Sub 1, Express Forwarding and Storage Co., Inc., now being assigned hearing July 24, 1974 (3 days), at New York, N.Y. in a hearing room to be later designated.

MC-124211 Sub 239, Hilt Truck Lines, Inc. now being assigned hearing September 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-128383 Sub 47, Pinto Trucking Service, Inc., now being assigned hearing September 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8337, Hinnis Freight Lines, Inc.—Investigation and Revocation of Certificates, now asigned being assigned hearing September 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12127, Indiana Refrigerator Lines, Inc.,—Control—D. & W. Refrigerated LTL Service, Inc., now being assigned hearing September 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-134599 Sub 100, Interstate Contract Carrier Corp., now being assigned hearing September 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12094, Ace Doran Hauling & Rigging Co.,—Purchase (Portion)—Tri State Motor Transit Co., now being assigned hearing September 30, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 76032 Sub-272, Navajo Freight Lines, Inc., application is dismissed.

MC-121658 (Sub-No. 4), Steven D. Thompson, now assigned July 15, 1974, at Jackson, Miss., is postponed to August 12, 1974, in the Sun-N-Sand Motor Hotel, 401 North Lamar, Jackson, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13715 Filed 6-13-74;8:45 am]

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IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 11, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065.1(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 24, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-14702 (Sub-No. E5), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in that part of Pennsylvania on and east of U.S. Highway 219, the District of Columbia, New Jersey, Maryland, and that part of New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Leicester, thence along New York Highway 38 to Mt. Morris, thence along New York Highway 408 to junction New York Highway 16, near Hinsdale, thence southward along New York Highway 16 to Olean, and thence along New York Highway 16-A, to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Indiana, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, and those in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E6), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence south along U.S. Highway 522 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Virginia Highway 20, thence along Virginia Highway 20 to its intersection with U.S. Highway 460, thence along U.S. Highway 460 to its intersection with Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 46, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence west along Indiana Highway 32 to its intersection with Indiana Highway 67, thence along Indiana Highway 67 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E7), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Pennsylvania on and west of U.S. Highway 219 (except points in Greene and Washington Counties), on the one hand, and, on the other, points in Indiana, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, and points in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E8), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Greene and Washington Counties, Pa., on the one hand, and, on the other, points in Illinois in the Chicago, Ill., commercial zone, points in Michigan on and south of Michigan Highway 46, and points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 67 to its intersection with Indiana Highway 18, thence along Indiana Highway 18 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E9), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in West Virginia east and north of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 20 to its intersection with West Virginia Highway 20, thence along West Virginia Highway 20 to its intersection with U.S. Highway 19, thence along U.S. Highway 19 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Michigan on and south of Michigan Highway 46, and points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 37 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E12), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Beaver, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, points in New Jersey and points in New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 to its intersection with U.S. Highway 20, thence over U.S. Highway 20 to its intersection with New York Highway 96, thence over New York Highway 96 to its intersection with New York Highway 17, thence over New York Highway 17 to its intersection with New York Highway 26, thence over New York Highway 26 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E18), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors,*

machinery, and machinery parts (except commodities requiring special equipment), from Buffalo and Rochester, N.Y., to points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Indiana, and points in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio and (b) the plant site of the Timkin Roller Bearing Company, near Wooster, Ohio.

No. MC-14702 (Sub-No. E19), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk), between points in Michigan on and south of Michigan Highway 46, and points in Illinois in the Chicago, Ill., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Ashtabula, Geauga, Lake, Trumbull, Carroll, Jefferson, Harrison, and Belmont Counties, Ohio. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E20), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk), between points in Indiana, on the one hand, and, on the other, points in Ashtabula, Geauga, Lake, Trumbull, and Columbiana Counties, Ohio. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-14702 (Sub-No. E30), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), (a) between points in Maine, New Hampshire; points in that part of Massachusetts on, east, and north of a line beginning at the New Hampshire-Massachusetts State line, thence south along Massachusetts Highway 13 to its intersection with Massachusetts Highway 12, thence along Massachusetts Highway 12 to its intersection with Massachusetts Highway 9, thence along Massachusetts Highway 9 to the Atlantic Ocean; points in Vermont on and north of U.S. Highway 4, on the one hand, and, on the other, points in Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence south along U.S. Highway 218 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line, points in the Upper Peninsula of Michigan on, west, and north of a line beginning at the Wisconsin-Michigan State line, thence north along Michigan Highway 35 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to the shore of Lake Superior at Marquette, Mich.; points in Wisconsin on and north of a line extending from the shore of Lake Michigan, thence west along Wisconsin Highway 22 to its intersection with Wisconsin Highway 29, thence along Wisconsin Highway 29 to the Wisconsin-Minnesota State line; and Eau Claire, Wis.; (b) between Boston, Mass., on the one hand, and, on the other, Davenport, Iowa. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC-30139 (Sub-No. E1), filed May 15, 1974. Applicant: HOLMES TRANSPORTATION, INC., 260 Cochituate Road, Framingham, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment in truckload lots), between Newburgh, N.Y., on the one hand, and, on the other, points in Rhode Island, those in Massachusetts and Connecticut on and east of a line extending from the Massachusetts-Vermont State line along U.S. Highway 5 to junction of the Connecticut Highway 9 south of Hartford, thence along Connecticut Highway 9 to Old Saybrook, Conn., and the Atlantic Ocean, and those in Rockingham and Strafford Counties, N.H. and in that part of Hillsboro County east of New Hampshire Highway 13.

(2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points in Strafford County, N.H. and those in Rockingham County east of New Hampshire Highway 28, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut and those in New York and New Jersey within 20 miles of New York, N.Y. (b) between points in Strafford and Rockingham Counties, N.H. and that part of Hillsboro County east of New Hampshire Highway 13, on the one hand, and, on the other, points in Rhode Island and Connecticut, those in Massachusetts east of Massachusetts Highway 12, those in New York and New Jersey within 20 miles of New York, N.Y., and Newburgh, N.Y.

(3) *General commodities* (except those of unusual value, Classes A and B explosives,

(3) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford, to Rowland, thence along Maine Highway 155 through Enfield to Lincoln, thence along Maine Highway 16 to the United States-Canada Boundary line at or near Vanceboro, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Rockingham County, N.H. west of a line beginning at Plaistown, N.H. along New Hampshire Highway 125 to the junction of New Hampshire Highway 107, thence along New Hampshire Highway 107 to the Rockingham-Merrick County line, those points in Hillsboro County east of New Hampshire Highway 13, and those in New York, and New Jersey within 20 miles of New York, N.Y., and Newburgh, N.Y. The purpose of this filing is to eliminate the gateways of: Hartford, Conn., Haverhill and Merrimac, Mass., in proposals number 1, 2(a), and 2(b), above, and points within 25 miles of Boston, Mass., Haverhill, Mass., and Hartford, Conn., in proposal (3) above.

No. MC-30280 (Sub-No. E41), filed May 8, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, dairy products, livestock, acids, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from New York, N.Y., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to York, thence along South Carolina Highway 5 to Rock Hill, thence along U.S. Highway 21 to junction South Carolina Highway 97, thence along South Carolina Highway 97 to junction U.S. Highway 521, thence along U.S. Highway 521 to Camden, thence along U.S. Highway 1 to Lugoff, thence along U.S. Highway 601 to St. Matthews, thence along South Carolina Highway 6 to Vance, thence along South Carolina Highway 310 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to Charleston. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Greenville, S.C.

No. MC-30280 (Sub-No. E42), filed May 6, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box

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1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to Spartanburg, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to Batesburg, thence along U.S. Highway 1 to Aiken, thence along U.S. Highway 78 to Blackville, thence along South Carolina Highway 3 to junction U.S. Highway 278, thence along U.S. Highway 278 to Hilton Head Island, to Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Spartanburg, S.C.

No. MC–30280 (Sub-No. E43), filed May 6, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton*, from Norfolk, Va., to points in Georgia. The purpose of this filing is to eliminate the gateway of Elkin, N.C.

No. MC–30280 (Sub-No. E44), filed May 3, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from those points within 15 miles of the corporate city limits of Atlanta, Ga., as defined in 1950, to points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to Shoals Junction, thence along South Carolina Highway 420 to Ware Shoals, thence along South Carolina Highway 39 to Saluda, thence along U.S. Highway 178 to Pelion, thence along South Carolina Highway 215 to junction South Carolina Highway 6, thence along South Carolina 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rosinville, thence along U.S. Highway 78 to Charleston. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E45), filed May 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in that part of Georgia on, south, and east of a line beginning at Savannah, thence along the route of Interstate Highway 16 to Macon, thence along Interstate Highway 75 to Cordele, thence along Georgia Highway 33 to the Georgia-Florida State line, to points in that part of South Carolina on, west, and north of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to Anderson, thence along U.S. Highway 178 to Honea Path (excluding Honea Path), thence along U.S. Highway 76 to Clinton, thence along Interstate Highway 26 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E46), filed May 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to points in the New York, N.Y., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–60756 (Sub-No. E1), filed May 14, 1974. Applicant: CRESCENT MOTOR LINE, INC., P.O. Box 2625, Spartanburg, S.C. 29303. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, in shipments weighing not less than 5,000 pounds each from any one consignor), (1) from Charleston, S.C. to points in Georgia, on and west of a line beginning at the intersection of U.S. Highway 29 and the Alabama-Georgia state line near West Point, thence along U.S. Highway 29 to its junction with Georgia Highway 53 near Winder, thence over Georgia Highway 53 to its junction with U.S. Highway 85, thence over U.S. Highway 85 to the Georgia-South Carolina State line; (2) from Charleston, S.C., to points in Anderson, Pickens, Oconee, Cherokee, and Union Counties, S.C.; (3) from Savannah, Ga., to points in Anderson, Pickens, Oconee, Cherokee, and Union Counties, S.C. The purpose of the filing of proposals (1), (2), and (3) is to eliminate the gateway of Lyman, S.C.; (4) from Savannah, Ga., to points in that part of North Carolina on and west of a line made by U.S. Highway 85 from the South Carolina-North Carolina State line near Grover, to its junction with North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line; (5) from Charleston, S.C., to points in that portion of North Carolina on and west of a line made by U.S. Highway 321 from the North Carolina-South Carolina State line near Crowders, to junction of North Carolina Highway 150, thence over North Carolina Highway 150 to junction with U.S. Highway 21, thence over U.S. Highway 21 to its junction with North Carolina Highway 268, thence over North Carolina Highway 268 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of the filing of proposals (4) and (5) is to eliminate the gateway of Spartanburg, S.C.

Textile products, bagging, bags and cotton-bailing ties, in shipments weighing not less than 5,000 pounds each from any one consignor (6) from points in Georgia, on and west of a line made by U.S. Highway 29 from the Alabama-Georgia State line near West Point, to its junction with Georgia State Highway 53, thence over Georgia Highway 53 to its junction with U.S. Highway 85, thence over U.S. Highway 85 to the Georgia-South Carolina State line to Charleston, S.C.; (7) from points in Pickens, Oconee, and Cherokee Counties, S.C., to Charleston, S.C.; (8) from points in Pickens, Oconee, and Cherokee Counties, S.C., to Savannah, Ga.; (9) from points in that part of North Carolina on and west of a line made by U.S. Highway 85 from the South Carolina-North Carolina State line near Grover, to its junction with North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line to Savannah, Ga.; (10) from points in that portion of North Carolina on and west of a line made by U.S. Highway 321 from the North Carolina-South Carolina State line near Crowders, to junction of North Carolina Highway 150, thence over North Carolina Highway 150 to junction with U.S. Highway 21, thence over U.S. Highway 21 to its junction with North Carolina Highway 268, thence over North Carolina Highway 268 to junction with U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to the North Carolina-Virginia State line, to Charleston, S.C. The purpose of the filing of proposals (6), (7), (8), (9), and (10) is to eliminate the gateway of Spartanburg, S.C.

No. MC–63792 (Sub-No. E1), filed May 16, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof*, when their transportation is incidental to the transportation of such commodities, between Houston, Tex., on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC–63792 (Sub.-No. E2), filed May 16, 1974. Applicant: TOM HICKS TRANSFER COMPANYY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (B) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (C) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines, between points in Florida, on the one hand, and, on the other, (1) points in Arkansas and Texas (points in Louisiana or Mississippi),* and (2) points in Kansas, Oklahoma, New Mexico, Colorado, Utah, and Wyoming (points in Louisiana, Mississippi, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–63792 (Sub-No. E3), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasnporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Alabama, on the one hand, and, on the other, (1) points in Arkansas (points in Louisiana or Mississippi),* (2) points in Texas ((a) points in Louisiana, or (b) points in Louisiana or Mississippi and points in Arkansas),* and (3) points in Oklahoma, New Mexico, Colorado, Utah, and Wyoming ((a) points in Louisiana and points in Texas, or (b) points in Louisiana or Mississippi, points in Arkansas, and points in Texas),* and (II) between points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 91, thence along Alabama Highway 91 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 68, thence along Alabama Highway 68 to junction Interstate Highway 59, thence along interstate Highway 59 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, ((a) point sin Louisiana and points in Texas, or (b) points in Louisiana or Mississippi, points in Arkansas, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–63792 (Sub-No. E4), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Georgia, on the one hand, and, on the other, (1) points in Arkansas (points in Louisiana or Mississippi),* (2) points in Texas (points in Louisiana),* and (3) points in Oklahoma, New Mexico, Colorado, and Wyoming (points in Louisiana and Texas),* (II) between points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to junction Interstate Highway 16, thence along Interstate Highway 16 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Kansas (points in Louisiana and Texas),* and (III) between points in that part of Georgia on and south of Interstate Highway 20, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line (points in Louisiana and Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

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No. MC-63792 (Sub-No. E5), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Mississippi, on the one hand, and, on the other, (1) points in Texas (points in Louisiana or Arkansas),* and (2) points in New Mexico, Colorado, Utah, and Wyoming (points in Louisiana or Arkansas and points in Texas),* (II) between points in that part of Mississippi on, west, and south of a line beginning at the Tennessee-Mississippi State line, thence along Interstate Highway 55 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 177 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line (points in Louisiana or Arkansas and points in Texas),* and (III) between points in that part of Mississippi on, west, and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line (points in Louisiana or Arkansas, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-73165 (Sub-No. E2), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fire brick and refractory materials* (except those requiring special equipment), (1) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51 and on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (2) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kosciusko, thence over Mississippi Highway 14 to Mississippi-Alabama State line, to points in Florida on and east of U.S. Highway 231 and on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (3) from points in Mississippi on and north of U.S. Highway 78, to points in Florida on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (4) from points in Georgia on and north of a line beginning at the Georgia-Alabama State line, thence over U.S. Highway 78 to Atlanta, thence along Highway 23 to Baldwin, thence along U.S. Highway 123 to Georgia-South Carolina State line, to points in Florida on and west of Florida Highway 87; (5) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of Florida Highway 231; (6) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (7) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida State line, thence over U.S. Highway 129 to Chiefland, thence along U.S. Highway 98 to Lakeland, thence along U.S. Highway 92 to Tampa, thence across Davis Causeway to Tampa; and (8) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-105984 (Sub-No. E3), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Texas 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipe lines); (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the competition of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Oklahoma on and east of U.S. Highway 54, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E5), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipe lines). (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, from De Baca County, N. Mex., to points in Colorado on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E6), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, Eddy, Chaves, Otero, DeBaca, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E7), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipeline materials, machinery, and equipment,* incidental to, or used in, the construction, repairing or dismantling of gas, gasoline and oil, pipelines; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, Eddy, Chaves, De Baca, Otero, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas on and west of U.S. Highway 77 between the Oklahoma-Texas State line and Denton, on and west of U.S. Highway 377 between Denton and Fort Worth, and on and north of U.S. Highway 80 between Fort Worth and Texas-New Mexico State line.

No. MC-105984 (Sub-No. E8), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, DeBaca, Eddy, Chaves, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E10), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224, Authority sought to operate as *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in New Mexico on, north, and east of a line beginning at the New Mexico-Colorado State line, and extending south along Interstate Highway 25 to its intersection with New Mexico Highway 104, thence along New Mexico Highway 104 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Montana on and north of a line beginning at the Montana-Idaho State line, and extending along U.S. Highway 12 to its intersection with U.S. Highway 191, thence along U.S. Highway 191 to its intersection with Montana Highway 200, thence along Montana Highway 200 to its intersection with Montana Highway 200S, thence along Montana Highway 200S to Glendive, thence along Interstate Highway 94 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E13), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d.b.a., JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting:

(1) *Machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment,* incidental to, or used in, the construction, repairing or dismantling of gas, gasoline and oil, pipelines (except the stringing and picking up of pipe in connection with main pipelines); and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental

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to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Union, Colfax, and Hidalgo Counties, N. Mex., on the one hand, and, on the other, Cache County, Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E16), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d.b.a., JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline and oil, pipelines; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Kansas, on and south of a line beginning at the Missouri-Kansas State line, and proceeding west along U.S. Highway 160 to its intersection with U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Colorado on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of points in Texas on and west of U.S. Highway 77 between the Oklahoma-Texas State line and Denton, on and west of U.S. Highway 377 between Denton and Fort Worth and on and north of U.S. Highway 80 between Fort Worth and the Texas-New Mexico State line.

No. MC-110525 (Sub-No. E452), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Louisiana to points in Vermont. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Syracuse, N.Y.

No. MC-110525 (Sub-No. E453), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335. Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Massachusetts. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Elizabeth, N.J.

No. MC-110525 (Sub-No. E455), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Elizabeth, N.J.

No. MC-110525 (Sub-No. E456), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Connecticut. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Elizabeth, N.J.

No. MC-110525 (Sub-No. E457), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Tennessee. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC-110525 (Sub-No. E458), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to the District of Columbia. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Morrisville, Pa.

No. MC-111401 (Sub-No. E16), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Denver and La Junta, Colo., to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Kansas on and west of U.S. Highway 281.

No. MC-111401 (Sub-No. E27), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Kingsport, Tenn. to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC-111401 (Sub-No. E48), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in the *Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Arkansas to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC-111401 (Sub-No. E53), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn. to points in California, Colorado, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC-111401 (Sub-No. E54), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn. to points in Arizona, Idaho, Nevada, New Mexico, and Utah. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC-111401 (Sub-No. E55), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum products* (except lubricating oils) in bulk,

in tank vehicles, from points in Colorado to points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee (except that no service shall be performed with respect to the transportation of liquefied petroleum gases and natural gasoline) to points in Mississippi. The purpose of this filing is to elimnate the gateway of Ardmore, Cleveland, Cushing, Duncan, Tulsa, or Wynnewood, Okla.

No. MC-111401 (Sub-No. E66), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Colorado to points in Alabama, Kentucky, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-111401 (Sub-No. E74), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, to the extent these commodities are petroleum products, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Company, located at or near Hoag, Nebr. to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC-111401 (Sub-No. E75), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, to the extent these commodities are petroleum products, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company, located at or near Hoag, Nebr., to points in that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from junction U.S. Highway 66 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-111401 (Sub-No. E78), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Kansas to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC-111401 (Sub-No. E80), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Oklahoma to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC-112822 (Sub-No. E30), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 77 to Pauls Valley, thence along Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 12 to Calvin, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State lines to points of beginning, to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC-112822 (Sub-No. E32), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Casper, Wyo., to points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC-112822 (Sub-No. E34), filed May 17, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from points in that part of Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Wichita, Kansas.

No. MC-112822 (Sub-No. E36), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from Houston, Tex., to points in Kansas within the Kansas City, Kans., commercial zone, restricted against traffic having a prior movement by rail from Houston, Texas. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC-112822 (Sub-No. E84), filed May 13, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Memphis, Tenn., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-112822 (Sub-No. E85), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arizona to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-112822 (Sub-No. E86), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Missouri on and south of U.S. Highway 66 (except St. Louis) to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC-113267 (Sub-No. E2), filed May 12, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Memphis, Tenn. 38116. Applicant's representative; Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles equipped with mechanical refrigeration), from the plant site of Armour and Company at or

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near Worthington, Minn., to Texarkana, Tex., and that part of Texas east and south of the eastern and southern boundaries of Bowie, Morris, Titus, Franklin, Wood, Van Zandt, Henderson, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC–114019 (Sub-No. E81), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid edible coating compounds*, in bulk, in tank vehicles, from Nashville, Tenn., and Bowling Green, Ky., to Grand Rapids, Mich., and Denver, Colo., restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 (Sub-No. E87), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, from Nashville, Tenn., and Bowling Green, Ky., to points in Indiana on, north, and east of a line beginning at the junction of the Indiana-Illinois State line and Indiana Highway 46, thence east on Indiana Highway 46 to its junction with Indiana Highway 37, thence south on Indiana Highway 37 to the Indiana-Kentucky State line, and points in Illinois on and north of a line beginning at the junction of the Missouri-Illinois State line and U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to Beardstown, thence along Illinois Highway 25 to its junction with Illinois Highway 78, thence along Illinois Highway 78, to its junction with U.S. Highway 136, thence along U.S. Highway 136 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, and points in Ohio, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E88), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from LeSueur, Cokato, Montgomery, Watertown, Winsted, Blue Earth, Winthrop, and Glencoe, Minn., to points in West Virginia, those in Connecticut and New Jersey, within 30 miles of New York, N.Y., those in that part of New Jersey, Delaware, and Maryland, within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., restricted to the transportation of shipments moving from, to, or between warehouses, or wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or other warehouses or facilities of such plants. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC–114019 (Sub-No. E91), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Asbestos, scrap; asphalt, liquid or solid, in packages; automobile body panels, fibreboard, not covered, with cutouts, or of shape other than rectangular, painted or not painted, loaded on platforms or wooden skids; blocks, mastic (asphalt flooring, compound); board, fibreboard and pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs, painted or not painted, loaded on wooden platform or wooden skids; boards, asphalt composition, paving or flooring; boards, wall, asbestos; board, wall, fibreboard, pulpboard or strawboard; burlap, bituminized, in packages; caps, roofing, tin, in packages, carpet lining, paper, including felt paper plain, other than indented; cement, asbestos, in packages; cement, composition or asbestos; cement, furnace, in packages; cement, title, liquid; cement, roofing, in packages; cement, magnesia; clamps, metal in packages; clips, metal; cloth, cotton, saturated with asbestos; coating, roof, having asbestos, pitch tar or rosin base, in packages, conduits, bituminized fibre; creosote, in packages; eave filler strips, asphalt composition; fasteners, metal, in packages; felt, building or roofing, saturated or unsaturated; felts, paper, fabrics saturated, and/or coated; flashing blocks, asphalt composition; insulating material, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets; millboard, asbestos, in packages; mineral wood (rock or slag wool), metal reinforced, in packages; mineral wool (rock or slag wool), plain or saturated, with or without paper backs, in batts, or other than batts, in packages; mortar or cement, high temperature bonding, N.O.I., in packages; nails, in packages; packing, asbestos, braid or wick, in packages;

Paint, asphaltum, in packages; paint, coal tar, in packages; paper, asbestos, and/or other than asbestos, building roofing or sheathing, plain or unsaturated; paper, building, roofing or sheathing, saturated or unsaturated; paving joints, expansion (asphalt or asphalt base); paving joints, expansion (rubber composition); pipe, cement, containing asbestos fibre; pitch, roofing, in packages; planks, asphalt composition, paving or flooring; ridge rolls, asbestos, in packages; roofing, composition or prepared; roofing, or sheathing, asbestos hard, corrugated; sheathing, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fibre board center or back, and/or air-cell paper center; shingles, asbestos, hard (artificial stone shingles or slate), in bundles; shingles, asbestos; shingles, asphalt asbestos or composition; sheathings; shorts, asbestos; siding, asbestos; siding, asphalt; slabs, concrete, building or roofing; straps, tin, with fasteners, in packages; tar, roofing, in packages; tile, asphalt, composition, floor; and wood preservatives, in packages; from Joliet, Ill., to points in North Dakota, Colorado, Kentucky, Tennessee (except Memphis), West Virginia, and points in that part of Kansas, on, south, and west of a line beginning at the Missouri-Kansas State line and extending west along U.S. Highway 160 to junction Kansas Highway 26, thence north along Kansas Highway 26 to junction Kansas Highway 57, thence west along Kansas Highway 57 to junction U.S. Highway 59, thence north along U.S. Highway 59 to junction U.S. Highway 56, thence west along U.S. Highway 56 to junction Kansas Highway 99, thence north along Kansas Highway 99 to the Kansas-Nebraska State line, points in that part of Nebraska on and west of U.S. Highway 83, points in that part of South Dakota, on, north, and west of a line beginning at the Nebraska-South Dakota State line, and extending north along U.S. Highway 183, to junction South Dakota Highway 44, thence east along South Dakota Highway 44 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction South Dakota Highway 30, thence east along South Dakota Highway 30 to the South Dakota-Minnesota State line, points in that part of Minnesota, on, north, and west of a line beginning at the South Dakota-Minnesota State line, and extending east along Minnesota Highway 28 to junction Minnesota Highway 29, thence north along Minnesota Highway 29 to junction U.S. Highway 71, thence north along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to its junction with Minnesota Highway 200, thence east along Minnesota Highway 200 to junction Minnesota Highway 6, thence north along Minnesota Highway 6 to junction U.S. Highway 71, thence north along U.S. Highway 71 to International Falls. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC–114019 (Sub-No. E95), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from points in New York and New Jersey within 40 miles of City Hall New York, N.Y., to points in Kentucky on and west of Interstate Highway 75 and points in Michigan. The purpose of this filing is to eliminate the gateway of Jersey City, N.J., and Cincinnati or Toledo, Ohio.

No. MC–114019 (Sub-No. E96), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, fasteners, asphalt, pitch, tar, shingles and sidings*, (1) from South Bend, Ind., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at junction New York Highway 14, thence north along New York Highway 14 to junction New York Highway 13, thence north along New York Highway 13 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction New York Highway 13, thence west along New York Highway 13 to Selkire Shores, points in that part of Maryland, Virginia and North Carolina east of a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 81 to junction U.S. Highway 40, thence south along U.S. Highway 40 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction U.S. Highway 1, thence south along U.S. Highway 1 to junction U.S. Highway 301, thence south along U.S. Highway 301 to junction North Carolina Highway 58 to Onslow Bay, and the District of Columbia; (2) from South Bend, Ind., to points in Pennsylvania, West Virginia, and points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Sunbury, Pa., and any points in Ohio.

No. MC–114019 (Sub-No. E100), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual values, household goods, as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), between Sparrows Point and Baltimore, Md., Philadelphia, Pa., and points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., on the one hand, and, on the other, points in West Virginia on and north of West Virginia Highway 89, and in that part of West Virginia west of a line beginning at the junction of the West Virginia-Ohio State line and Interstate Highway 77, thence south along Interstate Highway 77 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lansing, Belmont County, Ohio.

No. MC–114019 (Sub-No. E101), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities requiring special equipment), from points in Ohio to Hagerstown and Frederick, Md. (2) *Rigid conduit, electric cable, iron and steel articles, and armored cable* (except commodities requiring special equipment), from points in Ohio to Washington, D.C. The purpose of this filing is to eliminate the gateway of Wheeling or New Martinsville, W. Va.

No. MC–114019 (Sub-No. E112), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Illinois, Indiana, and points in Ohio on and north of U.S. Highway 22 beginning at the Ohio-Pennsylvania State line and extending west to junction with U.S. Highway 23, extending south to the Ohio-West Virginia State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; (2) from points in New York and points in Pennsylvania on and north of U.S. Highway 422 from the Pennsylvania-Ohio State line east to its junction with U.S. Highway 219 and thence south on U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in Michigan; (3) from points in New York to points in Kentucky on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of points in Erie County, Pa., and Chautauqua County, N.Y.

No. MC–114019 (Sub-No. E113), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped in mechanical refrigeration, from points in New York, Pennsylvania, and West Virginia, and those in Ohio on and south of U.S. Highway 40 from the Pennsylvania-Ohio State line to its junction with U.S. Highway 23 and points on and east of U.S. Highway 23 to the Ohio-Kentucky State line, and those in New Jersey within 40 miles of City Hall, New York, N.Y., and those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., to points in North Dakota, South Dakota, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway of New Albany, Ind.

No. MC–114019 (Sub-No. E114), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle, with frozen foods, in vehicles equipped with mechanical refrigeration, from points in Illinois and Indiana to points in Delaware and New Jersey, and those in Maryland on and east of U.S. Highway 15 (except Baltimore). The purpose of this filing is to eliminate the gateway of Hershey, Pa.

No. MC–114019 (Sub-No. E138), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Berrien County, Mich., to Westfield, N.Y., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E142), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Soap, soap powder, washing powder, washing compound, toilet preparations, and glycerine* (except in bulk), (1) from Jeffersonville, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to

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the New York-Pennsylvania State line and points in Pennsylvania, and West Virginia, (2) from Jeffersonville, Ind., to points in the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, Wyoming, and points in Iowa on and north of Iowa State Highway 2 from the Illinois-Iowa State line to junction U.S. Highway 59, and on and west of U.S. Highway 59, from its junction with Iowa Highway 2 to the Nebraska-Kansas State line, points in Nebraska, on and north of U.S. Highway 136 from the Missouri-Nebraska State line to its junction with U.S. Highway 183, and on and west of U.S. Highway 183 from said junction to the Nebraska-Kansas State line those in Kansas on and west of U.S. Highway 183 from the Nebraska-Kansas State line to its junction with Kansas Highway 96 and on and north of Kansas Highway 96 from said junction to Kansas-Colorado State line, and those in Colorado on, north, and west of Colorado Highway 96 from the Colorado-Kansas State line to its junction with U.S. Highway 385, thence U.S. Highway 385 to its junction with U.S. Highway 50, thence U.S. Highway 50 to its junction with U.S. Highway 350, thence U.S. Highway 350 to its junction with Interstate Highway 25, thence Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Ohio and Utica, Ill.

No. MC–128273 (Sub-No. E3), filed May 12, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Snowflake, Ariz., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Herty or Sheldon, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13717 Filed 6–13–74;8:45 am]

[Notice 104]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75218. By application filed June 5, 1974, BERNARD J. WILSON AND SANDRA M. WILSON, doing business as PONEK MOVERS, 39 Atkinson St., Bellows Falls, VT 05101, seeks temporary authority to lease the operating rights of STEFAN P. PONEK AND ELIZABETH A. PONEK, doing business as PONEK MOVERS, 14 Russell St., Bellows Falls, VT 05101, under section 210a(b). The transfer to BERNARD J. WILSON AND SANDRA M. WILSON, doing business as PONEK MOVERS, of the operating rights of STEFAN P. PONEK AND ELIZABETH A. PONEK, doing business as PONEK MOVERS, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13716 Filed 6–13–74;8:45 am]

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federal register

FRIDAY, JUNE 14, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 116
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD LABELING

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

U.S. Recommended Daily Allowances for Infants

In the FEDERAL REGISTER of August 2, 1973 (38 FR 20745), the Commissioner of Food and Drugs published a proposal to amend 21 CFR 1.17 by revising paragraph (h)(1) to permit use of the U.S. Recommended Daily Allowances (U.S. RDA's) for vitamins and minerals established for infants in § 125.1(b) (38 FR 20717) in nutrition labeling of infant, baby, and junior-type foods.

Eight comments were received: three from consumers, two from professional organizations, one from a trade association, and two from manufacturers. The comments received and the Commissioner's responses are as follows:

1. Comments were received from three consumers supporting the nutrition labeling of infant, baby, and junior-type foods. Each comment indicated that the presence of the nutrition label information would assist in selecting a more nutritious diet for infants and small children.

2. The American Dietetic Association commented that it would like included in the regulation a statement that the U.S. RDA levels for infants will be updated as required by changes in the "Recommended Daily Allowances" of the Food and Nutrition Board of the National Academy of Sciences/National Research Council (NAS/NRC).

The Commissioner advises that a provision currently appears in § 125.1(b)(1) (38 FR 20717) stating that the U.S. RDA's are subject to reconsideration for possible amendment when the Food and Nutrition Board, NAS/NRC, revises the "Recommended Dietary Allowances." This applies to all of the U.S. RDA values established in § 125.1.

3. Several comments took issue with the proposed U.S. RDA for protein for infants.

The Committee on Nutrition, American Academy of Pediatrics, commented that an infant U.S. RDA of 20 grams for a protein with a protein efficiency ratio (PER) equal to or greater than casein was too high. The Committee recommended that 16 grams of protein be the U.S. RDA. The Committee pointed out that a protein level of 16 grams was consistent with the protein level set in the "Recommended Dietary Allowances" of the Food and Nutrition Board, NAS/NRC, in its 1968 report. The Committee comment stated that its members feel that any inflation of protein standards may actually result in greater incidence of protein deficiency in other countries where protein shortages often occur. The impact of the United States regulations in other countries could be serious according to the Committee on Nutrition.

The National Canners Association and the Gerber Products Company commented that, for infants less than 12 months of age, the U.S. RDA for protein should be 16 grams when the PER is equal to or greater than casein, and 23 grams if the PER is less than casein.

The Mead Johnson Company proposed that the Commissioner set the U.S. RDA at the daily protein level for infants of 1 year of age set by the Food and Nutrition Board, NAS/NRC.

In general, these comments asserted that the proposed U.S. RDA's for infants of 20 grams and 28 grams were set for children under 4 years of age and are not consistent with the values in the regulation on infant formulae (21 CFR 125.5) which establishes a protein content of 1.8 grams per 100 kilocalories. The caloric intake of a 1-year-old infant weighing 9 kilograms is approximately 900 kilocalories, and the protein requirement would be approximately 16 grams per day.

The Commissioner notes that the Food and Nutrition Board of the NAS/NRC established a similar requirement for protein per kilogram per day, and related that to a 9-kilogram infant in its 1968 Recommended Dietary Allowances. The body weight used by the Food and Nutrition Board in their Recommended Dietary Allowances, and that suggested by the Committee on Nutrition, American Academy of Pediatrics, 9 kilograms, represents approximately the median or 50th percentile weight for the 9-month-old male infant according to standard weight tables for infants, Nelson, W.E., V.C. Vaughan, and R.J. McKay, "Textbook of Pediatrics," 9th edition, W.B. Saunders Co. (1969). The 50th percentile weight for the 1-year-old male infant is 10.07 kilograms.

The Food and Drug Administration, in developing the currently established U.S. RDA's (21 CFR 125.1), set values at the upper level for a given population group in order to provide a labeling basis adequate for all of the persons in the group. Following this policy, the U.S. RDA for protein for infants should relate to the higher weight and should be 18 grams for protein equal to or better than casein. This value is the product of the 1.8 grams of protein per kilogram per day multiplied by a body weight of 10 kilograms which is the 50th percentile of the 1 year old. On this basis, the U.S. RDA for protein with a protein quality less than casein would be 25 grams, using a factor of 70 percent as the average PER value for dietary protein of a quality lower than casein. The regulation as set forth below adopts these two values as the U.S. RDA's for protein for infants.

4. The National Canners Association commented that there is a need for different U.S. RDA's for infants and for children under 4 years of age and that this is consistent with finding 13 in the Findings of Fact for Part 125 published on August 2, 1973 (38 FR 20713).

The Gerber Products Company also commented on the need for different U.S. RDA's for labeling food for infants and for children under 4 years of age. They proposed that 21 CFR 1.17(h)(1) be revised to read as follows:

> Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type food marketed and promoted primarily for infants and children under 4 years of age shall include nutrition information on the label and in labeling in compliance with this section except that the U.S. RDA levels for either infants from birth to 12 months of age or children under 4 years of age or both as contained in § 125.1(b) of this chapter shall be used. For the purposes of labeling these foods with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

The Commissioner has carefully considered the use of either or both the U.S. RDA values for vitamins, minerals, and protein for infants and children under 4 years of age on the labels of food offered for infants and for children under 4 years of age. Based on the comments received and other available information, the Commissioner concludes that there is a need for different U.S. RDA values for infants and for children under 4 years of age, as requested by the Gerber Company and the National Canners Association.

The petitioners pointed out that a few baby foods are promoted for both infants and children under 4 years of age. The Commissioner concludes that, because of the uniqueness of these two limited categories of foods, dual declaration of nutrients pursuant to § 1.17 should be permitted in this instance. Some "infant foods" can be used well beyond 1 year, and some "junior-type foods" can be used earlier than 1 year. The Commissioner therefore concludes that those infant or junior-type foods which are represented for both uses may include nutritional labeling based on the U.S. RDA both for infants and for children under 4 years of age. It appears that very few foods are represented or intended for both of these age groups, but such products properly should bear nutrition labeling for both groups.

The Commissioner recognizes that permitting such dual declaration, even in these limited circumstances, could result in misleading promotion if the U.S. RDA values for infants were emphasized in labeling and advertising, because it would artificially inflate the nutritional value of the food for use in children under 4 years of age. Accordingly, the final order provides that, where such dual declaration is used, it must also be included in all labeling in a way that gives equal prominence to both values and does not emphasize one of them.

The Commissioner emphasizes that dual declaration is permitted under these very limited circumstances because of the unique nature of these products. The provisions of § 1.17 already state that dual declaration for adults and children under 4 years of age is not permitted. The Commissioner has again reviewed that matter and concludes that other forms of dual declaration remain unjustified.

5. The Mead Johnson Company commented that a protein with a PER of 20 percent that of casein has very little nutritional value for the infant and, if used to supply most of the protein needs for the infant, would not support normal growth. A value of 40 percent of casein would allow most of the average proteins in the diet to be included in contributing to the total protein intake.

The Commissioner agrees and has modified the proposal to require protein quality of 40 percent that of casein in order to make a U.S. RDA declaration for infant food. The increase in the minimum protein quality for which a U.S. RDA claim can be made from 20 percent of casein quality to 40 percent of casein quality would in the opinion of the Commissioner make very little, if any, practical change in the actual labeling of the protein in foods for infants. The Commissioner concludes that a protein with a PER of 20 percent that of casein is insufficient to promote adequate growth in infants whereas protein with a PER of 40 percent that of casein can be utilized for this purpose. The need to provide protection for infants, one of the most vulnerable population groups in relation to inadequate nutrition, is satisfied in part with this increase in the minimum protein quality. The 40-percent value will only apply to the U.S. RDA for protein for infants (under 12 months of age).

On the basis of a review of the comments, the Commissioner has modified the nutrition labeling proposal related to labeling infant, baby, and junior-type food marketed and promoted solely for infants, or for infants and children under 4 years of age, to establish a U.S. RDA for protein for infants, increase the minimum protein quality required to make a U.S. RDA label declaration, and define when the U.S. RDA's for children under 4 years of age can be used in labeling.

Background material in support of this regulation is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371 (a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended by revising § 1.17(h)(1) to read as follows:

§ 1.17 Food; nutrition labeling.

* * * * *

(h) * * *

(1) (i) Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type food promoted for infants and children under 4 years of age shall include nutrition information on the label and in labeling in compliance with this section, except that the U.S. Recommended Daily Allowance (U.S. RDA) levels for infants from birth to 12 months of age or for children under 4 years of age contained in § 125.1(b) of this chapter shall be used in lieu of the U.S. RDA levels contained in paragraph (c)(7)(iv) of this section.

(ii) Both the U.S. RDA levels for infants from birth to 12 months of age and the U.S. RDA values for children under 4 years of age may be declared for foods represented or intended for use by both infants and children under 4 years of age. If such dual declaration is used on any label, it shall also be included in all labeling, and equal prominence shall be given to both values in all promotional material.

(iii) For the purposes of labeling these foods with a percent of the U.S. RDA for protein for infants, a value of 18 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 25 grams if the PER of the protein is less than the PER of casein but greater than 40 percent of casein. For purposes of labeling foods for children under 4 years of age with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a PER equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

(iv) Total protein with a PER less than 40 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA for infants, and the statement of protein content in grams per serving under paragraph (c)(4) of this section shall be modified by the statement "not a significant source of protein for infants" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

* * * * *

Effective date. This regulation shall be effective on January 1, 1975.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–48 as amended, 1055; (21 U.S.C. 321, 343, 371(a)))

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13484 Filed 6–13–74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 30—TABLE SIRUPS

Establishment of Standards of Identity

In a notice of proposed rule making published in the FEDERAL REGISTER of October 2, 1970 (35 FR 15403), the Commissioner of Food and Drugs proposed to establish standards of identity for table sirup, maple sirup, cane sirup, and sorghum sirup.

Sixty-six persons submitted comments in response to the proposal. The respondents included members of Congress, individual consumers, members of the medical community, and representatives of the sirup industry and trade associations.

The Commissioner has considered all of the comments and has adopted the suggestions he considers to be in the interest of consumers and has made other changes. A summary of the comments and the Commissioner's responses are as follows:

1. Section 30.1(b)(1)(i) provides for the use in table sirup of maple, cane, or sorghum sirup. Although the provision for the naming of such table sirups was not misunderstood in any comment, the section has been further clarified in the final order by adding the restriction that the finished food shall not meet the requirements prescribed by the standards for maple, cane, or sorghum sirups.

2. The proposed regulation listed glucose sirup, dried glucose sirup, corn sirup, and dried corn sirup as optional ingredients in table sirup. The listing has been omitted from the final order because these ingredients are now included among the nutritive sweeteners standardized under Part 26 and are permitted as "other nutritive carbohydrate sweeteners" in § 30.1(b)(1)(iii) of the final order.

3. The proposed standard for table sirup provided for the optional use of edible fats. The Commissioner concludes that it would be in the interest of consumers to permit the use of edible oils in addition to edible fats and is providing for them. However, he is of the opinion that the use of these products in "buttered sirups" may lead the consumer to believe that butter is present in an amount greater than is actually the case. Accordingly, he concludes that edible fats and oils (other than butter) are not suitable ingredients for use in "buttered sirups." Section 30.1(b)(3) of the final order reflects this limitation.

4. One comment interpreted the proposed regulation as providing for fruit flavored sirups when used as table sirups.

It is the Commissioner's intent that such flavored sirups be permitted. Accordingly, § 30.1(b)(5) of the final order includes natural and artificial fruit flavorings among the optional ingredients. However, fruit sirups identified as such are not standardized by this final order.

5. One comment recommended that the standard for table sirup (§ 30.1) either name malic acid in addition to the examples of acidifying agents listed in the proposed regulation or give no such examples.

Section 30.1(b)(10) of the final order permits acidifying agents as a class without giving examples. (See paragraph 22 below for a further discussion of this matter.)

6. The proposed standard for table sirup also provided for "food adjuncts" among the optional ingredients. The provision has been made more explicit in § 30.1(b)(12) of the final order by replacing the term with a description of the type of ingredient intended to be included.

7. A comment asked if the name of the food can be "buttered table sirup", "buttered corn sirup", etc., when applicable.

The Commissioner advises that this is the intent of § 30.1(c). The matter has been clarified in the final order.

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With respect to labeling of "buttered sirups", the current industry practice is to include a quantitative declaration of the amount of butter present. The Commissioner is of the opinion that this practice is required by the principles established in 21 CFR Part 102. Accordingly, the final order specifies that the label shall contain a statement of butter content as part of the name of the food in the manner set forth in 21 CFR Part 102.

8. Three comments suggested that the minimum size of type for designating each additional sweetening ingredient in the name of the food, when the principal sweetener constitutes at least 80 percent of the total sweetener solids, be reduced from one-half the size of the type used in the name of the principal sweetener to one-fourth the size. As an alternative, it was suggested that the portion of § 30.1(c) pertaining to type size be deleted.

It is the conclusion of the Commissioner that neither of these suggested modifications would insure adequate protection to the consumer. No information was submitted to demonstrate that consumers' interests would be served by reducing the type size requirement. It should be noted that the type size requirement is consistent with the requirements of Part 102 of this chapter. The Commissioner is not aware of any labels that are too small to accommodate the type size specified in the regulation. Accordingly, the requirement has been retained in the final order.

9. A comment asked whether the requirement in § 30.1(c), that the label designation for the additional sweetener ingredients be part of the name of the food when the principal sweetener constitutes at least 80 percent of the total sweetener solids, pertains to maple, cane, and sorghum sirups and, if so, whether such words could be shown in type size larger than one-half the height of or possibly larger than the height of the letters used in the name of the principal sweetener.

The Commissioner advises that the requirement in the proposed standard did not exclude maple, cane, or sorghum sirups nor limit the maximum size of letters in the names of the additional sweeteners. The final order prescribes that the letters be of uniform style and size not less than one-half the height of nor larger than the letters used in the name of the principal sweetener. A similar change is being made in that portion of § 30.1(c) which provides, among the alternative names for table sirup, for including in the name of the food the names of sweetening ingredients in the order that they predominate by weight in the food. The final order prescribes that the names of the sweetening ingredients be printed in type of uniform style and size.

10. A comment pointed out that the requirement in § 30.1(d)(1) for the label declaration of optional ingredients did not include all of the ingredients referenced in § 30.1(b).

As revised in the final order, the requirement pertains to all optional ingredients used. The final order also requires label declaration of all optional ingredients used in maple, cane, and sorghum sirups. The change is consistent with the provisions of 21 CFR 3.88.

11. One comment interpreted § 30.1(d)(2) to mean that maple sirup and honey must each constitute not less than 10 percent of the finished food if both maple and honey are identified as the flavors of the sirup.

The Commissioner advises that this was not the intention. The requirement has been restated in the final order to provide that the 10-percent minimum applies to the total quantity of the two ingredients.

12. Two comments suggested that § 30.1(d)(3) be changed to exempt label declaration of the percentage of any sweetening ingredient represented as furnishing a significant organoleptic contribution to the table sirup when such sweetening ingredient is mentioned only in the name of the food or in the list of ingredients.

The Commissioner concludes that this standard should incorporate the principles of 21 CFR Part 102 as they pertain to the label declaration of any characterizing ingredient (sweetening ingredient or any other) whose proportion in the food has a material bearing on price or consumer acceptance. Accordingly, the final order now requires that the percentage of any such ingredient be decared as part of the name of the food if any representation of the ingredient is made on the label other than in the list of ingredients. It is common industry practice now to include percentages in the ingredients statements on the labels of table sirups. The action being taken in this standard would not preclude a continuation of the practice.

13. Section 30.1(d) (4) and (5) of the proposal prescribed the manner for declaring artificial coloring, artificial flavoring, and chemical preservatives on the label. These subparagraphs have been omitted from the final order because their provisions are now covered by paragraph (d)(1) of § 30.1 which has been changed in the final order to require that the common name of each optional ingredient used be declared on the label as required by 21 CFR Part 1.

14. A comment recommended that the species designations, saccharum M. and nigrum Michx F. be deleted from the source of maple sap specified in § 30.2 for maple sirup and that only the genus name Acer be retained. Grounds given were that, although maple sap is primarily harvested from the Acer saccharum M. and Acer igrum Michx F. species, other species may be harvested incidentally.

The Commissioner agrees with this recommendation and the final order has been changed accordingly.

15. One comment questioned the advisability of establishing a separate standard for cane sirup.

Since a substantial amount of cane sirup is consumed as such, the Commissioner concludes a standard for that food to be in the interest of consumers.

16. The proposed standard for cane sirup designated "ribbon cane sirup" as an alternative name for "cane sirup". Since ribbon cane is only one of several varieties of sugar canes, the Commissioner concludes that not all sugar cane sirups can properly be labeled "ribbon cane sirup". It has come to the Commissioner's attention that at this time the variety of cane known as "ribbon cane" is no longer grown in the United States nor is it imported. However, in certain geographic locations cane sirup other than ribbon cane has also been incorrectly labeled as "ribbon cane sirup". The Commissioner concludes that it would not be in the interest of consumers to provide for an alternative name that would misrepresent a food. Accordingly, such alternative name is not provided for in the final order.

17. One comment requested that the use of invertase and malt diastase be permitted as processing aids in sorghum sirup.

Since such enzymes serve useful functions in the manufacture of sorghum sirup, the Commissioner has no objection to the use of these or other safe and suitable anticrystallizing and antisolidifying agents and has provided for their optional use in § 30.4(b) (4), (5), and (6) of the final order.

18. A comment requested that, as an alternative to the name of the food standardized by § 30.4, the word "sorghum", unqualified, be permitted.

Since the word "sorghum", unqualified, has been used in the trade for a long time and is accepted by the consumer as an alternative for "sorghum sirup", § 30.4(c) has been revised in the final order to provide for both names.

19. Fifty-two comments requested more informative ingredient labeling so that people who have a need or desire to know of the presence of certain substances may be so informed. Many requested that the source of ingredients be declared, for example, whether the sucrose was prepared from cane or beets.

The Commissioner agrees that it is desirable to require the declaration of all optional ingredients by their common names. At this time there are no data to support a requirement of ingredient source declaration. The issue of the significance of source labeling to those persons who may have allergic or hypersensitive reactions to specific ingredients is being reviewed at the request of the Commissioner by Life Sciences Research Office, Federation of American Societies for Experimental Biology, Bethesda, MD. If data in support of a requirement to declare the source of ingredients become available after the establishment of this regulation, the Commissioner will propose to amend the standard.

20. One comment proposed that a daily limit be established for each food chemical and that the maximum amount permitted in each sirup be a certain percentage of the total daily limit.

The Commissioner considers that the requirement of 21 CFR Part 121 that substances generally recognized as safe (GRAS) be used in accordance with good manufacturing practice and that other

substances which are food additives be used in accordance with good additive regulations precludes use of excessive amounts of food chemicals and is sufficient to protect the public health. Any limitations on the use of food ingredients for safety reasons will be imposed under the food additive provisions of the law, not under food standards.

21. One comment recommended that table sirups be fortified with minerals and vitamins.

No evidence was received which would demonstrate that the addition of minerals and vitamins to table sirups is a nutritionally sound practice or otherwise in the interest of consumers. The Commissioner has no data indicating that the addition of minerals, vitamins, and protein to this food would make a significant contribution to the diet of the population in need. On that basis, he does not consider table sirup to be a reasonable carrier for added nutrients. The principles governing the addition of nutrients to foods are presented more fully in a notice of proposed rule making to establish general principles governing the addition of nutrients to foods, published elsewhere in this issue of the FEDERAL REGISTER.

22. The Commissioner concludes that the recipe requirements of food standards should be relaxed so as to permit the use of any safe and suitable ingredients that do not adversely affect the identity of the food. Instead of listing the permitted optional ingredients by name in the standards, the final order lists them, wherever practicable, by class. Such a listing will give the manufacturer a wider selection of ingredients. Hence, it will not be necessary, in many cases, to amend the standards to permit the use of additional safe and suitable optional ingredients when such ingredients are found to serve a useful purpose.

23. Two respondents suggested that, if label changes are required, ample time be granted for producers to exhaust present inventories of labels.

A number of current changes in regulations involves significant changes in label requirements. The Commissioner is aware of the cost attending : series of changes in labeling requirements appearing over a short period of time and that in all likelihood such costs would be passed on to consumers in the form of higher food prices. Accordingly, in the interest of the consumer and the food industry, he has set January 1, 1975, as the effective date for this order.

On the basis of the proposed standards, the comments received, and other relevant information available to him, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed standards with certain modifications as indicated.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Chapter I of Title 21, Code of Federal Regulations be amended by adding a new Part 30 as follows:

Sec.
30.1 Table sirup; identity; label statement of optional ingredients.
30.2 Maple sirup; identity; label statement of optional ingredients.
30.3 Cane sirup; identity; label statement of optional ingredients.
30.4 Sorghum sirup; identity; label statement of optional ingredients.

AUTHORITY: Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371).

§ 30.1 Table sirup; identity; label statement of optional ingredients.

(a) Table sirup is the liquid food consisting of one or more of the optional sweetening ingredients provided for in paragraph (b)(1) of this section. The food contains not less than 65 percent soluble sweetener solids by weight and is prepared with or without added water. It may contain one or more of the optional ingredients prescribed in paragraphs (b) (2) through (12) of this section. All ingredients from which the food is fabricated shall be safe and suitable. (Vitamins, minerals, and protein added for nutritional purposes and artificial sweeteners are not considered to be suitable ingredients for this food.)

(b) The optional ingredients that may be used in table sirup are:

(1) One or more of the nutritive carbohydrate sweeteners provided for in this paragraph (b)(1). When a sweetener provided for in paragraph (b)(1) (i) or (ii) of this section is used it shall constitute not less than 2 percent by weight of the finished food.

(i) The sirups identified by §§ 30.2, 30.3, and 30.4 except that the use of any such ingredient is so limited that the finished food does not meet the requirement prescribed for any sirup by §§ 30.2, 30.3, or 30.4.

(ii) Honey.

(iii) Other nutritive carbohydrate sweeteners.

(2) Butter, in an quantity not less than 2 percent by weight of the finished food.

(3) Edible fats and oils, except that, in products designated as "buttered sirups", butter as provided for in paragraph (b)(2) of this section is the only fat that may be used.

(4) Emulsifiers or stabilizers or both.

(5) Natural and artificial flavorings, either fruit or nonfruit, alone or in carriers.

(6) Color additives.

(7) Salt.

(8) Chemical preservatives.

(9) Viscosity adjusting agents.

(10) Acidifying, alkalizing, or buffering agents.

(11) Defoaming agents.

(12) Any other ingredient (e.g., shredded coconut, ground orange peel) that is not incompatible with other ingredients in the food.

(c) Except as provided for in this paragraph and in paragraph (d) (2) and (3) of this section, the name of the food is "table sirup", "sirup", "pancake sirup", "waffle sirup", "pancake and waffle sirup", or "------------ sirup", the blank being filled in with the word or words that designate the sweetening ingredient that characterizes the food, except "maple", "cane", or "sorghum" alone, such sirups being required to comply in all respects with §§ 30.2, 30.3, and 30.4, respectively, and in the case of more than one sweetening ingredient, in descending order of predominance by weight in the food. The type shall be of uniform style and size.

(1) When one of the sweeteners constitutes at least 80 percent of the total sweetener solids, the name of the food may be designated as the corresponding sirup, for example, "corn sirup", provided that the name is immediately and conspicuously followed, without intervening written, printed, or graphic matter, by the statement "with ------------" as part of the name, the blank being filled in with the name or names of each additional sweetening ingredient present, stated in a clear legible manner in letters of uniform style and size not less than one-half the height of, nor larger than, the letters used in the name of the principal sweetener.

(2) When butter is used, as provided for in paragraph (b)(2) of this section, the name of the food may be "buttered ------------", the blank being filled in with the name otherwise prescribed in this paragraph. The percentage by weight of butter present shall be declared as part of the name of the food as prescribed by Part 102 of this chapter.

(3) Alternatively, the word "sirup" may be spelled "syrup".

(d) (1) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

(2) A statement (other than in the ingredient listing) or a vignette identifying a flavor may be included on the label only if such flavor contributes the primary recognizable flavor that characterizes the sirup. When maple, honey, or both maple and honey are represented as the characterizing flavors, the total quantity of maple sirup or honey, singly, or of maple sirup and honey in combination, shall be not less than 10 percent by weight of the finished food. The presence of any natural or artificial flavor in the food shall be declared on the label as prescribed by the applicable sections of Part 1 of this chapter.

(3) The percentage of any optional ingredient used shall be declared as part of the name of the food as prescribed by Part 102 of this chapter when all of the following conditions apply to the use of the ingredient:

(i) It is one of the characterizing ingredients permitted by paragraph (b)(1) (i) and (ii) of this section.

(ii) The ingredient is either named on the label other than in the list of ingredients or is suggested by vignette or other labeling.

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§ 30.2 Maple sirup; identity; label statement of optional ingredients.

(a) Maple sirup is the liquid food derived by concentration and heat treatment of the sap of the maple tree (Acer) or by solution in water of maple sugar (maple concrete) made from such sap. It contains not less than 66 percent by weight of soluble solids derived solely from such sap. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in maple sirup are:

(1) Salt.

(2) Chemical preservatives.

(3) Defoaming agents.

(c) The name of the food is "maple sirup". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 30.3 Cane sirup; identity; label statement of optional ingredients.

(a) Cane sirup is the liquid food derived by concentration and heat treatment of the juice of sugarcane (Saccharum officinarum L.) or by solution in water of sugarcane concrete made from such juice. It contains not less than 74 percent by weight of soluble solids derived solely from such juice. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in cane sirup are:

(1) Salt.

(2) Preservatives.

(3) Defoaming agents.

(c) The name of the food is "cane sirup". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 30.4 Sorghum sirup; identity; label statement of optional ingredients.

(a) Sorghum sirup is the liquid food derived by concentration and heat treatment of the juice of sorghum cane (sorgos) (Sorghum vulgare). It contains not less than 74 percent by weight of soluble solids derived solely from such juice. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in sorghum sirup are:

(1) Salt.

(2) Chemical preservatives.

(3) Defoaming agents.

(4) Enzymes.

(5) Anticrystallizing agents.

(6) Antisolidifying agents.

(c) The name of the food is "sorghum sirup" or "sorghum". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order shall begin on January 1, 1975, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the Federal Register.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371))

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74-13481 Filed 6-13-74;8:45 am]

PART 53—TOMATO PRODUCTS

Tomato Juice; Amendment of Identity Standard

In the Federal Register of March 25, 1974 (39 FR 11095), the Commissioner of Food and Drugs issued a proposal submitted by Del Monte Corp., 215 Fremont St., P.O. Box 3575, San Francisco, CA 94119, to amend the tomato juice identity standard (21 CFR 53.1) to provide for the optional use of ascorbic acid (vitamin C) in such quantity that the total vitamin C in each 6 fluid ounces of finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C.

A total of 21 comments was received in response to the proposal. Eight consumers, a tomato juice manufacturer, an ingredient manufacturer, and a State official favored the proposal while five consumers, a tomato juice manufacturer, a citrus growers' association, a supermarket chain, and a professor of nutritional physiology opposed the proposal. One fruit juice beverage manufacturer favored the addition of vitamin C to tomato juice with qualifications. The points raised by the comments and the Commissioner's conclusions are as follows:

1. The five consumers who opposed the addition of vitamin C to tomato juice commented that (a) such a change would deprive the public of an opportunity to purchase and consume tomato juice which does not contain added vitamin C, (b) they prefer to have their tomato juice in its natural state, and (c) the addition of vitamin C would add to the cost of the tomato juice.

The Commissioner points out that the proposal does not require a manufacturer of tomato juice to add vitamin C but provides him with the choice of either adding it or not adding it. Consumers would therefore have freedom of choice between a vitamin C fortified or nonfortified product in the marketplace. It is estimated that the cost of the additive alone when purchased in bulk quantities is less than 1/10 cent per 60 milligrams, the amount which would be used to fortify a 6 fluid-ounce serving. Consequently, the amount of ascorbic acid that would be added to tomato juice should not materially affect the cost of the product.

2. The Citrus Growers Association opposed the proposal on the grounds that (a) the petitioner wishes to fortify tomato juice for strictly competitive reasons and to gain a bigger share of the juice market and (b) this share is partially gained by the use of an added substance which is naturally present in the same amount in orange juice.

The Commissioner concludes that, while the market availability of a tomato juice product containing an amount of vitamin C equivalent to orange juice presents competition to the producers of orange juice, this is not a proper factor to consider in determining whether the product should be enriched with vitamin C. The Commissioner's decision on this matter is based solely upon determinations relating to public health and nutrition. Tomato juice is used primarily as a breakfast beverage. Breakfast beverages constitute the major source of vitamin C in the daily diet of most people. The "USDA Household Food Consumption Survey 1965–1966" indicates that only about 30 to 58 percent of the recommended dietary allowance of vitamin C is obtained from all other food sources combined. It is therefore important from the standpoint of public health and nutrition that all foods of this class be interchangeable in terms of this important nutrient.

The Commissioner had earlier contracted with the National Academy of Sciences/National Research Council for assistance in identifying and defining the important classes of foods for which nutritional quality guidelines should be established and in providing proposed

nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for ascorbic acid fortified vegetable juices, fruit juices, fruit drinks, and imitation fruit-flavored drinks reflect the fact that some conventional vegetable and fruit juices are major sources of vitamin C in the diet, and that other such products which are not naturally good sources of the vitamin, and many flavored beverages, have been fortified with vitamin C at various levels. The recommendations are intended to assure the consumer that when vitamin C is added to such a product, it will provide a nutritionally adequate level of the vitamin but will not be in excess of nutritional requirements. The NAS/NRC Committee recommended a minimum supplement level of 50 mg per 6 fluid-ounce serving (or equivalent) and a maximum supplement level of 65 mg per 6 fluid-ounce serving (or equivalent). These values represent the mean Recommended Daily Allowance and an average ascorbic acid content of citrus juices, respectively. However, in a proposal to establish nutritional quality guidelines for breakfast beverage products published elsewhere in this issue of the Federal Register, the Commissioner is of the opinion that one level, consistent with the newly established U.S. RDA (60 mg), should be proposed. The Commissioner is also of the opinion that there is no justification for establishing an upper limit beyond 60 mg per average serving (6 fl. oz.) since this level of fortification is essentially the same as occurs naturally in various citrus juices, which are among the richest sources of the vitamin, and since there is no known nutritional significance to supplemental intakes beyond this level. A copy of the NAS/NRC Committee report is on public display in the office of the Hearing Clerk.

3. The Citrus Growers Association commented that the citrus industry is supporting medical research on the physiological value of naturally occurring vitamin C, and that it expects the data to show an increased benefit over ascorbic acid, the form of the vitamin proposed for addition. On the basis of this expectation, the Association believes that "vitamin C," when added as ascorbic acid, should be described in labeling as "synthetic" or should be exclusively termed "ascorbic acid."

The Association's contention that there may be a difference in biological value activity between naturally occurring vitamin C and ascorbic acid is not supported by scientific evidence at this time. It is noted that finding of fact number 26, relating to the public hearings on foods for special dietary use, published in the Federal Register of August 2, 1973 (38 FR 20708) states "there is no nutritional difference between a vitamin provided by a synthetic source and the same vitamin provided by a natural source, but the natural source may contain other ingredients which may limit the absorbability of the vitamin provided by the natural source." Consequently, until it can be demonstrated by reliable scientific data that there is a nutritional difference between added ascorbic acid and ascorbic acid occurring naturally in orange juice, the Commissioner has no reason to require that products containing the former be labeled differently from those containing the naturally occurring form of the vitamin.

4. The supermarket food chain opposed the proposal on the ground that the indiscriminate fortification of natural foods will inevitably lead to a numbers race with products being fortified to meet the nutrient level of another product for no good reason.

Although the Food and Drug Administration has not proposed nutritional quality guidelines for all foods, it has established general principles for setting such guidelines for classes of foods (21 CFR 100.1). Elsewhere in this issue of the Federal Register, the Commissioner is proposing amendments to the nutrition guideline regulations which set forth in detail the circumstances under which nutrients may be added to foods. This final order meets the principles contained in that proposal.

The Commissioner concludes that, in view of the NAS/NRC Committee recommendation for addition of ascorbic acid to vegetable juices, fruit juices, fruit drinks and imitation fruit-flavored drinks, it would not be reasonable to prohibit a food which is a natural source of vitamin C from further enrichment to provide a nutritionally adequate amount of the vitamin per serving. The Commissioner also notes that the present nutrition labeling regulations (21 CFR 1.17 and 80.1) include provisions that set maximum limits which may be claimed for added nutrients as well as permit only the use of nutrients which have been shown to be essential to human nutrition.

5. The comment from the nutritional physiologist stated that, whereas he is in favor of tomato juice assuring a given quantity of vitamin C, it is difficult to justify on the basis of citrus products or breakfast use the addition of vitamin C at 100 percent of the U.S. RDA. He commented that tomato juice is as important a source of vitamin A as it is vitamin C, and suggested that the vitamin A level as well as other nutrients normally found in tomato juice at levels greater than 2 percent U.S. RDA should be restored.

The Commissioner concludes that the high level of vitamin C is justified for the reasons set forth above. The question of restoring all nutrients in tomato juice to their natural levels is a concept that would entail considerable study and goes beyond the scope of the published proposal. Vitamin A is available naturally and as an added nutrient in a much greater variety of foods than is vitamin C. Consequently, consumers may satisfy their required daily intake of vitamin A more readily than such intake of vitamin C.

6. The fruit juice beverage manufacturer that endorsed the proposal with a qualification expressed concern that the proposed amendment in question, if promulgated, would result in further discrimination against processors of other standardized and nonstandardized beverages which are now prohibited from adding a similar quantity of vitamin C by reason of the provisions of 21 CFR 80.1.

The Commissioner points out that paragraph (b) of the final order sets forth the requirement that tomato juice shall be labeled in accordance with the applicable sections of 21 CFR Part 1. Consequently, if vitamin C is added to the tomato juice, the food is subject to the same labeling requirements of 21 CFR 1.17 that a nonstandardized food would be if it contained vitamin C in the same quantity as proposed in this amendment. The proposal to establish a nutritional quality guideline for breakfast beverages, published elsewhere in this issue of the Federal Register, proposes an exemption for breakfast beverage products from the restriction in 21 CFR 1.17 limiting the addition of vitamin C to less than 50 percent of the U.S. RDA per serving. Therefore, the Commissioner cannot agree that this proposal will discriminate against processors of other standardized and nonstandardized foods.

7. The proposal stated that the ascorbic acid may be added in such a quantity that the total vitamin C in each 6 fluid-ounce serving of the finished food amounts to 10 percent of the U.S. RDA for vitamin C (60 mg). In order to use language consistent with that set forth in the proposal to establish a nutritional quality guideline for breakfast beverage products, the Commissioner has revised the vitamin C statement above to read: "* * * the total vitamin C in each fluid ounce of the finished food is 10 milligrams * * *." This is an editorial revision and does not change the proposal in regard to the amount of ascorbic acid that may be added to tomato juice.

8. It was brought to the Commissioner's attention that the proposal failed to provide for a method of analysis for determining the amount of ascorbic acid present in tomato juice.

This was an oversight and such a method has been included in this document.

9. Elsewhere in this issue of the Federal Register, the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortified" and "enriched" are defined. That proposal specifics that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). For tomato juice which conforms to the standard and is "enriched" according to the definition contained in that proposal; use of

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the statement "enriched with vitamin C" is proper when vitamin C is added at levels prescribed by the standard.

Accordingly, after careful consideration of the comments received, the information submitted by the petitioner, and other relevant information, including the recommendations submitted under contract to the Food and Drug Administration by the Committee on Food Standards and Fortification Policy, Food and Nutrition Board of the National Academy of Sciences/National Research Council, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for tomato juice (21 CFR 53.1) to provide for the optional addition of ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each fluid ounce of the finished food is 10 milligrams.

Therfore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 53 be amended by revising § 53.1 to read as follows:

§ 53.1 Tomato juice; identity; label statement of optional ingredients.

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid in a quantity such that the total vitamin C in each fluid once of the finished food is 10 milligrams as determined by the method prescribed in sections 39.051–39.055 of the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th ed., 1970, pp. 777–778, under "Vitamin C (Ascorbic Acid) Official Final Action".[1]

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter. Tomato juice to which vitamin C has been added may bear on its label the statement "Enriched with Vitamin C" in accordance with § 100.1 of this chapter or "with added vitamin C" or a similar statement.

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 13, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1058, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13483 Filed 6-13-74;8:45 am]

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[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Use of International Units for Vitamins A and D; Confirmation of Effective Date of Order

In the FEDERAL REGISTER of February 12, 1974 (39 FR 5313), a final order was published which amended § 125.5(c)(5) (21 CFR 125.5(c)(5)) of Part 125 by inserting "International Units" in place of "U.S.P. Units" as the units of measurement for vitamins A and D. The order provided for the filing of objections on or before March 14, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat., 1047–1048, 1055–1056, as amended; 21 U.S.C. 343, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections to the order were filed. Therefore, the amendment promulgated by the subject order became effective on March 14, 1974.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13482 Filed 6-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3]

MULTIUNIT AND MULTICOMPONENT FOOD PACKAGES

Proposed Exemptions From Required Label Statements

The Commissioner has received a petition from The National Association of Margarine Manufcturers requesting that the labeling of ingredients on the wrapper of a subdivision of oleomargarine or margarine be optional when such subdivision does not constitute a separate unit for retail sale.

The petition is available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has considered the petition and agrees that an exemption from label requirements for a statement of ingredients should be granted for the wrapper on a subdivision of oleomargarine or margarine where the subdivision does not constitute a separate unit of retail sale. However, the Commissioner recognizes that such an exemption should also apply to other foods packaged in a like manner, including foods in multicomponent retail packages and other multiunit retail packages.

Accordingly, by amending § 1.1c (21 CFR 1.1c), the Commissioner proposes to exempt unit containers in a multiunit or multicomponent retail food package from the requirement for label declaration of ingredients, provided that the outside of the retail package is properly labeled and the unit containers do not constitute separate units for retail sale. Similarly, it is proposed that § 3.17(i) (21 CFR 3.17(i)) be amended to conform with § 1.1c and to exempt the wrappers on the subdivisions of oleomargarine or margarine contained within the packages sold at retail from the requirement for label declaration of ingredients, provided the packages sold at retail are properly labeled and the subdivisions do not constitute separate units for retail sale. Since reference to special dietary use was deleted from § 45.1(b)(2)(v) in an order published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6968), the same reference is being deleted from the proposed revision of § 3.17(d) and (i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 407, 701(a), 52 Stat. 1047–1048, 1055, 64 Stat. 20; 21 U.S.C. 343, 347, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21, Code of Federal Regulations be amended as follows:

1. In Part 1 by adding new paragraph (a)(14) to § 1.1c as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) * * *

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403 (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of ingredients when the multiunit or multicomponent retail food package labeling meets all the requirements of this part and the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale.

* * * * *

2. In Part 3 by revising paragraphs (d) and (i) of § 3.17 to read as follows:

§ 3.17 Labeling of oleomargarine or margarine.

* * * * *

(d) All oleomargarine or margarine containing the optional ingredients vitamin A, vitamin D, or both is subject to the provisions of § 1.17 of this chapter.

* * * * *

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201 (k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug and Cosmetic Act, just as in the case of 1-pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from the requirement for label declaration of ingredients when the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the petition and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13477 Filed 6-13-74;8:45 am]

[21 CFR Parts 1, 10, 102]

UNIFORM METHOD OF DECLARING THE PERCENTAGE OF AN INGREDIENT IN FOODS

Proposed Percentage Labeling Requirements

The Commissioner of Food and Drugs has received a petition submitted on behalf of Giant Foods, Inc., proposing to amend 21 CFR 102.1 to provide a uniform system of percentage ingredient labeling of a product whenever percentage ingredient labeling is used. The statement of grounds and the requested revision of § 102.1 are as follows:

Giant Foods, a Washington-based grocery chain, is concerned with the right and ability of the consumer to be informed about the food products that are purchased. In 1971, a committee of consumer and industry representatives was organized to consider a percentage ingredient labeling program and as a result of the committee's efforts, Giant Food has voluntarily begun to label eight of its own brand products with percentage information.

Giant Foods would like to proceed with this program and to give the consumer percentage information on a greater variety of its own products. However, Giant is concerned that the Food and Drug Administration regulations on percentage labeling are being promulgated on a product-by-product basis. Waiting for common or usual names to be promulgated by the Food and Drug Administration, Giant has not been able to move ahead with their program in fear that the FDA might later propose regulations that would make their new labels obsolete.

Giant Foods proposes that in the interest of consumers, percentage labeling requirements should be on a voluntary/mandatory system analogous to the present nutrition labeling program. Consequently, Giant Foods respectfully proposes, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 and 701(a)), that regulations establishing requirements for the promulgation of common or usual names and mandatory/voluntary percentage of ingredient labeling be adopted by the Food and Drug Administration in the following format:

§ 102.1a Common or usual names for nonstandardized foods.

(a) The common or usual name of a food, which may be a coined term shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the proportion of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is actually the case, the requirements of § 102.1(b) shall apply.

(c) A common or usual name of a food may be established by common usage or by establishment of a regulation in Subpart B of this part, in Part 100, in a standard of identity, or in other regulations in this chapter.

§ 102.1b Percentage ingredient labeling.

(a) Percentage ingredient labeling relating to any food may be included on the label and in the labeling of a product: *Provided*, That it conforms to the requirements of this section. Except, whenever the Secretary promulgates a common or usual name for a product, such product will be required to contain percentage ingredient labeling in accordance with the requirements of this section.

(b) The percentage of a characterizing ingredient of component shall be declared on

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the basis of its quantity in the finished product (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids.)

(c) A characterizing ingredient is any component of a food product (1) in which the proportion in the food has a material bearing on the price or consumer acceptance, (2) which a consumer might otherwise believe to be present in an amount greater than is actually the case, or (3) which is stated or implied in the name of the food. A characterizing ingredient does not include flavorings which must be declared in accordance with the provisions of § 1.12 of this chapter.

The declaration of the percentage of a characterizing ingredient must accurately express the amount of the ingredient contained in the food. Reasonable excesses over labeled amounts are acceptable within the limits of good manufacturing practice.

(d) The percentage of each characterizing ingredient or component shall be declared by the words "containing (or contains) ---- percent (or %) ----" or "---- percent (or %) ----" with the first blank filled in with the percentage expressed as a whole number not greater than the actual percentage of the ingredient or component named and the second blank filled in with the common or usual name of the ingredient or component. The word "containing" (or "contains"), when used, shall appear on a line immediately below the name of the food in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(1) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(2) Not less than one-half the height of the largest type appearing in the part of the common or usual name of the food required by paragraph (a) of this section.

(e) Percentage ingredient labeling shall include a statement of the presence or absence of any characterizing ingredient(s) or component(s) and/or the need for the user to add any characterizing ingredient(s) or component(s) when the presence or absence of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present when it is not, and consumers may otherwise be misled about the presence or absence of the ingredient(s) or component(s) in the food. The following requirements shall apply:

(1) The presence or absence of a characterizing ingredient or component shall be declared by the words "containing (or contains) ----", "containing (or contains) no ----" or "no ----", or "does not contain ----", with the blank being filled in with the common or usual name of the ingredient or component.

(2) The need for the user of a food to add any characterizing ingredient(s) or component(s) shall be declared by an appropriate informative statement.

(3) The statement(s) required under paragraph (e) (1) and/or (2) of this section shall appear following or directly below the part of the name of the food in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the alternatives established under paragraph (d) (1) and (2) of this section.

(f) A label which contains percentage of ingredient listings in accordance with this regulation shall list on the label in descending order of their predominance all of the ingredients contained in the product.

(1) Whenever a percentage of ingredient listing appears on the main display panel, that percentage shall also be listed in parentheses following the ingredient name on the full ingredient list.

(2) The percentages of any of the ingredients other than the characterizing ingredient(s) may be listed in parentheses following the name of the ingredients on the full ingredient list.

(g) If the principal display panel of a food is too small to accommodate all mandatory requirements of this section, the Commissioner may establish by regulation an acceptable alternative for placement of the required information, (e.g., a smaller type size). A petition requesting such a regulation, which would amend the applicable regulation, shall be submitted to the office of the Hearing Clerk in the form set forth in § 2.65 of this chapter.

The Commissioner is in basic agreement with the suggestion that a uniform method of declaring the percentage of characterizing ingredients and other ingredients in a food would be helpful to consumers by preventing confusion and deception that could be engendered by the use of various different methods of declaration on different food labels. A uniform label placement of percentage declaration would also be helpful to the food industry by assuring that such declaration will be regarded as proper. This does not, however, preclude the possibility of establishing a regulation under Part 102 at some time in the future which would set forth other requirements for a specific food.

The Commissioner proposes to accomplish the objectives of the petition by modification of existing regulations but not as proposed by the petitioner. These modifications would establish the manner in which the percentage declaration of an ingredient will be placed in the ingredient statement when such declaration is used, and would require percentage declaration as part of the common or usual name of the food if such percentage declaration is used other than in the ingredient statement. These regulations will also be applicable to standardized foods if a percentage declaration is given that is not required by an applicable standard or is used in advertising or promoting a standardized food.

The proposed regulation provides only for the voluntary placement of percentage declaration on the label and is intended to pertain only to the percentage of the ingredient contained in the food as purchased by the consumer or, in the case of foods that must be reconstituted before use, on the basis of the percentage in the reconstituted food (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids). It is apparent that if any other basis is used it would be necessary to qualify the percentage declaration explaining the basis used in its determination in order for the percentage declaration to be meaningful, fully informative, and useful for value comparison of products.

Since the proposed regulation does not specify requirements for the basis of expressing percentage declaration on the label, it is entirely possible that such declaration without qualification would be misleading or deceptive to the consumer. For example, the percentage of a dried ingredient used in a product that is sold to the consumer for use as a soup or other food that is not dried when consumed could be included in the ingredient statement on the basis of the formula weight of the dried ingredient, or on the rehydrated formula weight of the ingredient. Further, the weight of the food used in the percentage declaration could be expressed in terms of the formula, the finished food, or some food that the consumer prepares from the product purchased. The proposed regulation does not prohibit any of the possibilities for expressing the percentage declaration providing it is truthful and not misleading.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 701, 52 Stat. 1041 as amended, 1046–1048, 1055 as amended; 21 U.S.C. 321, 341, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. By adding the following sentences to the end of § 1.10(e):

§ 1.10 Food; labeling; designation of ingredients.

* * * * *

(e) * * * If the percentage of any ingredient is included in the statement of ingredients, it shall be shown in parentheses following the name of the ingredient. When a percentage declaration is included in the ingredient statement, it shall not be misleading and shall be truthful in all respects.

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

2. By adding the following new section to Part 10:

§ 10.8 Voluntary listing of percentage of ingredients of standardized foods.

(a) When the label of a standardized food is not required by the applicable standard to bear a percentage declaration of one or more ingredients in a statement of ingredients but does bear such a declaration, the percentage declaration shall be stated in accordance with the requirements of § 1.10(e) of this chapter.

(b) When the label or labeling or advertising of a standardized food bears a declaration of the percentage of a characterizing ingredient, other than in the ingredient statement as provided for in paragraph (a) of this section, and such declaration is not required by the applicable standard, such percentage declaration shall be declared in the manner set forth in § 102.1(b) of this chapter.

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

3. By adding the following new paragraph (b)(3) to § 102.1:

§ 102.1 General principles.

* * * * *

(b) * * *

(3) When the percentage of a characterizing ingredient is stated on the label or in labeling or advertising, other than as a percentage of a particular ingredient in a complete statement of ingredients as provided in § 1.10(e) and § 10.8(a) of this chapter, it shall be declared on the label as part of the common or usual name of the food in accordance with the provisions of this paragraph.

* * * * *

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13468 Filed 6–3–74;8:45 am]

[21 CFR Parts 1, 101]

NUTRITION LABELING

Proposed Serving and Portion Sizes and Daily Consumption Amounts

Section 1.17(b) of this chapter (21 CFR 1.17(b)) requires that nutrition information in the labeling of a food be declared in relation to the average or usual serving or, where the food is customarily not consumed directly, in relation to the average or usual portion. Nutrition information may also be declared on the basis of the amount of the food consumed on a daily basis.

In the preamble to the nutrition labeling regulation published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125, 2130), the Commissioner of Food and Drugs stated, "Where there are no established reasonable standard serving sizes, the Commissioner intends establishing such reasonable standard serving sizes." Subsequently, he advised in paragraph 17 of the preamble to the revision of that regulation, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6953), that " * * * it is incumbent upon industry and consumers to work together to devise uniform serving and portion sizes." The Commissioner stated, "If this does not materialize, the Commissioner will establish a procedure for adopting uniform serving and portion sizes that will be applicable to all foods."

Uniform and reasonable serving sizes are essential since nutrition labeling statements based on unreasonably large quantities per serving give an inflated idea of nutrient content and confuse consumers, and lack of uniform serving sizes among products in the same class of food makes comparison impossible. A recent survey of current product labels providing nutrition information conducted by the Food and Drug Administration demonstrates, however, that the serving and portion sizes used are in many cases not reasonable or not uniform within a product class.

In some cases the reasonableness of the serving size being used is dubious because it is larger than the serving size recommended prior to use of nutrition labeling. Since a larger serving size permits declaration of more nutrients, there is an obvious temptation to increase it. While a diversity of serving sizes exists in the marketplace, the Commissioner is aware that there is an effort to establish the serving size for canned vegetables, such as green beans, peas, and tomatoes, at 1 cup (8 ounces). For many years prior to nutrition labeling, the standard serving size usually used in labeling was ½ cup. Comments are now being received from consumers and dietitians that this is larger than the amount that would normally be consumed by an individual. Prior to nutrition labeling, the recommendation was 4 servings per pound or 3–4 servings for a pound or 1.1-pound package. Thus, the recommended serving has approximately doubled in size since the advent of nutrition labeling.

The same serving enlargement is seen in the labeling of canned fruit. Prior to nutrition labeling, canned fruit, such as pears and peaches, was labeled as containing 3–4 servings per 1- or 1.1-pound can, or in at least one instance, 5–7 servings in a can containing 1 pound, 14 ounces. Now the serving seems generally to be 1 cup (8 ounces), again an approximate doubling of the serving size. Here again, comments are being received that this is an unrealistically large amount for individual consumption.

Fruit juice has experienced a similar increase in suggested serving size. Prior to nutrition labeling, the recommended serving was customarily 6 ounces. Labels of fruit drink using nutrition labeling now generally use an 8-ounce serving. In contrast, the serving size of some brands of orange drink is presently 4 ounces.

The survey disclosed that labels on other products are suggesting serving sizes that seem to be unreasonably large. One brand of frozen peas establishes a serving of 6⅔ ounces for the purposes of nutrition information, providing 1½ servings per package, and, as if to concede the excessive size of the stated serving, also indicates that there are four 2½-ounce servings in the package. A different brand of frozen peas and carrot points in cream sauce establishes an 8-ounce serving for nutrition labeling but adds that the package also provides four 2½-ounce servings. Comparable frozen vegetables not labeled with nutrition information have been found, in one case, to recommend a ½-cup serving and, in another case, to recommend a 3.3-ounce serving. Servings for canned tuna also appear to be unreasonably large since they are set at 6½ or 7 ounces.

Canned tuna labeling, which establishes a serving sometimes at 6½ and sometimes at 7 ounces, also points up the problem of nonuniform labeling within a product class, making comparison difficult. Another example of the lack of uniformity is in the labeling of vegetable juice. One brand of tomato juice currently states its serving size to be 8 ounces, while a different brand of vegetable juice sets its serving at 6 ounces.

Samples of representative labeling illustrating these problems are on display in the office of the Hearing Clerk.

Because of the industry's failure in many cases to establish reasonable and uniform serving sizes, the Commissioner is publishing a proposal to establish a procedure for prescribing appropriate servings and portions for use with nutrition labeling. The proposal also contains a procedure whereby interested persons may petition the Commissioner to establish an appropriate serving or portion.

The Commissioner notes that some of the present labeling confusion may be the result of an erroneous interpretation of the term "portion." Although portion size is intended to be used as a basis for nutrition labeling only for foods not eaten directly but eaten only as an ingredient of other foods, the term is being used improperly for such foods as canned peaches, canned green beans, canned peas, canned pears, canned tuna, and wieners. These foods are obviously eaten alone frequently, and a statement of the serving size rather than a portion size is therefore required. Although a portion is numerically the same as would be a serving of the food, since a portion expresses the amount of the ingredient present in a serving of the food of which it is an ingredient, the use of the term should be restricted as the regulation requires in order to avoid consumer confusion.

The Commissioner therefore proposes to amend § 1.17 to clarify this distinction.

The proposal also establishes serving sizes for several foods. Serving sizes for noncarbonated breakfast beverage products, hot and cold cereal, and formulated meal replacements are established at the same amounts as in the nutritional quality guidelines for those foods published elsewhere in this issue of the FEDERAL REGISTER. A serving size is established for fluid milk beverages at 8 ounces, the amount in a normal beverage glass, and a daily consumption amount at 1 quart, both of which have been standardized by the industry.

The Commissioner has not yet determined the appropriate serving sizes for the other foods discussed in this preamble, i.e., canned and frozen fruits and vegetables, and canned tuna. Trade associations may wish to consider petitions to establish reasonable serving sizes for such foods pursuant to the provisions of this proposal. If divergent serving sizes continue to be used in the marketplace and such petitions are not filed, the Commissioner will propose serving sizes for these foods on his own initiative.

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Pertinent data and information in support of this proposal are on public display in the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter 1 of Title 21 of the Code of Federal Regulations as follows:

1. In Part 1 by revising the introductory text of paragraph (b) and paragraph (b)(1) of § 1.17 to read as follows:

§ 1.17 Food; nutrition labeling.

* * * * *

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving or, where food is customarily not consumed directly, in relation to the average or usual portion. The serving or portion size used shall be that established in Part 101 of this chapter or, if one is not so established in that part for the food, shall be determined in accordance with the provisions of this paragraph. Another column of figures may be used to declare the nutrient quantities in relation to the average or usual amount consumed on a daily basis, in the same format required in paragraph (c) of this section for the serving (portion), where reliable data have established that the food is customarily consumed more than once during the day and the average or usual amount so consumed.

(1) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. The term "portion" means the amount of a food customarily used in a serving of a meal component of which it is an ingredient. A label statement regarding a serving (portion) shall be in terms of a convenient unit of measure that can be easily identified as an average or usual serving (portion) and can be readily understood by purchasers of such food, e.g., a serving (portion) may be expressed in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls.

* * * * *

2. In Subchapter B by adding a new Part 101 to consist initially of the following:

PART 101—SERVING AND PORTION SIZES AND DAILY CONSUMPTION AMOUNTS

Subpart A—General

Sec.
101.1 General principles.
101.2 Petitions.

Subpart B—Serving and Portion Sizes and Daily Consumption Amounts

101.20 Noncarbonated breakfast beverage products.
101.21 Formulated meal replacements.
101.22 Ready-to-eat breakfast cereal.
101.23 Hot breakfast cereal.
101.24 Fluid milk beverages.

Authority: Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)).

Subpart A—General

§ 101.1 General principles.

General principles governing the establishment of a serving or portion size or an amount consumed on a daily basis for a food under Subpart B of this part are as follows:

(a) A serving size shall identify that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, except as provided in paragraph (c) of this section.

(b) A portion size shall be established only for a food customarily used only as an ingredient in other foods. A portion size shall identify that amount of the food customarily used in a serving, as defined in this section, of the meal component of which it is an ingredient.

(c) A serving size or portion size for an infant or child under 4 years of age shall be based on that reasonable quantity of food suited for or practicable of consumption as part of a meal by an infant or child under 4 years of age. Such a serving size or portion size shall be used only when the article of food purports or is represented to be for consumption by an infant or child under 4 years of age.

(d) Any serving size or portion size established shall be in terms of a convenient unit of the food or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood by purchasers of such food, e.g., a serving (portion) may be established in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls.

(e) An amount of a food consumed on a daily basis shall be based upon reliable data which establish that the food is customarily consumed more than once during the day and the average or usual amount so consumed.

§ 101.2 Petitions.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish or amend, under Subpart B of this part, a regulation prescribing a serving size or portion size for a food. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds for the proposed regulation.

Subpart B—Serving and Portion Sizes and Daily Consumption Amounts

§ 101.20 Noncarbonated breakfast beverage products.

The serving size of a noncarbonated breakfast beverage product shall be 6 fluid ounces, except that the serving size for infants and children under 4 years of age shall be 4 fluid ounces.

§ 101.21 Formulated meal replacements.

The serving size of a formulated meal replacement shall be the amount that, when finally constituted for consumption, is intended to replace a single meal.

§ 101.22 Ready-to-eat breakfast cereal.

The serving size of ready-to-eat breakfast cereal shall be 1 ounce, except that a serving for a single service container shall be the amount in the container. A serving of milk with ready-to-eat breakfast cereal shall be 4 fluid ounces.

§ 101.23 Hot breakfast cereal.

The serving size of hot breakfast cereal shall be 1 ounce, dry, uncooked form (15 percent moisture).

§ 101.24 Fluid milk beverages.

The serving size of a fluid milk beverage shall be 8 fluid ounces. The amount of a fluid milk beverage consumed on a daily basis shall be 1 quart.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the petition and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74–13473 Filed 6–13–74;8:45 am]

[21 CFR Parts 1, 102]

FOOD LABELING; LABEL DECLARATION OF INGREDIENTS; MISLEADING VIGNETTES; COMMON OR USUAL NAME FOR FOOD

Proposed Requirements

The Commissioner of Food and Drugs has recently amended several food labeling regulations and has published proposals for additional amendments. Some of the new regulations contain provisions relating to specific designated foods that should properly be made applicable to all food. In order to clarify food labeling requirements and minimize the potential for conflicting food labeling regulations, the Commissioner is proposing revision of and addition to existing food labeling regulations as specified in this notice.

Label Declaration of Ingredients

In some cases it has been established that differences in various forms of an ingredient (e.g., liquid, concentrated, dried, or frozen) do not result in any change in the allergenic potential of, or any detectable difference in, the finished food. On this basis, recent amendments to standards of identity have provided for label declaration of various forms of certain ingredients by use of a single class name. For example, certain standards of identity for cheese products were amended in the Federal Register of April 23, 1973 (38 FR 9996), to allow milk, concentrated milk, and dried milk to be designated on the label as "milk".

The Commissioner is therefore proposing revision of § 1.10 (21 CFR 1.10) to provide for the same manner of label declaration of such ingredients for nonstandardized as well as standardized food. This is consistent with Food and Drug Administration policy that all food, whether standardized or nonstandardized, should be subject to the same labeling requirements.

The listing of groups of ingredients in the regulation that may be declared by single class names is not intended to be a complete listing of all such groups. Comments on this proposal should be limited to the proposed designations since the list will not be expanded at the final order stage. Any additions to the list will be accomplished by separate proposals to amend the regulation and therefore are more appropriately the subject of petitions rather than comments on this proposal.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may propose amendments to the provisions of § 1.10 specifying the manner or alternatives by which an ingredient shall be declared (i.e., specific or class name). Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of the regulations (21 CFR 2.65) and will be published for comment if it contains reasonable grounds for the proposed amendment.

Percentage of Characterizing Ingredients

The present § 1.10(d), as amended in the Federal Register of March 14, 1973 (38 FR 6966), provides that: "A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter."

The Commissioner proposes that, since this provision is applicable to the requirements for a statement of identity, it should be transferred to § 1.8 of the regulations.

Label Declaration of Standardized Food Ingredients

The existing requirements concerning label declaration of ingredients in § 1.10 (a) provide that: "If an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by regulations under section 401 of the act, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient." Since the Food and Drug Administration is now moving toward full label declaration of all optional ingredients in standardized foods, this regulation needs revision.

The Commissioner therefore proposes to amend § 1.10 to provide that this label information may be presented on the label by either of the following alternatives: (1) By declaring the optional ingredients of the standardized food parenthetically after the name of the standardized food, or (2) by declaring the ingredients of the standardized food in their own order of predominance in the finished food, in which case the mandatory ingredients of the standardized food must also be declared. For example, macaroni used as an ingredient in another food may be declared in its order of predominance as "macaroni (seasoned with onions and celery, disodium phosphate added for quick cooking)", or all ingredients used to make the macaroni may be declared in their order of predominance in the finished food. Where future modifications of standards are promulgated to require label declaration of additional optional ingredients, or mandatory ingredients, the proposed revision of § 1.10 would, without further modification, also require label declaration of these ingredients regardless of which alternative manner of label declaration of ingredient is used.

In addition to the provisions concerning the label declaration of ingredients in standardized food, it is proposed that ingredients of foods for which there are USDA meat and poultry standards or for which common or usual names are established in 21 CFR Part 102 may be declared in the same manner, except that the provision with respect to nondeclaration of mandatory ingredients in the case of standardized foods is not applicable for USDA standards and common or usual names established under Part 102.

Breakfast Sirups

A proposal was published in the Federal Register of October 2, 1970 (35 FR 15403), to establish a standard of identity for table sirups. A final regulation, which will govern the labeling of these foods, is published elsewhere in this issue of the Federal Register. Consequently, the proposed revision of § 1.10 omits the requirement concerning such sirups presently found in paragraph (d).

Fats and Oils

In the Federal Register of June 15, 1971 (35 FR 11521), the Commissioner published a proposed statement of policy on ingredient statements regarding fats and oils. Based in part on comments received in response to that proposal, provisions prescribing the manner of label declaration for fat and oil ingredients in foods have been included in the proposed revision of § 1.10. The Commissioner is publishing elsewhere in this issue of the Federal Register a notice terminating the rule making proceedings begun by the June 15, 1971 proposal.

The new proposal has the effect of requiring labeling that informs the consumer of the identity and, in many cases, the order of predominance of fat and oil ingredients in foods. Consumers' responses to the 1971 proposal showed a unanimity of opinion in favor of the mandatory declaration of the source of fat on all foods for health and medical reasons, in addition to their basic right to know such ingredients.

This proposal would require the specific name of fats and/or oils to appear in the ingredient listing of shortenings, blends of fats and oils, and in foods in which fats and oils are used, except that a strict order of predominance is not required for each fat or oil in foods that are not solely fats and/or oils and where fats and/or oils are not the predominant ingredient in the food.

The proposed requirements regarding fats and oils are not an unreasonable burden on manufacturers. The exceptions for specifying the order of predominance will permit manufacturers reasonably and freely to shift the proportion of fat sources in the fabrication of multi-ingredient foods, based on wholesale market price fluctuations, without having to make costly changes in labels. Consumers who wish to avoid a particular fat in a food would rarely, if ever, be benefited by being informed that there is a greater quantity present of one kind of fat than another.

Since this proposal requires labeling that informs the consumer of the identity of the fat and oil ingredients in food, the Commissioner proposes to rescind, at the time the final order is published, the opinions expressed in trade correspondences, TC–62, TC–94 and TC–209 (issued February 15 and 21, and March 21, 1940 respectively). TC–62 has allowed the hardened fat or oil to be declared in the ingredients statement as such without naming the individual oil beyond its vegetable, animal or marine origin. TC–94 has allowed various shortenings in fabricated foods to be declared in the ingredients statement solely as "shortening" without naming each specific fat or oil when the particular shortening cannot always be predicted in advance. TC–209 has allowed vegetable oil used for frying potato chips to be declared in the ingredients statement as "cooked or fried in vegetable oil".

Misleading Vignettes

Section 1.15(a) (21 CFR 1.15(a)) states that "Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device or cosmetic." In the Federal Register of August 2, 1973 (38 FR 30740), the Commissioner promulgated a regulation establishing common or usual names for foods packaged for use in the preparation of "main dishes" or "dinners" (21 CFR 102.12). The regulation provides that any vignette which shows any food or charac-

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terizing ingredient(s) or component(s) not included in the package shall be accompanied either (1) by an appropriate informative statement that additional characterizing ingredient(s) or component(s) must be added and which names the additional characterizing ingredient(s) or component(s), or (2) by a separate statement specifying the food or characterizing ingredient(s) or component(s) shown in the vignette but not included in the package.

The Commissioner proposes to extend this requirement to cover all foods since it is recognized that to require this labeling only for the "dishes" or "dinners" specified in § 102.12 would be confusing and misleading.

The Commissioner also proposes to revoke paragraph (c) of § 102.12 if the order ruling on this proposal incorporates like requirements for all foods.

Olive Oil Mixtures

The proposed revision of § 1.10 would omit the example given in present paragraph (d) regarding mixtures of cottonseed oil and olive oil containing 80 percent or more of the cottonseed oil. Instead, the Commissioner proposes to establish a common or usual name under Part 102 (21 CFR Part 102) for mixtures of edible fat or oil and olive oil, which would require the declaration of the percent of olive oil in any such mixture. Since olive oil in such mixtures is a characterizing ingredient which has a material bearing on price and consumer acceptance of such mixtures, as set forth in 21 CFR 102.1(b), the Commissioner believes it appropriate to establish a common or usual name for such mixtures which includes the percent of olive oil.

Therefore, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. Part 1 is amended:

a. By adding a new paragraph (f) to § 1.8 to read as follows:

§ 1.8 Food in package form, labeling; identity.

* * * * *

(f) A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter.

b. By revising § 1.10 to read as follows:

§ 1.10 Food; labeling; designation of ingredients.

(a) Ingredients required by section 403(i)(2) of the act to be declared on the label of a food, except those exempted by § 1.10a, shall be listed by common or usual name in descending order of predominance by weight on either the principal display panel or the information panel in accordance with the provisions of § 1.8d.

(b) The name of an ingredient shall be a specific name and not a collective (generic) name, except that:

(1) Spices, flavorings, colorings and chemical preservatives shall be declared according to the provisions of § 1.12.

(2) An ingredient which itself contains two or more ingredients and which has an established common or usual name, conforms to a standard established pursuant to the Meat Inspection or Poultry Products Inspection Acts by the U.S. Department of Agriculture, or conforms to a definition and standard of identity established pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, shall be designated in the statement of ingredients on the label of such food by either of the following alternatives:

(i) By declaring the established common or usual name of the ingredient followed by a parenthetical listing of all ingredients contained therein in descending order of predominance except that, if the ingredient is a food subject to a definition and standard of identity established in Subchapter B of this chapter, only the ingredients required to be declared by the definition and standard of identity need be listed; or

(ii) By incorporating into the statement of ingredients in descending order of predominance in the finished food, the common or usual name of every component of the ingredient without listing the ingredient itself.

(3) Skim milk, concentrated skim milk, and nonfat dry milk may be declared as "skim milk".

(4) Milk, concentrated milk, and dried milk may be declared as "milk".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(6) Sweetcream buttermilk, concentrated sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(7) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey".

(8) Cream, dried cream, and plastic cream (sometimes known as concentrated milk fat) may be declared as "cream".

(9) Butteroil and anhydrous butterfat may be declared as "butter".

(10) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(11) Dried egg whites, frozen egg whites and liquid egg whites may be declared as "egg whites".

(12) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(13) An animal feed may be declared by a collective name listed in § 1.16 if it is a livestock or poultry feed within the meaning of sec. 201(x) of the act and meets the requirements for the use of a collective name as prescribed in § 1.16 for certain feed ingredients.

(14) Sugar (sucrose) shall be declared as "sugar", and invert sugar may be declared as "sugar".

(15) Sweeteners derived from corn may be declared as "corn sweeteners".

(16) Each individual fat and/or oil ingredient shall be declared by its specific common or usual name (e.g., "beef fat", "cottonseed oil") in its order of predominance in the food except that blends of fats and/or oils may be designated in their order of predominance in the food as "___________ shortening" or "blend of ___________ oils", the blank to be filled in with the word "vegetable", "animal", "marine", with or without the terms "fat" or "oils", or combination of these, whichever is applicable if, immediately following the term, the common or usual names of the individual vegetable, animal, or marine fat or oil is given in parentheses, e.g., "vegetable oil shortening (soybean and cottonseed oil)". For products which are blends of fats and/or oils and for foods in which fats and/or oils are the predominant ingredient, the listing of the common or usual names of such fats and/or oils in parentheses shall be in descending order of predominance. In all other foods in which a blend of fats and/or oils is used as an ingredient, the listing of the common or usual names in parentheses need not be in descending order of predominance if the manufacturer, because of the use of varying mixtures, is unable to adhere to a constant pattern of fats and/or oils in the product. If the fat or oil is partially or completely hydrogenated, the name shall include the term "hydrogenated".

(17) Vinegar (cider vinegar, apple vinegar), wine vinegar (grape vinegar), malt vinegar, sugar vinegar, glucose vinegar, and spirit vinegar (distilled vinegar, grain vinegar) may be declared as "vinegar".

(18) When the ingredients of a cereal flour product are declared, the principal ingredient shall be declared by the name(s) specified in §§ 15.1, 15.40, 15.80 and 15.100 of this chapter, i.e., the first ingredient designated in the ingredient list of flour, or bromated flour, or enriched flour, or self-rising flour is "flour", "white flour", "wheat flour", or "plain flour"; the first ingredient designated in the ingredient list of "durum flour" is "durum flour"; the first ingredient designated in the ingredient list of whole wheat flour, or bromated whole wheat flour is "whole wheat flour", "graham flour", of "entire wheat flour"; and the first ingredient designated in the ingredient list of whole durum wheat flour is "whole durum wheat flour".

c. By adding the following new section:

§ 1.10b Petitions requesting exemptions from or special requirements for label declaration of ingredients.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to amend § 1.10 to specify the manner in which an ingredient(s) shall be declared, i.e., by specific or class name, or § 1.10a to exempt an ingredient(s) from the requirements for label declaration. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds in support of the proposed amendment.

d. By adding a new paragraph (d) to § 1.15 as follows:

§ 1.15 Food; labeling; misbranding.

* * * * *

(d) A vignette in the labeling of a food that depicts any food(s), characterizing ingredient(s), or component(s) not included in the food package shall be accompanied either:

(1) By an appropriate informative statement declaring that an additional food(s), characterizing ingredient(s), or component(s) must be added by the user, and specifying the additional food(s), characterizing ingredient(s), or component(s) which must be added, e.g., "you must add ____ to complete this meal", the blank to be filled in with the name(s) of the additional food(s), characterizing ingredient(s), or component(s) depicted but not present in the package; or

(2) By a statement specifying the food(s), characterizing ingredient(s), or component(s) shown in the vignette but not included in the package, e.g., "package does not contain ____", the blank to be filled in with the name(s) of the food(s), characterizing ingredient(s), or component(s) depicted but not present in the package.

(3) The statements required by this paragraph shall appear in an easily legible boldface print or type and in a height not less than one-sixteenth inch on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch if the area of the principal display panel is greater than 5 square inches.

2. Part 102 is amended:

§ 102.12 [Amended]

a. By revoking and reserving paragraph (c) of § 102.12.

b. By adding the following new section:

§ 102.19 Mixtures of edible fat or oil and olive oil.

The common or usual name of a mixture of edible fats and oils containing less than 100 percent and more than 0 percent olive oil shall be as follows:

(a) A descriptive name for the product meeting the requirements of § 102.1(a), e.g., "cottonseed oil and olive oil" or another descriptive phrase, and which lists all the fats and oils contained in the product in descending order of predominance, and

(b) When the label bears any representation, other than in the ingredient listing, of the presence of olive oil in the mixture, the descriptive name shall be followed by a statement of the percent of olive oil contained in the product in the manner set forth in § 102.1(b)(2).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74–13467 Filed 6–13–74;8:45 am]

[21 CFR Part 3]

INGREDIENT STATEMENTS REGARDING FATS AND OILS IN FOOD FOR HUMAN CONSUMPTION

Withdrawal of Proposal and Termination of Rule Making Proceeding

In the Federal Register of June 15, 1971 (36 FR 11521), the Commissioner of Food and Drugs proposed to establish a statement of policy on ingredient statements regarding fats and oils.

Published elsewhere in this issue of the Federal Register is a proposed regulation regarding label declaration of ingredients in foods (including fats and oils). This proposal includes essentially all of the provisions of the statement of policy regarding fats and oils proposed on June 15, 1971.

Accordingly, the Commissioner hereby withdraws the proposal published on June 15, 1971 and terminates the rule making proceeding begun by that proposal.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055 (21 U.S.C. 343(i), 371 (a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 7, 1974.

Commissioner of Food and Drugs.
A. M. Schmidt,

[FR Doc.74–13479 Filed 6–13–74;8:45 am]

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

Proposed Improvement of Nutrient Levels of Enriched Farina

A notice of proposed rule making was published in the Federal Register of December 3, 1971 (36 FR 23074), in which the Commissioner of Food and Drugs, on his own initiative, proposed that the identity standards for enriched flour (21 CFR 15.10), enriched self-rising flour (21 CFR 15.60), enriched farina (21 CFR 15.140), and enriched bread, rolls, or buns (21 CFR 17.2) be amended to improve the nutrient levels, with particular reference to increasing the amount of iron. A final order ruling on that portion of the proposal which pertains to §§ 15.10, 15.60, and 17.2 appeared in the Federal Register of October 15, 1973 (38 FR 28558). As discussed below, the Commissioner concludes that a revised proposal should be issued concerning nutrient levels in enriched farina.

In comments filed in response to the proposal published in the Federal Register on December 3, 1971 (36 FR 23074), the Committee on Nutrition of the American Academy of Pediatrics, one company, and several professionals expressed the view that farina is consumed almost entirely as a breakfast cereal and that its use is not comparable to that of flour and bread. The Commissioner finds the suggestion that enriched farina should be considered a breakfast cereal reasonable, and has developed a new proposal for enriched farina so that fortification of this product will be consistent with similar breakfast cereals.

The Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) has submitted a recommendation on fortified breakfast cereals to the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852. The NAS/NRC Committee recommendation has been used to develop the revised proposal on enriched farina. Separate proposed nutritional quality guidelines for fortified hot breakfast cereals and fortified ready-to-eat breakfast cereals are published elsewhere in this issue of the Federal Register.

Since a serving of breakfast cereal such as farina is commonly considered to be one ounce, the proposal states the amounts of vitamins and minerals that must be present on a per-ounce basis, rather than listing the nutrient content requirements in milligrams per pound as in enriched flour.

The NAS/NRC Committee recommended 25 percent of a mean Recommended Daily Dietary Allowance for thiamine, niacin, and iron and 15 percent for riboflavin and calcium in one ounce of breakfast cereals. The Commissioner concurs with the principle of this recommendation except as to iron. It appears that enriched farina is consumed by children up to 12 years of age and by people over the age of 65 years to a greater extent than by other segments of the population, and that members of both of these age groups may be particularly vulnerable to dietary inadequacies of iron. Accordingly, the Commissioner concludes that the proposal should provide for a level of iron moderately higher than the NAS/NRC Committee's recommendation, and thus the proposal specifies an iron level of 8.1 milligrams per ounce (45 percent of the U.S. RDA).

The present open-ended requirement for iron in enriched farina raises problems of possible over-enrichment. Previous observations have suggested that, with regard to foods where a range is permitted for enrichment ingredients,

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some producers tend to aim for the minimum while others add the maximum amount and make unwarranted representations that their product is more nutritious. Accordingly, the Commissioner considers the establishment of single level requirement for iron, as well as for all other added nutrients, to be the most desirable approach.

Calcium is listed as an optional nutrient in the existing enriched farina standard, § 15.140 (21 CFR 15.140). The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium that this nutrient should be listed as a mandatory ingredient, and the Commissioner knows of no reason why enriched farina will not serve as efficiently as a calcium carrier as do other cereals. The NAS/NRC Committee pointed out that there probably is an excess of phosphorus in the American diet. Cereal grains commonly contain appreciable amounts of phosphorus; therefore, phosphorus was not included in the list of nutrients. The proposal to make calcium mandatory is an attempt to establish a desirable calcium-to-phosphorus ratio in light of the naturally occurring phosphorus in farina and the possibility of phosphate being added as a "quick cooking" agent.

If the proposal is adopted, vitamin D will no longer be a permissible nutrient for enriched farina. The NAS/NRC Committee did not recommend vitamin D enrichment in a cereal product and the Commissioner agrees that cereals generally are not suitable vehicles for vitamin D, especially since the milk with which enriched farina and other cereals are often eaten is a common and useful carrier of vitamin D.

The proposal does not permit niacin equivalents derived from tryptophan to be included in the total niacin content. The discussion of this subject in the preamble to the order amending the standards for enriched flour and bread, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), applies also to enriched farina.

The Commissioner also proposes that the standard be amended to permit the use of any safe and suitable ingredients that are functionally effective for reducing the cooking time of enriched farina with appropriate label declaration when such substances are used. It is also proposed that any safe and suitable substances may be used to supply the prescribed quantity of vitamins and minerals required by the standard for enriched farina.

Pursuant to 21 CFR 3.88, standards of identity are being amended to require label declaration of optional ingredients. An order amending the standards to require mandatory label declaration of optional ingredients in wheat flour and related products including enriched farina was published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32787). The requirement appears in the revision proposed below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 15 be amended by revising § 15.140 to read as follows:

§ 15.140 Enriched farina; identity; label statement of optional ingredients.

(a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each ounce, calculated to a 15 percent moisture basis, 0.38 milligram of thiamine, 0.26 milligram of riboflavin, 5.0 milligrams of niacin, 8.1 milligrams of iron, and 150 milligrams of calcium.

(2) The prescribed quantity of the vitamins and minerals referred to in paragraph (1) of this section may be supplied by any safe and suitable substances. Niacin equivalents as derived from tryptophan shall not be used in determining total niacin content.

(b) It may contain not more than 8 percent by weight of wheat germ or partly defatted wheat germ.

(c) It may contain or be treated with safe and suitable substances for reducing the cooking time, provided that the moisture limit prescribed by paragraph (a) of § 15.130 is adhered to.

(d) In determining whether the ash content complies with the requirement of this section, ash resulting from iron, iron salts, and calcium salts and from any added substance provided for in paragraphs (c) and (d) of this section shall not be included in computing ash content.

(e) All ingredients from which the food is fabricated shall be safe and suitable.

(f)(1) When cooking aids are added, the name of the food shall be immediately preceded or followed by the statement "------------ added for quick cooking", the blank being filled in with the name of the ingredient used, or "enzyme-treated for quicker cooking" as appropriate.

(2) All optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13471 Filed 6-13-74;8:45 am]

[21 CFR Parts 15, 102]

COMMON OR USUAL NAME FOR PLANT PROTEIN PRODUCTS; WITHDRAWAL OF TEXTURED PROTEIN PRODUCTS PROPOSAL

Notice of Proposed Rule Making

In the FEDERAL REGISTER of December 5, 1970 (35 FR 18530), the Commissioner of Food and Drugs in response to a petition filed jointly by Archer Daniels Midland Co., Post Office Box 1470, Decatur, IL 62525, and General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, MN 55440, proposed that a definition and standard of identity be established for a class of foods to be known as "Textured Protein Products" prepared from vegetable protein and other ingredients. This standard of identity was to be added to Part 15—Cereal Flours and Related Products under a new Subpart D—Textured Protein Products.

Thirty-six individuals and organizations commented on the proposed standard of identity for textured protein products. Thirty letters came from manufacturers and distributors of foods. Two were received from individuals. Four government agencies (Federal, State, local) responded to the proposed standard. The Commissioner has evaluated all of the comments.

Ten of the respondents supported the proposal in its entirety. The reasons given for support of the proposal were: (a) The standard would benefit both food processors and consumers; (b) it would create assurances that desired nutritional values are maintained; (c) it would assist in standardizing labeling of foods containing textured protein; and (d) it would enable the development of new protein-containing foods at a time of worldwide concern about an adequate protein supply.

Several comments suggested that no standard of identity for textured protein products be adopted at this time. Reasons given in support of this view included: (a) The manufacture and use of cereal and vegetable protein products is rapidly expanding, and establishing a rigid standard of identity would restrict the development of new technology; (b) guidelines should be published with respect to the nutritional quality of the products instead of establishing a standard of identity; and (c) the proposal is so loosely drawn that it would give manufacturers free rein on product labeling.

The Commissioner recognizes that in the time since the proposal was published there has been a tremendous increase in the use of vegetable flours and of protein products derived from them in new food substances, and that the technology of these foods is still in a very active stage of development. In view of this and the fact that consumer recognition and understanding of these foods is only just beginning, the Commissioner now believes that, in lieu of the proposed standard of identity, common or usual names should be established for plant protein products used as extenders and replacements for major protein foods.

Therefore, the Commissioner is terminating action on the proposed definition and standard of identity published December 5, 1970 (35 FR 18530), and as set forth below, is publishing a proposal to establish common or usual names for the class of protein foods prepared predominantly from cereal and vegetable products and used as extenders or replacements for meat, seafood, poultry, eggs, or cheese.

The Commissioner concludes that there are three subclasses of plant protein products used as extenders or replacements for major animal protein sources that should be distinguished by common or usual names. Each of these subclasses is distinguished by the ratio of protein to other material present in the product, and because this ratio affects the product's taste and other physical characteristics, the Commissioner believes that consumers are misled if they are not informed of those differences. The proposed divisions between the subclasses take into account the manufacturing processes employed, and the common or usual names proposed are similar to the names presently employed in the industry to identify the three subclasses. The three types of plant protein products used as extenders or replacements are as follows:

a. A product that is principally the unmodified or only slightly modified cereal grain or vegetable product. Such slightly modified products have protein contents less than 65 percent by weight on a moisture-free basis. They include cereal or vegetable flours and granular products which have been defatted, dehydrated, and physically changed, e.g., ground or extruded, but which retain most of the chemical properties of the source plant. The common or usual name of plant protein products used as extenders or replacements that contain less than 65 percent protein on a moisture-free basis is proposed to be the name(s) of the source(s) and a term which accurately describes the physical form of such product, e.g., "soy flour" or "soy granules".

The Commissioner concludes that the source of the protein must be identified because of the chemical differences between vegetable sources.

b. A product in which some of the nonprotein components of the basic plant source have been eliminated. Such a product has a protein content between 65 and 90 percent by weight and is frequently referred to in the trade as a "concentrate." This term is appropriate since the processing (extraction, washing, etc.) has concentrated the protein component by eliminating part of the fiber, carbohydrate, and mineral content of the source. The common or usual name of plant protein products used as extenders or replacements that contain at least 65 percent but less than 90 percent on a moisture-free basis is proposed to be "---- protein concentrate", the blank to be filled in with the name(s) of the source(s). The general terms "cereal", "vegetable", or "plant" may be used if the protein concentrate is derived from more than two sources.

c. A product having a protein content of at least 90 percent. These plant protein products, which are frequently almost pure protein, are prepared by dissolving protein from source material and recovering the protein in essentially pure form from solution, hence the industry term "isolate." Identification of source plants in the common or usual name is optional since isolates have fewer of the chemical properties of the source. The common or usual name of a plant protein product used as an extender or replacement that contains at least 90 percent protein on a moisture-free basis is proposed to be "---- protein isolate", the blank to be filled in with the specific name of the source or with the term "vegetable", "cereal", or "plant".

The Commissioner recognizes that many plant protein product extenders and replacements consist of a mixture of plant protein product components. The common or usual names for such mixtures would ordinarily consist of the common or usual name of each component. To avoid names which are so long and complex as to be cumbersome and confusing, in the proposed rules the name of a mixture may include the term "plant protein product" when the mixture consists of three or more plant protein product components, as follows:

a. When the mixture consists of protein concentrate(s) and protein isolate(s), the term "plant protein product" may be used alone or with terms which accurately describe the physical form of the mixture, e.g., "granules" or "bits".

b. When the mixture consists of a product with a protein content less than 65 percent as well as protein concentrate(s) and protein isolate(s), the designation may be "plant protein product and ----" or "---- and plant protein product", whichever reflects the descending order of predominance. The blank is to be filled in with the common or usual name of the other component(s) except that the term "vegetable", "cereal", or "plant" may be used in place of the name of the source plant in that name when there is more than one source involved, e.g., "vegetable flours and plant protein product". The designation may be used alone or with terms which accurately describe the physical form of the mixture.

The Commissioner recognizes that most of the plant protein products used to extend or replace meat, seafood, poultry, eggs, or cheese are processed to produce acceptable physical characteristics and that terms such as "texturized" and "textured" have been used as part of the names for these foods. The proposal permits the use of such qualifying words with any of these products as long as they accurately describe the product and do not mislead the consumer.

In a change from the 1970 proposal, this proposal is not limited to certain vegetable protein sources. Comments to the 1970 proposal were concerned that protein sources such as corn, mustard seed, barley, rice, and rapeseed were not permitted. The vegetable protein sources originally proposed were those either in use or for which sufficient developmental work had demonstrated that they were suitable for the manufacture of plant protein products.

The Commissioner recognizes that due to the rapid changes in food technology more protein sources will become available and that, therefore, it would be in the best interest of the consumer, from both nutritional and functional standpoints, to allow the use of other plant protein sources as long as it can be demonstrated that the materials are safe and suitable protein sources. In addition, animal proteins such as milk protein, fish protein concentrate, and egg protein can be used in the fabrication of a protein product and should be permitted.

The Commissioner concludes that a plant protein product that is represented or used as an extender or replacement for meat, seafood, poultry, eggs, or cheese is a substitute for and resembles that food when used. It is, therefore, an imitation of that food under 21 CFR 1.8(e) if it is nutritionally inferior to the food it simulates. Consequently, the proposal identifies the nutritional qualities of plant protein product extenders and replacements that will avoid the necessity of their being labeled as imitations. These nutritional qualities include the quantity of protein present in the finished food, the quality of that protein, and the amount of vitamins and minerals present.

The amount of protein proposed to be required in plant protein products, when ready for consumption, has been based upon the protein content of primary animal protein sources. As proposed below, the protein content of a plant protein product offered as a replacement or extender for meat, seafood, poultry, eggs, or cheese must be at least 18 percent when hydrated according to the manufacturer's directions. The 18-percent level is similar to the protein levels in meat and seafood.

The Commissioner has considered those comments to the 1970 proposal which suggested that it might be necessary to require a different protein quantity for each type of food simulated (meat, fish, cheese, etc.). These comments are consistent with the statement of the Council on Foods and Nutrition of the American Medical Association and the Food and Nutrition Board of the National Academy of Sciences/National Research Council in the publication "General Policies in Regard to Improvement of Nutritive Quality of Foods," September 1968, National Academy of Sciences, Washington, DC, that the "protein content and PER should be based on the protein of the food simulated."

The Commissioner concludes, however, that it would be in the best interest of the consumer to establish a uniform minimum amount of protein for all plant protein products rather than to establish a different minimum quantity for each type of food simulated. The quan-

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tity of protein in traditional foods varies not only from one type of food to another, but also within each food type. Requiring a plant protein product to have a different level of protein for each different food it extends or replaces is not practical nor is it necessary to protect the consumer against nutritionally inferior imitations.

To maintain nutritional equivalence with the food simulated, the protein quality of the plant protein product must also be considered. When a cereal or vegetable source of protein is combined in a large proportion with meat, seafood, poultry, eggs, or cheese, or when it is used by itself to simulate an animal protein source, the protein quality of the plant protein product must be equal to that of the animal protein source.

When the proportion of plant protein added is smaller, however, the protein quality of the final product will be dependent primarily on the quality of the animal protein, and the Commissioner concludes it is appropriate to establish a lower minimum protein quality for these products. Since definitive data are lacking on the ratio of plant protein to animal protein necessary to provide a mixed protein of a quality similar to the animal protein, the Commissioner proposes, as a conservative approach, that lower quality protein will be permitted only if the hydrated plant protein product is 30 percent or less of the finished food. If the hydrated plant protein product is 30 percent or less of the finished food, the product is considered an extender, and a minimum protein efficiency ration (PER) of 80 percent of casein is proposed. If the hydrated plant protein product constitutes more than 30 percent of the finished food, the product is a replacement for the animal protein, and the proposal establishes a minimum PER of 108 percent of casein. These PER requirements are compatible with proposed USDA requirements for meat products that contain nonmeat ingredients (38 FR 11093). Different PER's for each food simulated are impractical because protein quality varies from one type of food to another and also within each food type.

Some comments to the 1970 proposal objected to the use of casein as a reference standard for determining protein quality. Casein has an acceptable essential amino acid pattern and is recognized as a good quality protein. The use of casein as a reference standard in determining the PER of protein is in accordance with the method described in §§ 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970.[1] A uniform supply of casein can be obtained, whereas a uniform supply of other purified proteins such as lactalbumen and whole egg is not readily available. The Commissioner recognizes the limitations of the casein PER test. At this time, however, it is the only official method available for regulatory purposes.

The levels of vitamins and minerals must also be equivalent to the food simulated, but, again, because of the impracticalities of adjusting the required levels to each type of food, uniform requirements (except for cheese) are proposed. The vitamin and mineral content of cheeses and of certain raw forms of meats and seafood have been used as guides in setting the proposed requirements. The average values of the nutrients per 100 grams of the edible portion of these animal protein sources have been converted to the amount of nutrient per gram of protein.

Relating nutritional requirements to protein is a change from the 1970 proposal which related them to caloric levels. The Commissioner recognizes that caloric intake is one of the controlling factors of food consumption and has, for example, expressed minimum nutrient levels on a caloric basis in the nutritional quality guideline for frozen "heat and serve" dinners (21 CFR 100.5).

The Commissioner concludes, however, that setting vitamin and mineral levels based on the amount of protein can also provide the necessary control and is more appropriate here. Moreover, since the proposal establishes a minimum level of protein for extenders or replacements as used, relating levels of other nutrients to the protein content would assure a minimum nutrient level in the finished food.

If a plant protein product simulates cheese, the proposal establishes levels for vitamin A, calcium, and phosphorous consistent with those in cheese. Values based on average values for various kinds of cheese have been used to establish the guideline levels for these nutrients in products extending or replacing cheese.

Since plant protein products are often used as ingredients in finished foods rather than as finished foods themselves, it is approriate to establish names for such finished foods too. When a finished food contains a plant protein product extender or replacement but as a whole resembles the meat, seafood, poultry, eggs, or cheese with which the plant protein product is mixed, the proposal requires both the traditional component and the plant protein product to be named in the same type size. An example of this type of food is a mixture of cheese and plant protein product which resembles cheese when sold. If a plant protein product is used to extend or replace meat, seafood, poultry, eggs, or cheese as one of the characterizing components in a multicomponent food, the proposal provides that the name of the finished food is to be followed immediately by or appear directly above the name of the component containing the plant protein product in type size at least half the size of the name of the finished food. An example of this type of food is pizza which contains "cheese" made in whole or in part of plant protein product.

Finally, the proposal provides for a label declaration of sodium under certain circumstances. Some of the flavors, colors, binders, and other ingredients used in plant protein products may be added in the form of sodium salts, so that the sodium content of a finished food containing a plant protein product may be significantly greater than that of the food made with the traditional protein source which has been extended or replaced. This increase is a material fact required to be disclosed, since significant numbers of consumers are interested in controlling their sodium intake. A declaration of increased sodium is therefore required when there is a nutritionally significant increase.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403, 701, 52 Stat. 1041, 1047–1048 as amended, 1055–1056 as amended (21 U.S.C. 321(n), 341, 343, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120):

1. Notice is given that further action on the proposal to establish a definition and standard of identity for textured protein products published in the FEDERAL REGISTER of December 5, 1970 (35 FR 18530), is withdrawn without prejudice as to the filing of a new proposal at a later date.

2. It is proposed that a new § 102.22 be added to Subpart B of Part 102 to read as follows:

§ 102.22 Plant protein products.

(a) Among plant protein products, the common or usual names of extenders and replacements for meat, seafood, poultry, eggs, or cheese, which are produced from safe and suitable edible plant protein sources, including, but not limited to, soybeans, peanuts, wheat, and corn, are as follows:

(1) When the product contains less than 65 percent protein by weight on a moisture-free basis, the name shall consist of the name(s) of the source(s) of the protein and a term which accurately describes the physical form of the product, e.g., "soy flour" or "soy granules." The word "protein" shall not be included in this name.

(2) When the product contains 65 percent or more but less than 90 percent protein by weight on a moisture-free basis, the name shall be "____________ protein concentrate", the blank to be filled in with the name(s) of the source(s) of the protein, e.g., "soy" or "peanut". The term "vegetable", "cereal", or "plant" may be used if the plant protein is derived from more than two sources. The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(3) When the product contains 90 percent or more protein by weight on a moisture-free basis, the name of the product shall be "____________ protein isolate", the blank to be filled in with the name(s) of the source(s) of the protein, e.g., "soy", or with the term "vegetable", "cereal", or "plant". The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(4) When the product is a mixture of the products described in paragraph (a) (2) and (3) of this section, the name of the mixture shall consist of the common or usual names of the components in descending order of predominance. Alternatively, a mixture of three or more such products may be designated "plant ("vegetable" or "cereal") protein product". In either case, the name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(5) When the product is a mixture of the products described in paragraph (a) (1), (2), and (3) of this section, the name shall consist of the common or usual names of the components in descending order of predominance. Alternatively, a mixture of three or more such products may be designated "plant protein product and ____________" or "____________ and plant protein product", whichever reflects the descending order of predominance. The blank in such designation shall be filled in with the common or usual name of the component(s), described in paragraph (a)(1) of this section, except that the term "vegetable", "cereal", or "plant" may be used in place of the name of the source plant when there is more than one source involved.

The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(b) The common or usual name of a product described in paragraph (a) of this section shall include an appropriate flavor declaration if the product is flavored to resemble meat, seafood, poultry, eggs, or cheese. Such flavor declaration shall be in compliance with § 1.12 of this chapter, e.g., "soy flour, ham flavored" or "artificially ham-flavored soy protein concentrate".

(c) The common or usual name of a product described in paragraph (a) of this section may include the term "textured" or "texturized" when such term is appropriate.

(d) When a product described in paragraph (a) of this section contains added animal protein, such as milk protein, fish protein concentrate, or egg protein, the common or usual name shall include that source in descending order of predominance, e.g., "plant and fish protein concentrate" or "animal and plant protein concentrate".

(e) A plant protein product which acts as an extender or replacement for meat, seafood, poultry, eggs, or cheese, but which is nutritionally inferior to that animal protein source, shall be labeled as an imitation of the animal protein source for which it substitutes and which it resembles, pursuant to § 1.8(e) of this chapter. For purposes of § 1.8(e) of this chapter, a plant protein product shall be considered nutritionally equivalent to the meat, seafood, poultry, eggs, or cheese it extends or replaces if it meets all of the following conditions:

(1) When the plant protein product is hydrated according to the manufacturer's directions, its protein is at least 18 percent by weight of the hydrated product.

(2) If the hydrated plant protein product is not more than 30 percent by weight of the mixture when mixed with meat, seafood, poultry, eggs, or cheese, the biological quality of the protein (including amino acids added thereto) is at least 80 percent that of casein.

(3) If the hydrated protein product is more than 30 percent by weight of the mixture when mixed with meat, seafood, poultry, eggs, or cheese, or if the hydrated protein product is used unmixed in a way that it substitutes for and resembles meat, seafood, poultry, eggs, or cheese, the biological quality of the protein (including amino acids added thereto) is at least 108 percent that of casein.

(4) The plant protein product contains the following levels of nutrients per gram of protein:

Nutrient	*Amount*
Vitamin A (IU)	15.00
Thiamine (milligrams)	.014
Riboflavin (milligrams)	.01
Niacin (milligrams)	.30
Pantothenic acid (milligrams)	.040
Vitamin B_6 (milligrams)	.02
Vitamin B_{12} (μg)	.09
Iron (milligrams)	.13
Calcium (milligrams)	10.0
Phosphorus (milligrams)	10.0
Folic acid (μg)	.40
Magnesium (milligrams)	1.14
Zinc (milligrams)	.23

(5) If a plant protein product extends or replaces cheese in a cheese-like food, the plant protein product contains, per gram of protein, 54 international units of vitamin A, 26 milligrams of phosphorus, and 26 milligrams of calcium, instead of the amounts of those nutrients specified in paragraph (b)(4) of this section.

(f) Compliance with the moisture and protein requirements of paragraph (a) of this section shall be determined by the methods described in sections 14.076 and 14.078, respectively, of "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th edition, 1970,[1] and the biological quality of protein requirements of paragraph (e) of this section by the methods in sections 39.166–39.170 of that book.

(g) When the substitution of a plant protein product for meat, seafood, poultry, eggs, or cheese results in an increase in the sodium content of a food by 25 milligrams or more per 100 grams, sodium content shall be declared on the label in accordance with §§ 1.17 and 125.9 of this chapter.

(h) A food which is, or which contains any plant protein product subject to this section shall be labeled as follows.

(1) The name of a finished food that as a whole resembles meat, seafood, poultry, eggs or cheese, and that contains a plant protein product for which a common or usual name is established in this section, but contains no meat, seafood, poultry, eggs, or cheese, shall be the name established in paragraphs (a) through (d) of this section.

(2) The name of a finished food that as a whole resembles meat, seafood, poultry, eggs or cheese, and that contains both (i) a plant protein product for which a common or usual name is established in this section and (ii) meat, seafood, poultry, eggs, or cheese, shall include the names of such ingredients in descending order of predominance and in the same type size.

(3) The name of a multi-component finished food that contains as part or all of a characterizing component a plant protein product for which a common or usual name is established in this section shall be immediately followed by or shall be directly above the word "containing" (or "contains") and the name of the component containing the plant protein product in type size not less than one-half the height of the type of the name of the finished food.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13470 Filed 6–13–74;8:45 am]

[21 CFR Part 100]

BREAKFAST BEVERAGE PRODUCTS

Proposed Nutritional Quality Guidelines

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be etstablished and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for ascorbic acid fortified vegetable juices, fruit juices, fruit drinks, and imitation fruit-flavored drinks have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The recommendations reflect the fact that some conventional vegetable and fruit juices are major sources of vitamin C in the diet, and that other such products which are not naturally good sources of the vitamin, and many flavored bever-

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[1] See footnote on next page.

[1] Copies may be obtained from:
Association of Official Analytical Chemists,
P.O. Box 540,
Ben Franklin Station,
Washington, DC 20044.

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ages, have been fortified with vitamin C at various levels. The recommendations are intended to assure the consumer that when vitamin C is added to such a product it will provide a nutritionally adequate level of the vitamin but will not be in excess of nutritional requirements. Products subject to this proposed guideline include 100-percent (full strength) juices; products with less than 100 percent of natural juice; or juices, mixtures of juices, nectars, and products in dry or liquid form flavored to resemble a fruit or vegetable drink, which are in any way represented or suggested for use as breakfast beverages.

The NAS/NRC Committee recommended a minimum supplement level of 50 mg per 6 fl. oz. serving (or equivalent) and a maximum supplement level of 65 mg per 6 fl. oz. serving (or equivalent). These values represent the mean Recommended Daily Allowance (RDA) and an average ascorbic acid content of citrus juices, respectively.

The Commissioner concludes that one level, consistent with the newly established U.S. RDA (60 mg), should be proposed. Since this level of fortification is essentially the same as that occurring naturally in the various citrus juices, which are among the richest common sources of the vitamin, and since there is no known nutritional significance to supplemental intakes beyond this level, there is no justification for establishing an upper limit beyond 60 mg per average serving (6 fl. oz.). Moderate excesses, in accordance with good manufacturing practice, necessary to assure the consumer of label accuracy would, of course, be acceptable. Since the level of fortification exceeds the 50 percent of the U.S. RDA allowed in § 1.17 (21 CFR 1.17) for general food fortification as contrasted to dietary supplements, this proposal represents an exception from that general rule for this product class. Such an exception is justified since this class of foods constitutes the major source of vitamin C in the daily diet of most people. The "USDA Household Food Consumption Survey 1965–1966", a copy of which is on file with the Hearing Clerk, indicates that only about 30–58 percent of the recommended allowance is obtained from all other food sources combined. These USDA values have a wide variability depending upon individual food consumption patterns, but there is general agreement that the citrus fruits and juices, along with tomato juice, commonly consumed with breakfast, supply the major proportion of the daily dietary vitamin C.

The products included in this proposed guideline include all noncarbonated beverages which are represented or suggested for use as breakfast juice beverages. The proposal does not include products packaged and promoted to the consumer solely as refreshment drinks.

A serving size is proposed under this guideline. The 6 fl. oz. adult serving size proposed is the recommendation of the NAS/NRC Committee and as described above represents the amount of citrus juices necessary (on the average) to supply the recommended level of vitamin C. Since the quantitative volume or equivalent for dry products is essential for the guideline specification, there is little reason why this same amount could not constitute an appropriate serving size and be accepted as standard. For those products intended specifically for infants or children under 4 years of age, a serving size of 4 fluid ounces is reasonable.

The NAS/NRC Committee report stated that only vitamin C has been considered. The proposed guideline therefore does not cover the possible addition of other essential nutrients, since the variability of both kind and quantity of nutrients in the variety of juice products that can be prepared renders it impractical and inappropriate to establish specific guideline values for all nutrients in the entire class of foods. They are subject, on an individual basis, to the requirements of the imitation food regulation (21 CFR 1.8(e)).

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortified" and "enriched" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). For breakfast beverage products which meet the proposed guideline and are "fortified" or "enriched" according to the definitions contained in that proposal, use of such statements as "fortified with vitamin C" or "enriched with vitamin C" is proper when vitamin C is added at a level equal to or greater than 10 percent of the U.S. RDA in a serving of the product.

The Commissioner recognizes that some standards of identity for canned fruit juices and juice drinks contain vitamin C fortification requirements which do not conform to this guideline. These standards will be reviewed and amended as necessary to bring them into agreement with the guideline. When a breakfast beverage product which conforms to a standard of identity which designates the nutrient additions permitted for the food, such product may bear the statement provided for in § 100.1 (b) (21 CFR 100.1(b)). Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing to amend § 100.1 to this effect.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 100 be amended by adding a new § 100.6 to Subpart B to read as follows:

§ 100.6 Noncarbonated breakfast beverage products.

(a) In order to bear the statement provided in § 100.1(b), a beverage product described in paragraph (b) (1) of this section shall contain 10 milligrams of vitamin C per fluid ounce when prepared for consumption according to the directions for use.

(b) (1) The beverage products subject to this regulation include any liquid or dry noncarbonated beverage product which contains any amount of fruit or vegetable juice or, if it contains no fruit or vegetable juice, is subject to the requirements of § 102.10 of this chapter, which is represented or suggested by the label or in labeling or advertising, directly or indirectly, for use as a breakfast beverage product.

(2) This section is not applicable to a refreshment beverage which is not represented or suggested for use as a breakfast beverage.

(c) A serving shall be 6 fluid ounces or, when the proudct is intended specifically for infants or children under 4 years of age, 4 fluid ounces.

(d) When the statement provided in § 100.1(b) is used, the words "provides vitamin C in the amount appropriate" shall replace the words "provides nutrients in amounts appropriate".

(e) A beverage product which meets the guideline and to which vitamin C has been added at a level equal to or greater than 10 percent of the U.S. RDA in a serving of the product may bear on its label the following: "____ with vitamin C", where the blank is filled in with the term "enriched" or "fortified", in accordance with § 100.1(j); or "with added vitamin C"; or a similar statement.

Interested persons may, on or before August 13, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13476 Filed 6-13-74;8:45 am]

[21 CFR Part 100]

FORTIFIED HOT BREAKFAST CEREALS

Proposed Nutritional Quality Guideline

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for fortified breakfast cereals have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The concepts of this report were used to develop a proposed nutritional quality guideline for fortified ready-to-eat breakfast cereals, published elsewhere in this issue of the FEDERAL REGISTER. Although the NAS/NRC Committee did not differentiate between ready-to-eat cereals and hot cereals, the Commissioner concludes that there are sufficient differences in their consumption patterns to justify separate guidelines.

This nutritional quality guideline for fortified hot breakfast cereals provides for specified levels for iron and calcium in addition to the three B vitamins with which cereal products commonly are enriched. Although this course of action deviates from the NAS/NRC Committee's recommendation, it is in full accord with its intent in specifying nutrients for breakfast cereals. There is definite evidence (Ten-State Nutrition Survey and the 1965 USDA Food Consumption Survey, copies of which are on public display in the office of the Hearing Clerk) of the likelihood of shortage of iron, and possibly calcium, in the diets of those who commonly consume hot breakfast cereals.

Since cereals often form the basis of a breakfast, the NAS/NRC Committee decided that, in breakfast cereals to which nutrients are added, the nutrients (per serving) should be expressed as a percentage of a standard. The Food and Drug Administration has established the U.S. Recommended Daily Allowance (U.S. RDA) values for purposes of labeling. With a few exceptions, the U.S. RDA value is the highest value listed for each nutrient in the NAS/NRC tables of Recommended Daily Dietary Allowances. The derivation and use of the U.S. RDA values are discussed in detail in the preambles to special dietary foods (21 CFR Part 125) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143), and August 2, 1973 (38 FR 20708); and nutrition labeling (21 CFR Part 1) and dietary supplements of vitamins and minerals (21 CFR Part 80) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125 and 2152).

The proposed nutritional quality guideline for fortified hot breakfast cereals set forth below specifies an iron level of 8.1 milligrams per ounce on a dry uncooked basis. The Commissioner concludes that this level, which provides 45 percent of the U.S. RDA of iron per serving, will achieve the goal of maintaining fortified hot breakfast cereals as a good source of iron while exercising desirable restraint in fortification. The proposed levels for the remaining nutrients are those recommended by the NAS/NRC Committee.

Calcium is presently an optional nutrient in many cereal products. The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium and that this nutrient should be listed as mandatory. Generally, hot breakfast cereal products appear to be capable of serving as calcium manda- The proposal to make calcium mandatory is an attempt to preserve a desirable calcium-to-phosphorus ratio in the diet. Cereal grains commonly contain appreciable amounts of phosphorus.

The NAS/NRC Committee pointed out that there probably is an excess of phosphorus in the American diet. Accordingly, phosphorus was not included in the list of nutrients. It should be emphasized that phosphorus and other nutrients naturally present in amounts sufficient to meet labeling requirements may be listed on the label since these cereal products are covered by § 1.17 (21 CFR 1.17).

The NAS/NRC Committee did not recommend adding vitamin D to a cereal product because it does not meet the criteria for inclusion, which are discussed in the preamble to the proposed nutritional quality guideline for fortified ready-to-eat breakfast cereals published elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner concurs that cereals generally are not suitable vehicles for vitamin D. This is especially true since its toxicity at higher levels has been established.

The NAS/NRC Committee did not recommend requiring a specific level of protein in this class of food product. It pointed out that different cereal grains contain varying amounts and qualities of protein. Further, it stressed the adverse effect of milling on the nutritional quality of the protein. The NAS/NRC Committee also pointed out that the surveys listed previously do not implicate protein deficiency as a public health problem in the United States. Breakfast cereals are not commonly viewed as major sources of protein.

For these reasons, the Commissioner concludes that protein should be included in the guideline only on an optional basis. Protein quality will be handled in this guideline as it is in § 1.17. The adult U.S. RDA is 65 grams if the protein efficiency ratio (PER) of the protein in the product is less than that of casein. This is expected to be the case for most cereal proteins that are not so badly damaged that their PER is below 20 percent of that of casein, in which case the protein cannot be listed as contributing to the percentage of the U.S. RDA for protein.

This guideline should not be construed as limiting the listing (in accordance with § 1.17) of nutrients naturally present in cereals. However, the three B Vitamins and two minerals, calcium and iron, listed in the guideline are the nutrients the Commissioner deems important in hot breakfast cereals. Claims that hot breakfast cereals have added nutritional value because of addition of nutrients at levels greater than those specified or with nutrients not listed in the guideline for fortified hot breakfast cereals are deemed inappropriate and the products they represent would have to bear the statement required by § 100.1(f), indicating that the addition of nutrients different from those listed in the guideline is regarded by the government as unnecessary and inappropriate.

The NAS/NRC Committee recommended establishment of 1 ounce (dry, uncooked form) as a serving size for breakfast cereals.

This recommendation is accepted, with the specification that the weight of the serving shall be calculated on a 15 percent moisture basis. This proposal does not apply to cereal products represented as "infant cereals". The Commissioner is considering a nutritional quality guideline for such products, and for the present he considers it reasonable to permit addition of iron and other nutrients to infant cereals at percentages of the U.S. RDA for infants similar to those in this guideline, as is currently common practice among manufacturers.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortification" and "fortified" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). Since hot breakfast cereals which meet the proposed guideline are "fortified" according to the definition in that proposal and since the nutrients are added at levels greater than 10 percent of the U.S. RDA, use of the term "fortified" for such products is proper.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 100 be amended by adding a new § 100.9 to Subpart B, as follows:

§ 100.9 Fortified hot breakfast cereals.

(a) In order to be eligible to bear the guideline statement set forth in § 100.1 (b), a fortified hot breakfast cereal described in paragraph (e) of this section shall contain the following vitamins and minerals in the amounts prescribed:

Nutrient	Per serving	
	Amount	Percent U.S. RDA
Protein (grams)	6.5	10
Thiamine (milligrams)	.38	25
Riboflavin (milligrams)	.26	15
Niacin (milligrams)	5.0	25
Calcium (milligrams)	150	15
Iron (milligrams)	8.1	45

(b) A serving shall be 1 ounce, dry, uncooked form (15 percent moisture).

(c) Protein is an optional nutrient for fortification. If it is added, the total quantity of protein present in the food

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shall be at least at the level specified in paragraph (a) of this section.

(d) Protein content shall not be listed when the protein efficiency ratio (PER) is less than 20 percent of the PER of casein.

(e) The cereal products subject to this regulation are those manufactured for use as hot breakfast cereals. For the purposes of this section the term "cereal" includes food products made from the seeds of grains and similar plants and from oilseeds.

(f) A hot breakfast cereal which meets this guideline may bear the term "fortified" as part of its name.

(g) A hot breakfast cereal that contains 50 percent or more of the U.S. RDA value of one or more added vitamins or minerals per serving is a dietary supplement subject to the requirements of § 80.1 of this chapter. Any such product shall conform to the labeling requirements of § 1.17(c) of this chapter and shall comply in all other respects with the requirements of § 80.1 of this chapter.

(h) The provisions of this section are not applicable to a hot breakfast cereal product represented as an infant cereal.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13474 Filed 6-13-74;8:45 am]

[21 CFR Part 100]

FORTIFIED READY-TO-EAT BREAKFAST CEREALS

Proposed Nutritional Quality Guideline

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for fortified breakfast cereals have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The NAS/NRC Committee recognized that breakfast cereals now on the market vary from those containing no added nutrients to those to which are added as many as nine vitamins plus iron, calcium, and phosphorus, at levels ranging from token amounts to the entire day's requirements of the nutrients in a single serving. This proposal is designed to foster breakfast cereals having appropriate amounts of the proper nutrients as determined by the NAS/NRC Committee. Those ready-to-eat breakfast cereals which meet the proposed nutritional quality guideline may bear a statement that the product "provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government", as provided in § 100.1(b) (21 CFR 100.1(b)).

No differentiation between ready-to-eat breakfast cereals and hot breakfast cereals, or among such products prepared from various cereal grains, was made in the NAS/NRC Committee's recommendation. However, consumer usage of enriched farina (as discussed in the preamble to the Commissioner's proposal to amend the identity standard for enriched farina (21 CFR 15.140) published elsewhere in this issue of the FEDERAL REGISTER) and other hot breakfast cereal products as a source of iron for infants, young children, and aged persons is sufficient cause to amend the standard of identity for enriched farina and to develop a separate nutritional quality guideline for fortified hot breakfast cereals, also published elsewhere in this issue of the FEDERAL REGISTER.

Three different principles considered by the NAS/NRC Committee for selecting nutrients to be included in fortified breakfast cereals were (1) nutrients present in whole cereal grains in significant amounts, (2) nutrients included in the enrichment standards for cereal grains, and (3) nutrients for which there is evidence of deficiency in the U.S. diet.

The NAS/NRC Committee decided that, in general, whole cereal grains contribute to the diet significant amounts of protein, thiamine, niacin, vitamin B_6, iron, magnesium, zinc, and copper. Nutrients included in standards for enriched flour include thiamine, riboflavin, niacin, iron, and calcium. Vitamin D has been excluded from the list of nutrients in this guideline because of its established toxicity at higher levels and because it would be expected to be contributed by the milk with which the cereal normally is eaten. Copper has been excluded from the list, since it is very difficult to obtain a diet of common food that is deficient in copper.

Information on nutrients for which there are established deficiencies is limited. Based on the data from the Ten-State Nutrition Survey and the 1965 USDA Food Consumption Survey (copies of these documents are on public display in the office of the Hearing Clerk), the NAS/NRC Committee concluded there was a risk of deficiencies of vitamin A, vitamin B_6, folic acid, calcium, and iron in the U.S. diet.

The NAS/NRC Committee recommended that zinc and magnesium be listed as optional until the technical feasibility of adding the amounts specified has been established. The Commissioner accepts this recommendation.

Manganese was included in the guideline recommendation of the NAS/NRC Committee as an optional nutrient. A U.S. Recommended Daily Allowance (U.S. RDA) value has not been set for manganese because of the lack of knowledge on intake levels mentioned by the NAS/NRC Committee, and, on that basis, the Commissioner concludes that listing manganese as a required nutrient is premature at this time.

Calcium is presently an optional nutrient in many cereal products. The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium that this nutrient should be listed as mandatory. Generally, ready-to-eat breakfast cereal products appear to be capable of serving as calcium carriers. The proposal to make calcium mandatory is an attempt to preserve a desirable calcium-to-phosphorus ratio in the diet.

The NAS/NRC Committee concluded that phosphorus should not be included in the list of required nutrients since there already is too large an amount of phosphorus in the U.S. diet. Further, it appears desirable to minimize the addition of phosphates within technological limits. The NAS/NRC Committee also excluded biotin from the list of added nutrients (although it is an essential nutrient) because problems of deficiency can be observed only under unusual circumstances. It should be noted that phosphorus, biotin, and other nutrients naturally present in amounts sufficient to meet labeling requirements may be listed on the label, subject to nutrition labeling (21 CFR 1.17).

The NAS/NRC Committee suggested that iodine should be present at the level equivalent to that achieved by using iodized salt. However, although this nutrient does meet one of the three criteria for inclusion in a breakfast cereal, the Commissioner concludes that the use of various chemical forms of iodine in cereals needs further study since there may be serious organoleptic and stability problems. For this reason, the Commissioner concludes that iodine should not be listed as a guideline nutrient for cereals at this time.

The NAS/NRC Committee used a mean Recommended Daily Dietary Allowance in the development of its guidelines. The Food and Drug Administration has established the U.S. RDA values for purposes of labeling, and these will be used in developing nutritional quality guidelines. With a few exceptions, the U.S. RDA values are the highest values listed for each nutrient in the NAS/NRC tables of Recommended Daily Dietary Allowances. Derivation and use of the U.S. RDA values are discussed in detail in the FEDERAL REGISTER of January 19, 1973, in the preambles to § 1.17, Nutrition Labeling (38 FR 2125); §§ 125.1, 125.2, 125.3, Special Dietary Foods (38 FR 2152); and § 80.1, Dietary Supplements of Vitamins and Minerals (38 FR 2152), and in the FEDERAL REGISTER of August 2, 1973, §§ 125.1, 125.2, 125.3, Special Dietary Foods (38 FR 20708). A standard reference value is required to avoid consumer confusion and undue labeling costs. Therefore, this nutritional quality guideline is based on the U.S. RDA table listed in § 1.17 (21 CFR 1.17). The amounts of nutrients present in a fortified ready-to-eat breakfast cereal shall be described in its labeling as required by § 1.17.

The NAS/NRC Committee did not recommend requiring a specific level of protein in this class of food product. The NAS/NRC Committee pointed out that different cereal grains contain varying amounts and qualities of protein. Further, it stressed the adverse effect of milling on protein quality. The NAS/NRC Committee also pointed out that the surveys listed previously do not implicate protein deficiency as a public health problem in the United States. Breakfast cereals are not commonly viewed as major sources of protein. For these reasons, the Commissioner concludes that protein should be included in the guideline only on an optional basis.

The NAS/NRC Committee recommended a weighting factor for the protein present related to the protein efficiency ratio (PER). The difficulties and costs of such determinations, together with the questions concerning their application in human nutrition, are discussed in detail in the two preambles to the nutrition labeling regulation (21 CFR 1.17) published in the FEDERAL REGISTER of January 19 and March 14, 1973 (38 FR 2125 and 6951). Protein quality will be handled in this guideline as it is in § 1.17. The adult U.S. RDA is 65 grams if the PER of the protein in the product is less than that of casein. This is expected to be the case for most cereal proteins that are not so badly damaged that their PER is below 20 percent of that of casein. In accordance with § 1.17(c)(7)(ii)(*b*), the protein content of products with PER values below 20 percent of that of casein cannot be considered as providing any part of the U.S. RDA.

The NAS/NRC Committee advised that most cereals are eaten with milk by a wide variety of people and that 1 ounce of cereal could logically be considered a serving. The Commissioner has encouraged industry to establish uniform, reasonable serving sizes for the purposes of nutrition labeling, because diversity in such sizes will make nutrient comparisons among competing products impossible. The Commissioner concludes that a reasonable serving size is 1 ounce, except that a serving size for a single service container shall be the amount in the container.

The NAS/NRC Committee commented further that a reasonable amount of milk served with a 1 ounce serving of cereal would be about 4 fluid ounces. The Commissioner agrees. As provided in § 1.17, nutrition labeling may contain a column describing the nutrient content of a serving of cereal plus a specified amount of milk (and sugar). If such a second column is listed, the amount and type of milk (and the amount of sugar) must be specified. The Commissioner proposes to specify 4 fluid ounces of milk for the purposes of such labeling.

The protein supplied by the whole milk is obviously capable of meeting or exceeding the PER of casein. Hence, the U.S. RDA for the protein in the milk is 45 grams. The NAS/NRC Committee suggested that, due to normal consumption patterns, the PER value of major interest is that of the mixture of cereal and milk. Although this is certainly true, it is difficult to specify or enforce from a compliance viewpoint.

For the purposes of nutrition labeling, a method to obviate extensive PER determination is specified. The percentage of the U.S. RDA for protein supplied by a specified mixture of cereal and milk will be determined by adding together the percentages of the U.S. RDA for protein provided by the cereal and milk alone. The U.S. RDA of the cereal protein will normally be 65 grams and the U.S. RDA of the milk protein will be 45 grams. It is realized that PER values commonly are not additive. However, to compute the percent of the U.S. RDA of the total amount of protein present in cereal plus milk using only the PER of the milk protein is not reasonable, since to do so would permit claims of a greater PER value for the cereal protein than is actually present.

The NAS/NRC Committee expressed the belief that "presweetened cereals" result in undue dilution of cereal nutrition with sugar. The consumption of sugar in the United States has increased over an extended period of time. However, considerable data show that presweetened cereals contribute only a small amount to this overall consumption and in some cases only replace sugar that would be added by the consumer. ("Food Consumption, Prices, and Expenditures," Supplement for 1972 to Agricultural Economic Report No. 138, USDA, Economic Research Service. "A Study of Breakfast and Cereal Nutrition" presented by General Mills, Inc. to the Food and Drug Administration, September 7, 1973. Copies of these documents are on public display in the office of the Hearing Clerk). It appears unreasonable, therefore, to restrain fortification of such products by excluding them from this guideline when they are used in a fashion very similar to other breakfast cereals. Accordingly, this section is applicable to presweetened cereals.

A major purpose of nutritional quality guidelines is to prevent nutrient "horsepower" races—the essentially useless addition of nutrients to a food to give a false appearance of nutritional superiority. Accordingly, while the regulation does not restrict the nutrients that may be listed if naturally present, 21 CFR 100.1(f) requires a label statement explaining that the addition of nutrients different from those listed in the guideline is regarded by the government as unnecessary and inappropriate. Consumers who are interested in such differences because of specific needs or beliefs can readily make their choice of product by reading the information panel on the label. For example, if a fortified breakfast cereal naturally contains 6 percent of the U.S. RDA of vitamin E per serving, this nutrient content may be listed on the information panel.

A ready-to-eat breakfast cereal to which is added any nutrient at a level which falls within the dietary supplement range established in § 80.1 (21 CFR 80.1) is subject to the provisions of that section, and thus is not subject to the proposed nutritional quality guideline for this class of food.

Dietary supplements that are prepared in the form of breakfast cereals shall conform to the labeling established in § 1.17(c) including the order for listing vitamins and minerals and the location of the information panel established in §§ 1.17(c)(7)(iv) and 1.8d. They shall comply in all other respects with the requirements of 21 CFR 80.1.

The NAS/NRC Committee pointed out that there are several cereals with little or no vitamin or mineral fortification but which are good sources of some vitamins and trace minerals. This proposal is not designed to restrict production of breakfast cereals with naturally occurring amounts of vitamins and minerals lower or higher than those contained in this proposed guideline, provided they are labeled in accordance with applicable sections of the Federal Food, Drug, and Cosmetic Act. Cereals containing added nutrients or for which nutrition claims are made shall conform with the full requirements of § 1.17.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortification" and "fortified" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). Since ready-to-eat breakfast cereals which meet the proposed guideline are "fortified" according to the definition contained in that proposal, and since the nutrients are added at levels greater than 10 percent of the U.S. RDA, use of the term "fortified" for such products is proper.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) it is proposed that Part 100 be amended by adding a new section to Subpart B, as follows:

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§ 100.10 Fortified ready-to-eat breakfast cereals.

(a) In order to be eligible to bear the guideline statement set forth in § 100.1 (b), a ready-to-eat breakfast cereal described in paragraph (d) of this section shall contain the following vitamins and minerals in the amounts prescribed:

Nutrient	Per serving	
	Amount	Percent U.S. RDA
Protein (grams)	6.5	10
Vitamin A (IU)	1,250	25
Thiamine (milligrams)	.38	25
Riboflavin (milligrams)	.26	15
Niacin (milligrams)	5.0	25
Calcium (milligrams)	150	15
Iron (milligrams)	4.5	25
Vitamin B_6 (milligrams)	.5	25
Folic acid (μg)	.1	25
Magnesium (milligrams)	100	25
Zinc (milligrams)	3.8	25

(b) A serving shall be 1 ounce, except that a serving for a single service container shall be the amount in the container. A serving of milk with ready-to-eat breakfast cereal shall be 4 fluid ounces.

(c) Protein, magnesium, and zinc are optional nutrients for fortification. If they are added, the total quantities present in the food shall be at least at the levels specified in paragraph (a) of this section.

(d) Protein content shall not be listed when the protein efficiency ratio (PER) is less than 20 percent of the PER of casein.

(e) The cereal products subject to this regulation are those manufactured for use as ready-to-eat breakfast cereals. For the purposes of this section the term "cereal" includes food products made from the seeds of grains and similar plants and from oilseeds.

(f) A ready-to-eat breakfast cereal which meets this guideline may bear the term "fortified" as part of its name.

(g) A ready-to-eat breakfast cereal that contains any nutrient at a level which falls within the dietary supplement range established in § 80.1 of this chapter is subject to the requirements of § 80.1 and is not subject to this section. Any such product shall conform to the labeling requirements of § 1.17(c) and shall comply in all other respects with the requirements of § 80.1.

(h) When the dual declaration of nutrient content of cereal plus milk, provided in § 1.17(d)(2) of this chapter, is used in the nutrition labeling of a product which meets this guideline, the percentage of the U.S. RDA for protein provided by the cereal plus milk mixture shall be the sum of the percentage of the U.S. RDA for protein provided by the cereal alone and the percentage provided by the milk alone.

(i) The provisions of this section are not applicable to a ready-to-eat breakfast cereal product represented as an infant cereal.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13472 Filed 6–13–74;8:45 am]

[21 CFR Part 100]

GENERAL PRINCIPLES GOVERNING THE ADDITION OF NUTRIENTS TO FOODS

Notice of Proposed Rule Making

The Commissioner of Food and Drugs has promulgated a series of regulations related to the nutritional quality of foods in recent months. The regulations have included nutrition labeling under § 1.17 (21 CFR 1.17), fat, fatty acid, and cholesterol labeling under § 1.18 (21 CFR 1.18), imitation foods under § 1.8(e) (21 CFR 1.8 (e)), special dietary foods under Part 125 (21 CFR Part 125), nutritional quality guidelines under Part 100 (21 CFR Part 100), dietary supplements of vitamins and minerals under § 80.1 (21 CFR 80.1), and amino acid addition to foods under § 121.101 (21 CFR 121.101). Other existing standards of identity permit or require addition of vitamins, minerals, and protein to foods in order to improve the nutritional quality of the product, e.g., enriched flour under § 15.10 (21 CFR 15.10).

During the development of regulations related to nutrition, it became apparent that there is a need to define and publish the principles governing the addition of vitamins, minerals, and protein to food.

The Commissioner concludes that a separate standard of identity for each food to which a vitamin, mineral, and/or protein may properly be added is neither practicable nor appropriate. The Commissioner has also determined that a single standard of identity listing all foods to which a vitamin, mineral, and protein may properly be added, is unnecessarily inflexible in light of developing knowledge about nutrition. Accordingly, in the FEDERAL REGISTER of January 19, 1973 (38 FR 2153) the Commissioner announced his intention to hold in abeyance the portion of the 1968–1970 special dietary food regulation hearings relating to vitamin- and mineral-fortified foods, identity, and label statements, under § 80.2, pending experience under nutritional quality guidelines.

The general principles for the establishment of such nutritional quality guidelines were proposed in the FEDERAL REGISTER of December 23, 1971 (36 FR 24822) and promulgated in the FEDERAL REGISTER of March 14, 1973, (38 FR 6969). The Commissioner has concluded that it is now appropriate to establish general principles governing the addition of vitamins, minerals, and protein to food, which will serve as the basis on which the Food and Drug Administration will permit such nutrient addition in the future.

The addition of vitamins and minerals to foods was first undertaken as a public health measure to prevent the development of deficiency diseases that afflicted large segments of the public. As the causes of such diseases as goiter and rickets were identified, the addition of specific nutrients to food was recommended. The success of this program has been widely recognized and acclaimed. The addition of iodine compounds to salt over fifty years ago, which has ended a widespread goiter problem, is a good example of consumer benefits from this type of program.

The addition of nutrients to foods has been evaluated by many public health and nutrition authorities. It is generally concluded that such programs have provided a safeguard in national diets and have been effective in reducing the prevalence of deficiency diseases in many countries. Such programs remain valuable today, provided sufficient information is available to identify the nutrition problem, to define affected population groups, and to designate suitable foods to act as vehicles for the added nutrients.

The basic principle that dietary deficiency disease can be prevented by appropriate addition of nutrients to foods has been best described in "Improvement of Nutritive Quality of Foods," a joint policy statement by the Food and Nutrition Board of the National Academy of Sciences–National Research Council (NAS/NRC) and the Council on Foods and Nutrition of the American Medical Association (AMA) published in the *Journal of the American Medical Association*, 205:868–869, Sept. 16, 1968. This statement has been retained in the more recent report, "Improvement of the Nutritive Quality of Foods, General Policies" of the Council on Foods and Nutrition, published in the *Journal of the American Medical Association*, 225:1116–1118, August 27, 1973, and in the statement, "General Policies in Regard to Improvement of Nutritive Quality of Foods," prepared by the Food and Nutrition Board of the NAS/NRC, released on August 23, 1973. Copies of these statements are on file with the Hearing Clerk. The practical application of the principles stated by these two groups is given in the following quotation from the 1968 statement:

> The availability and low cost of nutrients produced industrially and the advances in food technology have enhanced the potential for the improvement of existing foods and for the formulation of new foods. Enrichment, fortification, and restoration of nutritional value of certain foods have been endorsed by the Council on Foods and Nutrition and the Food and Nutrition Board. Specifically, the following practices in the United States continue to be endorsed: The enrichment of flour, bread, degerminated corn meal, corn grits, whole grain corn meal, and white rice (with thiamine, riboflavin, niacin, and iron); the retention or restoration of thiamine, riboflavin, niacin, and iron in processed food cereals; the addition of vitamin D to milk, fluid skim milk, and nonfat dry milk; the addition of vitamin A to margarine, fluid skim milk, and nonfat dry milk; and the addition of iodine to table salt. The protective action of fluoride against dental caries is recognized and the standardised addition of fluoride to water is endorsed in areas in which the water supply has a low fluoride content.

The Commissioner is aware that permitting the addition of nutrients to foods solely on the basis of an identified deficiency disease, or of the probability that it will develop because of a basic nutrient deficiency in the food supply, would be unduly restrictive. With the increased use of convenience foods, fabrication of foods from new ingredients, and substitute foods, there is a need to maintain the nutritional quality of diets when there are changes in food patterns. When evidence of a substantial change in food consumption patterns has occurred which results in a less satisfactory nutrient intake in the population, consideration must be given to application of the principles of fortification to improve the diet.

A new § 80.2, to establish a standard of identity for all vitamin- and mineral-fortified foods, was published in the FEDERAL REGISTER on June 18, 1966 (31 FR 8521). The order was subsequently stayed because of objections and requests for public hearings in an order published December 14, 1966 (31 FR 15730). A further order was subsequently published in the FEDERAL REGISTER of April 8, 1967 (32 FR 5736), amending § 80.2 to add additional classes of food. A hearing was convened in May 1968 and continued for two years, closing in May 1970. Extensive oral and documentary evidence was presented with respect to the food fortification policy enunciated in § 80.2.

In December 1969, a White House Conference on Food, Nutrition and Health was convened. The Report of the Conference reflected a consensus that nutrition information and food consumption patterns are too dynamic to be written down in, or governed by, inflexible rules, but that the Food and Drug Administration should establish standards of nutritional quality for all foods used as a significant part of the diet to assure a minimal nutrient content in the diet.

After reviewing the portion of the special dietary food hearings concerning fortified foods and the recommendations of the White House Conference on Food, Nutrition and Health, the Commissioner concluded that it would be in the public interest to develop regulations for fortified foods utilizing the approach of establishing nutritional quality guidelines for certain classes of foods, including those to which vitamins, minerals, and protein may be added, in lieu of establishing standards of identity as originally adopted in § 80.2. The Commissioner therefore added a new Part 100 for nutritional quality guidelines for foods, and established the first nutritional quality guidelines for precooked frozen convenience "heat and serve" dinners.

The Commissioner has also considered the relation of "imitation" foods to nutritional quality. In the FEDERAL REGISTER of January 19, 1973 (38 FR 2138), a proposal was published to define "imitation" food in terms of nutritional content. The proposal stated that nutrients could be added to substitute foods in order to achieve nutritional equivalence. The Commissioner published an order in the FEDERAL REGISTER of August 2, 1973 (38 FR 20702), establishing § 1.8(e) which defined "imitation" and established the criteria for determining nutritional equivalence. The preamble to the order stated that vitamin and mineral additions to substitute foods would be permitted in order to achieve nutritional equivalence but cautioned against excessive fortification.

The Food and Nutrition Board of the NAS/NRC and the Council on Foods and Nutrition of the AMA have also discussed the need for restoring vitamins and minerals to replace those lost in the processing of foods. The August 23, 1973, statement from the NAS/NRC states in part:

> The appropriate selection of a wide variety of conventional foods is important in assuring adequate intake of all essential nutrients. It is, of course, desirable that foods having undergone some form of post-harvest processing contain the variety and amounts of essential nutrients that were present at significant levels in the raw, preprocessed food. A significant level of a nutrient is considered to be 5 percent or more of the RDA of that nutrient in an average serving. Restoration of nutrients lost in the processing of foods has been recognized for many years as an appropriate method for improving their nutritional value. Under circumstances where restoration is undertaken through the addition of nutrients as specific chemical entities, it is important that all essential nutrients present at significant levels in the original preprocessed food be restored to the extent that is technically feasible. The nutrient level achieved through restoration should be 1.0–1.5 times preprocessed levels. The principle of extensive restoration is of special importance when a label claim for the content of an added nutrient is made.

The basic concept adopted by both organizations is to restore significant nutrient levels of processed foods to the levels present in the fresh unprocessed food. An uncontrolled restoration could result in the addition of trivial amounts of nutrients, giving rise to misleading promotional claims but providing no significant benefit to consumers.

The Canadian Food and Drug Directorate, in its "Trade Information Letter" No. 351, April 28, 1971, proposed a procedure to allow controlled restoration of nutrients lost in the course of manufacturing, similar to the approach proposed by the AMA and the NAS/NRC. It states that vitamins, minerals and protein added to traditional foods should be present in amounts related to the purpose of the addition, e.g., to replace those nutrients lost in the course of good manufacturing practice, if the amount originally present provided at least 10 percent of the daily requirement of these nutrients in a reasonable daily intake of the food, the amount added should compensate for that lost in processing. The Canadian government has been applying this guideline since 1971.

The concept of adding nutrients to foods when such nutrients are lost in processing, only when the foods are recognized as significant sources of the nutrients, appears to be one acceptable approach.

However, the Commissioner concludes that restoration of measurable nutrient loss for any processed food is more reasonable and has adopted this approach in the proposal. The use of nutrition labeling under § 1.17 requires that vitamin and mineral levels be listed at 2-percent intervals between 2 and 10 percent of the United States Recommended Daily Allowance (U.S. RDA) for each nutrient. The level of 5 percent of the U.S. RDA proposed by the AMA Council on Foods and Nutrition and the NAS/NRC Food and Nutrition Board to determine if a food is a significant source of a nutrient falls outside the labeling increments. Because 2 percent of the U.S. RDA is sufficiently important to justify labeling increments at this level, the Commissioner proposes 2 percent of the U.S. RDA as the minimum loss of a nutrient during processing if restoration is to be permitted. Thus, restoration of trivial amounts of nutrients will not be permitted, since such a practice would be misleading and deceptive.

The Commissioner also proposes to permit the addition of nutrients to certain classes of foods if addition of the nutrient is necessary to raise the nutritional quality of the food up to the nutritional level appropriate for that class of food based upon the best available scientific data on food consumption, nutrition needs, and dietary habits.

The White House Conference on Food, Nutrition and Health recommended vitamin and mineral fortification based on caloric content. The NAS/NRC Committee which developed the initial nutritional quality guideline reports also suggested that nutrient levels in some foods should be related to the caloric contribution of the food. Following such a pattern, nutrient additions would be controlled by restricting the level of any added nutrients to the percentage of the U.S. RDA equal to the caloric contribution of the food to a daily calorie standard. The Commissioner proposes to set the daily calorie standard at 2800 kilocalories. Thus, a food which contributes 280 kilocalories per serving (10 percent of the daily calorie standard) could have vitamins, minerals, and protein added per serving to a level equal to 10 percent of the U.S. RDA. This approach will prevent irrational fortification or fortification to unduly high levels or levels which would make the products dietary supplements. The AMA Council on Foods and Nutrition, in its statement of August 27, 1973, outlined its position as follows:

> Nutrient density is an expression of nutrient content in terms of caloric value of a serving of food as related to a standard such as the RDA * * * for nutrients and calories. For example, a serving containing 230 kilocalories might be referred to a calorie standard of 2,300 kilocalories/day. In this instance, the food represents 10 percent of the calorie

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value of the standard and should be expected to contain this percentage of each of the nutrients in the standard. If a given nutrient is naturally present in an amount equal to three quarters or more of that percentage, no further adjustment is needed.

A similar concept has been proposed using protein content as the food component for establishing the role of the food in the diet. The mechanism for control of vitamin and mineral additions would be similar to that when caloric content is used as a basis for control. When protein is used, protein-free products are eliminated from consideration, even when they provide significant caloric contributions, and no basic standard is provided for the addition of protein to a food. However, when calories are used as the basis for comparison, protein can be considered as a nutrient and added when appropriate.

The Commissioner proposes that the concept of relating vitamin, mineral, and protein content to caloric contribution either for the addition of nutrients to foods, or for establishing nutritional quality, be included in the general regulation regarding the addition of nutrients to foods. A careful review of the procedure as proposed by the White House Conference and the NAS/NRC Committee developing the nutritional quality guidelines and in the AMA Council on Foods and Nutrition statement indicates that it can be used not only in controlling the addition of nutrients to foods, but also as a means for establishing a basic concept of nutritional quality for fabricated foods.

Thus, the Commissioner proposes to allow the addition of nutrients to foods using the "balanced" concept of adding nutrients in relation to calories. Such nutrient addition would not be appropriate, however, where the desirable nutrient addition or composition of the food has already been established by a nutritional quality guideline or a food standard, and the proposal therefore excludes these foods from this form of fortification. Thus, white bread would be required to be enriched pursuant to the existing food standard, if any nutrients are added, and could not be fortified under the balanced nutrient approach. Manufacturers wishing to use the balanced nutrient approach to fortification must carefully consider the criteria established in the regulation. Where appropriate, consumers or manufacturers may also petition the Commissioner to establish a nutritional guideline or a standard of identity.

For the purposes of nutrient addition to achieve "balanced" nutrition, the Commissioner proposes that a caloric level of 2800 kilocalories be set as a daily standard, and that the vitamin and mineral levels be those established under § 1.17(c)(7)(iv). The protein levels will be the same as those established under § 1.17(c)(7)(ii)(*a*). The protein levels to be used to calculate the protein per 100 kilocalories would be 65 grams for protein with a protein efficiency ratio (PER) less than casein but more than 20 percent that of casein and 45 grams for protein with a PER equal to or greater than that of casein. The PER shall be determined by the appropriate method in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, (1970).[1] A table giving the nutrient levels per 100 kilocalories included in the proposal is as follows:

Nutrient	Unit of measurement	Adults and children over 4 yr	
		U.S. RDA	Per 100 kcal
Protein	Grams	[1] 65.0	2.32
Do	do	45.0	1.61
Vitamin A	IU	5,000.0	178
Vitamin C	Milligrams	60.0	2.14
Thiamine	do	1.5	.054
Riboflavin	do	1.7	.061
Niacin	do	20.0	.72
Calcium	Grams	1.0	.036
Iron	Milligrams	18.0	.64
Vitamin D	IU	400.0	14.3
Vitamin E	do	30.0	1.07
Vitamin B_6	Milligrams	2.0	.071
Folic acid	do	.4	.014
Vitamin B_{12}	μg	6.0	.21
Phosphorus	Grams	1.0	.036
Iodine	μg	150.0	5.36
Magnesium	Milligrams	400.0	14.3
Zinc	do	15.0	.54
Copper	do	2.0	.071
Biotin	do	.3	.011
Pantothenic	do	10.0	.357

[1] If the protein efficiency ratio of protein is equal to or better than that of casein, U.S. RDA is 45 g.

In the past, the addition of a vitamin or mineral to a food has resulted in the food being defined as a "special dietary food." This approach was adopted to ensure that such foods would contain specific label information about the particular nutrient(s) involved, pursuant to regulations promulgated in 21 CFR Part 125. Virtually all of the foods previously categorized as special dietary foods for purposes of requiring nutrient labeling have been intended for consumption by the general population and not by any particular small segment of it. With the development of nutrition labeling under § 1.17, it is no longer necessary to regulate nutrient labeling of these general purpose foods under the provisions of the law relating to special dietary foods.

For some products, general nutrition labeling under § 1.17 is inappropriate and very specific special dietary food labeling under 21 CFR Part 125 has been retained. These foods were exempted from § 1.17 in the final regulation. Such exempted foods include certain infant foods for which separate labeling has been promulgated in § 125.5; dietary supplements of vitamins and minerals, subject to a standard of identity in § 80.1; any food intended for use as the sole item of the diet, for which specific special dietary food labeling, including in some cases amino acid composition, is approprate under 21 CFR Part 125; and foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions, such as foods for the dietary management of inborn errors of metabolism, for which specific special dietary food labeling is also more appropriate under 21 CFR Part 125. In each of these instances, the broad approach adopted for nutrition labeling, which is clearly desirable for general consumer use, is inappropriate because of the need for more detailed and specific information and because the type of product involved is more readily susceptible to precise quality control of the nutrient levels.

Thus, the addition of a vitamin, mineral, or protein to food, unless included in one of the above exemptions, will not result in that food being considered a special dietary food for labeling purposes. Such addition of a nutrient will instead require full nutrition labeling under § 1.17.

Over the years, several terms have been used to describe the different purposes for addition of nutrients to foods, i.e., enrichment, restoration, and fortification.

The term "enrichment" usually is defined as the addition of one or more nutrients to a food in order to increase the consumption of those nutrients by the general population or a defined segment of the population. The nutrients added to the food are higher levels of those nutrients already present in the food. The best example of enrichment is bread and flour. The term enrichment has often been incorporated into the name of the food to which the nutrients have been added, e.g., "enriched bread," "enriched flour."

"Restoration" is the addition of nutrients to conventional foods in order to restore nutrients lost during processing. The level of the restored nutrient is approximately the same as is present naturally in the product.

"Fortification" has been used to denote the addition of one or more nutrients to a food whether or not they are naturally present. The terms "vitamin added" or "with added vitamins and minerals" as well as the term "fortified" have, at times, been used to identify fortified products. This definition overlaps that given to "enrichment," and would permit the same food to be labeled as "enriched" or "fortified." This could result in consumer confusion.

The Commissioner proposes to limit the use of the word "fortified" to those situations where nutrients are added to a food which does not naturally contain those nutrients. Since the addition of several nutrients to a food can occur, the addition of any one nutrient, not naturally present in the food, shall require that the term "fortified" be used even if other nutrients are added which are naturally present in the food.

While the terms stated above ("enriched," "restored," "fortified") can be defined so they have specific meanings, they have often been used interchangeably and thus the consumer probably accepts all as indicating simply that the nutritional quality has been improved by the addition of a nutrient.

The Commissioner proposes to define these terms as set forth above so that

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[1] Copies may be obtained from: Association of Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, DC 20044.

they will be used properly in labeling and interested persons will be able to distinguish between them.

The Commissioner emphasizes that the publication of this proposed regulation on the addition of nutrients to foods is not intended to encourage the industry to put vitamins, minerals, or protein into every food. The addition of a nutrient to a food must conform to the principles in the proposed regulation, and provide consumers with reasonable benefit without misleading them into believing that the food with added nutrients will ensure a complete diet. The proposed regulation, therefore, provides that, if the addition of a nutrient(s) to a food is contrary to the regulation, the food to which the nutrient(s) is added is required to bear a prominent statement that the nutrient(s) added has been determined by the U.S. Government to be unnecessary and inappropriate.

The Commissioner also proposes to amend § 100.1 to provide that any food which would otherwise be required to be labeled with the statement specified in § 100.1(f) will not be required to be so labeled if the nutrient(s) is added to the product in accordance with § 1.8(e) of this chapter to avoid being an imitation.

In order to prevent labeling claims for the addition of measurable amounts of nutrients to foods which do not reach the level of substantial nutritional "significance," the Commissioner proposes to prohibit claims concerning the addition of any nutrient for purposes of enrichment, fortification, or restoration, or the balanced nutrition concept unless such addition is equal to or in excess of 10 percent of the U.S. RDA per serving. Also, in order to prevent labeling claims which might result in a substitute food being represented as superior to the food which it resembles because of nutrients added to prevent nutritional inferiority, the proposed regulation prohibits labeling claims concerning the addition of nutrients to such foods.

These two prohibitions apply only to claims relating directly to the addition of nutrients, and in no way prohibit claims on the total nutrient content of the food itself. Thus, the label for a product to which less than 10 percent of the U.S. RDA of a nutrient is added could not declare the product to be "fortified" or "enriched" or "restored," or otherwise state or imply that nutrients have been added. On the other hand, there would be no prohibition for label statements on such products which accurately claim that the product contains a specified amount of the nutrient, e.g., "contains 6 percent of the U.S. RDA of __________".

In order to make it possible to make nutrient claims for foods which do contain at least 10 percent or more of the U.S. RDA of nutrients added for the purposes of enrichment, restoration, or fortification, the Commissioner proposes to amend paragraph (d) to allow claims to be made on the labels of foods which comply with the guidelines established in Subpart B.

The section on general principles of the regulations on nutritional quality guidelines, § 100.1 (21 CFR 100.1), does not state specifically whether nutritional quality guidelines apply only to nonstandardized foods or to standardized foods as well. In the preamble to the proposal to establish a nutritional quality guideline for breakfast beverage products, published elsewhere in this issue of the Federal Register, it is stated that a breakfast beverage product which meets the vitamin C requirements of an applicable standard of identity may bear the guideline statement provided in § 100.1(b).

In order to prevent misinterpretation of the applicability of nutritional quality guidelines to standardized foods, the Commissioner proposes to amend § 100.1(b) and (c) to provide that a food which contains a vitamin(s) or mineral(s) added for nutritional purposes, in accordance with the provisions of a standard of identity, may bear the statement provided in § 100.1(b). When the provisions for vitamin or mineral content of a standard of identity differ from the nutrient levels of an applicable nutritional quality guideline in Subpart B of Part 100, a proposal to amend the standard of identity to conform with the nutritional quality guideline will be published for comment.

Pertinent background information to which reference has been made as well as other information on which the Commissioner relies to support this proposal is on public display at the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Subpart A of Part 100 in § 100.1 by revising paragraphs (b), (c), (d), and (f) and by adding new paragraphs (g), (h), (i), and (j), to read as follows:

§ 100.1 General principles.

* * * * *

(b) Labeling for a product which complies with all of the requirements of the nutritional quality guideline established for its class of food or of a food standard promulgated under section 401 of the act that prescribes the nutrient additions to the food may state "This product provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government", except that the words "this product" are optional. This statement, if used, shall be printed on the principal display panel and may also be printed on the information panel, in letters not larger than twice the size of the minimum type required for the declaration of net quantity of contents by § 1.8b of this chapter. Labeling of noncomplying products may not include any such statement or otherwise represent, suggest, or imply the product as being, in whole or in part, in compliance with a guideline.

(c) A product bearing the statement provided for in paragraph (b) of this section, in addition to meeting the requirements of the applicable nutritional quality guideline or food standard, shall comply with the following requirements:

(1) The label of the product shall bear the common or usual name of the food in accordance with the provisions of the guideline and §§ 1.8 and 102.1 of this chapter and of any applicable food standard promulgated under section 401 of the act.

(2) The label of the product shall bear nutrition labeling in accordance with §§ 1.8d and 1.17 of this chapter and all other labeling required by applicable sections of Part 1 of this chapter.

(d) No claim or statement may be made on the label or in labeling representing, suggesting, or implying any nutritional or other differences between a product to which nutrient addition has or has not been made in order to meet the guideline, except that a nutrient addition shall be declared in the ingredient statement, and except as provided for in guidelines established in Subpart B of this part or in any applicable food standard promulgated under section 401 of the act.

* * * * *

(f) A product within a class of food for which a nutritional quality guideline has been established and to which has been added a discrete nutrient either for which no minimum nutrient level or nutrient range or other allowance has been established as appropriate in the nutritional quality guideline, or at a level that exceeds any maximum established as appropriate in the guideline, shall be ineligible to bear the guideline statement provided for in paragraph (b) of this section, and such a product shall also be deemed to be misbranded under the act unless the label and all labeling bear the following prominent and conspicuous statement: "The addition of __________ to (or "The addition of ____________ at the level contained in) this product has been determined by the U.S. Government to be unnecessary and inappropriate and does not increase the dietary value of the food", the blank to be filled in with the common or usual name of the nutrient(s) involved. If the nutrient(s) is added to the product in accordance with § 1.8(e) of this chapter to avoid being an imitation, this paragraph shall not apply.

(g) The following principles shall govern the addition of a vitamin(s), mineral(s), and/or protein to food:

(1) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food which is not naturally a significant source of such nutrient, as defined in § 1.17(c)(7)(v) of this chapter, if all of the following conditions are met:

(i) The intake of the nutrient is below a desirable level in the diets of a significant number of people.

(ii) The food to which the nutrient is added is generally consumed by a significant segment of the population in need.

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(iii) The amount of the nutrient added makes a significant contribution to the diet of the population in need.

(iv) The added nutrient is stable in the food under customary conditions of storage and use.

(v) The added nutrient is physiologically available from the food.

(vi) There is a reasonable assurance that an excessive intake which could reach a toxic level will not occur.

(2) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food if addition of the nutrient is necessary to raise the nutritional quality of the food up to the nutritional level appropriate for that food, based upon the best available scientific data on food consumption, nutrition needs, and dietary habits.

(3) Vitamins, minerals, and protein may be added to a food to balance the calorie contribution of the food if all the following conditions are met:

(i) A normal serving of the food contributes at least 56 kilocalories to the diet, i.e., 2 percent of the daily kilocalorie standard of 2800 kilocalories.

(ii) Use of the food reduces the nutritional quality of the total diet when consumer without such added nutrients.

(iii) The added nutrients are physiologically available from the food.

(iv) The food is not the subject of a nutrition quality guideline established in Subpart B of this part or a food standard that prescribes the nutrient additions to the food promulgated under section 401 of the act.

(v) The food with added nutrients, as prepared and eaten by the consumer, contains all of the following nutrients per 100 kilocalories based on 2800 kilocalories per day:

Nutrient	Unit of measurement	Adults and children over 4 yr.	
		U.S. RDA	Per 100 kcal
Protein	Grams	[1] 65.0	2.32
Do	do	45.0	1.61
Vitamin A	IU	5,000.0	178
Vitamin C	Milligrams	60.0	2.14
Thiamine	do	1.5	.054
Riboflavin	do	1.7	.061
Niacin	do	20.0	.72
Calcium	Grams	1.0	.036
Iron	Milligrams	18.0	.64
Vitamin D	IU	400.0	14.3
Vitamin E	do	30.0	1.07
Vitamin B_6	Milligrams	2.0	.071
Folic acid	do	.4	.014
Vitamin B_{12}	µg	6.0	.21
Phosphorus	Grams	1.0	.036
Iodine	µg	150.0	5.36
Magnesium	Milligrams	400.0	14.3
Zinc	do	15.0	.54
Copper	do	2.0	.071
Biotin	do	.3	.011
Panthothenic acid	do	10.0	.357

[1] If the protein efficiency ratio of protein is equal to or better than that of casein, U.S. RDA is 45 g.

(4) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food which is naturally a source of such nutrient if addition of the nutrient is necessary to restore a nutrient shown by adequate scientific documentation to be lost in processing a measurable amount, i.e., at least 2 percent of the U.S. RDA per serving, if the following conditions are met:

(i) The nutrient is shown by adequate scientific documentation to be present in the food prior to processing in a quantity equivalent to at least 2 percent of the U.S. RDA in a normal serving of food.

(ii) Good manufacturing practices cannot avoid a measurable loss in such nutrient during processing.

(iii) The food is not the subject of a nutrition quality guideline established in Subpart B of this part or a food standard that prescribes the addition of nutrients to the food promulgated under section 401 of the act.

(h) Any food to which any vitamin, mineral, or protein has been added shall be deemed to be misbranded under the act unless the label and all labeling bears the prominent and conspicuous statement, "The addition of ____________ to (or "The addition of ____________ at the level contained in) this product has been determined by the U.S. Government to be unnecessary and inappropriate and does not increase the dietary value of the food" (the blank to be filled in with the common or usual name of the nutrient(s) involved), except for the following:

(1) Any infant food which simulates human milk or is suitable as a complete or partial substitute for human milk and which complies with § 125.5 of this chapter.

(2) Any dietary supplement which complies with § 80.1 and Part 125 of this chapter.

(3) Any food represented for use as the sole item of the diet.

(4) Any food represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

(5) Iodized salt.

(6) Any food conforming to a standard of identity promulgated under section 401 of the act.

(7) Any food conforming to a nutritional quality guideline established in Subpart B of this part.

(8) Any food with a vitamin, mineral, or protein restored to preprocessing levels as defined in paragraph (g)(4) of this section.

(9) Any food with a vitamin, mineral, or protein added pursuant to § 1.8(e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles.

(10) Any food fortified in compliance with paragraph (g)(3) of this section.

(11) Any food the composition of which is defined by other regulations or statutes.

(i) The following principles shall govern claims or statements on labels or in labeling:

(1) No claim or statement may be made on the label or in labeling that any vitamin, mineral, or protein has been added to a food, either in general terms, e.g., "fortified", or in specific terms, e.g., "____________ added", if it is added pursuant to § 1.8(e) of this chapter, except that a nutrient addition shall be declared in the ingredient statement.

(2) No claim or statement may be made on the label or in labeling that any vitamin, mineral, or protein has been added to a food, either in general terms, e.g., "fortified", or in specific terms, e.g., "____________ added", unless such vitamin, mineral, protein has been added at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (or portion) of the food, except that a nutrient addition shall be declared in the ingredient statement.

(3) A food with a vitamin(s), mineral(s), or protein restored to preprocessing levels as defined in paragraph (g)(4) of this section may be labeled as "____________ restored" with the blank filled in with the vitamin(s), mineral(s), or protein restored if such vitamin(s), mineral(s), or protein has been added at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (or portion) of the food.

(4) The label of a food to which vitamins, minerals, and protein have been added in accordance with paragraph (g)(3) of this section may bear the statement "Contains vitamins, minerals, and protein in proportion to its caloric content".

(j) For the purposes of food labeling, the following definitions shall apply:

(1) "Enriched" or "enrichment" means the addition to a food or one or more vitamin(s), mineral(s), or protein(s) which are naturally present in lesser amounts in the food in order to increase the consumption of such nutrient(s) by the general population or a specific segment of the population.

(2) "Restoration" means the addition of one or more vitamin(s), mineral(s), or protein(s) to a processed food in order to restore such nutrient(s) lost during processing to the level naturally present in the unprocessed food.

(3) "Fortification" or "fortified" means the addition to a food of one or more vitamin(s), mineral(s), or protein(s) not naturally present in the food in order to increase the consumption of such nutrient(s) by the general population or by a specific segment of the population. When the added nutrients include at least one nutrient not naturally present and one or more nutrients naturally present, the term "fortification" or "fortified" applies.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74–13469 Filed 6–13–74;8:45 am]

[21 CFR Parts 100, 102]

FORMULATED MEAL REPLACEMENTS

Proposed Nutritional Quality Guideline and Common or Usual Name

In the Federal Register of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods; and he set forth general principles for establishing common or usual names for nonstandardized foods (21 CFR 102.1).

Nutrition Guideline

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for formulated meal replacements have been received by the Commissioner. A copy of this report is on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has reviewed this report and proposes a nutritional quality guideline for formulated meal replacements based upon the recommendations of the NAS/NRC Committee. Formulated meal replacements are those products which are represented for use as the sole source of nutrients for one or two meals per day but not as the sole item of the diet. Formulated meal bases to which other food components are added may be considered formulated meal replacements when finally constituted for consumption if the labeling of the product clearly indicates that other food components must be added. The two proposals do not include those food products represented for use as the sole item of the diet or for use solely under medical supervision to meet nutritional requirements in specific medical conditions. Such foods are special dietary foods subject to 21 CFR Part 125.

The NAS/NRC Committee concluded, and the Commissioner agrees, that, because of the consumer's reliance on the meal replacement as a major source of his total nutrient intake, it is necessary to assure a more complete spectrum of essential nutrients in meal replacements than in other classes of foods.

Althought the NAS/NRC Committee report stated that these meal replacements should not be intended for use as a sole dietary item for extended periods, the Commissioner is aware that, while not intended or represented for such use, these products may be used in this manner by some indivduals. The Commissioner has therefore included in the guideline nutrients not considered by the NAS/NRC Committee, and in some cases the levels of nutrients have been increased.

The NAS/NRC Committee recommended that nutrients be present in formulated meal replacements at levels corresponding to a minimum of 25 percent and a maximum of 50 percent of the "mean RDA for both sexes from age 3 to 75" per average serving. The Commissioner accepts the NAS/NRC Committee's recommendation, but proposes to use the U.S. RDA as the reference standard for the reasons outlined in the preamble to the nutrition labeling proposal published in the Federal Register of January 19, 1973 (38 FR 2125). In most cases, the U.S. RDA values are somewhat higher than the "mean RDA". The upper limit of 50 percent is only applicable to those nutrients added as discrete entities. Requirements for manganese and potassium have also been included even though U.S. RDA's have not been established. The levels of these nutrients are based upon amounts of the nutrients obtained from diets of conventional foods.

The NAS/NRC Committee recommended using protein with a protein efficiency ratio (PER) of not less than 80 percent that of casesin. It also suggested a formula for adjusting the protein quantity to compensate for a PER below 80 percent that of casein.

The Commissioner concludes that, since these products may be used as meal replacements for extended periods of time, the protein quality takes on added significance. The U.S. RDA for protein was established presuming consumption of a mixture of protein sources. When formulated meal replacements are used as the sole source of protein in the diet, such a mixture of proteins may not be provided. The adjustment formula presented by the NAS/NRC Committee is complex and not considered practicable for regulatory purposes. The Commissioner proposes to require the protein in formulated meal replacements to have a PER of at least 80 percent that of casein. The quantity of protein will be the same as that established in the U.S. RDA for protein, i.e., 65 grams for protein with a PER value less that that of casein and 45 grams for protein with a PER value equal to or greater than casein.

The NAS/NRC Committee recommended that, if fat is included in the formulation, the product provide at least 2 percent of the total calories as linoleic acid. The Commissioner agrees with the recommendation and, since he understands that all of these products are formulated to contain fat, he therefore proposes that formulated meal replacements provide 2 percent of the total calories of the product as linoleic acid to supply essential fatty acids.

A minimum calorie level was not given in the NAS/NRC Committee report but the different uses of formulated meal replacements were identified. The Commissioner proposes to establish a minimum calorie level of 700 kilocalories (kcal), unless the product is represented for use in a reduced calories diet. The Commissioner believes that this is an appropriate caloric value in that it represents ¼ of the daily calorie standard proposed in the "General Principles Governing the Addition of Nutrients to Foods" published elsewhere in this issue of the Federal Register.

The NAS/NRC Committee recommended that, to avoid undue dilution of nutrients when a meal replacement has a high caloric content, 100 kcal of a product shall contain not less than the mean RDA/100 kcal for all nutrients required to be present. The Commissioner has decided instead to establish minimum nutrient levels per serving which will insure sufficient nutrients in each meal replacement.

The NAS/NRC Committee excluded biotin because biotin deficiencies are so rarely encountered. Biotin has, however, been added to the proposed guideline since these meal replacement products may, in fact, be used as dietary items for rather extended periods, particularly in reduced calorie diets.

Sodium and chloride were excluded by the NAS/NRC Committee because of the remote likelihood of an inadequate intake. The guideline also excludes sodium and chloride from the required list of nutrients, but does require the labeling to list the sodium content in accordance with § 1.17(c)(6)(iv) (21 CFR 1.17(c)(6)(iv)). Sodium content, normally an optional declaration, is mandatory in this case because this class of foods often contains high levels of sodium as a result of processing, and it is important that this information be available to the consumer at the point of purchase.

Common or Usual Name

There are numerous products in the marketplace and others in development which are functional meal replacements or substitutes for meals either as convenience foods, aids in weight control, meal adjuncts or snacks. This class of food is unique in that it has an essentially complete and balanced nutrient composition. Copies of representative labels of these products are on public display in the office of the Hearing Clerk.

To identify these products the Commissioner proposes the establishment of common or usual names for them under Part 102 (21 CFR Part 102).

It is essential that a common or usual name for such products be general enough to include all of the wide variety of products that may be offered as meal replacements (but not diet replacements) and yet sufficiently specific that such products can be readily identified. The Commissioner is therefore proposing that the common or usual name of these products be "formulated meal replacement". When it is necessary to add other foods to the product in order for it to be nutritionally equivalent to the meal it is replacing, it is proposed that the common or usual name consist of the term (1) "formulated meal base" and (2) an appropriate informative statement that additional ingredient(s) or component(s) must be added and which

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names the additional ingredient(s) or component(s).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047–1048 as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended:

1. In Part 100 by adding thereto the following new section:

§ 100.8 Formulated meal replacements.

(a) A product, for which a common or usual name is established in § 102.21 of this chapter, to be eligible to bear the guideline statement set forth in § 100.1 (b), shall be formulated so that a serving meets the following requirements:

(1) It contains all nutrients listed in paragraph (b) of this section in an amount not less than 25 percent of the U.S. RDA. When a discrete nutrient is added in order to meet the requirements of the guideline, the total amount of that nutrient per serving shall not exceed 50 percent of the U.S. RDA for that nutrient.

(2) It contains no less than 1 milligram and no more than 2 milligrams of manganese and no less than 1 gram and no more than 2 grams of potassium.

(3) It supplies a minimum of 700 kilocalories (kcal), except that if the product is represented for use in a reduced calorie diet this minimum shall not apply.

(4) It provides at least 2 percent of the total calories as linoleic acid.

(5) It provides protein with an overall protein efficiency ratio of not less than 80 percent of that of casein.

(b) The following nutrients are required to be present at the levels specified in paragraph (a)(1) of this section.

Nutrient	*U.S. RDA*
Protein (grams)	65 or 45 in accordance with § 1.17(c)(7)(ii)(*a*) of this chapter.
Vitamin A (IU)	5,000.
Vitamin C (milligrams)	60.
Thiamine (milligrams)	1.5.
Riboflavin (milligrams)	1.7.
Niacin (milligrams)	20.
Calcium (grams)	1.
Iron (milligrams)	18.
Vitamin B_6 (milligrams)	2.
Folic acid (milligrams)	0.4.
Vitamin B_{12} (μg)	6.
Phosphorus (grams)	1
Iodine (μg)	150.
Magnesium (milligrams)	400.
Zinc (milligrams)	15.
Copper (milligrams)	2.
Vitamin D (IU)	400.
Vitamin E (IU)	30.
Biotin (milligrams)	0.3.
Pantothenic acid (milligrams)	10.

(c) All nutrients listed in paragraph (b) of this section shall be labeled in accordance with § 1.17(c)(7) of this chapter.

(d) The sodium content shall be labeled in accordance with § 1.17(c)(6)(iv) of this chapter.

(e) Manganese and potassium content shall be labeled following the sodium content and shall be declared in milligrams per 100 grams of the food.

(f) Any product which is represented for use in a reduced calorie diet shall be labeled in accordance with § 125.6 of this chapter.

(g) A serving shall be the amount that, when finally constituted for consumption, is intended to replace a single meal.

2. In Part 102 by adding thereto the following new section:

§ 102.21 Formulated meal replacements/or bases.

(a) The common or usual name of a packaged food, including the liquid, dry, or solid forms, which is in its final form for consumption or to which only water need be added and which is represented as being a nutritionally adequate replacement for one or two meals per day, shall be "formulated meal replacement".

(b) The common or usual name of a packaged food, to which one or more food components (other than water) must be added, e.g., milk, to make a food that, when finally constituted for consumption, is represented as a nutritionally adequate replacement for one or two meals per day, shall consist of the following:

(1) The name "formulated meal base".

(2) An appropriate informative statement that additional ingredient(s) or component(s) must be added and which names the additional ingredient(s) or component(s) in accordance with the requirements of § 102.1(c) (2) and (3), e.g., "you must add ___________" the blank to be filled in with the name(s) of the ingredient(s) or component(s) that must be added.

(c) This section shall not apply to any food represented for use as the sole item of the diet or for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13478 Filed 6–13–74;8:45 am]

[21 CFR Parts 100 and 102]

MAIN DISH PRODUCTS

Proposed Nutritional Quality Guideline and Common or Usual Name

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6964, 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods and general principles and procedure for establishing common or usual names for classes of foods.

NUTRITIONAL GUIDELINE

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for main dish products have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has reviewed this report and proposes to establish a nutritional quality guideline for main dish products based upon the recommendations of the NAS/NRC Committee.

The NAS/NRC Committee has selected three subclasses of main dish products for establishment of nutritional guidelines. It was reasoned that, because of the large variety of main dish products possible, subclasses were appropriate in that certain main dishes provide different patterns of nutrients than others and that subclass guidelines would define more appropriately the minimum nutrient levels than a single set of values.

The Commissioner agrees and the proposed guideline incorporates this concept. The proposal establishes minimum nutrient levels for three subclasses of main dish products intended to be used as a principal part of a meal: macaroni or noodles and cheese, main dish pies and pizza, and combination recipes. The nutrient levels established for these subclasses differ slightly, consistent with the principal food components used.

The NAS/NRC Committee recommended that whenever flour or macaroni or noodle products are used they be enriched so that the addition of discrete nutrients will be minimized. The proposed guideline does not incorporate this as a requirement, but it is expected that manufacturers will use the enriched products when needed to meet a guideline nutrient(s) level.

The NAS/NRC Committee report divides main dishes into two general classes depending on what percent of the primary protein source is in the form of fabricated protein analogues. The present proposal does not include a separate guideline for foods using plant protein products. The common or usual name of plant protein products in finished food is the subject of a proposal published elsewhere in this issue of the FEDERAL REGISTER. Any main dish product utilizing a plant protein product as an extender or replacement of a traditional source of protein therefore will also be subject to the labeling requirements of that regulation. Plant protein products added as a significant source of protein, but not in the form of a traditional source of protein, would also be labeled as a characterizing component in accordance with the provisions of the proposed common or usual name for main dish products.

The NAS/NRC Committee included beans as one of the sources of protein to be used in certain main dish products. The Commissioner realizes that beans and other legumes contain significant quantities of protein; however, their protein quality (i.e., protein efficiency ratio (PER)) is significantly lower than the other protein sources listed. The Commissioner concludes that it would be more appropriate to eliminate beans as a source of protein for products meeting the guideline rather than include a protein quality specification in the guideline.

The NAS/NRC Committee recommended that, if a nutrient is added as a discrete chemical entity in order to achieve guideline levels of nutrients, the level of the nutrient shall not exceed 200 percent of the level recommended by the guideline. It also recommended that the addition of no more than two discrete nutrients be allowed to products in this class. The proposed guideline does not include a maximum number of discrete nutrients that can be added to a product and has reduced the maximum level of nutrients permitted (when such nutrients are added) to 150 percent of the level recommended by the guideline. The reasons for this are the same as those expressed in the preamble to the nutritional quality guideline on frozen heat and serve dinners published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6969).

COMMON OR USUAL NAME

There is a large number of packaged, frozen, canned, or dry mix products on the market that are intended as the principal part of a meal. These main dish products, like frozen heat and serve dinners, through consumer usage have assumed a significant role in shaping nutrition patterns in the American diet. Representative labels of these products are on display in the office of the Hearing Clerk.

In order to distinguish between the various types of main dish products available, it is proposed that the name of the food include the major components of the product and that the main dish product contain at least one significant protein source and one or more vegetables, fruit, potatoes, rice, or other cereal-based product.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

1. In Part 100 by adding the following new section to Subpart B:

§ 100.7 Main dish products.

(a) A product, for which a common or usual name is established in § 102.20 of this chapter, in order to be eligible to bear the guideline statement set forth in § 100.1(b):

(1) Shall be prepared from (i) at least one source of protein derived from meat, poultry, fish (seafood), cheese, eggs, or an appropriate plant protein product meeting the requirements of § 102.22 of this chapter and (ii) one or more vegetables, fruit, potatoes, rice, or other cereal-based products; and

(2) Shall be constituted so as to conform with the requirements of the appropriate subclass of main dish products listed in paragraph (b) of this section.

(b) Three main dish product subclasses are established as follows:

(1) Macaroni or noodles and cheese. This subclass contains cheese as the major source of protein and a form of a macaroni or noodle product.

(2) Pies and pizzas. This subclass contains a major source(s) of protein derived from meat, plant protein product, poultry, fish (seafood), cheese, or eggs; vegetable(s), pastry, bread dough shell, or crust top.

(3) Combination recipes. This subclass contains a source of protein derived from meat, plant protein product, poultry, fish (seafood), cheese, or eggs; one or more vegetables, fruit, potatoes, rice, or other cereal-based products. This subclass does not include main dish pies or pizza identified in paragraph (b)(2) of this section.

(c) The subclasses of main dish products identified in paragraph (b) of this section, including their sauces, gravies, breadings, etc., but excluding any other food ingredient added at the time of preparation, shall contribute not less than the minimum levels of nutrients prescribed below:

Nutrient	Minimum levels for main dish products for each 100 kcal		
	Macaroni or noodles and cheese	Pies and pizza	Combination recipes
Protein (grams)	3.5	3.5	4.6
Vitamin A (IU)	150.0	200.0	300.0
Thiamine (milligrams)	.038	.06	.06
Riboflavin (milligrams)	.075	.06	.06
Niacin (milligrams)	.66	1.0	1.0
Iron (milligrams)	.47	.62	.62
Calcium (milligrams)	68.0	(1)	(1)

[1] See par. (c)(3) of this section.

(1) Main dish products prepared from conventional food ingredients listed in paragraph (a) of this section will be expected to contain vitamin B_6, vitamin B_{12}, folic acid, magnesium, pantothenic acid, and zinc. Minimum levels for these nutrients cannot be established at the present time but will be added as additional data are obtained.

(2) When technologically practicable, iodized salt shall be used or iodine shall be present at a level equivalent to that which would be present if iodized salt were used in the manufacture of the product.

(3) When technologically practicable, product components and ingredients shall be selected to obtain the desirable calcium to phosphorus ratio of 1:1. Technological addition of phosphates shall be minimized and shall not exceed the amount necessary for the intended effect.

(d) If it is necessary to add any nutrient(s) in order to meet the minimum nutrient levels prescribed in paragraph (c) of this section, the addition of each such nutrient shall not result in a total nutrient level exceeding 150 percent of the minimum level prescribed. Nutrients used for such addition shall be biologically available in the final product.

2. In Part 102 by adding the following new section to Subpart B:

§ 102.20 Main dish products.

(a) A main dish product shall contain (1) a significant source of protein and (2) one or more vegetables, fruit, potatoes, rice, or other cereal-based products, intended to be eaten together as a single food.

(b) The common or usual name of the food shall consist of all of the following:

(1) An appropriately descriptive term for the dish, e.g., macaroni and cheese, pizza, tuna casserole, etc.

(2) The phrase "containing (or contains) ___________", the blank to be filled in with an accurate description of each of the characterizing component(s) of the product in their order of descending predominance by weight. This part of the name shall be placed immediately following the part specified in paragraph (b)(1) of this section in the manner set forth in § 102.1(c)(3). The word "contains" or "containing" is optional. This element of the common or usual name will not be required for those products that include the characterizing components of the product in order of predominance in that part of the name required by paragraph (b)(1) of this section, e.g., "macaroni and cheese mix" will not be required to state "contains macaroni and cheese".

(3) If the dish is frozen, the term "frozen" shall immediately precede the part of the name specified in paragraph (b)(1) of this section unless the words "Keep Frozen" or the equivalent are prominently and conspicuously placed on the principal display panel in type size not less than that specified in § 102.1(b)(2)(i).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably

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in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74-13475 Filed 6-13-74;8:45 am]

[21 CFR Part 102]

DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES

Proposed Common or Usual Names for Nonstandardized Foods

In an order published in the Federal Register of March 14, 1973 (38 FR 6964), the Commissioner of Food and Drugs established a procedure and general principles for the establishment by regulation of common or usual names for foods. Elsewhere in the same issue of the Federal Register, pursuant to this procedure, the Commissioner established a common or usual name for diluted orange juice beverages (38 FR 6968).

The justification for establishing the common or usual name for diluted orange juice beverages also exists with respect to the diluted juices of other fruits and vegetables, including combinations of orange juice with other juices. The amount of juice present in the beverage is the major factor determining the price and consumer acceptance of the product. Observation of most labels on diluted juice products currently found on retail market shelves shows that consumers are not being informed in regard to the amount of juice present in diluted juice products (representative labels demonstrating this fact are on public display in the office of the Hearing Clerk).

The Commissioner concludes that consumer confusion can be significantly lessened by adoption of informative common or usual names which include a declaration of the percent of juice(s) present in all diluted fruit or vegetable juice beverages.

Orders were published in the Federal Register of April 11 and May 7, 1968 (33 FR 5617 and 6862), establishing standards of identity for certain diluted fruit juice beverages. Objections were filed to the orders, and subsequently orders were published in the Federal Register of July 13 and 27, 1968 (33 FR 10088 and 10713), staying the effective dates of the standards. In a notice published in the Federal Register of September 9, 1971 (36 FR 18098), the Commissioner proposed to amend the stayed standards. The stays are still in effect. However, the Commissioner concludes that a separate regulation should be proposed at this time, pursuant to 21 CFR Part 102, establishing the percent of juice present as part of the common or usual name for diluted juice beverages made from fruits and vegetables other than only oranges and is setting forth in proposed § 102.23(b) a general method for calculating the percentage of juice in a beverage.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a); 52 Stat. 1041, as amended, 1047-1048, as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 102 be amended by adding a new section as follows:

§ 102.23 Diluted fruit or vegetable juice beverages other than diluted orange juice beverages.

(a) The common or usual name of a noncarbonated beverage containing less than 100 percent and more than 0 percent fruit or vegetable juice(s), other than only orange juice, shall be as follows:

(1) A descriptive name meeting the requirements of § 102.1(a) (e.g., "diluted grape juice beverage" or another descriptive phrase) and

(2) A statement of the percent of each juice contained in the product in the manner set forth in § 102.1(b)(2). The percent of juice shall be declared in 5-percent increments, expressed as a multiple of five not greater than the actual percentage of juice in the product, except that the percent of any juice in products containing more than 0 percent but less than 5 percent of that juice shall be declared in the statement as "less than 5" percent.

(b) The percent of fruit or vegetable juice(s) in a diluted product is calculated on the basis of the soluble solids content of the single strength (undiluted) juice used to prepare the diluted juice(s). If the finished food is prepared from concentrated juice(s), the percent of fruit or vegetable juice(s) is calculated on the basis of the soluble solids content of the single strength (unconcentrated) juice(s) used to produce such concentrated juice(s).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum of brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. Schmidt,
Commissioner of Food and Drugs.

[FR Doc.74-13480 Filed 6-13-74;8:45 am]

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federal register

FRIDAY, JUNE 14, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 116

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1. (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AQ–4125
Georgia	AQ–4124

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AQ–95	May 3, 1974
AQ–110	May 24, 1974
Georgia:	
AQ–4068	Feb. 15, 1974
Kentucky:	
AQ–4075	Feb. 15, 1974
AQ–4080	Feb. 22, 1974
AQ–4084	Mar. 1, 1974
AQ–4116	May 17, 1974
Louisiana:	
AQ–99	Apr. 19, 1974
Massachusetts:	
AQ–3171; AQ–3172; AQ–3173; AQ–3174; AQ–3175; AQ–3176; AQ–3177	May 10, 1974
AQ–3180; AQ–3181; AQ–3182	May 31, 1974
Nebraska:	
AQ–63	Dec. 7, 1973
AQ–80	Feb. 15, 1974
New Mexico:	
AQ–82	Mar. 8, 1974
New York:	
AQ–2120	May 17, 1974
Pennsylvania:	
AP–489	Mar. 9, 1973
AQ–2043	Feb. 22, 1974
AQ–2046; AQ–2071	Mar. 8, 1974
AQ–2081; AQ–2084	Mar. 29, 1974
AQ–2083	Apr. 5, 1974
AQ–2085	Apr. 19, 1974
AQ–2121	May 24, 1974
Texas:	
AQ–105; AQ–106	May 10, 1974
West Virginia:	
AQ–2088	Mar. 29, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Massachusetts:	
AQ–3179(AQ–3183)	May 10, 1974
Oklahoma:	
AQ–109(AQ–111)	June 7, 1974
Washington:	
AQ–1098(AQ–1111)	Apr. 26, 1974

Signed at Washington, D.C., this 7th day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama
COUNTY: Tuscaloosa
DECISION NO.: AQ-4125
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

63-Alabama-1 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.41	.25	.15		.01	
BRICKLAYERS; Marble masons; Stonemasons	7.10		.20		.03	
CARPENTERS	5.70				.015	
CEMENT MASONS	5.175					
ELECTRICIANS	7.80	.30	1%		½ of 1%	
GLAZIERS	6.85	.20	.20			
IRONWORKERS	7.775	.42	.25		.04	
LABORERS:						
Laborers	3.00	.15				
Mason tenders	3.00	.15				
Mortar mixers	3.10	.15				
MILLWRIGHTS	6.20				.015	
PAINTERS, brush	6.10					
PLASTERERS	5.175					
PLUMBERS; Steamfitters	8.10	.25	.25		.05	
ROOFERS	5.45		.20		.05	
SHEET METAL WORKERS	8.00	.40	.35		.02	
SOFT FLOOR LAYERS	5.45					
TILE SETTERS	6.85		.20		.03	
TRUCK DRIVERS	2.50					
POWER EQUIPMENT OPERATORS:						
Tractors, farm	3.50					
Scrapers	4.00					
Bulldozer; Front end loader	5.00					
Pumps	5.64					
Oiler	6.25	.20	.20			
Cranes; Lift truck	7.60	.20	.20			

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NEW DECISION

State: Georgia
County: Laurens
Decision No.: AO-4124
Date: Date of Publication
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$5.00				
Carpenters	4.50				
Cement Masons	3.00				
Electricians	5.00				
Ironworkers, Structural & Ornamental	3.00				
Laborers:					
Laborers	2.50				
Mason Tenders	2.50				
Mortar Mixers	2.50				
Painters	3.25				
Plumbers & Pipefitters	4.38				
Roofers	3.50				
Sheet Metal Workers	3.97				
Tile Setters	2.94				
Power Equipment Operators:					
Backhoes	2.62				
Bulldozers	3.25				
Cranes, Derricks, & Draglines	3.87				
Front End Loaders	2.75				
Motor Graders	3.25				
Pan Operators	3.00				
Pump Operators	3.00				
Roller Operators	2.50				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-95 - Mod. #2 (39 FR 15613 - May 3, 1974) Pulaski County, Arkansas					
Change:					
Ironworkers:					
Structural, Ornamental and Reinforcing	$7.53	.35	.25		.01
Roofers	6.05		.05		
Carpenters:					
Carpenters	6.80	.30	.20		.01
Millwrights & Piledrivermen	7.05	.30	.20		.01
DECISION #AQ-110 - Mod. #1 (39 FR 18410 - May 24, 1974) Union County, Arkansas					
Change:					
Roofers	$6.05		.05		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4068 - Mod. #4 (39 FR 5975 - February 15, 1974) Fulton, Clayton, Cobb, and DeKalb Counties, Georgia.					
Change:					
Heavy & Highway Construction:					
Electricians	$8.85	6%	7+1%		7/10%

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4075 - Mod. #2 (39 FR 5983 - February 15, 1974) Adair, Barren, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Menifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, & Wolfe Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	$7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			
DECISION #AQ-4080 - Mod. #2 (39 FR 7033 - February 22, 1974) Johnson & Lawrence Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			
DECISION #AQ-4084 - Mod. #2 (39 FR 8118 - March 1, 1974) Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			

MODIFICATIONS P. 3

DECISION #AO-4115 - Mod. #1
(39 FR 17661 - May 17, 1974)
Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Kentucky

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Heavy Construction					
Power Equipment Operators:					
GROUP I	$7.90	.25	.25		
GROUP II	6.26	.25	.25		
GROUP III	5.77	.25	.25		

DECISION #AO-99 - Mod. #4
(39 FR 14131 - April 19, 1974)
Statewide, Louisiana

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Soft floor layers:					
Zone 5	$6.40				

MODIFICATIONS P. 4

DECISION #AQ-3171 - Mod #1
(39 FR 17022- May 10, 1974)
Barnstable County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Bricklayers; Cement masons; Cement finishers; Plasterers; Stonemasons	9.25	.80	.60		.05
Glaziers	8.48	.47	.40		.01
Marble setters' helpers	7.94	.40	.25		
Sprinkler fitters	9.48	.50	.70		.08

DECISION #AO-3172 - Mod #2
(39 FR 17026- May 10, 1974)
Bristol County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers:					
Easton	8.85	.35	.46		.02
Remainder of County	8.48	.47	.40		.01
Marble setters' helpers	7.94	.40	.25		

DECISION #AQ-3173 - Mod #2
(39 FR 17030- May 10, 1974)
Essex County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		.03

MODIFICATIONS P. 5

DECISION #AO-3174- Mod #2
(39 FR 17035- May 10, 1974)
Hampden County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01

DECISION #AO-3175 - Mod #2
(39 FR 17039- May 10, 1974)
Middlesex County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Glaziers	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

MODIFICATIONS P. 6

DECISION #AO-3176- Mod #2
(39 FR 17045- May 10, 1974)
Norfolk County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Bricklayers; Cement masons; Plasterers; & Stonemasons:					
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	9.20	.80	.65		.05
Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth, & Weymouth	9.20	.75	.70		.05
Glaziers:					
S. Bellingham	8.48	.47	.40		.01
Remainder of County	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

DECISION #AO-3177- Mod #2
(39 FR 17048- May 10, 1974)
Plymouth County, Massachusetts

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, & Wareham	8.48	.47	.40		.01
Remainder of County	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3180 - Mod #1 (39 FR 19367 - May 31, 1974) Berkshire County, Massachusetts					
Add:					
Marble setters' helpers	$8.00				
Change:					
Lathers	8.45	.45	.25		.01
DECISION #AO-3181 - Mod #1 (39 FR 19371 - May 31, 1974) Franklin County, Massachusetts					
Add:					
Marble setters' helpers	8.00				
Change:					
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3182 - Mod #1 (39 FR 19375 - May 31, 1974) Hampshire County, Massachusetts					
Omit:					
Laborers, Building:					
Belchertown, Granby, Huntington, Ware:					
Laborers, wrecking laborers, pipelayers	$6.80	.40	.40		.05
Mason and plasterers tenders, mortar mixers, scaffold builders	7.05	.40	.40		.05
Pneumatic, electric or gas powered tools, vibrator, tamper, jackhammer op	7.05	.40	.40		.05
Blasters	7.55	.40	.40		.05
Open air caisson, underpinning work, boring crew:					
Top man	6.80	.40	.40		.05
Bottom man	7.55	.40	.40		.05
Change:					
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01
Marble & tile setters' helpers and terrazzo workers' helpers	8.00				

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-63 - Mod. #3 (38 FR 33895 - December 7, 1973) Douglas & Sarpy Counties, Nebraska					
Change:					
Sheet metal workers	$8.86	.35	.20		.02
Drywall:					
Tapers and finishers	7.34	.35		.50	.01
Spray	7.59	.35		.50	.01
Marble setters	7.30	b	.25		
Truck Drivers:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Trailers & lowboys	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
DECISION #AQ-80 - Mod. #1 (39 FR 5990 - February 15, 1974) Statewide (Except Douglas and Sarpy Counties, Nebraska)					
Change:					
Cass, Washington, and that portion of Saunders County, East of Highway 109:					
LABORERS:					
Common laborers	$5.25	.25	.25	.10	.03
Towboat, Dredge, Deckhands	5.35	.25	.25	.10	.03
Form setter helpers	5.45	.25	.25	.10	.03
Rakers & Screedmen on Asphalt work; mortar mixers; chain saw operator	5.43	.25	.25	.10	.03
Pipelayers; concrete saw op.	5.50	.25	.25	.10	.03
Form setters & precast manhole setters; Inlet builders and manhole setters	5.88	.25	.25	.10	.03
TRUCK DRIVERS:					
Single axle trucks	5.96	.25	.25		
Tandem axle trucks; power lift form trucks; Euclid trucks & spreader truck	6.02	.25	.25		
Lowboys & Tractor-trailer	6.15	.25	.25		
Lumber carrier	6.32	.25	.25		

DECISION #AQ-82 - Mod. #5
(39 FR 9398 - March 8, 1974)
Statewide, New Mexico

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
OMIT: GENERAL BUIDLING AND HEAVY ENGINEERING CONSTRUCTION:					
CARPENTERS (LOS ALAMOS COUNTY)	$7.19	.47	.45		.12
CARPENTERS (STATEWIDE EXCEPT LOS ALAMOS COUNTY):					
From nearest basing points of the following cities or towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Edpanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, & Tucumcari:					
ZONE (1) - 0 to 15 road miles from nearest basing point:					
ZONE (2) - 15 to 35 road miles from nearest basing point:					
ZONE (3) - Over 35 road miles from nearest basing point:					
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
ZONE (1)	6.44	.47	.45		.12
ZONE (2)	7.19	.47	.45		.12
ZONE (3)	7.44	.47	.45		.12
Dwelling houses and apartments over two stories in height:					
Zone (1)	6.94	.47	.45		.12
Zone (2)	7.69	.47	.45		.12
Zone (3)	7.94	.47	.45		.12
MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE) (EXCEPT LOS ALAMOS COUNTY):					
From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:					
ZONE (1) - 0 to 15 road miles from nearest basing point	7.19	.47	.45		.12
ZONE (2) - 15 to 35 road miles from nearest basing point	7.94	.47	.45		.12
ZONE (3) - Over 35 road miles from nearest basing point	8.19	.47	.45		.12
MILLWRIGHTS & PILEDRIVERMEN (LAS ALAMOS COUNTY)	7.44	.47	.45		.12

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MODIFICATIONS P. 11

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Decision #AQ-32

ADD:
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS (STATEWIDE): From nearest basing points of the following cities or towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbed, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Roso, Silver City, Socorro, Taos, & Tucumcari					
ZONE (1) - 0 to 15 road miles from nearest basing point:					
ZONE (2) - 15 to 35 road miles from nearest basing point					
ZONE (3) - Over 35 road miles from nearest basing point					
CARPENTERS: (Dwelling houses and apartments not to exceed two stories in height)					
Zone (1)	$7.03	.58	.55		.16
Zone (2)	7.78	.58	.55		.16
Zone (3)	8.28	.58	.55		.16
General Building and Heavy Engineering & Residential Construction (Dwelling Houses & Apartments over two stories in height):					
Zone (1)	7.53	.58	.55		.16
Zone (2)	8.28	.58	.55		.16
Zone (3)	8.78	.58	.55		.16
MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE) From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:					
ZONE (1) - 0 to 15 road miles from nearest basing point	8.03	.58	.55		.16
ZONE (2) - 15 to 35 road miles from nearest basing point	8.78	.58	.55		.16
ZONE (3) - Over 35 road miles from nearest basing point	9.25	.58	.55		.16

MODIFICATIONS P. 12

Page 1

	Basic Hourly Rates	Fringe Benefits Payments			
DECISION NO AQ-2,120 Mod. #1 (39 FR 17670 - May 17, 1974) Bronx, Kings, Queens, New York and Richmond Counties, New York		H & W	Pensions	Vacation	Aps. Tr
Change: Residential Construction Cement Concrete Workers	$7.15	.60½	.80½	1.20	

	Basic Hourly Rates	Fringe Benefits Payments				
DECISION #-AP-489 - Mod. #4 (38 FR 6627 - March 9, 1973) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pennsylvania		H & W	Pensions	Vacation	App. Tr.	Others
Omit: Under Laborers: Flagman	$5.76	.25	.20			

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2043 - Mod. #2 (39 FR 7011 - February 22, 1974) Venango County, Pennsylvania						
Change:						
Lead Burners	$9.25	.35		c	.01	
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2046 - Mod. #2 (39 FR 9338 - March 8, 1974) Elk County, Pennsylvania						
Change:						
Lead Burners	9.25	.35		a	.01	
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2071 - Mod. #2 (39 FR 9416 - March 8, 1974) Franklin County, Pennsylvania						
Change:						
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2081 - Mod. #1 (39 FR 11805 - March 29, 1974) Cambria County, Pennsylvania						
Change:						
Asbestos workers	$9.37	.45	.70			
Cement masons	7.95	.20				
Lead burners	9.25	.35		a	.01	
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2083 - Mod. #1 (39 FR 12578 - April 5, 1974) Blair County, Pennsylvania						
Change:						
Asbestos workers	9.37	.45	.70			
Cement masons	7.95	.20			.01	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2084 - Mod. #2 (39 FR 11808 - March 29, 1974) Bedford County, Pennsylvania						
Change:						
Asbestos workers	9.37	.45	.70			
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						

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MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2085 - Mod. #1 (39 FR 14115 - April 19, 1974) Warren County, Pennsylvania						
Change:						
Carpenters	$8.15	.25			.02	
Millwrights	8.90	.25			.02	
Soft floor layers	8.15	.25			.02	
Lead burners	9.25	.35		a	.01	
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2121 - Mod. #1 (39 FR 18398 - May 24, 1974) Forest & McKean Counties, Pennsylvania						
Change:						
Asbestos workers Forest County	9.69	.30	.30		.04	
Lead Burners	9.25	.35			.01	
Power Equipment Operators Schedule (See Below)						

DECISION NOS. AQ-2043 (Mod.#2, Cont'd); AQ-2046 (Mod.#2, Cont'd); AQ-2071 (Mod.#2, Cont'd).
AQ-2081 (Mod.#1, Cont'd); AQ-2083 (Mod. #1, Cont'd); AQ-2084 (Mod. #2, Cont'd);
AQ-2085 (Mod.#1, Cont'd); AQ-2121 (Mod.#1)

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MODIFICATIONS P. 16

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$ 9.475	.50	.50		.09
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.725	.50	.50		.09
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.975	.50	.50		.09
Cranes (boom or mast over 200 ft.)	10.225	.50	.50		.09

DECISION NOS. AQ-2043 (Mod.#2, Cont'd); AQ-2046 (Mod.#2, Cont'd); AQ-2071 (Mod.#2, Cont'd)
AQ-2081 (Mod.#1, Cont'd); AQ-2083 (Mod. #1, Cont'd); AQ-2084 (Mod. #2, Cont'd);
AQ-2085 (Mod.#1, Cont'd); AQ-2121 (Mod.#1)

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MODIFICATIONS P. 17

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt-plant op., ethoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving musking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphelt (spreador), pumpkrete machine op., (stationary), tire repairman, weldor (repairman)	$9.325	.50	.50		.09
Conveyors 4 units or more	8.85	.50	.50		.09
Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

DECISION NOS. AQ-2043 (Mod.#2, Cont'd); AQ-2046 (Mod. #2, Cont'd); AQ-2071 (Mod. #2, Cont'd
AQ-2081 (Mod.#1, Cont'd); AQ-2083 (Mod. #1, Cont'd); AQ-2084 (Mod. #2, Cont'd);
AQ-2085 (Mod.#1, Cont'd); AQ-2121 (Mod.#1)

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MODIFICATIONS P. 18

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, stone spreader-self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.35	.50	.50		.09
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	8.10	.50	.50		.09
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.35	.50	.50		.09
Crane truck oiler and fireman	7.45	.50	.50		.09
Oiler - truck crane 50 ton or over	7.60	.50	.50		.09

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
DECISION #AO-105 - Mod. #2 (39 FR 17082 - May 10, 1974 Jefferson & Orange Counties, Texas					
CHANGE:					
Ahestos workers (Jefferson Co.)	$7.35	.60	.50		.04
DECISION #AO-106 - Mod. #1 (39 FR 17084 - May 10, 1974) Calveston & Harris Cos., Texas					
CHANGE:					
Ahestos workers	7.35	.60	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2088 - Mod. #1 (39 FR 11845 - March 29, 1974) Clay, Boone, Fayette, Kanawha, Putnam Counties, West Virginia						
Change:						
Bricklayers	8.50	.50	.75		e	
Carpenters	9.25	.25	.25		.02	
Cement Masons	8.30		.65			
Lathers	8.30		.10		.01	
Millwrights	9.53	.25	.25		.02	
Piledrivermen	9.50	.25	.25		.02	
Sprinkler Fitters	9.25	.50	.70		.08	
Stone masons	8.50	.50	.75		e	

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: AQ-3183
DATE: Date of Publication
Supersedes Decision No. AQ-3179 dated May 10, 1974 in 39 FR 17056
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-b (1-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.07	.57	.40		.01	
BOILERMAKERS	9.08	.60	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.10	.45	.40		.02	
Hopedale, Milford, & Southboro	8.70	.60	.65		.04	
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	9.45	.60	.60		.05	
Remainder of County	9.00	.70	.60		.02	
CARPENTERS; Soft floor layers:						
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	8.85	.50	.50		.03	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.50	.50	.30		.07	
Blackstone, Millville	7.79	.50	.35			
Hopedale, Mendon, Milford, Upton, & W. Upton	8.48	.30	.30		.025	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	8.95	.40	.50		.03	
ELECTRICIANS:						
Warren	8.47	.30	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchendon	8.80	.45	1%+.35		.02	
Remainder of County	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
East Douglas	8.48	.47	.40		.01	
Remainder of County	8.85	.35	.46		.02	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

AQ-3183 P. 2

14-MASS-1-2-3-b (2-4)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Harvard, Lancaster, Leominster, Southboro, & Uxbridge	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	e		
Equipment operator	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Nortnboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
MARBLE SETTERS' HELPERS	7.94	.40	.25			
MILLWRIGHTS	9.13	.50	.50		.03	

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14-MASS-1-2-3-c (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40 & steel	5.712	.30	.25			
Swing stage over 40 & steel	6.025	.30	.25			
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.06	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	8.33	.50	.25		.02	
Steel	6.955	.50	.25		.02	
Sandblasting; Spray	9.33	.50	.25		.02	
PILEDRIVERMEN	8.95	.50	.50			
PIPEFITTERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Remainder of County	9.725	.35	.25		.05	
PLASTERERS' TENDERS:						
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			
ROOFERS	9.23	.27				
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			

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14-MASS-1-2-3-b (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:
Sturbridge, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W. Brookfield, & Warren

MASS-2-PEO-1-T 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

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MASS-2-PEO-1-T 2 of 2

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS
Sturbridge, Brookfield, E. Brookfield, N.Brookfield, Oakham,
Barre, Templeton, Winchendon, Royalston, Phillipston, Athol,
Petersham, Hardwick, N. Braintree, W.Brookfield, & Warren

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MASS-2-PEO-2-3-K 1-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$ 8.60	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over. Tunnel Locomotives and Dinkeys. Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

MASS-2-PEO-2-3-K 2-2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

BUILDING CONSTRUCTION

AQ-3183 P. 9

MASS-1-PEO-1-E

Power Equipment Operators: Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour	9.11	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump	7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

HEAVY & HIGHWAY CONSTRUCTION

AQ-3183 P. 10

MASS-1-PEO-2-3-E

Power Equipment Operators: Remainder of County

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist, pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoes, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour	9.11	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozers, tractors, mechanics maintenance, york rakes, mulching machines, paving screed machines, stationary steam boilers, paving concrete finishing machines, group pumps, portable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers (self propelled or tractor drawn)	8.99	.55	.60	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, lighting plants, heaters (power driven 1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint systems (operating and installing)	7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

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AO-3183 P. 11

TYPE OF PROJECTS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTY: Statewide (except the city of Muskogee)

DECISION NO: AO-111

DATE: Date of Publication

Supersedes Decision No. AO-109, dated June 7, 1974, in 39 FR 17673.

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, runways, erosion control structures, well drilling, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.25	3.25
Asphalt raker	2.75	2.50	2.50	2.50	2.50
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	3.75	3.50	3.50	3.50	3.50
Carpenter helper	2.75	3.00	2.75	2.75	2.75
Concrete finisher	3.75	3.50	3.50	3.50	3.50
Concrete finisher helper	2.75	2.85	2.75	2.75	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	3.75	3.50	3.50	3.50	3.50
Form setter helper	2.75	2.75	2.75	2.75	2.75
Laborer, common	2.75	2.30	2.50	2.50	2.50
Manhole builder	3.75	3.50	3.50	3.50	3.50
Mechanic	3.75	3.50	3.50	3.75	[illegible]
Mechanic helper	2.75	3.00	2.75	3.25	3.25
Oiler	3.25	3.00	3.50	3.25	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.75	3.50	3.50	3.50	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.75	2.50
Welder	3.75	3.25	3.25	3.75	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONF 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.25	3.25	3.50
Asphalt raker	2.50	2.75	2.50	2.50	3.00
Asphalt shoveler	2.50	2.75	2.50	2.50	2.75
Carpenter	3.50	3.50	3.75	3.75	3.75
Carpenter helper	2.75	2.75	2.75	3.00	3.00
Concrete finisher	3.50	3.50	3.50	3.50	3.75
Concrete finisher helper	2.75	2.75	2.75	2.75	2.75
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	3.75	3.75
Form Builder helper	2.75	2.75	2.75	2.75	3.00
Form Setter	3.50	3.50	3.75	3.75	3.75
Form setter helper	2.75	2.75	2.75	2.75	3.00
Laborer, common	2.50	2.50	2.50	2.50	2.50
Manhole builder	3.50	3.50	3.75	3.75	3.75
Mechanic	3.75	3.75	3.80	3.80	3.75
Mechanic helper	3.00	3.00	3.25	3.25	3.25
Oiler	3.50	3.25	3.60	3.60	3.40
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.50	2.50	3.00
Welder	3.50	3.50	3.50	3.50	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

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Decision Number AQ-111 Page 3

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	2.75
2 tons and under	2.75	2.50	2.50	2.60	2.50
Tandem Axle & semitrailer	3.00	3.00	2.75	3.25	3.00
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.00	3.00	3.00	3.00	3.00
Asphalt paving Machine	3.50	3.50	3.50	3.25	3.25
Bulldozer	3.75	3.50	3.50	3.75	3.25
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	3.50	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	3.50	3.50	3.25	3.00	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.50	3.75	3.80	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.50	3.25
Front end loader (over 1 cy)	3.50	3.50	3.50	3.50	3.25
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	3.75	3.75	3.75	3.75	3.95
Pug mill operator	3.25	3.00	3.75	3.25	3.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	3.25	3.50	3.15	3.50	3.25
Roller (pneumatic)	3.00	3.00	3.15	3.25	3.00
Scrapers	3.75	3.50	3.50	3.75	3.75
Tractors:					
Crawler, 80 HP & less	3.25	3.00	2.75	3.00	2.75
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilizatio	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.00	3.00	3.00	3.00	3.00

Decision Number AQ-111 Page 4

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.50	2.50	3.00	3.00	3.00
2 tons and under	2.50	2.50	2.50	2.50	2.75
Tandem axle & semitrailer	3.30	3.00	3.60	3.60	3.30
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.60	3.30
Winch	3.00	3.00	3.60	3.60	3.30
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	3.60	3.60	3.75
Bulldozer	3.75	3.75	3.60	3.60	3.75
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.25	3.50	3.50	3.50
Concrete finishing machine	3.50	3.25	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00
Concrete batching plant	3.00	3.00	3.25	3.25	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.75	3.75	3.75	3.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.60	3.60	3.75
Front end loader (over 1 cy)	3.25	3.25	3.60	3.60	3.75
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer (16 C.F. and less)	3.75	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	3.75	3.60	3.60	3.75
Pug mill operator	3.00	3.00	3.25	3.25	3.75
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.25	3.25	3.50
Roller (pneumatic)	3.00	3.25	3.25	3.25	3.25
Scrapers	3.75	3.75	3.60	3.60	3.75
TRACTORS:					
Crawler, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.25
Pneumatic, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

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AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE:7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephens Counties

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

ZONE 10 - Oklahoma County

Decision Number AQ-111 Page 6

WELL DRILLING	ZONE -A	ZONE -B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	3.00			
Well Driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide*
DECISION NUMBER: AQ-1111 DATE: Date of Publication
Supersedes Decision No. AQ-1098 dated April 26, 1974, in 39 FR 14892
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Cos. and Grand Coulee Dam area in Okanogan County	8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Cos	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.34	.45	.35		.02
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	8.15	.40	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian					
Carpenters	$7.39	.50	.50		.035
Piledriver; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	7.54	.50	.50		.035
Shingler (wood or composition)	7.59	.50	.50		.035
Millwrights; Boom Men; Machine Erector; Carpenters (creosoted material)	7.64	.50	.50		.035
Piledriver (creosoted material)	7.79	.50	.50		.035
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania & Wahkiakum Counties					
Carpenters	7.30	.50	.60		.01
Carpenters on Creosoted material	7.40	.50	.60		.01
Sawfilers; Statinnary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander; and other Stationary Power Woodworking Tools	7.43	.50	.60		.01
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	7.45	.50	.60		.01
Acoustical Workers	7.46	.50	.60		.01
Boommen	7.50	.50	.60		.01
Drywall Applicators	7.50	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole Builders; Acoustical Applicators	7.29	.55	.40	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.39	.55	.40	.35	.03
Floor Layers; Floor Finishers; Statinnary Power Saw Operator	7.44	.55	.40	.35	.03
Boomman	7.49	.55	.40	.35	.03
Millwrights; Machine Erectors	7.54	.55	.40	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

AQ-1111 P.3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$7.28	.40	.60		.03
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish, and Whatcom Counties	7.13	.55	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	8.55	.25	1%+.40		.03
Cable Splicers	9.405	.25	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	8.40	.45	1%+.40		.02
Cable Splicers	9.15	.45	1%+.40		.02

AQ-1111 P.4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.65	.25	1%		.02
Cable Splicers	9.52	.25	1%		.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.02	.45	1%+.45	4%	.04
Cable Splicers	8.82	.45	1%+.45	4%	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.57	.25	1%+.40		.01
Cable Splicers	9.43	.25	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	7.66	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Cos.					
Elevator Constructors	7.965	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.12	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oreille, Spokane and Stevens Counties	$6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.16	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.95	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	7.70	.48	.80	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam area in Okanogan County	$8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County including the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion) Skamania, and Wahkikaum Counties)	6.55	.45			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties: (Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$6.30	.55	.65		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	7.53	.25	.45		.01
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	7.78	.25	.45		.01
Swing Stage Work or High Rate (over 30')	7.88	.25	.45		.01
Bitumastic; Sandblasting; Bridge; Tanks an legs; Tower; Stacks; Steeples	7.93	.25	.45		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	7.46	.30	.20		.03
Spray; High Towers, ground to 100'	7.71	.30	.20		.03
High work over 100'; High Towers, ground to 300'	7.96	.30	.20		.03
High Towers, ground to over 300'	8.46	.30	.20		.03
Drywall Tapers	7.14	.40	.15	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.42	.40	.27		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	7.67	.40	.27		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.30	.25	.45		.01
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	7.55	.25	.45		.01
Swing Stage over 30' high	7.65	.25	.45		.01
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	7.70	.25	.45		.01
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof), Lincoln, Pend Oerille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Chelan, Douglas, Kittitas (North of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	7.56	.45	.50		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.35	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLUMBERS:					
Statewide (except - Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119°, 30 min. Longitude; and Kittitas County North of the 47°, 15 min. Latitude; and those portions of Clark and Skamania Counties lying south of a East-West line drawn through Woodland, Washington, due East to the Klickitat County Line)	7.96	.33	.85	.49	.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119°, 30 min. Longitude; and Kittitas County North of the 47°, 15 min. Latitude	$8.04	.52	.65	.63	.07
Clark and Skamania Counties South of an East-West line drawn thru Woodland, Washington, due East to the Klickitat County Line	7.68	.65	.75		.07
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15		
Asotin and Garfield Counties	7.45				
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofer	7.55	.20	.20		
Slate and Tile Roofers	7.80	.20	.20		
Clark, and Skamania Counties					
Roofers	7.30	.45	.55		
Handling of irritating material (coal, tar or epoxy) in unconfined area	7.80	.45	.55		
Handling of irritating material (coal, tar or epoxy) in confined area	8.05	.45	.55		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.05	.32	.78	.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Clallam, Jefferson, Kitsap and Mason Counties	$8.16	.37	.785	.47	.02
Clark and Skamania Counties	7.73	.48	.34	.31	.02
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	8.20	.37	.735	.47	.02
King County	8.47	.27	.30		.01
Island and Snohomish Counties	7.90	.32	.40		.03
Whatcom, Skagit and San Juan Cos.	8.56	.42	.785		.02
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	6.68	.25	.25		
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos.	9.08	.40	.60		.07
Remaining Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (cont'd)					
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	$7.95	.45	.35		
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Cos.	7.95	.45	.35		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat Co.	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

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*STATEWIDE-

Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

	Basic Hourly Rates	*Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LABORERS (AREA 1)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	5.95	.40	.55		.02
Group 2	6.10	.40	.55		.02
Group 3	6.20	.40	.55		.02
Group 4	6.25	.40	.55		.02
Group 5	6.30	.40	.55		.02
Group 6	6.35	.40	.55		.02
Group 7	6.40	.40	.55		.02
Group 8	6.60	.40	.55		.02

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LABORERS (AREA 1) (Cont'd) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Group 9					
Class A:	$6.00	.40	.55		.02
Class B:	6.05	.40	.55		.02
Class C:	6.45	.40	.55		.02
Class D:	6.50	.40	.55		.02
Group 10					
Class A:	60.00	.40	.55		.02
Class B:	62.70	.40	.55		.02
Class C:	62.70	.40	.55		.02
Class D:	82.95	.40	.55		.02
Class E:	66.90	.40	.55		.02
Class F:	69.30	.40	.55		.02
Class G:	72.00	.40	.55		.02
Class H:	73.30	.40	.55		.02
Class I:	50.40	.40	.55		
LABORERS (AREA 2) (All Counties West of the 120th Meridian [except those enumerated in Arcas 3 and 4] and including the Northern portion of Pacific Councy)					
Group 1	5.85	.50	.65		.03
Group 2	5.95	.50	.65		.03
Group 3	6.00	.50	.65		.03
Group 4	6.05	.50	.65		.03
Group 5	6.10	.50	.65		.03
Group 6	6.15	.50	.65		.03
Group 7	6.20	.50	.65		.03
Group 8	5.90	.50	.65		.03
Group 9	5.95	.50	.65		.03
Group 10	6.05	.50	.65		.03
Group 11	6.15	.50	.65		.03
Group 12	6.20	.50	.65		.03
Group 13	6.30	.50	.65		.03
Group 14					
Class A:	56.40	.50	.65		.03
Class B:	59.10	.50	.65		.03
Class C:	59.10	.50	.65		.03
Class D:	79.35	.50	.65		.03
Class E:	63.30	.50	.65		.03
Class F:	65.70	.50	.65		.03
Class G:	68.40	.50	.65		.03
Class H:	69.70	.50	.65		.03
Class I:	50.40	.50	.65		.03

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LABORERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Group 1	$5.85	.55	.65	.25	.07
Group 2	6.00	.55	.65	.25	.07
Group 3	6.15	.55	.65	.25	.07
Group 4	6.30	.55	.65	.25	.07
LABORERS (AREA 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	5.55	.55	.65		.03
Group 3	5.65	.55	.65		.03
Group 3	5.70	.55	.65		.03
Group 4	5.75	.55	.65		.03
Group 5	5.80	.55	.65		.03
Group 6	5.85	.55	.65		.03
Group 7	5.90	.55	.65		.03
Group 8	5.95	.55	.65		.03
Group 9					
Class A:	5.65	.55	.65		.03
Class B:	5.70	.55	.65		.03
Class C:	5.80	.55	.65		.03
Class D:	5.90	.55	.65		.03
Class E:	5.95	.55	.65		.03
Class F:	6.05	.55	.65		.03
Group 10					
Class A:	54.80	.55	.65		.03
Class B:	57.50	.55	.65		.03
Class C:	57.50	.55	.65		.03
Class D:	77.75	.55	.65		.03
Class E:	61.70	.55	.65		.03
Class F:	64.10	.55	.65		.03
Glacc G:	66.80	.55	.65		.03
Class H:	68.10	.55	.65		.03
Class I:	48.80	.55	.65		.03

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POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
Group 1	$7.00	.55	.65		.03
Group 2	7.30	.55	.65		.03
Group 3	7.35	.55	.65		.03
Group 4	7.65	.55	.65		.03
Group 5	7.70	.55	.65		.03
Group 6	7.85	.55	.65		.03
Group 7	8.10	.55	.65		.03
POWER EQUIPMENT OPERATORS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)					
Group 1	7.42	.45	.65		.08
Group 2	7.52	.45	.65		.08
Group 3	7.63	.45	.65		.08
Group 4	7.68	.45	.65		.08
Group 5	7.70	.45	.65		.08
Group 6	7.75	.45	.65		.08
Group 7	7.76	.45	.65		.08
Grouo 8	7.80	.45	.65		.08
Group 9	7.82	.45	.65		.08
Group 10	7.95	.45	.65		.08
Group 11	7.98	.45	.65		.08
Group 12	8.01	.45	.65		.08
Group 13	8.06	.45	.65		.08
Group 14	8.08	.45	.65		.08
Group 15	8.10	.45	.65		.08
Group 16	8.13	.45	.65		.08
Group 17	8.16	.45	.65		.08
Group 18	8.20	.45	.65		.08
Group 19	8.27	.45	.65		.08
Group 20	8.28	.45	.65		.08
Group 21	8.33	.45	.65		.08
Group 22	8.38	.45	.65		.08
Group 23	8.60	.45	.65		.08
Group 24	8.64	.45	.65		.08
Group 25	8.69	.45	.65		.08
Group 26	8.77	.45	.65		.08
Group 27	8.99	.45	.65		.08
Group 28	9.19	.45	.65		.08
Group 29	9.30	.45	.65		.08
Group 30	9.32	.45	.65		.08
Group 31	9.60	.45	.65		.08

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POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Group 1	$6.55	.55	.85	.35	.05
Group 2	6.69	.55	.85	.35	.05
Group 3	6.79	.55	.85	.35	.05
Group 4	6.95	.55	.85	.35	.05
Group 5	6.97	.55	.85	.35	.05
Group 6	7.05	.55	.85	.35	.05
Group 7	7.11	.55	.85	.35	.05
Group 8	7.21	.55	.85	.35	.05
Group 9	7.27	.55	.85	.35	.05
Group 10	7.33	.55	.85	.35	.05
Group 11	7.35	.55	.85	.35	.05
Group 12	7.41	.55	.85	.35	.05
Group 13	7.49	.55	.85	.35	.05
Group 14	7.65	.55	.85	.35	.05
Group 15	7.81	.55	.85	.35	.05
Group 16	7.99	.55	.85	.35	.05
Group 17	8.13	.55	.85	.35	.05
Group 18	8.31	.55	.85	.35	.05
Group 19	8.45	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.29	.50	.65		.04
Group 2	7.39	.50	.65		.04
Group 3	7.73	.50	.65		.04
Group 4	7.78	.50	.65		.04
Group 5	7.83	.50	.65		.04
Group 6	8.15	.50	.65		.04
Group 7					
(a)	8.54	.50	.65		.04
(b)	9.09	.50	.65		.04
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)					
Group 1	7.34	.45	.65		.04
Group 2	7.44	.45	.65		.04
Group 3	7.79	.45	.65		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific Co.)					
Group 4	$7.83	.45	.65		.04
Group 5	7.88	.45	.65		.04
Group 6	8.20	.45	.65		.04
Group 7					
(a)	8.59	.45	.65		.04
(b)	9.14	.45	.65		.04
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific [Southern portion], Skamania and Wahkiakum Counties)					
Group 1	6.64	.45	.60	.25	
Group 2	6.74	.45	.60	.25	
Group 3	7.13	.45	.60	.25	
Group 4	7.08	.45	.60	.25	
Group 5	7.18	.45	.60	.25	
Group 6	7.50	.45	.60	.25	
Group 7					
(a)	7.89	.45	.60	.25	
(b)	8.44	.45	.60	.25	
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.05	.72	.55		
Group 2	7.10	.72	.55		
Group 3	7.15	.72	.55		
Group 4	7.25	.72	.55		
Group 5	7.30	.72	.55		
Group 6	7.35	.72	.55		
Group 7	7.40	.72	.55		
Group 8	7.45	.72	.55		
Group 9	7.55	.72	.55		
Group 10	7.60	.72	.55		
Group 11	7.70	.72	.55		
Group 12	7.85	.72	.55		
Group 13	8.00	.72	.55		
Group 14	8.15	.72	.55		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)					
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	6.58	.40	.60	.30	.03
Group 2	6.63	.40	.60	.30	.03
Group 3	6.68	.40	.60	.30	.03
Group 4	6.73	.40	.60	.30	.03
Group 5	6.78	.40	.60	.30	.03
Group 6	6.88	.40	.60	.30	.03
Group 7	6.98	.40	.60	.30	.03
Group 8	7.08	.40	.60	.30	.03
Group 9	7.18	.40	.60	.30	.03
Group 10	7.35	.40	.60	.30	.03
Group 11	7.45	.40	.60	.30	.03
Group 12	7.55	.40	.60	.30	.03
Group 13	7.65	.40	.60	.30	.03
Group 14	7.75	.40	.60	.30	.03

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LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush hog feeder; Carpenter tender; Concrete crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete signalman; Crusher feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller helper; Dumpman; Fence erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General laborer; Grout machine; Header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tralhoseman (water nozzle); Track laborer (RR); Truck loader; Timber, bucker and faller (by hand); Window cleaner (prior to completion of construction)

Group 2: Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine - feeder, stacker; Form setter, paving; Driller helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe layer, corrugated metal culvert; Pot tender; Powderman helper; Power tool operator, gas, electric, pneumatic; Sandblast tailhoseman; Scaffold erector, wood or steel; Railroad equipment, power driven, except dual mobile power spiker or puller; Rodder and spreader; Wheelbarrow, power driven; Well-point man; Vibrator up to 4"

Group 3: Asphalt raker; Asphalt roller, walking; Chain saw operator with attachments; Concrete saw walking; Grade checker, using level; Jackhammer operator; Multi-section pipe layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement breaker; Power buggy operator; Railroad power spiker or puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, shawnee; Water pipe liner; Wagon drills

Group 4: Chain saw (faller); Pipelayer (Caulker, Collerman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger and Laser Beam but not including laying corrugated metal culvert pipe)

Group 5: Concrete stack, hod carriers; Mortar mixer; Vibrator, 4 inches and over

Group 6: Caisson worker, free air; High scaler

Group 7: Brush machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3-½ inch piston or larger and out-of-the hole drills with 4-½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Monitor operator, air track or similar mounting; Nozzleman (to include jet blasting; nozzleman over 1,200 pounds, jet blast machine power propelled, sand blast nozzle)

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LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 8: Air track drills with dual masts and drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
  Class A: Bull gang, pump crete crewman including distributing pipe, assembling and dismantle and nipper
  Class B: Brakeman, Dumpman
  Class C: Minor and nozzleman for concrete and laser beam operator in tunnels
  Class D: Raise and shaft miner and laser beam operator on raises and shafts

Group 10: Sand Hogs (under compressed air conditions):
  Class A: 1 lb. thru 14 lbs. 6 hrs. work
  Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
  Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
  Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
  Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
  Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
  Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
  Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
  Class I: Outside lock and guage tender (per shift)

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General laborer; Nipper; Truck spotter; Pitman; Brush cutter; Choker setter; Concrete and monolithic laborer; Pot tender; Asphalt laborer; Ditch digger; Drierman; Concrete form stripper; Carpenter helper; Track laborer; Wellpoint and header laborer; Guardrail erector

Group 2: Dumpman; Failer and bucker, hand; Powderman's helper; Sloper (over 20'); Wagon driller and air trac helper

Group 3: Groutman (pressure); Power tools (light duty) chippers, grinders, tampers, and similer electric and air operated tools; Swinging scaffold or boatswain chair over water or over 25' in height

Group 4: Concrete saw operator; Pipe pot tender; Power wheel barrow or buggy; Power tools (heavy duty) jackhammer, pavement breaker, vibrators, tampers (multiple and self-propelled), railroad spike puller; Rakers-asphalt

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LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form setter (steel forms); Grademan and stake hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shot-crete)

Group 6: Faller and bucker, chain saw; High scaler; Mortarman and hod carrier; Pipe layer and caulker; Pipe wrapper; Timberman - sewer; Wagon driller and air trac; Manhole builder; Laser beam operator (pipe)

Group 7: Cement dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and bull gang

Group 9: Chuck tender; Mucker and laborer; Nipper; Brakeman

Group 10: Powderman's helper

Group 11: Miner (including monolithic work); Spader; Re-Timberman; Maintenance man; Laser beam operator (tunnel)

Group 12: Miner, shaft and raise

Group 13: Powderman

Group 14: Compressed Air Work:
Class A: 1 lb. thru 14 lbs. - 6 hrs.
Class B: Over 14 lbs. thru 18 lbs. - 6 hrs.
Class C: Over 18 lbs. thru 22 lbs. - 4 hrs.
Class D: Over 18 lbs. thru 22 lbs. - 6 hrs.
Class E: Over 22 lbs. thru 26 lbs. - 4 hrs.
Class F: Over 26 lbs. thru 32 lbs. - 4 hrs.
Class G: Over 32 lbs. thru 38 lbs. - 3 hrs.
Class H: Over 38 lbs. thru 44 lbs. - 2 hrs.
Class I: Outside lock and gauge tender (per shift)

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LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners and cutters; Car and truck loaders; Carpenter tender; Change-house man or dry shack men; Choke setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, and moving laborers; Driller helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (including electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (including steel forms); Rip rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-stake setter-grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weightman-crusher (aggregate when used)

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader and similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition and wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers of mixers of all materials of an irritating nature (including cement and lime); Manhole builder; Power tool operator, includes but not limited to: Chipping guns, Dry pack machine, Jackhammer, Paving breakers, Post hole digger, (air, gas, or electric), Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers and fallers, brush cutters (power saw); Tunnel-muckers, brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw operator; Drill doctor; Drill operators, air tracks, cat drills, wagon drills, rubber-mounted drills and other similar types; Gunite nozzleman; High scalers, strippers and drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down or sloping and stripping); Powdermen; Power saw operators (bucking and falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger operator, Tunnel-chuck tenders, nippers and timbermen; Vibrators (4" and larger); Water blaster; Welder; Laser beam (pipe laying)

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

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LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General laborer; Carpenter tender; Form stripper; Rip rap man; Track laborer; Stake hopper; Choke setter; Fence laborer

Group 2: Air track and wagon drill helper; Crusher feeder; Dump and stock pile man; Powder man helper; Sloper, over 20 feet

Group 3: Power buggy; Drill chipper; Grinder and similar light power tools; Faller and bucker (hand); Grout man (power)

Group 4: Asphalt raker and spreader; Cement handler; Sack of bulk; Dope pot tender; House wreckers; Jackhammer; Pavement breaker; Tamper vibrator; Track spike puller; Concrete saw and similar heavy power tools; Nozzleman (air and water)

Group 5: Form setter; Steel forms; Grade checker; Swinging stage or bosun chair over water or over 25 feet in height

Group 6: Air track and wagon drill operator; Chain saw operator; Gunite man; High scaler; Pipe layer and caulker; Pipe wrapper; Sandblaster; Timber man; Open ditch; Mortar man and Hod carrier

Group 7: Faller and buckor (chain saw); Powder man

Group 8: Caisson workers; Free air

TUNNEL SHAFTS, FREE AIR

Group 9:
Class A: Topman and bull gang
Class B: Chuck tender; Mucker and laborer; Nipper; Brakemen
Class C: Powderman helper
Class D: Miner (including monolithic worker); Re-Timberman; Maintenance man; Spader
Class E: Miner; Shaft and raise
Class F: Powderman

Group 10: Compressed Air Work
Class A: 1 lb. thru 14 lbs. - 6 hrs. work
Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
Class I: Outside lock and gauge tender (per shift)

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POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit grinders; Bolt threading machine; Brakeman; Compressors, under 1,000 cu. ft. per minute gas, diesel or electric power; Crusher feeder (mechanical); Deckhand; Drillers' helper; Fireman and heater tender; Grade checker; Helper (mechanic or welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding machine; Oiler and cable tender, mucking machine

Group 2: A-frame truck (single-drum); Assistant refrigeration plant (under 1,000 tons); Assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; Batch plant and wet mix operator, single unit (concrete); Belt finishing machine; Bending machine (pipeline); Blower operator (cement); Cement hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete saw (multiple cut); Distributor leverman; Elevator hoisting materials; Dope pots (power agitated); Equipment serviceman, greaser and oiler; Fork lift or lumber stacker, Hydra-lift and similar; Gin trucks (pipeline); Hoist, single drum; Loader (bucket elevators and conveyors); Longitudinal float; Mixer (portable - concrete); Pavement breaker, hydra-hammer and similar); Posthold auger or punch; Power broom; Railroad ballast regulation operator, (self-propelled); Railroad power tamper operator, (self-propelled); Railroad power tamper jack operator, (self-propelled); Spray curing machine (concrete); Spreader box (self-propelled); Straddle buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger operator

Group 3: A-frame truck (2 or more drums); Assistant refrigeration plant and chiller operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete conveyors with power pack or similar; Belt loader (Kocal or similar); Blade operator (Motor patrol and attachments); Boat operators; Boom cats (side); Boring machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal lining machine (concrete); Chipper (without crane); Cleaning and doping machine (pipeline); Concrete pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (churn, core, calyx or diamond); Elevating belt-type loader (Euclid, Barber Green, or similar); Elevating grader-type loader (Dumor, Adams, or similar); Generator plant engineers (diesel, electric); Gunite combination mixer and compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and frontend, under 4 yards, R/T); Locomotive engineer; Mixermobile; Paver or curb extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired scrapers (one motor with one scraper, under 40 yards.); Screed operator; Soil stabilizer (P & H or similar); Spreader machiner; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse finishing machine; Trenching machines (under 7 feet depth capacity); Turnhead operator

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POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 4: H. D. Mechanic; H. D: Welder; Refrigeration plant engineer (under 1,000 tons); Turnhead (with re-screening)

Group 5: Asphalt plant operator; Crusher and screening plant operator; Rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24, and similar); Rubber-tired scraper, one motor with one scraper (40 yards and over); Single engine with two scrapers (LeTourneau, Tandem B and similar); Surface heater and planer machine

Group 6: Automatic subgrader (ditches and trimmers) (R.A. Hansen and similar); Backhoes (under 3 yards); Batch and wet mix operator - multiple units (2 and including 4); Clamshell operator (under 3 yards); Concrete slip form paver; Cranes (under 65 tons); Derricks and stifflegs (under 65 tons); Draglines (under 3 yards); Drilling equipment (8" bit and over) (Robbins and similar); Hydra-cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader operator (front end and overhead 4 yards to 6 yards); Piledriving engineers; Paver (dual drum); Quad-track or similar equipment; Railroad track liner operator (self-propelled); Rubber-tired scrapers, multiple enginees with two scrapers; Shovels (under 3 yards); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching machines (7 feet depth and over)

Group 7: Backhoes (3 yards and under); Batch plant (over 4 units); Cableway controller - dispatcher; Cableway operators; Clamshell operator (3 yards and over); Cranes 65 tons and over); Derricks and stifflegs (65 tons and over); Draglines (3 yards and over); Elevating belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 6 yards); Rubber-tired scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower crane; Whirleys and Hammerheads (all)

Underground Work - Add 10% to the Classification.

Classification (not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Cranes Booms: 130' to 200' -- $.15/hr. addition to Classification;
Over 200' --- $.30/hr. addition to Classification.

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' helpers (heavy duty)

Group 2: Oilers, grade checkers and stakemen and/or brakemen

Group 3: Firemen; Fireman (drier and hot plant)

Group 4: Rollers, tampers and vibrators (other than plant, road mix or multilift materials); Tractor (Farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler driver on truck cranes (over 45 tons up to 100)

Group 6: Blower distributors and mulch seeding operator; Oil distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment service oiler; Oiler driver on truck cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post hole diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (fork lifts or lumber stacker-on construction job site - Drott travel lift); Rollers, Tampers and Vibrators (twin engine); Saws (concrete); Scrapers (carry-all type, single)

Group 12: Batch plant (batch and mixer, 200 yards per hour and under); Cranes ("A" frame trucks, single power drum); Conveyors; Crusher (rock), washing and screening plants; Finishing machine operator, concrete paving; Hoists, air tuggers, Strato tower bucket, elevators and deck winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power plant operators; Pumps (Fuller Kenyon, and concrete and pump crete); Rollers, tampers and vibrators (on plant, road mix or multilift materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching machine (under 16 inches)

Group 13: Mechanics or welder (heavy duty)

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 14: Motor patrol graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, air tuggers and towermobiles; Loaders (fork lifts with tower)

Group 16: Cement hogs; Loaders (Elevating grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types 60 h.p. and under)

Group 18: Bull dozer (D-9 or similar)

Group 19: Trenching machines (16 inches and over)

Group 20: Bump cutter (Concut, Christianson or similar types)

Group 21: Batch plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixers (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 22: Pulldozer engaged in yo yo operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster cat cranes and attachments and chipper; wood with boom attachment); Derricks, all; Drilling machines (core, cable, rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor patrol graders (over Model 14 and similar); Mucking machines (mole, tunnel drill, and/or shield); Paydozer and linker pusher (Quad-9 and similar); Piledriver engineer, (L. B. Foster puller or similar, paving breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Curries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter winch operator; Remote control operator on rubber tired earth moving equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip form paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant conveyor operator; Crusher feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts man (tool room); Pump (under 4 inches); Railroad equipment (Brakeman and switch man); Self-propelled scaffolding operator (on job site)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Auger oiler; Blade operator (pulled type); Combination guardrail machines oiler; Crane (Truck crane oiler - driver 25 ton capacity or over: and Fireman, all equipment: and A Frame truck, single drum: and Tugger or Coffin type hoist); Drill helper; Floating equipment boatman; Fork lift or lumber stacker operator (on construction job site); Grade checker; Grade oiler (required to check grade); Helicopter radioman (ground); Repairman helper (H.D.); Roller operator (grading of base rock - not asphalt); Shovel fireman; Tar pot fireman (including power agitated); Temporary heating plant operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom operator (self-propelled - on construction job site); Compressor operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor operator, Mixer box - CTB, dry batch, etc., Cement hog, Concrete saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork lift (Ross carrier, on construction job site); Hydraulic pipe press operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad equipment (Motorman and Ballast jack tamper); Seeder machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

Group 4: Asphalt screed operator; Compactor (self-propelled - including vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete screed operator; Concrete mixer (single drum under five bag capacity); Floating equipment fireman; Fork lift (over 5 tons); Helicopter hoist operator; Hydra hammer or similar; Locomotive (under 40 tons); Lull Hi-Lift operator; Oiler (service, greaser); Pavement breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt extrusion machine; Chip spreading machine; Compactor (Wagner Pactor or similar type - without blade); Concrete batch plant quality control; Concrete (Power jumbo operator - Setting slip forms etc., in tunnels); Concrete (slip form pumps - power driven hydraulic lifting device for concrete forms); Crane (Hoist - single drum and Elevator operator); Lime spreading machine; Pulva mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor operator (Rubber tired 50 h.p. flywheel and under); Trenching machine (maximum digging capacity 3 feet depth)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Asphalt paver; Asphalt burner and reconditioner (any type); Concrete pavement grinder and/or Grooving machine operator (riding type); Concrete (Cast in place pipe laying machine and Maginnis internal full slab vibrator operator); Concrete finishing machine (Clary, Johnson, Bidwell, Burgess bridge deck or similar type); Concrete curb machine (mechanical berm, curb and/or gutter); Concrete joint machine; Concrete planer; Concrete paving machine; Concrete finishing machine; Concrete spreader; Loaders (rubber-tired, 2½ cu. yds. and under); Rock spreaders, self-propelled

Group 7: Asphalt plant operator (any type); Asphalt roller operator (any mix); Beltcrete operator; Concrete, cement pump (Fuller-Kenyon and similar); Concrete grouting machine; Concrete mixer (single drum, five bag capacity and over); Crane (A-Frame truck double drum, and Boom truck); Drill (Churn drill and Earth boring machine); Hydraulic backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad equipment (Ballast regulator, Ballast tamper multi-purpose, Track liner, Tie spacer, Shuttle car, Locomotive - 40 ton and over)

Group 8: Concrete batch plant and/or wet mix operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment, generator, shovel, dragline, Clamshell, backhoe, skooper, etc.); Generator operator; Loader (belt loaders, Kolman and Ko Cal types)

Group 9: Boring machine; Bulldozer; Clearing equipment (including Log skidders, Chippers, Incinerators, and Stump splitters); Compactor, with blade; Concrete cooling machine; Cranes (Chicago boom and similar types, Lift slab machine, Boom type lifting device - 5 ton capacity or less, and Cherry picker or similar type crane - hoist - 5 ton capacity or less); Crusher plant operator; Drill cat; Drill doctor (including Bit grinder); Grizzley operator; Guardrail punch operator; Guardrail auger operator; Hammer operator; Heater and planer operator (surface); Hydraulic backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine tool; Mechanic (H.D.); Pipe cleaning machine; Pipe doping machine; Pipe bending machine; Pipe wrapping machine; Side-Boom cats; Stationary drag scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching machine (maximum digging capacity over 3 feet depth)

Group 10: Barge operator (self-unloading); Bulldozer (twin engine - TG 12 and similar); Cable-Plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired - Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack operator (elevating barges)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 11: Concrete mixer mobile operator; Concrete breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail machine combination (i.e., puncher, auger, etc.); Mucking machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade operator; Concrete batch plant and/or wet mix (3 or more units); Hoist operator (two or more drums); Loader (Elevating - Athey and similar type); Piledriver operator (not crane type); Reinforced tank banding machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield operator (tunnel)

Group 13: Backfilling machine; Blade operator, finish; Blade operator (externally controlled by electronic, mechanical hydraulic means); Blade operator (multi-engine); Cableway (up to 25 tons); Concrete paving road mixer; Crane (over 25 ton to and including, 40 ton); Derrick (under 100 tons); Floating equipment piledriver; Floating clamshell (under 3 cu. yds.); Floating crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (stiffleg, guy derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock hound operator

Group 16: Auto grader or "trimmer" operator; Bulldozer (Tandem, Quadnine and similar type); Cahleway (25 tons and over); Concrete slip form paver (automatic); Concrete canal line operator; Crane (over 40 tons and including 100 tons); Floating clamshell (3 cu. yds. and over); Floating crane (derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with tandem scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal trimmer; Crane (over 100 tons to and including, 200 tons); Floating crane (derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 18: Band wagons (in conjunction with whnal excavator; Crane (over 200 tons); Floating crane (150 tons but less than 250 tons); Wheel excavator (over 750 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator operator for Primary Pump, Power Barge or Dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) Over 5 yards
(b) 5 yards and under

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Flat bed truck, single rear axle; Escort driver; Fish truck; Fork lift, 3,000 pounds and under; Fuel truck driver (steam cleaner and washer); Helper and swamper; Leverman loading trucks at bunkers; Pickup hauling material; Stationary fuel operator; Team driver; Tractor (small rubber tired pulling trailer or similar equipment); Water tank truck 1,800 gallons

Group 2: Bus driver or manhual driver; Flat bed truck, dual rear axle; Tireman No. 1; Warehouseman

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TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: Buggy mobile and similar; Bulk cement tanker; Oil tank driver; Power operated sweeper; Semi-trailer, low bed, truck and trailer; Straddle carrier (Ross, Hyster and similar); Transit mixers and trucks hauling concrete (3 yards and under); Trucks, side, end and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto crane - 2,000 pounds capacity ; Bulk cement spreader; Dumptor (6 yards and under); Flaherty spreader, box driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil distributor driver (road, bootman, leverman, helper); Rubber tired tunneljumbo; Scissors truck; Slurry truck driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Truck, side, end and bottom dump (over 6 yards to 12 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low boy (under 50 tons); Service greaser; Tireman No. 2

Group 6: A-Frame (Swedish crane, Iowa 3,000, Hydrolift); Water tank truck (over 6001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end and bottom dump (over 12 yards including 20 yards)

Group 8: Low boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons); 10¢ for each additional 2,000 gallons

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards)

Group 10: Tournarocker, DW's and similar with 2 or 4 wheel power tractor with trailer or yardage scale whichever is greater

Group 11: Transit mixers and truck hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Trucks, side, end and bottom dump (over 100 yards)

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TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Leverman and loaders at bunkers and batch plants; Pickup truck, Escort or pilot car; Swampers; Warehouseman and checkers

Group 2: Team drivers

Group 3: Bull lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery service man and/or Tire service man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster operators; Straddle carrier (Ross, Hyster, and similar equipment); Water wagon and tank truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go and similar equipment; Winch truck, dual rear axle

Group 8: Dumpsters, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk cement tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water wagon and tank truck, over 3,000 gallons

Group 10: Bull lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

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TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of hydra-lift truck with load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

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TRUCK DRIVERS (AREA 3) (cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Flaherty spreader driver or leverman; Low bed equipment; flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver - Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

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TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

[FR Doc.74-13461 Filed 6-13-74;8:45 am]

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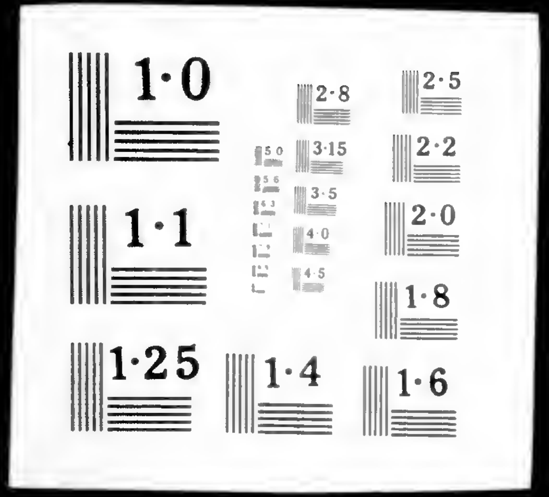
RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

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